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PART I

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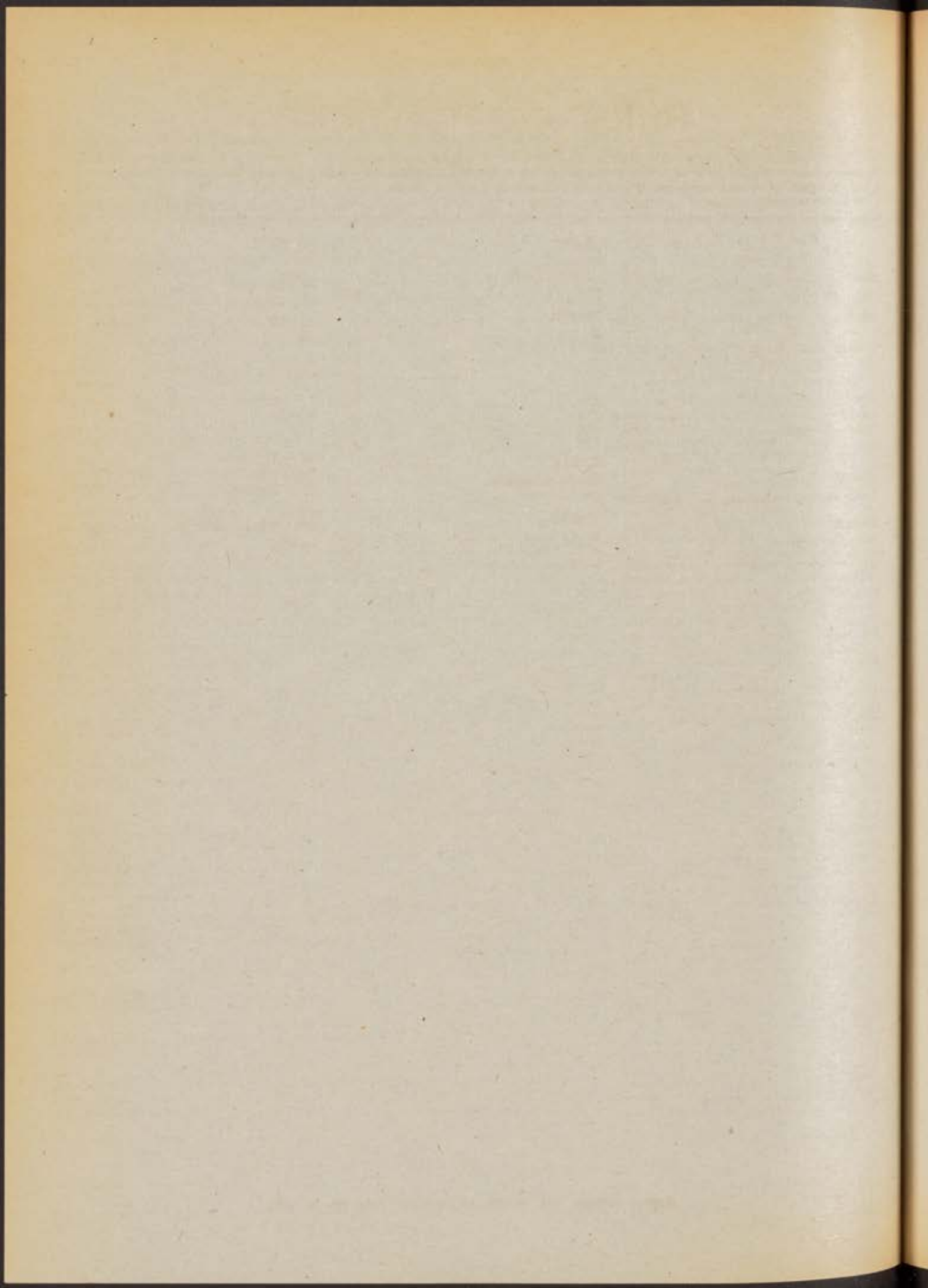
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The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. In the last issue of the month the cumulative list will appear at the end of the issue.

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

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Rules and Regulations

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

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

Title 7—Agriculture

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

PART 982—FILBERTS GROWN IN OREGON AND WASHINGTON

Late Payment and Interest Charges

On January 22, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 2178), regarding a proposal to amend the administrative rules and regulations (Subpart—Administrative Rules and Regulations; 7 CFR 982.432-982.471) by the addition of a new § 982.461 establishing late payment and interest charges for any handler failing to pay his assessments within the time prescribed by the Filbert Control Board. The subpart is operative pursuant to the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982; 37 FR 588), regulating the handling of filberts grown in Oregon and Washington, and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was unanimously recommended by the Filbert Control Board.

Interested persons were given until January 31, 1973, to submit written data, views, or arguments with respect to the proposal. None were received.

Section 982.61 of the order was amended (37 FR 588; January 14, 1972) to authorize the Board to impose a late payment charge on any handler who fails to pay his assessment within the time prescribed by the Board. If the handler thereafter fails to pay the amount outstanding, including the late payment charge, within the prescribed time, the Board shall impose an additional charge in the form of interest on the outstanding amount. Section 982.61 also provides for the rate of such charges to be prescribed by the Board, with the approval of the Secretary. The purpose of establishing a late payment and interest charge is to encourage handlers to pay their assessments promptly, thereby eliminating Board costs and avoiding inequities with respect to handlers who pay their assessments promptly.

Pursuant to § 982.461, the Board will impose a late payment charge of 5 percent of the unpaid balance on any handler failing to pay his assessment within 30 days after the billing date. The billing date will be shown on the handler's as-

essment statement which he receives from the Board. This charge is the same as that used in the industry for similar late payments. If the handler fails to pay the delinquent amount, including the late payment charge, within 60 days following the billing date, an additional 1 percent interest charge shall be applied monthly thereafter to the unpaid balance, including any accumulated interest. The monthly interest rate of 1 percent is the same as that generally used commercially in computing charges on delinquent accounts.

After consideration of all relevant matter presented, including that in the notice, the recommendation of the Filbert Control Board, and other available information, it is found and determined that the charges hereinafter set forth are necessary to effectuate other provisions of the order.

It is therefore ordered, That Subpart—Administrative Rules and Regulations (7 CFR 982.432-982.471) be amended by adding a new § 982.461 reading as follows:

§ 982.461 Late payment and interest charges.

The Board shall impose a late payment charge on any handler failing to pay his assessment within 30 days of the billing date shown on the handler's assessment statement received from the Board. Such amount shall be shown on the statement as the "Assessment Due". The late payment charge shall be 5 percent of the unpaid balance of that amount. In the event the handler fails to pay the delinquent amount, including the late payment charge, within 60 days following the billing date, an additional 1 percent interest charge shall be applied monthly thereafter to the unpaid balance, including any accumulated interest. Any amount paid by a handler as assessments, including any charges imposed pursuant to this paragraph, shall be credited when the payment is received in the Board's office.

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

Dated February 20, 1973, to become effective March 31, 1973.

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

[FR Doc. 73-3531 Filed 2-23-73; 8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL REGULATIONS

[FHA Instruction 236.1]

PART 1800—ADMINISTRATIVE PROVISIONS

Subpart A—Organization and General Functions of the Farmers Home Administration

COUNTY OFFICES

Section 1800.4, Title 7, Code of Federal Regulations (31 FR 14109; November 4, 1966), is amended to clarify the composition and functions of county or area committees to agree with existing Farmers Home Administration policies and procedures. As amended, the last sentence of this section is revised to read as follows:

§ 1800.4 County offices.

*** County or area committees, composed of three individuals residing in the county or area, two of whom at the time of appointment shall be farmers deriving the principal part of their income from farming, review applications for certain Farmers Home Administration assistance and make certifications and recommendations with respect to certain loans, grants, debt settlement, and release from personal liability.

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; Orders of Acting Secretary of Agriculture, 36 FR 21529; 37 FR 22008)

Effective date. This revision shall become effective on February 26, 1973.

Dated: February 16, 1973.

J. R. HANSON,
Acting Administrator,
Farmers Home Administration.

[FR Doc. 73-3532 Filed 2-23-73; 8:45 am]

Title 9—Animals and Animal Products

CHAPTER III—ANIMAL AND PLANT HEALTH INSPECTION SERVICE (MEAT AND POULTRY INSPECTION), DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 318—ENTRY INTO OFFICIAL ESTABLISHMENTS; REINSPECTION AND PREPARATION OF PRODUCTS

Storage in and Distribution From Federally Inspected Establishments of State Inspected Meat Products

Statement of considerations. On March 2, 1972, there was published in the FEDERAL REGISTER (37 FR 4356) in accordance

with the administrative procedure provisions in 5 U.S.C. 553, a notice of proposed rule making under the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) to amend the Federal meat inspection regulations (9 CFR Chapter III, Subchapter A) for the purpose of permitting the storage in, intrastate distribution from, federally inspected establishments of State inspected meat and meat products. Interested persons were given 60 days in which to submit data, views or arguments regarding the proposed amendment.

Thirteen letters of comment were received, 11 of which favored the amendment and two were in opposition to the proposal. Those favoring the amendment did so because, in their judgment, it offered more opportunity for business, and was a positive gesture by the Department regarding Federal-State relations. However, two comments favoring the overall proposal did express opposition to the portion which would require that Federal and State inspected product be kept separate while stored in a federally inspected establishment.

Since the Act prohibits movement of State inspected product in interstate commerce unless it is within an exemption under the Federal Act, the Department decided that commingling of State and federally inspected products could not be permitted because of the increased difficulty of supervising their handling and distribution.

One comment opposed the amendment on the grounds that State inspected product is not equal to federally inspected product, and because the burden of the separate storage requirements offset any business advantages. A second opposing comment was on the grounds that it would be impossible for USDA inspectors to adequately supervise control of the storage and distribution of the State inspected product. The Department has determined that those States presently operating State inspection programs have requirements at least equal to the requisite Federal requirements. Further, the Department believes that its inspection personnel and procedures are adequate to assure compliance with the requirement for keeping separate the Federal and State inspected products.

Therefore, after due consideration of all relevant matters, including the comments, Part 318 is amended by redesignating the present provisions of § 318.1 (h) as § 318.1(h)(1), and by adding a new subparagraph (2) to § 318.1(h) as follows:

§ 318.1 Products and other articles entering official establishments.

(h) (1) ***

(2) Meat, meat byproducts, and meat food products bearing official marks showing that they were inspected and passed under State inspection in any State not designated in § 331.2 of this subchapter may be received by official establishments for storage and distribution solely in intrastate commerce. The presence of such State inspected prod-

ucts must not create any unsanitary condition or otherwise result in adulteration of any products at the official establishment or interfere with the conduct of inspection under this subchapter. In addition, such State inspected products must be stored separately and apart from the federally inspected products in the official establishment.

(Sec. 21, 34 Stat. 1284, as amended, 21 U.S.C. 621; 37 FR 28464, 28477)

The amendment is the same as the proposal set forth in the notice of rule making except for editorial changes for grammatical improvement and coordination of the amendment with other provisions of the regulations (e.g., § 331.4) under which certain State inspected products may enter official establishments for preparation therein.

It does not appear that further public rule making procedures concerning the amendment would make additional information available to this Department. Therefore under the administrative procedure provisions in 5 U.S.C. 553 it is found upon good cause that such further proceedings are unnecessary and impracticable.

This amendment shall become effective upon April 1, 1973.

Done at Washington, D.C., on February 21, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc. 73-3578 Filed 2-23-73; 8:45 am]

Title 14—Aeronautics and Space
CHAPTER II—CIVIL AERONAUTICS BOARD
SUBCHAPTER B—PROCEDURAL REGULATIONS
[Reg. PR-134, Amdt. 5]

PART 310—INSPECTION AND COPYING OF BOARD OPINIONS, ORDERS, AND RECORDS

Records Available and Exempted

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 20th day of February 1973.

Appendix A of Part 310 contains a description and location of Board records generally available for public inspection and copying, and Appendix B lists Board records generally excluded from availability. The amendments herein bring the appendices up to date.

The following items and reports not previously listed in the appendices are added to Appendix A:

- (1) Accounting and reporting directives to supplement the Uniform System of Accounts and Reports.
- (2) ADP instruction directives to supplement Traffic and Capacity Data Collection ADP Manual.
- (3) Cooperative shippers associations reports (Form 244A).
- (4) Extension of credit to political candidates reports (Form 183).
- (5) Freight loss and damage claims reports (Form 239).
- (6) International Civil Aviation Organization statistical reports (ICAO Form C).

(7) Manual of ADP instructions for traffic and capacity data collection and related materials.

(8) Manual of instructions to air carriers for passenger origin-destination survey statistics and related materials.

(9) Observations of the Director to air carriers, requesting or transmitting specific information to supplement or amplify reports.

(10) Passenger origin-destination directives, to supplement passenger O & D Manual.

(11) International Civil Aviation Organization reports: Summarization of selected financial and statistical data.

(12) Reports of a miscellaneous nature filed pursuant to Board order.

(13) Reports of ownership of stock and other interests filed pursuant to Part 245, Subpart B.

(14) Settlement documentation filed under Rule 215 of the Board's rules of practice.

(15) Civil penalty compromise records under Subpart H of the Board's rules of practice.

(16) Blind Sector Applications: Part 216—copies of applications and authorizations in connection therewith.

(17) Travel Group Charters: Filings and other documents relating to Travel Group Charter filings under Part 372a (excluding names, addresses and phone numbers of TGC participants).

(18) Study Group Charters: Tour Prospectuses and other documents relating to Study Group Charters under Part 373.

(19) Overseas Military Personnel Charter applications and authorizations, and filings in connection therewith.

(20) Application of foreign charter carriers for approval of charter flights, as required by specific Board order.

Most of the above items represent new reports first required subsequent to the last update of the appendices in April 1970.¹ In regard to items in existence prior thereto, the settlement documentation filed under Rule 215 of the Board's rules of practice is added to Appendix A in light of the Board's recent affirmation of the public status of such materials.² Similarly, civil penalty compromise records filed under Subpart H of the Board's rules of practice are now included in Appendix A to reflect the recent staff release of the subject materials in furtherance of the Board's informational policies.³

In addition to the above listed items, to reflect the Board's recent decision to release IATA documents to the public,⁴ there is included in Appendix A, and deleted from Appendix B, reference to all IATA materials maintained at Board offices.

The following items are deleted from Appendix A:

- (1) General interpretation letters, interpreting provisions of Uniform System of Accounts and Reports.

¹ See PR-110, effective Apr. 9, 1970.

² See PR-127, effective May 16, 1972.

³ The staff release has been noted and approved by the Board. See Order 72-11-122, adopted Nov. 28, 1972.

(2) Letters to Chief Accounting Officers of air carriers requesting specific information to supplement or amplify reports.

(3) Standard practice letters prescribing standard accounting and reporting procedures, supplemental to Uniform System of Accounts and Reports.

(4) Air freight forwarder statistics, compiled from Form 244 semiannually.

(5) Financial results of scheduled all-cargo operations, semiannual compilation.

(6) Quarterly reports of traffic and financial data.

(7) Documents relating to bulk inclusive tours under Part 378A.

Each of the deleted categories of materials and reports are no longer compiled or maintained at Board offices. In most instances, information and data contained therein are now found in other compilations and reports.²

Two items are being added to Appendix B of Part 310. The first item, "Air carrier service segment data submitted under Part 241," constitutes confidential commercial information and trade secrets and is therefore being added to the list of confidential matters set forth in section 4 of Appendix B. In addition, we are adding to Appendix B reference to the names, addresses, and phone numbers of TGC participants listed in Travel Group Charter filings under Part 372a. Such information constitutes both commercial and investigatory matter of the type exempted from disclosure under the Freedom of Information Act and is therefore being added to the items set forth in sections 4 and 7 of Appendix B.

Aside from the aforementioned reference to IATA materials, certain other items listed in Appendix B are amended. Section 7 of Appendix B is amended to indicate that the exemption governing law enforcement investigatory files solely covers formal and informal investigatory files of the Bureau of Enforcement or other Bureaus regarding alleged violations of the Federal Aviation Act or requirements thereunder. Finally, we are amending the statement in section 4 of Appendix B that "past or future matter submitted to the Board in confidence but for which no formal request under § 302.39 of the Board's rules of practice has been made and granted will be held in confidence by the Board to the extent deemed allowable." The amendment will clearly indicate, in accordance with Board practice, that this provision refers solely to unpublished materials the disclosure of which would be inconsistent with the intent of the Freedom of Information Act.

² See Order 72-11-121, adopted Nov. 28, 1972.

³ In an additional revision of Appendix A, reference to Form 41 is deleted from "monthly listing of summarized passenger loads by flight stages (Schedule T-5, Form 41) except subally ineligible portion." The reason for the change is that the Schedule T-5 is not a part of the Form 41 filed by the carriers.

In addition to the foregoing amendments, the locations of certain listed items are being revised to reflect recent organizational changes. Accordingly, references to "Costs and Statistics Division" are amended to "Statistical Division"; references to "Regulations and Reports Division" are amended to "Accounting Regulations Division"; references to "Statistical Reports Section" are amended to "Financial and Traffic Reports Section"; and references to "Bureau of Enforcement, Consumer Complaint Section" are amended to "Office of Consumer Affairs."

Finally, the text of Part 310 is amended to express the Board's policy to release any record authorized to be withheld under the exemptions of the Freedom of Information Act unless it is determined that the release of the record would be inconsistent with the purpose of the exemption. This amendment serves to clarify the current regulations by providing a clear statement of the guiding principle behind all Board determinations regarding the release of information since the inception of the Freedom of Information Act.

Since the regulation is a rule of agency procedure and practice, notice and public procedure hereon are not necessary. Furthermore, since the amendments reflect present practice, policy and organi-

zation, they will be made effective immediately.

Accordingly, the Board hereby amends Part 310 and Appendices A and B thereto, effective February 20, 1973, as follows:

1. Amend § 310.3(b) to read as follows:

§ 310.3 Exempted records.

(b) Appendix B to this part lists various kinds of records which are "exempted records" and therefore may be excluded from public availability. Appendix B to this part is for the convenience and guidance of the public and is not an exhaustive listing; other records not listed therein may be subject to withholding as "exempted records." Any "exempted record" will be withheld from public disclosure only where it is determined that the release of the record would be inconsistent with the purpose of the exemption.

(Sec. 204(a), Federal Aviation Act of 1958, as amended, 72 Stat. 734; 49 U.S.C. 1324; Freedom of Information Act, 81 Stat. 54, 5 U.S.C. 552)

2. Amend Appendices A and B in the form attached below.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

APPENDIX A

DESCRIPTION AND LOCATION OF RECORDS GENERALLY AVAILABLE

(NOTE: Any item may be withheld from disclosure if exempted, whether or not the item is listed herein.)

Agreements filed under section 412 of Federal Aviation Act; Copies of, and filings and records in connection therewith.	Bureau of Operating Rights, Agreements Division.
Air freight forwarder applications and operating authorizations, and filings in connection therewith.	Bureau of Operating Rights, Supplementary Services Division.
Aircraft lease or purchase transactions under Part 299, Economic Regulations; Filings in connection therewith.	Bureau of Operating Rights, Agreements Division.
Applications of foreign charter carriers for approval of charter flights, as required by specific Board Order.	Bureau of Operating Rights, Supplementary Services Division.
Blind sector applications; Part 216—Copies of applications and authorizations in connection therewith.	Do.
Civil Aeronautics Board Manual: Instructions to staff and index thereof.	Public Reference Room.
Certification of Secretary of Civil Aeronautics Board.	Office of Secretary, Minutes Section. (Request to be made to Public Reference Room.)
Charters: Requests for waivers of Board regulations.	Bureau of Operating Rights, Supplementary Services Division.
Civil penalty compromise records filed under Subpart H of the Board's rules of practice.	Office of Secretary, Docket Section.
Conferences between Civil Aeronautics Board and other persons, transcripts of.	Do.
Consumer complaint files, as distinguished from investigation files.	Office of Consumer Affairs.
Contracts of the Civil Aeronautics Board: Contracts awarded; invitations to bid.	Office of Facilities and Operations.
Correspondence relating to items listed in Appendix A.	Office of Facilities and Operations, Communications Services Section, and various Board offices. (Request to be made to Public Reference Room.)

DESCRIPTION AND LOCATION OF RECORDS
 GENERALLY AVAILABLE—continued

Dockets and related material:
 Agents: File showing agents designated for service under section 1005(b) of Federal Aviation Act.
 Applications sent to the President under section 801 of Federal Aviation Act: Card record of.
 Docket binders: Containing material of record in docketed proceedings, and correspondence in connection therewith.
 Docket indexes: Listing by docket number, the filings in each docket and Board issuances in same.
 By name of applicant or petitioner, each application, petition, etc. bearing a new docket number.
 By name of city, applications for service to said city and disposition thereof.
 By name of carrier and by docket number, a description of pending applications.
 Documents served by Docket Section: Daily record of.
 Oral arguments: List of, by date order.
 Parties to individual docketed proceedings: Lists of, with addresses.
 Flight schedules of air carriers.
 Foreign aircraft permits: Copies of applications (Form 272), permits, reports of cargo operations (Form 321), and other filings in connection therewith.
 Forms used in dealing with the public:
 Copies of forms.
 List of forms showing number and title.
 Inclusive tours: Tour prospectuses and other documents relating to inclusive tour charters under Part 378.
 International Air Transport Association (IATA) resolutions, minutes, and other IATA material.
 Mail compensation:
 Air carrier claims for mail pay (Forms 398 and 545).
 Carrier payments memoranda (instructions regarding billing).
 Class rate information on Form 548 (local service carriers).
 Monthly listings of summarized passenger loads by flight stages (Schedule T-5), except subsidy ineligible portion.
 Summary of obligations and disbursements to air carriers (Form 470).
 Mileage records: Official Board records of mileage.
 Minutes of the Civil Aeronautics Board: Approved minutes of the Board on matters that are not pending.
 Opinions of the General Counsel.
 Office of Facilities and Operations, Records Services Section.
 Bureau of Operating Rights, Supplementary Services Division.
 Office of Facilities and Operations, Publications Services Section.
 Public Reference Room.
 Bureau of Operating Rights, Supplementary Services Division.
 Bureau of Economics, IATA Rates and Fares Section: Bureau of Operating Rights, Agreements Division.
 Office of Comptroller.
 Bureau of Facilities and Operations, Records Services Section.
 Office of Secretary, Docket Section.
 Orders and Opinions of the Civil Aeronautics Board:
 Copies of, including published bound volumes "Civil Aeronautics Board Reports."
 Index of, by subject, summarizing action taken.
 Index-Digest of opinions and precedential orders, and citation file.
 Weekly summaries of orders.
 Overseas military personnel charter applications and authorizations, and filings in connection therewith.
 Policy Statements of the Civil Aeronautics Board; and index thereof.
 Postal Service: Contracts for the transportation of mail filed pursuant to 39 U.S.C. 5005.
 Public Index.
 Published Board documents.
 Regulations of the Civil Aeronautics Board; Table of contents of codified regulations.
 Reports of air carriers and related material:
 Accounting and reporting directives to supplement the Uniform System of Accounts and Reports.
 ADP instruction directives to supplement Traffic and Capacity Data Collection ADP Manual.
 Affiliates of air carriers, reports of ownership of stock and other interests under Part 246.
 Air carrier Form 41 reports, consisting of various financial and statistical schedules filed at various frequencies by each certificated air carrier under Part 241.
 Air carrier "on-time" reports (Form 438), and quarterly compilations by market and carrier.
 Air carrier passenger origin-destination survey reports (Form 2787), domestic only. (Subject to prior staff use. Cost of separation and deletion of confidential international data for account of requestor.)
 Air freight forwarder reports (Form 244).
 Air taxi operator reports required by various Board orders.
 Air taxi operators: Commuter air carrier reports of scheduled services (Form 298-C), except Schedule T-1.
 Air taxi operators: Registration for exemption under Part 298 (Form 298-A).
 Air taxi operators: Interests in and operations with large aircraft.
 Carrier accounting plans of specified accounting and statistical procedures required to be filed by carriers under Part 241.
 Carrier officers and directors reports of ownership of stock and other interests (Form 2786).
 Public Reference Room.

DESCRIPTION AND LOCATION OF RECORDS
 GENERALLY AVAILABLE—continued

Orders and Opinions of the Civil Aeronautics Board:
 Copies of, including published bound volumes "Civil Aeronautics Board Reports."
 Index of, by subject, summarizing action taken.
 Index-Digest of opinions and precedential orders, and citation file.
 Weekly summaries of orders.
 Overseas military personnel charter applications and authorizations, and filings in connection therewith.
 Policy Statements of the Civil Aeronautics Board; and index thereof.
 Postal Service: Contracts for the transportation of mail filed pursuant to 39 U.S.C. 5005.
 Public Index.
 Published Board documents.
 Regulations of the Civil Aeronautics Board; Table of contents of codified regulations.
 Reports of air carriers and related material:
 Accounting and reporting directives to supplement the Uniform System of Accounts and Reports.
 ADP instruction directives to supplement Traffic and Capacity Data Collection ADP Manual.
 Affiliates of air carriers, reports of ownership of stock and other interests under Part 246.
 Air carrier Form 41 reports, consisting of various financial and statistical schedules filed at various frequencies by each certificated air carrier under Part 241.
 Air carrier "on-time" reports (Form 438), and quarterly compilations by market and carrier.
 Air carrier passenger origin-destination survey reports (Form 2787), domestic only. (Subject to prior staff use. Cost of separation and deletion of confidential international data for account of requestor.)
 Air freight forwarder reports (Form 244).
 Air taxi operator reports required by various Board orders.
 Air taxi operators: Commuter air carrier reports of scheduled services (Form 298-C), except Schedule T-1.
 Air taxi operators: Registration for exemption under Part 298 (Form 298-A).
 Air taxi operators: Interests in and operations with large aircraft.
 Carrier accounting plans of specified accounting and statistical procedures required to be filed by carriers under Part 241.
 Carrier officers and directors reports of ownership of stock and other interests (Form 2786).
 Public Reference Room.
 Bureau of Accounts and Statistics, Accounting Regulation Division.
 Bureau of Accounts and Statistics, Data Processing Division.
 Bureau of Operating Rights, Agreements Division.
 Public Reference Room.
 Bureau of Accounts and Statistics, Statistical Division.
 Public Reference Room.
 Bureau of Accounts and Statistics, Reports Control and Administration Division.
 Public Reference Room.
 Bureau of Operating Rights, Supplementary Services Division.
 Public Reference Room.
 Bureau of Operating Rights, Agreements Division.

DESCRIPTION AND LOCATION OF RECORDS GENERALLY AVAILABLE—CONTINUED

Charter services performed for Military Air-lift Command (Form 243).	Public Reference Room.
Cooperative shippers association reports (Form 244A).	Do.
Extension of credit to political candidates report (Form 183).	Do.
Extensions of time for report filing.	Do.
Foreign air carriers reports of civil aircraft charters (Form 217).	Bureau of Accounts and Statistics, Reports Control and Administration Division.
Foreign indirect air carrier reports.	Public Reference Room.
Freight loss and damage claims reports (Form 239).	Bureau of Accounts and Statistics, Reports Control and Administration Division.
Freight traffic and revenues in Puerto Rico market (Form T-84).	Do.
Insurance certificates and notices:	
Air freight forwarders certificates of insurance (Form 350).	Bureau of Operating Rights, Supplementary Services Division.
Air taxi operators certificates of insurance (Form 257) and standard endorsements (Form 262).	Bureau of Accounts and Statistics, Reports Control and Administration Division.
Supplemental air carriers: Certificates of insurance and endorsements (Forms 605, 607 and 608).	Do.
Notice of cancellation of insurance by insurer (Form 609A).	Do.
Notice of cancellation of insurance by carrier (Form 609B).	Do.
International Civil Aviation Organization statistical report (ICAO Form C).	Office of Comptroller.
Local service carrier summarized passenger loads by flight schedule (Schedule T-5), except subsidy ineligible portions.	Public Reference Room.
MAC charter services reports, consisting of financial and statistical schedules (Form 243).	
Magnetic tapes prepared by the Board from reports filed by air carriers.	Bureau of Accounts and Statistics, Data Processing Division.
Manual of ADP instructions for traffic and capacity data collection and related materials.	Do.
Manuals of air carrier accounts and reporting instructions prescribed by the Board.	Bureau of Accounts and Statistics Accounting Regulation Division.
Manual of instructions to air carriers for passenger origin-destination survey statistics and related materials.	Bureau of Accounts and Statistics, Statistical Division.
National Air Carrier Association (NACA), commercial charter exchange activity, membership roster and flight data (Form 492).	Bureau of Accounts and Statistics, Reports Control and Administration Division.
Origin-destination survey of airline passenger traffic, domestic data and outputs.	Bureau of Accounts and Statistics, Statistical Division.
Observations of the Director to air carriers, requesting or transmitting specific information to supplement or amplify reports.	Bureau of Accounts and Statistics, Accounting Regulation Division.
Passengers denied confirmed space (Form 251).	Public Reference Room.
Passenger origin-destination directives, to supplement Passenger O&D Manual.	Bureau of Accounts and Statistics, Statistical Division.

DESCRIPTION AND LOCATION OF RECORDS GENERALLY AVAILABLE—CONTINUED

Public accountants reports and reconciliation with Form 41 reports.	Bureau of Accounts and Statistics, Reports Control and Administration Division.
Reports of ownership of stock and other interests filed pursuant to Part 245, Subpart B.	Bureau of Operating Rights, Agreements Division.
Reports of a miscellaneous nature filed pursuant to Board order.	Office of Secretary, Docket Section.
Scheduled all-cargo services report (Form 242).	Public Reference Room.
Supplemental air carrier special reports, as required under § 385.17(j).	Bureau of Accounts and Statistics, Reports Control and Administration Division.
Unaccommodated passenger reports (Form 250).	Public Reference Room.
Waivers of accounting and reporting requirements and record retention.	Do.
Route and service authorizations:	
"Book of Official CAB Airline Route Maps and Airport-to-Airport Mileages" (publications).	Office of Facilities and Operations, Records Services Section.
Certificates of public convenience and necessity.	
Foreign air carrier permits.	Office of Secretary, Docket Section.
Historic and current records and indexes of points served, airports, dates of service inauguration, service deletions, suspensions and restorations, and Board actions affecting carrier service authorizations.	Bureau of Operating Rights, Supplementary Services Division.
Settlement documentation filed under Rule 215 of the Board's rules of practice.	
Statements of authorization for off-route charter trips by foreign air carriers (Part 212); Copies of applications for, filings in connection therewith and copies of authorizations.	Office of Secretary, Docket Section.
Study group charters: Tour prospectuses and other documents relating to study group charters under Part 373.	Bureau of Operating Rights, Supplementary Services Division.
Tariff matters:	
Agent matters:	Bureau of Economics, Tariffs Section.
Alternate agents' affidavits as to disability of principal tariff publishing agent.	
Corporate tariff agents' designation of issuing officer.	
Powers of attorney (issued by carriers to tariff publishing agents).	
Tariff publishing instructions (from carriers to agents).	
Certifications of tariff publications and requests for copies.	
Concurrences (issued by carriers to tariff publishing carriers).	
Correspondence with carriers or agents requesting correction of Part 231 violations in tariffs.	
Free or reduced-rate transportation:	
Access to aircraft or free-transportation requests (SF 160).	
Application for, under § 223.8 of Economic Regulations.	

DESCRIPTION AND LOCATION OF RECORDS GENERALLY AVAILABLE—continued

Carrier manuals containing instructions, rules, regulations and practices governing issuance and interchange of passes. Reports by carriers of free transportation of technical representatives of aircraft manufacturers (§ 223.2 (c), (d) of Economic Regulations).

Postponed Board actions: Notices of, on tariffs filed on 45 days' notice, and not acted upon by Board 15 days prior to effective date, under § 399.36 of Policy Statements.

Rejection notices.

Special tariff permissions.

Tariffs and tariff transmittal letters.

Tariff embargo notices.

Trade agreements filed under Part 225 of Economic Regulations.

Waivers from Part 221 of Economic Regulations.

Trade association manuals.

Travel group charters: Filings and other documents relating to travel group charter filings under Part 372a (excluding names, addresses and phone numbers of TGC participants).

Unpublished statistical compilations:

Air carrier route miles statistics, quarterly compilations.

Interim quarterly financial reports of air carriers: Selective summarization of balance sheet factors, first three quarters.

International Civil Aviation Organization reports: Summarization of selected financial and statistical data.

Votes of Board members: Final votes of Board members in Board proceedings.

Bureau of Operating Rights, Agreements Division.

Bureau of Operating Rights, Supplementary Services Division.

Bureau of Accounts and Statistics, Financial and Traffic Reports Section.

Do.

Bureau of Accounts and Statistics, Reports Control and Administration Division.

Office of Secretary, Minutes Section. (Request to be made to Secretary.)

APPENDIX B

TYPES OF RECORDS GENERALLY EXCLUDED FROM AVAILABILITY

The following list contains by way of example those records which are "exempted records" under this part. The examples of exempted records are listed according to the applicable subsections of 5 U.S.C. 552(b).

(1) Documents classified pursuant to Executive Order No. 10501. Classified Board minutes and classified exhibits in formal proceedings.

(2) Personnel rules and practices. Files pertaining to the Board's personnel.

Technical manuals and instructions pertaining to the Board's audit of carrier accounts.

(3) Material exempted by statute. Matter which heretofore has been exempted from public disclosure under sections 902(f) and 1104 of the Federal Aviation Act, or by specific Board order will continue to be exempt. Such matters include carrier audit papers and correspondence relating thereto, and matters on which the Board has granted a motion for nondisclosure pursuant to § 302.39 of its rules of practice.

(4) Trade secrets and commercial or financial information. Past or future matter submitted to the Board in confidence but for which no formal request under § 302.39 of the Board's rules of practice has been made and granted will be held in confidence by the Board to the extent deemed allowable. This provision refers solely to unpublished materials the disclosure of which would be inconsistent with the intent of the Freedom of Information Act. No assurance of withholding material is implied by this, however, and affected persons should formally request withholding under § 302.39 where they deem it necessary to protect their interests.

Examples of confidential matters under this subsection include: Carrier accounting manuals; local service carrier passenger loads by flight schedules (Schedule T-5, subsidy ineligible portion); origin-destination survey

of airline passenger traffic (international); MAC charter rate information submitted in advance of MAC rate proceedings; on-line origin and destination of traffic of commuter air carriers (Schedule T-1, Form 298-C); materials related to informal subsidy conferences; air carrier service segment data submitted under Part 241; air carrier or air carrier organization letters, information or views used in developing U.S. positions in international aviation matters; and names, addresses, and phone numbers of TGC participants listed in Travel Group Charter filings under Part 372a.

(5) Inter/intra-agency memoranda. Board Minutes involving items that are pending, and Minutes not approved.

Reference or supporting material keyed to the Board Minutes.

Copies of Board decisions awaiting Presidential action.

Notation, calendar, and for information memoranda.

Budget, management, program evaluation, records disposal, research planning and program files.

Internal memoranda on the Administrative Conference of the United States.

Staff analyses not published by the Board. Files regarding Board requisitions, equipment, and space.

Memoranda regarding interagency commitments.

Intergovernmental communications on loan guarantee matters.

Research and legislative reference files of the General Counsel.

Memoranda and studies regarding Board positions in international aviation matters.

Developmental files, research materials, and workpapers.

(6) Invasion of personal privacy. Correspondence and inquiries regarding Board personnel.

Individual personnel files and records.

(7) Law enforcement investigatory files. Formal and informal internal investigatory files of the Bureau of Enforcement or other Bureaus regarding alleged violations of the

Federal Aviation Act or requirements thereunder; and names, addresses, and phone numbers of TGC participants listed in Travel Group Charter filings under Part 372a.

[FR Doc.73-3574 Filed 2-23-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2342]

PART 13—PROHIBITED TRADE PRACTICES

Colonial Carpet Mills, Inc., and Henry Franco

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Colonial Carpet Mills, Inc. et al., Union City, Calif., Docket No. C-2342, Jan. 16, 1973]

In the Matter of Colonial Carpet Mills, Inc., a Corporation, and Henry Franco, Individually and as an Officer of the Corporation.

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

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

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

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

It is further ordered, That the respondents herein either process the

[Docket No. 8861]

PART 13—PROHIBITED TRADE PRACTICES

Credit Card Service Corporation, and John P. Ferry

Subpart—Advertising falsely or misleadingly: § 13.10 *Advertising falsely or misleadingly*; § 13.73 *Formal regulatory and statutory requirements*; § 13.225 *Services*. Subpart—Misrepresenting oneself and goods—Services: § 13.1843 *Terms and conditions*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements*; § 13.1905 *Terms and conditions*. Subpart—Offering unfair, improper, and deceptive inducements to purchase or deal: § 13.2015 *Opportunities in product of service*; § 13.2080 *Terms and conditions*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) (Cease and desist order, Credit Card Service Corp., et al., Alexandria, Va., Docket No. 8861, Jan. 19, 1973)

In the Matter of Credit Card Service Corp., a Corporation, Doing Business as Credit Card Service Bureau, and John P. Ferry, Individually and as an Officer of Said Corporation.

Order requiring an Alexandria, Va., seller of memberships in a credit card registration service, among other things to cease representing that a credit cardholder is responsible for payment of all goods and services obtained by unauthorized use of his credit cards; representing that potential liability incurred through unauthorized use of his card may amount to sums large enough to cause financial loss or ruin; representing that respondent's service can protect credit cardholders from substantial financial loss or ruin; failing to incorporate in written material or radio or television commercials a statement to the effect that a January 1971, Federal law limits liability to \$50 for unauthorized use of credit cards; and failing to provide prospective customers with the above-required information.

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

It is ordered, That respondents Credit Card Service Corp., a corporation, its successors and assigns, doing business as Credit Card Service Bureau or under any other name, and its officers, and John P. Ferry, individually and as an officer of said corporation, and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale or sale of their credit card registration service, through the sale of memberships or by any other device, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that a credit cardholder who suf-

fers a loss or theft of credit cards is legally responsible and will have to pay for all goods and services obtained by unauthorized use of his credit cards.

2. Representing, directly or by implication, that the potential liability which a cardholder may incur through the unauthorized use of his credit cards may amount to sums large enough to cause large financial loss or financial ruin.

3. Representing, directly or by implication that respondents' services can protect a credit cardholder from large financial loss or financial ruin resulting from unauthorized use of his credit cards.

4. Representing, directly or by implication, that a credit cardholder can incur any liability resulting from the unauthorized use of his credit cards, except to the extent expressly provided for in Public Law 91-508.

5. Failing to incorporate the following notice clearly and conspicuously in any written material offering the sale of respondents' credit card registration service to the public:

Effective January 24, 1971, a Federal law provides that a cardholder has no liability for unauthorized use of his credit card unless all of the following four conditions are met. If the card issuing company (1) has notified you of your new limited liability, (2) has provided you with a prestamped envelope by which to notify them of a loss, (3) the card contains an approved method of identification, and (4) the use occurred before the card issuer is notified, then your liability is limited to \$50 per card.

6. Failing to incorporate the following notice clearly and conspicuously in any radio or television commercial offering the sale of respondents' credit card registration service to the public:

A Federal law limiting liability to a maximum of \$50 per card protects you from charges on lost or stolen credit cards. Along with your membership application Credit Card Service Corp. will give you details concerning this law.

7. Failing to provide each prospective customer who responds to a radio or television commercial offering the sale of respondents' credit card registration service with the notice required by paragraph 5.

It is further ordered, That respondents shall forthwith deliver a copy of this order to cease and desist to all present and future personnel of respondents or other persons engaged in the offering for sale, or sale of respondents' services or in any aspect of preparation, creation, or planning of advertising, and that respondents obtain a signed statement acknowledging receipt of said order by each such person.

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

products which gave rise to the complaint so as to bring them into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products.

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the amount of said products on hand and in the channels of commerce, (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and the results thereof, (5) any disposition of said products since January 21, 1972, and (6) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or to destroy said products, and the results of such action. Respondents will submit with their report, a complete description of each style of carpet or rug currently in inventory or production. Upon request, respondents will forward to the Commission for testing a sample of any such carpet or rug.

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

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

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

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

Issued January 16, 1973.

By the Commission.

[SEAL]

CHARLES A. TOBIN,
Secretary.

[FR Doc. 73-3518 Filed 2-23-73; 8:45 am]

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

Issued January 19, 1973.

By the Commission. Commissioners Kirkpatrick and MacIntyre not participating.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-3519 Filed 2-23-73; 8:45 am]

[Docket No. C-2345]

PART 13—PROHIBITED TRADE PRACTICES

Gimbel Bros., Inc.

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) (Cease and desist order, Gimbel Bros., Inc., New York, N.Y., Docket No. C-2345, Jan. 17, 1973)

In the Matter of Gimbel Brothers, Inc., a Corporation

Consent order requiring a New York City manufacturer and seller of ladies' scarves and other wearing apparel, among other things to cease manufacturing, selling, importing, or distributing any fabric, product, or related material which fails to conform to an applicable standard of flammability or regulation issued under the provisions of the Flammable Fabrics Act, as amended.

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

It is ordered, That respondent Gimbel Bros., Inc., a corporation, its successors and assigns, and its officers, agents, representatives, and employees, directly or through any corporation, division or other device, do forthwith cease and desist from selling, offering for sale, in commerce, or importing into the United States, or introducing, delivering for introduction, transporting or causing to be transported in commerce, or selling or delivering after sale or shipment in commerce, any ladies' scarves; or any article of wearing apparel, or fabric intended for use or which may reasonably be expected to be used in an article of wearing apparel, imported by or manufactured under the control or direction of Gimbel Bros., Inc., as the terms "commerce", and "article of wearing apparel" are defined in the Flammable Fabrics Act, as amended; or any other article of wearing apparel, or fabric which is intended for use or which may reasonably be expected to be used in an article of

wearing apparel, the manufacturer, importer or wholesaler of which has not furnished a guaranty under section 8(a) of the Flammable Fabrics Act, as amended; and which ladies' scarves, articles of wearing apparel and fabric fail to conform to an applicable standard or regulation, issued, amended, or continued in effect under the provisions of the aforesaid Act; provided, however, nothing herein shall accord to the respondent immunity from any subsequent proceedings under section 3, 6(a) or 6(b) of the Flammable Fabrics Act, as amended. Further, nothing herein shall limit the authority of the Commission to extend the terms of the order to products, fabrics or related materials presently excluded from this order in any subsequent proceeding against the respondent.

It is further ordered, That respondent notify all of its customers who have purchased or to whom have been delivered the products which gave rise to the complaint and who can reasonably be identified, of the flammable nature of said products, and effect the recall of said products from such customers.

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

It is further ordered, That the respondent herein shall, within thirty (30) days after service upon it of this order, file with the Commission a special report in writing setting forth the respondent's intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning, (1) the identity of the products which gave rise to the complaint, (2) the number of said products in inventory, (3) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (4) any disposition of said products since February 7, 1968, and (5) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or destroy said products, and the results of such action. Upon request of the Commission the respondent shall submit samples of ladies' scarves to the Commission.

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

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

It is further ordered, That the respondent herein shall, within sixty (60)

days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

Issued January 17, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-3520 Filed 2-23-73; 8:45 am]

[Docket No. C-2343]

PART 13—PROHIBITED TRADE PRACTICES

Marnacraft Carpet Co., Ltd., and
Reginald W. Crouch

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, Marnacraft Carpet Co., Ltd., et al., Dalton, Ga., Docket No. C-2343, Jan. 16, 1973]

In the Matter of Marnacraft Carpet Co., Ltd., et al., a Corporation, and Reginald W. Crouch, Individually and as an Officer of the Corporation

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

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

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

It is further ordered, That respondents notify all of their customers who have

¹ Appendices A and B filed as part of the original documents.

purchased or to whom have been delivered the products which gave rise to this complaint, of the flammable nature of said products and effect the recall of said products from such customers.

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

It is further ordered, That the provisions of this order with respect to customer notification, recall and processing or destruction shall be applicable to "Modapt HD" style carpets as designated in subparagraph 1 of paragraph 2 of the complaint giving rise to this order, and any other styles determined to be in violation of the Flammable Fabrics Act, as amended, prior to the date of acceptance, by the Commission of the final compliance report.

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

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

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

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

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

Issued: January 16, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc. 73-3521 Filed 2-23-73; 8:45 am]

[Docket No. C-2344]

PART 13—PROHIBITED TRADE PRACTICES

Pan Pacific Carpets, Inc., and
Arnold Schoch

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

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) (Cease and desist order, Pan Pacific Carpets, Inc. et al., Los Angeles, Calif., Docket No. C-2344, Jan. 16, 1973)

In the Matter of Pan Pacific Carpets, Inc., a Corporation, and Arnold Schoch, Individually and as an Officer of Said Corporation

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

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

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

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

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

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

It is further ordered, That respondents herein shall within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. This special report shall also advise the Commission fully and specifically concerning (1) the identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the amount of said products on hand and in the channels of commerce, (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and of the results thereof, (5) any disposition of said products since April 25, 1972, and (6) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or to destroy said products, and the results of such action. Respondents will submit with their report, a complete description of each style of carpet or rug currently in inventory or production. Upon request, respondents will forward to the Commission for testing a sample of any such carpet or rug.

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

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

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

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

Issued: January 16, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.
[FR Doc.73-3522 Filed 2-23-73; 8:45 am]

[Docket No. 8795-0]

PART 13—PROHIBITED TRADE PRACTICES

United Fruit Co., et al.

Subpart—Acquiring corporate stock or assets: § 13.5 *Acquiring corporate stock or assets*. Subpart—Discriminating in price under section 2, Clayton Act—Price Discrimination Under 2(a): § 13.715 *Charges and price differentials*; § 13.785 *Terms and conditions—Knowingly inducing or receiving discriminating price* Under 2(f): § 13.855 *Inducing and receiving discriminations*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46, interprets or applies sec. 2, 49 Stat. 1526; Sec. 7, 38 Stat. 731; as amended; 15 U.S.C. 13, 18) (Cease and desist order, United Fruit Co., et al., Long Beach, Calif., Docket No. 8795, Jan. 12, 1973)

In the Matter of United Fruit Co., a Corporation, United Fruit Sales Corp., a Corporation, and Harbor Banana Distributors, Inc., a Corporation

Order requiring the largest banana jobber in the United States, located in Long Beach, Calif., to sell its major competitor in the Los Angeles area which it acquired in 1968; to stop knowingly inducing discriminatory prices; and to not make any acquisition of any banana firm for the next 10 years without prior Federal Trade Commission approval.

Order requiring the largest importer of bananas in the Los Angeles market, to stop discriminating in price among purchasers of their bananas.

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

I. It is ordered, That respondents United Brands, Inc., successor to United Fruit Co., and Chiquita Brands, Inc., successor to United Fruit Sales Corp., corporations, and their officers, representatives, agents and employees, directly, indirectly, or through any corporate or other device, in or in connection with the sale of bananas in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Discriminating in the price of such products of like grade and quality by selling to any purchaser at a net price which directly, or indirectly by reason of differing terms and conditions of sale, is higher than the net price charged any other purchaser who competes in the resale of respondents' products with the purchaser, or with customers of the purchaser paying the higher price.

II. It is further ordered, That respondent Harbor Banana Distributors, Inc., a corporation, and its officers, representatives, agents, and employees, directly, indirectly, or through any corporate or other device, in or in connection with the offering to purchase or purchase of bananas in commerce, as "commerce" is defined in the amended Clayton Act, do forthwith cease and desist from:

Knowingly inducing, or knowingly receiving or accepting, from any seller a net price, which respondent knows or should know is directly, or indirectly by reason of differing terms and conditions of sale, below the net price at which said products of like grade and quality are being sold by such seller to any other purchaser where respondent is competing with the purchaser, or a customer of the purchaser paying the higher net price.

III. It is further ordered, That Count III of the complaint be dismissed.

IV. It is further ordered, That:

1. Respondent Harbor Banana Distributors, Inc., a corporation, and its officers, directors, agents, representatives, employees, subsidiaries, affiliates, successors, and assigns, within six (6) months from the date of service upon it of this order, shall divest, absolutely and in good faith, subject to the approval of the Federal Trade Commission, all assets, properties, rights and privileges, tangible and intangible, including, but not limited to, all plants, equipment, and machinery acquired by Harbor Banana Distributors, Inc., as a result of its acquisition of the Charles C. McCann Co., and Tradewinds Produce, Inc., together with the goodwill created by the use of such assets, and all additions and improvements thereto, of whatever description, so as to restore that which formerly made up the Charles C. McCann Co., and Tradewinds Produce, Inc. as a viable competitive entity in the business of processing, selling, and distributing bananas.

2. None of the assets, properties, rights, or privileges, described in paragraph IV, 1., of this order, shall be divested directly or indirectly, to any person who is, at the time of the divestiture, an officer, director, employee, or agent, or under the control or direction of, respondent Harbor Banana Distributors, Inc., or any of respondent's subsidiary or affiliated corporations, or owns or controls, directly or indirectly, more than one (1) percent of the outstanding shares of common stock of Harbor Banana Distributors, Inc.

3. Pending divestiture, respondent Harbor Banana Distributors, Inc., shall not make or permit any deterioration in any of the plants, machinery, buildings, equipment, or other property or assets of the companies to be divested that may impair their present capacity or market value, unless such capacity or value is restored prior to divestiture.

V. It is further ordered, That respondent Harbor Banana Distributors, Inc., shall not, for a period of ten (10) years from the date of service of this order, acquire, directly or indirectly, through subsidiaries, joint ventures, or otherwise,

without the prior approval of the Federal Trade Commission, the whole or any part of the stock, share capital, or assets of any concern engaged in the processing, sale, or distribution of bananas.

VI. It is further ordered, That respondent Harbor Banana Distributors, Inc., shall forthwith distribute a copy of this order to each of its operating divisions.

VII. It is further ordered, That respondents United Brands, Inc., and Chiquita Brands, Inc., shall forthwith distribute a copy of this order to each of their operating departments, divisions, and subsidiaries engaged in the offering for sale, sale, or distribution of bananas.

VIII. It is further ordered, That respondents United Brands, Inc., Chiquita Brands, Inc., and Harbor Banana Distributors, Inc., shall notify the Federal Trade Commission at least thirty (30) days prior to any proposed change in their corporate organization, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, or any other change in the corporation that may affect compliance obligations arising out of this order.

IX. It is further ordered, That respondents United Brands, Inc., and Chiquita Brands, Inc., shall within sixty (60) days after service on them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

X. It is further ordered, That Harbor Banana Distributors, Inc., shall within sixty (60) days after service on it of this order, and every sixty (60) days thereafter until it has fully complied with the provisions of this order, submit in writing to the Federal Trade Commission a report setting forth in detail the manner and form in which it intends to comply, is complying and/or has complied with this order. All compliance reports shall include, among other things that will be from time to time required, a summary of all contacts and negotiations with potential purchasers of the stock and/or assets to be divested under this order, the identity of all such potential purchasers, and copies of all written communications to and from such potential purchasers.

Issued: January 12, 1973.

By direction of the Commission, with Commissioner Dennison dissenting.

[SEAL] CHARLES A. TOBIN,
Secretary.
[FR Doc.73-3523 Filed 2-23-73; 8:45 am]

[Docket No. C-2346]

PART 13—PROHIBITED TRADE PRACTICES

Villa Carpet Mills, Inc., and
Willard L. Lewis

Subpart—Importing, manufacturing, selling, or transporting flammable wear.

§ 13.1060 Importing, manufacturing, selling, or transporting flammable wear.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) (Cease and desist order, Villa Carpet Mills, Inc., et al., Calhoun, Ga., Docket No. C-2346, Jan. 29, 1973)

In the Matter of Villa Carpet Mills, Inc., a Corporation, and Willard L. Lewis, Individually and as an Officer of Said Corporation

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

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

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

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

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

It is further ordered, That respondents herein shall, within ten (10) days after service upon them of this order, file with the Commission a special report in writing setting forth the respondents' intentions as to compliance with this order. The special report shall also advise the Commission fully and specifically con-

cerning (1) the identity of the products which gave rise to the complaint, (2) the identity of the purchasers of said products, (3) the amount of said products on hand and in the channels of commerce, (4) any action taken and any further actions proposed to be taken to notify customers of the flammability of said products and effect the recall of said products from customers, and the results thereof, (5) any disposition of said products since January 13, 1972, and (6) any action taken or proposed to be taken to bring said products into conformance with the applicable standard of flammability under the Flammable Fabrics Act, as amended, or to destroy said products, and the results of such action. Respondents will submit with their report a complete description of each style of carpet or rug currently in inventory or production. Upon request, respondents will forward to the Commission for testing a sample of any such carpet or rug.

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

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

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

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

Issued: January 29, 1973.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-3524 Filed 2-23-73; 9:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. R-471; Order 470]

PART 3a—NATIONAL SECURITY INFORMATION

FEBRUARY 20, 1973.

This order adds a new Part 3a establishing Commission regulations pursuant to Executive Order 11652 entitled "Classification and Declassification of

National Security Information and Material", March 8, 1972 (37 FR 5209, Mar. 10, 1972), and the National Security Council Directive of May 17, 1972 (37 FR 10053, May 19, 1972).

The Commission's regulations have been approved by the Interagency Classification Review Committee and are published herein.

The Commission finds:

(1) The notice and effective date provisions of 5 U.S.C. 553 do not apply with respect to the regulations here adopted.

(2) It is appropriate and in the public interest in administering the Federal Power Act and the Natural Gas Act to adopt the regulations as herein ordered.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly section 309 (49 Stat. 858, 859; 16 U.S.C. 825h), the provisions of the Natural Gas Act, as amended, particularly section 16 (52 Stat. 830, 15 U.S.C. 717o), Executive Order 11652, March 8, 1972 (37 FR 5209, March 10, 1972), and the National Security Council Directive of May 17, 1972 (37 FR 10053, May 19, 1972), orders:

(A) Subchapter A of Chapter I, Title 18, Code of Federal Regulations is amended by adding a new Part 3a as follows:

GENERAL

- Sec.
- 3a.1 Purpose.
- 3a.2 Authority.

CLASSIFICATION

- 3a.11 Classification of official information.
- 3a.12 Authority to classify official information.
- 3a.13 Classification responsibility and procedure.

DOWNGRADING AND DECLASSIFICATION

- 3a.21 Authority to downgrade and declassify.
- 3a.22 Declassification and downgrading.
- 3a.23 Review of classified material for declassification purposes.

CLASSIFICATION MARKINGS AND SPECIAL NOTATIONS

- 3a.31 Classification markings and special notations.

ACCESS TO CLASSIFIED MATERIALS

- 3a.41 Access requirements.

SECURITY OFFICERS

- 3a.51 Designation of security officers.

STORAGE AND CUSTODY OF CLASSIFIED INFORMATION

- 3a.61 Storage and custody of classified information.

ACCOUNTABILITY FOR CLASSIFIED MATERIAL

- 3a.71 Accountability for classified material.

TRANSMITTAL OF CLASSIFIED MATERIAL

- 3a.81 Transmittal of classified material.

DATA INDEX SYSTEM

- 3a.91 Data index system.

AUTHORITY: Executive Order 11652 (37 FR 5209, March 10, 1972), National Security Council Directive of May 17, 1972 (37 FR 10053, May 19, 1972), section 309 of the Federal Power Act (49 Stat. 858, 859; 16 U.S.C. 825h) and section 16 of the Natural Gas Act (52 Stat. 830; 15 U.S.C. 717o).

GENERAL

§ 3a.1 Purpose.

This Part 3a describes the Federal Power Commission program to govern the classification, downgrading, declassification, and safeguarding of national security information. The provisions and requirements cited herein are applicable to the entire agency except that material pertaining to personnel security shall be safeguarded by the Personnel Security Officer and shall not be considered classified material for the purpose of this part.

§ 3a.2 Authority.

Official information or material referred to as classified in this part is expressly exempted from public disclosure by 5 U.S.C. 552(b)(1). Wrongful disclosure thereof is recognized in the Federal Criminal Code as providing a basis for prosecution. Executive Order 11652, March 8, 1972 (37 FR 5209, March 10, 1972), identifies the information to be protected, prescribes classification, downgrading, declassification, and safeguarding procedures to be followed and establishes a monitoring system to insure its effectiveness. National Security Council Directive Governing the Classification, Downgrading, Declassification and Safeguarding of National Security Information, May 17, 1972 (37 FR 10053, May 19, 1972), implements Executive Order 11652.

CLASSIFICATION

§ 3a.11 Classification of official information.

(a) *Security Classification Categories.* Information or material which requires protection against unauthorized disclosure in the interest of the national defense or foreign relations of the United States (hereinafter collectively termed "national security") is classified Top Secret, Secret or Confidential, depending upon the degree of its significance to national security. No other categories are to be used to identify official information or material requiring protection in the interest of national security, except as otherwise expressly provided by statute. These classification categories are defined as follows:

(1) *Top Secret.* Top Secret refers to national security information or material which requires the highest degree of protection. The test for assigning Top Secret classification is whether its unauthorized disclosure could reasonably be expected to cause exceptionally grave damage to the national security. Examples of "exceptionally grave damage" include armed hostilities against the United States or its allies; disruption of foreign relations vitally affecting the national security; the compromise of vital national defense plans or complex cryptologic and communications intelligence systems; the revelation of sensitive intelligence operations; and the disclosure of scientific or technological developments vital to national security. This classification is to be used with the utmost restraint.

(2) *Secret.* Secret refers to national security information or material which requires a substantial degree of protection. The test for assigning Secret classification shall be whether its unauthorized disclosure could reasonably be expected to cause serious damage to the national security. Examples of "serious damage" include disruption of foreign relations significantly affecting the national security; significant impairment of a program or policy directly related to the national security; revelation of significant military plans or intelligence operations; and compromise of significant scientific or technological developments relating to national security. The classification Secret shall be sparingly used.

(3) *Confidential.* Confidential refers to national security information or material which requires protection, but not to the degree described in paragraphs (a) (1) and (2) of this section. The test for assigning Confidential classification shall be whether its unauthorized disclosure could reasonably be expected to cause damage to the national security.

(b) Classified information will be assigned the lowest classification consistent with its proper protection. Documents will be classified according to their own content and not necessarily according to their relationship to other documents.

(c) The overall classification of a file or group of physically connected documents will be at least as high as that of the most highly classified document therein. When put together as a unit or complete file, the classification of the highest classified document contained therein will be marked on a cover sheet, file folder (front and back), or other similar covering, and on any transmittal letters, comments, or endorsements.

(d) *Administrative Control Designations.* These designations are not security classification designations, but are used to indicate a requirement to protect material from unauthorized disclosure. Material identified under the provisions of this subparagraph will be handled and protected in the same manner as material classified Confidential except that it will not be subject to the central control system described in § 3a.71. Administrative Control designations are:

(1) *For Official Use Only.* This designation is used to identify information which does not require protection in the interest of national security, but requires protection in accordance with statutory requirements or in the public interest and which is exempt from public disclosure under 5 U.S.C. 552(b) and § 1.36(c) (14) of the rules of practice and procedure of the Federal Power Commission (18 CFR 1.36(c) (14)).

(2) *Limited Official Use.* This administrative control designation is used by the Department of State to identify non-defense information requiring protection from unauthorized access. Material identified with this notation must be limited to persons having a definite need to know in order to fulfill their official responsibilities.

(e) A letter or other correspondence which transmits classified material will be classified at a level at least as high as that of the highest classified attachment or enclosure. This is necessary to indicate immediately to persons who receive or handle a group of documents the highest classification involved. If the transmittal document does not contain classified information, or if the information in it is classified lower than in an enclosure, the originator will include a notation to that effect. (See § 3a.31(e)).

§ 3a.12 Authority to classify official information.

(a) The authority to classify information or material originally under Executive Order 11652 is restricted to those offices within the executive branch which are concerned with matters of national security, and is limited to the minimum number absolutely required for efficient administration.

(b) The authority to classify information or material originally as Top Secret is to be exercised only by such officials as the President may designate in writing and by the heads of the following departments and agencies and such of their principal staff officials as the heads of these departments and agencies may designate in writing:

Such offices in the Executive Office of the President as the President may designate in writing.

Central Intelligence Agency.
Atomic Energy Commission.
Department of State.
Department of the Treasury.
Department of Defense.
Department of the Army.
Department of the Navy.
Department of the Air Force.
U.S. Arms Control and Disarmament Agency.
Department of Justice.
National Aeronautics and Space Administration.
Agency for International Development.

(c) The authority to classify information or material originally as Secret is exercised only by:

(1) Officials who have Top Secret classification authority under § 3a.11(b); and

(2) The heads of the following departments and agencies and such principal staff officials as they may designate in writing:

Department of Transportation.
Federal Communications Commission.
Export-Import Bank of the United States.
Department of Commerce.
U.S. Civil Service Commission.
U.S. Information Agency.
General Services Administration.
Department of Health, Education, and Welfare.
Civil Aeronautics Board.
Federal Maritime Commission.
Federal Power Commission.
National Science Foundation.
Overseas Private Investment Corporation.

(d) The authority to classify information or material originally as Confidential is exercised by officials who have Top Secret or Secret classification authority.

(e) Pursuant to Executive Order 11652, the authority to classify information or material originally as Secret or

Confidential in the FPC shall be exercised only by the Chairman, the Vice Chairman, and the Executive Director. When an incumbent change occurs in these positions, the name of the new incumbent will be reported to the Inter-agency Classification Review Committee, NSC.

§ 3a.13 Classification responsibility and procedure.

(a) Each FPC official who has classifying authority (§ 3a.12) shall be held accountable for the propriety of the classifications attributed to him. Unnecessary classification and overclassification shall be avoided. Classification shall be solely on the basis of national security considerations. In no case shall information be classified in order to conceal inefficiency or administrative error, to prevent embarrassment to the FPC or any of its officials or employees, or to prevent for any other reason the release of information which does not require protection in the interest of national security.

(b) Each classified document shall show on its face its classification and whether it is subject to or exempt from the General Declassification Schedule (§ 3a.22(b)). It also shall show the office of origin, the date of preparation and classification and, to the extent practicable, be so marked as to indicate which portions are classified, at what level, and which portions are not classified in order to facilitate excerpting and other use. Material which merely contains references to classified materials, which references do not reveal classified information, shall not be classified.

(c) Material classified under this part shall indicate on its face the identity of the highest authority authorizing the classification. Where the individual who signs or otherwise authenticates a document or item has also authorized the classification, no further annotation as to his identity is required.

(d) Classified information or material furnished to the United States by a foreign government or international organization shall either retain its original classification or be assigned a U.S. classification. In either case, the classification shall assure a degree of protection equivalent to that required by the government or international organization which furnished the information or material.

(e) Whenever information or material classified by an authorized official is incorporated in another document or other material by any person other than the classifier, the previously assigned security classification category shall be reflected thereon together with the identity of the classifier.

(f) As a holder of classified information or material, the FPC shall observe and respect the classification assigned by the originator. If it is believed that there is unnecessary classification; that the assigned classification is improper; or that the document is subject to declassification under Executive Order 11652, the FPC will so inform the origi-

nator who is then required by the Executive Order to reexamine the classification.

DECLASSIFICATION AND DOWNGRADING

§ 3a.21 Authority to downgrade and declassify.

(a) The authority to downgrade and declassify information or material shall be exercised as follows:

(1) Information or material may be downgraded or declassified by the official authorizing the original classification, by a successor or by a supervisory official of either.

(2) Downgrading and declassification authority may also be exercised by an official specifically authorized under regulations issued by the head of the Department listed in sections 2 A and B of Executive Order 11652, March 10, 1972.

(3) In the case of classified information or material transferred pursuant to statute or Executive order in conjunction with a transfer of function and not merely for storage purposes, the receiving department or agency shall be deemed to be the originating department or agency for all purposes under Executive Order 11652, including downgrading and declassification.

(4) In the case of classified information or material not officially transferred under subparagraph (3) of this paragraph, but originated in a department or agency which has since ceased to exist, each department or agency in possession shall be deemed to be the originating department or agency for all purposes. Such information or material may be downgraded and declassified after consulting with any other departments or agencies having an interest in the subject matter.

(5) Classified information or material transferred to the General Services Administration for accession to the Archives of the United States shall be downgraded and declassified by the Archivist of the United States in accordance with Executive Order 11652, directives of the President issued through the National Security Council, and pertinent regulations of the departments and agencies.

§ 3a.22 Declassification and downgrading.

(a) When classified information of material no longer requires the level of protection assigned to it, it shall be downgraded or declassified in order to preserve the effectiveness and integrity of the classification system. The Chairman, Vice Chairman, and Executive Director exercise downgrading and declassification authority in the FPC.

(b) Information and material classified prior to June 1, 1972, and assigned to Group 4 under Executive Order 10501, as amended by Executive Order 10964, unless declassified earlier by the original classifying authority, shall be declassified and downgraded in accordance with the following General Declassification Schedule.

(1) *Top Secret*. Information or material originally classified TOP SECRET becomes automatically downgraded to Secret at the end of the second full cal-

endar year following the year in which it was originated, downgraded to Confidential at the end of the fourth full calendar year following the year in which it was originated, and declassified at the end of the 10th full calendar year following the year in which it was originated.

(2) *Secret*. Information and material originally classified Secret becomes automatically downgraded to Confidential at the end of the second full calendar year following the year in which it was originated, and declassified at the end of the eighth full calendar year following the year in which it was originated.

(3) *Confidential*. Information and material originally classified Confidential becomes automatically declassified at the end of the sixth full calendar year following the year in which it was originated.

(c) To the fullest extent applicable, there shall be indicated on each such FPC originated classified document whether it can be downgraded or declassified at a date earlier than under the above schedule, or after a specified event, or upon the removal of classified attachments or enclosures. Classified information in the possession of the Federal Power Commission, but not bearing a marking for automatic downgrading or declassification, will be marked or designated by the Chairman or the Security Officer designated by § 3a.51 hereof for automatic downgrading or declassification in accordance with the rules and regulations of the department or agency which originally classified the information or material.

(d) When the FPC official having classification authority downgrades or cancels the classification of a document before its classification status changes automatically, each addressee to whom the document was transmitted shall be notified of the change unless the addressee has previously advised that the document was destroyed. Addressees must be notified similarly when it has been determined that a document must be upgraded.

(e) When classified information from more than one source is incorporated into a new document or other material, the document or other material shall be classified, downgraded, or declassified in accordance with the provisions of Executive Order 11652 and NSC directives thereunder applicable to the information requiring the greatest protection.

(f) All information or material classified prior to June 1, 1972, other than that described in paragraph (b) of this section, is excluded from the General Classification Schedule. However, at any time after the expiration of 10 years from the date of origin it shall be subject to classification review and disposition by FPC provided:

(1) A department or agency or member of the public requests review;

(2) The request describes the record with sufficient particularity to enable FPC to identify it; and

(3) The record can be obtained with a reasonable amount of effort.

(g) All classified information or material which is 30 years old or more will

be declassified under the following conditions:

(1) All information and material classified after June 1, 1972, will, whether or not declassification has been requested, become automatically declassified at the end of 30 full calendar years after the date of its original classification except for such specifically identified information or material which the Chairman personally determines in writing to require continued protection because such continued protection is essential to the national security, or disclosure would place a person in immediate jeopardy. In such case, the Chairman also will specify the period of continued classification.

(2) All information and material classified before June 1, 1972 and more than 30 years old will be systematically reviewed for declassification by the Archivist of the United States by the end of the 30th full calendar year following the year in which it was originated. In his review, the Archivist will separate and keep protected only such information or material as is specifically identified by the Chairman in accordance with paragraph (g) (1) of this section. In such case, the Chairman also will specify the period of continued classification.

(3) The Executive Director, acting for the Chairman, is assigned to assist the Archivist of the United States in the exercise of his responsibilities indicated in paragraph (g) (2) of this section. He will:

(i) Provide guidance and assistance to archival employees in identifying and separating those materials originated in FPC which are deemed to require continued classification; and

(ii) Develop a list for submission to the Chairman which identifies the materials so separated, with recommendations concerning continued classification. The Chairman will then make the determination required under paragraphs (g) (1) and (2) of this section and cause a list to be created which identifies the documents included in the determination, indicates the reason for continued classification, and specifies the date on which such material shall be declassified.

§ 3a.23 Review of classified material for declassification purposes.

(a) All information and material classified after June 1, 1972, and determined in accordance with Chapter 21, title 44, United States Code, to be of sufficient historical or other value to warrant preservation shall be systematically reviewed on a timely basis for the purpose of making such information and material publicly available according to the declassification determination at the time of classification. During each calendar year the FPC shall segregate to the maximum extent possible all such information and material warranting preservation and becoming declassified at or prior to the end of such year. Promptly after the end of such year the FPC, or the Archives of the United States if transferred thereto, shall make the declassified information

and material available to the public to the extent permitted by law.

(b) Departments and agencies and members of the public may direct requests for review for declassification, as described in § 3a.22(f), to:

Office of the Secretary, Federal Power Commission, Washington, D.C. 20426.

The Office of the Secretary will assign the request to the appropriate Bureau or Office for action and will acknowledge in writing the receipt of the request. If the request requires the rendering of services for which fair and equitable fees should be charged pursuant to title 5 of the Independent Offices Appropriations Act, 1952, 31 U.S.C. 483a, the requester shall be so notified. The Bureau or Office which is assigned action will make a determination within 30 days of receipt or explain why further time is necessary. If at the end of 60 days from receipt of the request for review no determination has been made, the requester may apply to the FPC Review Committee (paragraph (g) of this section) for a determination. Should the Bureau or Office assigned the action on a request for review determine that under the criteria set forth in section 5(B) of Executive Order 11652 continued classification is required, the requester will be notified promptly and, whenever possible, provided with a brief statement as to why the requested information or material cannot be declassified. The requester may appeal any such determination to the FPC Review Committee and the notice of determination will advise him of this right.

(c) The FPC Review Committee will establish procedures to review and act within 30 days upon all applications and appeals regarding requests for declassification. The chairman, acting through the committee, is authorized to overrule previous determinations in whole or in part when, in its judgment, continued protection is no longer required. If the committee determines that continued classification is required under the criteria of section 5(B) of Executive Order 11652, it will promptly so notify the requester and advise him that he may appeal the denial to the Interagency Classification Review Committee.

(d) A request by a department or agency or a member of the public to review for declassification documents more than 30 years old shall be referred directly to the Archivist of the United States, and he shall have the requested documents reviewed for declassification. If the information or material requested has been transferred to the General Services Administration for accession into the Archives, the Archivist shall, together with the chairman, have the requested documents reviewed for declassification. Classification shall be continued in either case only when the chairman makes the personal determination indicated in § 3a.22(g)(1). The Archivist shall notify the requester promptly of such determination and of his right to appeal the denial to the Interagency Classification Review Committee.

(e) For purposes of administrative determinations under paragraph (b), (c), or (d) of this section, the burden is on the FPC to show that continued classification is warranted. Upon a determination that the classified material no longer warrants classification, it will be declassified and made available to the requester if not otherwise exempt from disclosure under section 552(b) of title 5, U.S.C. (Freedom of Information Act) or other provisions of law.

(f) A request for classification review must describe the document with sufficient particularity to enable the FPC to identify it and obtain it with a reasonable amount of effort. Whenever a request is deficient in its description of the record sought, the requester will be asked to provide additional identifying information whenever possible. Before denying a request on the ground that it is unduly burdensome, the requester will be asked to limit his request to records that are reasonably obtainable. If the requester then does not describe the records sought with sufficient particularity, or the record requested cannot be obtained with a reasonable amount of effort, the requester will be notified of the reasons why no action will be taken and of his right to appeal such decision.

(g) The FPC Review Committee will consist of the Executive Director, as Committee Chairman, the Secretary, and the Director, Office of Public Information, as members. In addition to the activities described in this paragraph, the Review Committee has authority to act on all suggestions and complaints with respect to administration of Executive Order 11652 and this Part 3a.

(h) The FPC Review Committee is also responsible for recommending to the chairman appropriate administrative action to correct abuse or violation of any provision of Executive Order 11652 or NSC directives thereunder, including notifications by warning letter, formal reprimand, and to the extent permitted by law, suspension without pay and removal.

(i) The Chairman of the Review Committee will submit through the chairman, FPC, a report quarterly to the Interagency Classification Review Committee, NSC, of actions on classification review requests, classification abuses, and unauthorized disclosures.

CLASSIFICATION MARKINGS AND SPECIAL NOTATIONS

§ 3a.31 Classification markings and special notations.

(a) After the chairman, the vice chairman, or the executive director determines that classified information is contained in an original document or other item, the appropriate marking, i.e., Secret or Confidential, will be applied as indicated herein. In addition, each classified document will reflect its date of origin and the Bureau, Office, or Regional Office responsible for its preparation and issuance, and the identity of the highest authority authorizing the classification. Where the individual who signs or otherwise authenticates the document or other

item has also authorized the classification, no further annotation as to his identity is required. Each classified document will also show on its face whether it is subject to or exempt from the General Declassification Schedule described in § 3a.22(b).

(1) For marking documents which are subject to the General Declassification Schedule, the following stamp will be used:

(Top Secret, Secret, or Confidential) Classified by _____ Subject to General Declassification Schedule of Executive Order 11652, automatically downgraded at 2-year intervals and declassified on December 31, _____ (insert year)

(2) For marking documents which are to be automatically declassified on a given event or date earlier than the General Declassification Schedule the following stamp will be used:

(Top Secret, Secret, or Confidential) Classified by _____ Automatically declassified on _____ (effective date or event)

(3) For marking documents which are exempt from the General Declassification Schedule the following stamp will be used:

(Top Secret, Secret, or Confidential) Classified by _____ Exempt from General Declassification Schedule of Executive Order 11652, Exemption Category (section 5B (1), (2), (3), or (4)). Automatically declassified on _____ (effective date or event, if any)

(b) Should the classifier fail to mark such document with one of the foregoing stamps, the document shall be deemed to be subject to the General Declassification Schedule. The person who signs or finally approves a document or other material containing classified information shall be deemed to be the classifier. If the classifier is other than such person he shall be identified on the stamp as indicated.

(c) On documents, the classification markings Secret and Confidential will be stamped in red ink, printed, or written in letters considerably larger than those used in the text of the document. On documents which are typewritten in elite, pica or executive size type, the above markings should be in letters not less than three-sixteenths inch in height. No markings, other than those indicated above, are authorized to designate that a document or material requires protection in the interests of national security. The overall classification assigned to a document will be conspicuously marked on the top and bottom of each page and on the outside of the front and back covers, if any. Letters of transmittal, endorsements, routing slips, or any other papers of any size which conceal or partially conceal the cover, the title page, or first page, will bear the marking of the overall classification.

(d) Whenever a classified document contains either more than one security classification category or unclassified information, each section, part or para-

graph should be marked to the extent practicable to show its classification category or that it is unclassified.

(e) Letters of transmittal or other covering documents which are classified solely because of classified enclosures or attachments, or which are classified in a lower category than such enclosures or attachments, will bear either of the following markings, as appropriate.

(1) If the covering document is classified on its own, but has enclosures or attachments of a higher classification, or is a component (i.e., an endorsement or comment) or a file in which other components bear a higher classification:

Regarded _____ (appropriate classification)
When separated from _____ (identify higher classified components)

(2) If unclassified when separated from its classified enclosures or attachments:

When the Attachments Are Removed, This Transmittal Letter Becomes Unclassified.

(f) In addition to the classification category markings prescribed above, the first or title page of each classified document will contain instructions as appropriate, in accordance with the following:

(1) *Regrading instructions.* The declassification and downgrading notation, as described in § 3a.31(g) will be applied to classified documents only. The notation will not be carried forward to unclassified letters of transmittals or other cover documents. When such cover documents are classified by their own content, they will be annotated with the notwithstanding instructions which pertain to the enclosures.

(2) *"Special Handling" notation.* Classified information will not be released or disclosed to any foreign national without proper specific authorization. This applies even when the classified material does not bear the special handling notice described below. The special handling notice indicated only that the material has been reviewed and a specific determination made that the information is not releasable to foreign nationals. If it is anticipated that the handling or distribution of a classified document will make it liable to inadvertent disclosure to foreign nationals it will be marked with a separate special handling notation, which will be carried forward to letters of transmittals or other cover documents. The notation reads:

Special Handling Required
Not Releasable to
Foreign Nationals

(g) Whenever classified material is upgraded, downgraded, or declassified, the material will be marked to reflect:

- (1) The change in classification.
- (2) The authority for the action.

(3) The effective date.

(4) The person or unit taking the action.

When classification changes are made, the classification markings themselves will be changed or canceled, and each copy or item of the material will be marked with the citation of authority. The notation below will be used for this purpose:

Classification _____ (changed)
_____ (canceled)
To _____
Effective on _____ (date)
Under authority of _____ (authorizing official or office)
By _____ (person or office taking action)

(h) In addition to the foregoing marking requirements, warning notices shall be displayed prominently on classified documents or materials as prescribed below. When display of these warning notices on the documents or other materials is not feasible, the warnings shall be included in the written notification of the assigned classification.

(1) *Restricted data.* For classified information or material containing restricted data as defined in the Atomic Energy Act of 1954, as amended:

RESTRICTED DATA

This document contains restricted data as defined in the Atomic Energy Act of 1954. Its dissemination or disclosure to any unauthorized person is prohibited.

(2) *Formerly restricted data.* For classified information or material containing solely Formerly Restricted Data, as defined in section 142.d, Atomic Energy Act of 1954, as amended:

FORMERLY RESTRICTED DATA

Unauthorized disclosure subject to administrative and criminal sanctions. Handle as restricted data in foreign dissemination, section 114.b, Atomic Energy Act, 1954.

(3) *Information other than restricted data or formerly restricted data.* For classified information or material furnished to persons outside the Executive Branch of Government other than as described in paragraphs (h) (1) and (2) of this section.

NATIONAL SECURITY INFORMATION

Unauthorized disclosure subject to criminal sanctions.

(4) *Sensitive intelligence information.* For classified information or material relating to sensitive intelligence sources and methods, the following warning notice shall be used, in addition to and in conjunction with those prescribed in paragraph (h) (1), (2), or (3), of this section, as appropriate:

Warning Notice—Sensitive Intelligence
Sources and Methods Involved

ACCESS TO CLASSIFIED MATERIALS

§ 3a.41 Access requirements.

(a) The Personnel Security Officer, on a continuing current basis, will certify to the Security Officer, the head of each bureau and office and each regional engineer, the names of officers and employees who have been granted a security clearance for access to classified material and the level of such clearance (Top Secret, Secret, Confidential). The Personnel Security Officer will maintain accurate and current listings of personnel who have been granted security clearances in accordance with the standards and criteria of Executive Orders 10450 and 10865 and as prescribed by this part.

(b) In addition to a security clearance, staff members must have a need for access to classified information or material in connection with the performance of duties. The determination for the need-to-know will be made by the official having responsibility for the classified information or material.

(c) When a staff member no longer requires access to classified information or material in connection with performance of official duties, the Personnel Security Officer will administratively withdraw the security clearance. Additionally, when a staff member no longer needs access to a particular security classification category, the security clearance will be adjusted to the classification category required. In both cases, this action will be without prejudice to the staff member's eligibility for a security clearance or upgrading of category should the need arise again.

(d) Access to classified information or material originated by the FPC may be authorized to persons outside the Executive Branch of the Government engaged in historical research and to former Presidential appointees as provided in paragraphs VI B and C of the NSC directive dated May 17, 1972. The determination of access authorization will be made by the Chairman.

(e) Except as otherwise provided in section 102 of the National Security Act of 1947, 61 Stat. 495, 50 U.S.C. 403, classified information or material originating in one department or agency shall not be disseminated outside any other department or agency to which it has been made available without the consent of the originating organization.

SECURITY OFFICERS

§ 3a.51 Designation of security officers.

(a) The Director, Office of Administrative Operations (OAO) is designated as Top Secret Control Officer and Security Officer for classified material for the Federal Power Commission. The Director, OAO, will designate alternate Top Secret Control Officers and alternated Security Officers, who will be authorized, subject to such limitations as may be imposed by the Director, to perform the duties for which the Top Secret Con-

trol Officer and Security Officer is responsible. As used hereinafter, the terms Top Secret Control Officer and Security Officer shall be interpreted as including the alternate Top Secret Control Officers and Security Officers. The FPC Security Officer is authorized and directed to insure the proper application of the provisions of Executive Order 11652 and of this part.

(b) Regional Engineers are designated as Regional Security Officers for the purpose of carrying out the functions assigned herein.

(c) The Director, OAO, will appoint in writing appropriately cleared staff members to act as couriers for transmittal, as necessary, for classified information or material.

STORAGE AND CUSTODY OF CLASSIFIED
INFORMATION

§ 3a.61 Storage and custody of classified information.

(a) Unless specifically authorized by the Chairman or Executive Director, classified information and materials within the Washington office will be stored only in GSA-approved security containers in the Office of Administrative Operations. Such containers will be of steel construction with built-in, three-position, dial-type, manipulation-proof, changeable combination locks.

(b) A custodian and one or more alternate custodians will be assigned responsibility for the security of each container under his jurisdiction in which classified information is stored. Such assignment will be made a matter of record by executing GSA Optional Form 63, Classified Container Registration, and affixing it to the container concerned. Custodians will be responsible for assuring that combinations are changed as required and that locking and checking functions are accomplished daily in compliance with paragraphs (g) and (h) of this section.

(c) GSA Optional Form 63 is a 3-sheet form, each sheet having a specific purpose and disposition, as follows:

(1) Sheet 1 records the names, addresses, and home telephone numbers of the custodian and alternate custodians. Sheet 1 is affixed to the outside of the container.

(2) Sheet 2 records the combination of the container and is placed inside Sheet 3, which is an envelope.

(3) Sheet 3, an envelope, is a carbon copy of Sheet 1. When the container combination is recorded on Sheet 2, it is sealed inside Sheet 3 which is then forwarded to the FPC Top Secret Control Officer.

(d) GSA Optional Form 62, Safe or Cabinet Security Record, will be attached conspicuously to the outside of each container used to store classified information. The form is used to certify the opening and locking of a container, and the checking of a container at the end of each working day or whenever it is opened and locked during the day.

(e) Combinations of containers used to store classified materials will be assigned classifications equal to the high-

est category of classified information stored therein. Active combinations are subject to the safeguarding and receipting requirements of this instruction. Superseded combinations become declassified automatically and certificates of destruction therefore are unnecessary.

(f) Knowledge of or access to the combination of a container used for the storage of classified material will be given only to those appropriately cleared individuals who are authorized access to the information stored therein.

(g) Combinations of containers used to store classified material will be changed at least once a year. A combination will be changed also whenever anyone knowing or having access to it is transferred; when the combination has been subjected to compromise; when the security classification of the container is upgraded; and at any other time as may be deemed necessary. Combinations to locks on security containers will be changed only by individuals having a security clearance equal to the highest category of classified material stored therein. Changing lock combinations is a responsibility of OAO. (See FPC Special Instruction No. AM 2162.2, Periodic Change of Combination on Locks.)

(h) The individual who unlocks a container will indicate the date and time and initial entry on GSA Optional Form 62. At the close of each workday, or when the container is locked at earlier time, the individual locking the container will make the appropriate entry on GSA Optional Form 62. An individual other than the one who locked the container will check to insure that it is properly closed and locked and will make the appropriate entry on GSA Optional Form 62. When a container has not been opened during the day, the checker will enter the date and the notation "Not Opened" and make appropriate entry in the "Checked By" column.

(i) The red and white reversible "Closed-Open" cardboard sign will be used on all classified containers to indicate whether the container is open or locked.

(j) Typewriter ribbons used in the preparation of classified information will be safeguarded in the manner appropriate for the degree of classification involved. Cloth ribbons are considered insecure until both upper and lower lines have been cycled through the typewriter at least twice. Carbon paper or film ribbons are insecure at all times since the imprint thereon cannot be obliterated and such ribbon must be destroyed as classified waste. Insecure ribbons will not be left in typewriters overnight but will be stored in appropriate classified container.

ACCOUNTABILITY FOR CLASSIFIED MATERIAL

§ 3a.71 Accountability for classified material.

(a) The Office of Administrative Operations is the central control registry for the receipt and dispatch of classified material in the Washington office and maintains the accountability register of all classified material. In addition, each

Regional Engineer will maintain an accountability register for classified material of which he has custody.

(b) With the exception of the Chairman, Vice Chairman, and Executive Director, no individual, bureau, or office is authorized to receive, open, or dispatch classified material other than the authorized personnel in OAO or the Regional Engineers. Classified material received by other than the OAO or Regional Engineers will be delivered promptly and unopened to the Security Officer or Regional Engineer in order that it may be brought under accountable control.

(c) Each classified document received by or originating in the FPC will be assigned an individual control number by the central control registry, OAO. Control numbers will be assigned serially within a calendar year. The first digit of the four-digit control number will indicate the calendar year in which the document was originated or received in the FPC. Control numbers assigned to top secret material will be separate from the sequence for other classified material and will be prefixed by the letters "TS". Examples:

9006—Sixth classified document controlled by the central control registry in calendar year 1969.

TS 1006—Sixth Top Secret document controlled by the central control registry in calendar year 1971.

(d) The accounting system for control of classified documents will be effected through the use of FPC Form 55, Classified Document Control Record and Receipt. This form will be used to:

(1) Register an accurate, unclassified description of the document; its assigned control number; and the date it is placed under accountability.

(2) Serve as the accountability register for classified material.

(3) Record all changes in status or custody of the document during its classification life or the period it is retained under accountability in the FPC.

(4) Serve as the principal basis for all classified document inventory and tracer actions.

(5) Serve as a receipt for the central control registry when the document is transferred.

(e) For Top Secret documents only, an access register, FPC Form 1286, Top Secret Access Record, for recording the names of all individuals having access to the document, will be prepared in addition to FPC Form 55. In addition, a physical inventory of all Top Secret documents will be conducted during June of each year by the Top Secret Control Officer and witnessed by a staff member holding a Top Secret clearance.

(f) When classified documents are regraded, declassified, or destroyed, the change in status will be recorded in the file copy of FPC Form 55 in the central control registry.

(g) Classified documents will not be reproduced by any means except on the specific written authority of the FPC Security Officer.

(h) In the Washington Office, classified material will be destroyed by OAO

and will be accomplished by burning in the presence of a "destroying official" and a "witnessing official." Destroying and witnessing officials will be alternate Security Officers from OAO. A record of destruction of each classified document will be maintained on FPC Form 1285, Classified Document Destruction Certificate. In addition, the date of destruction and the destruction certificate number will be recorded on the file copy of FPC Form 55 in the central control registry. The original signed copy of the destruction certificate will be retained in the central control registry. The duplicate copy will be retained by the destroying official. Regional Engineers will follow these instructions for destruction of classified material in their possession, except that the destroying official shall be the Regional Engineer and the witnessing official shall be any other individual having appropriate security clearance.

(i) It is the responsibility of any staff member who has knowledge of the loss or possible compromise of classified information immediately to report the circumstances to the Director, OAO. The Director, OAO, will notify the originating Department and any other interested Department of the loss or possible compromise in order that a damage assessment can be conducted. An immediate inquiry will be initiated by the Director, OAO, for the purpose of taking corrective action and for recommendations to the chairman, through the Review Committee, for appropriate administrative, disciplinary, or legal action.

TRANSMITTAL OF CLASSIFIED MATERIAL

§ 3a.81 Transmittal of classified material.

(a) A continuous receipting system, using copies of FPC Form 55, will record all transfers of classified items between elements or officials within the FPC. Receipts for transmittal of classified items from the central registry to the first recipient will be acknowledged on copy number one (original) of FPC Form 55. This copy will be returned to and become part of the central register, where it will remain as an active record until the item is either destroyed or transmitted outside the FPC control registry system. Receipts for subsequent transmittals through the FPC will be recorded on the remaining copies of FPC Form 55.

(b) A recipient will acknowledge receipt and assumption of custody of classified material exactly as it is described on FPC Form 55. If it is determined that parts are missing, it is incorrectly numbered, or otherwise recorded in error on FPC Form 55, the recipient will not sign for the material but will return it promptly to the transmitting element, notifying them accordingly.

(c) Whenever a classified or protected document is being internally transmitted, or is in use, it will be covered by either FPC Label 19, Top Secret Cover Sheet (yellow); FPC Label 20, Secret Cover Sheet (red); FPC Label 21, Confidential Cover Sheet (blue), or FPC Label 22, Official Use Only (Limited Official

Use) green. In addition, the red back sheet, FPC Label 23, will be used. With the exception of the FPC Form 55, no transmittal paper or other material will be placed over the label, and no writing will be applied thereon.

(d) The transmission or transfer of custody of classified material outside of the FPC Washington offices or the Regional Offices will be covered by FPC Form 1284, Classified Document Receipt and/or Tracer, prepared in duplicate (one post card and one paper copy). The post card will be enclosed, along with the material being transferred, in the inner envelope, wrapping or container, and the paper copy retained in the central registry pending return of the signed post card.

(e) Classified material transmitted outside of the FPC Washington offices or the Regional Offices will be dispatched in two opaque envelopes or double wrapped in opaque wrapping paper. The outgoing material will be prepared for transmission by:

(1) Preparing and enclosing an appropriate receipt (see paragraph (d) of this section) in the inner envelope or wrapping.

(2) Addressing, return addressing, and sealing or taping the inner envelope or wrapping.

(3) Marking the security classification and other required notations on the front and back of the inner cover. If the nature of the contents deem it necessary or advisable, the inner cover may be marked with the following or a similar notation "To Be Opened By Addressee Only." When this notation is used, an appropriate "Attention" line must be contained in the address on the outer envelope to insure delivery to the intended recipient.

(4) Enclosing the inner envelope or wrapping in an opaque outer envelope wrapper containing the appropriate address information. These outer covers will not contain any of the markings contained on the inner cover. If the outer cover does not fully conceal the markings on the inner envelope or wrapper, a sheet of plain paper should be folded around the inner wrapper to conceal the markings.

(f) Transmittal of Top Secret information and material shall be effected preferably by oral discussion in person between the officials concerned. Otherwise the transmission of Top Secret information and material shall be by specifically designated personnel, by State Department diplomatic pouch, by a messenger-courier system especially created for that purpose, over authorized communications circuits in encrypted form or by other means authorized by the National Security Council.

(g) Transmittal of material classified Secret or Confidential to any addressee in the 48 contiguous States and the District of Columbia, the State of Hawaii, the State of Alaska, the Commonwealth of Puerto Rico, and Canadian Government installations by the FPC Washington offices or the Regional offices will be by registered mail only. Transmittal outside these specified areas will be as stated

in paragraph C(2), appendix B, of the NSC Directive of May 17, 1972.

DATA INDEX SYSTEM

§ 3a.91 Data index system.

A data index system shall be established for Top Secret, Secret, and Confidential information in selected categories prescribed by the Interagency Classification Review Committee, in accordance with section VII of the National Security Council Directive Governing the Classification, Downgrading, Declassification, and Safeguarding of National Security Information, May 17, 1972.

(B) The provisions of this order shall take effect on February 26, 1973.

(C) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER and shall submit a signed original and three certified copies thereof to the Interagency Classification Committee. Copies of this order may be obtained in person from the Office of Public Information of the Federal Power Commission, or by written request to the Secretary, Federal Power Commission, 441 G Street NW., Washington, DC 20426.

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-3424 Filed 2-23-73; 8:45 am]

Title 21—Food and Drugs

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

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PART 131—INTERPRETATIVE STATEMENTS RE WARNINGS ON DRUGS AND DEVICES FOR OVER-THE-COUNTER SALE

Use of Mercury in Cosmetics Including Use as Skin-Bleaching Agent in Cosmetic Preparations Also Regarded as Drugs

Correction

In FR Doc. 73-159, appearing at page 853 for the issue of Friday, January 5, 1973, in the second last line of paragraph (d) (2) of § 3.92, the reference to "paragraph (d) (1)" should read "paragraph (d) (2)".

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Dichlorvos as an Anthelmintic in Horses

The Commissioner of Food and Drugs has evaluated a new animal drug application (48-237V) filed by Shell Chemical Co., a division of Shell Oil Co., Agricultural Division, 2401 Crow Canyon Road, San Ramon, CA 94583, proposing use of dichlorvos as an anthelmintic in horses when administered orally by syringe. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(d), 82 Stat. 347; 21 U.S.C.

360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135c is amended in § 135c.50 by revising the heading for paragraph (g) and adding a new paragraph (h) as follows:

§ 135c.50 Dichlorvos.

(g) *Conditions of use in horses when administered in grain.* * * *

(h) *Conditions of use in horses when administered orally by syringe.* (1) It is recommended for the removal and control of first, second, and third instar bots (*Gastrophilus intestinalis* and *G. nasalis*), sexually mature and sexually immature (4th stage) ascarids (*Parascaris equorum*) in horses and foals.

(2) The product is in the form of a gel which is administered directly from a syringe onto the horse's tongue. The product is administered at a dosage level of 20 milligrams of dichlorvos per kilogram of body weight for the removal of bots and ascarids. The same dosage level is repeated every 21 to 28 days for the control of bots and ascarids. For the control of bots only, the repeat dosage is 10 milligrams per kilogram of body weight every 21 to 28 days during bot fly season.

(3) Do not use this product in animals simultaneously or within a few days before or after treatment with or exposure to cholinesterase-inhibiting drugs, pesticides or chemicals. Do not administer in conjunction with or within 1 week of administration of muscle-relaxant drugs, phenothiazine derived tranquilizers, or central nervous system depressants.

(4) Do not use in horses which are severely debilitated or suffering from diarrhea or severe constipation, infectious disease, toxemia, or colic. Do not administer to horses affected with chronic alveolar emphysema (heaves) or other respiratory conditions.

(5) Do not use in horses intended for food purposes.

(6) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective February 26, 1973.

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

Dated: February 16, 1973.

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

[FR Doc. 73-3501 Filed 2-23-73; 8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-72-186]

PART 42—RELOCATION PAYMENTS AND ASSISTANCE AND REAL PROPERTY ACQUISITION UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Establishment of Grievance Procedures

Pursuant to the Uniform Relocation Assistance and Real Property Acquisi-

tion Policies Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601), the Department is amending Title 24, Part 42 of the Code of Federal Regulations to include a new Subpart F entitled "Grievance Procedures Relating to Claims and Payments." This subpart is intended to prescribe the Department's procedures for the implementation of section 213(b)(3) of the Act, which provides that any person aggrieved by a determination as to eligibility for a payment authorized by the Act or the amount of a payment may have his application reviewed by the head of the State agency receiving Federal financial assistance.

On May 20, 1972 (37 FR 10386), the Department first published the grievance procedures for public comment as a notice of proposed rule making. The Department has now considered the comments received and promulgates these grievance procedures to be effective March 28, 1973. Principal changes and the Department's response to significant comments are set forth below.

A provision has been added to § 42.235 (b) which requires the State agency to afford the claimant an opportunity for an oral presentation, in the company of an advisor if he so desires, within 15 days of the request. In addition, a new sentence has been added to this subsection which provides that matters discussed in the oral presentation be summarized and included as part of the State agency's file on the individual's claim.

In response to comments concerning the need for assistance to claimants in preparing their complaints, a new section, § 42.235(c), has been added. This subsection provides that the State agency shall offer to provide assistance to the claimant and also notify him of other available sources of assistance. This section also describes what should be included in the written request for review.

The suggestion that claimants be allowed to review the files is accepted. In this connection, § 42.27 provides that with certain exceptions or unless prohibited by State law a claimant may inspect all files and records bearing upon his claim.

While the suggestion that class actions be entertained has not been accepted generally, § 42.275 now provides that principles established in determinations reached by the State agency and HUD be applied in all similar cases. This should insure that all claims will be treated in a fair and uniform manner.

The suggestion that the State agency assume the responsibility for requesting HUD review, if a claimant wishes to have his grievance reviewed, has not been accepted. The Department believes that the interest of claimants will best be safeguarded by requiring the State agency to inform claimants of the right to review by HUD and leave the initiative to the claimant to file a request for HUD review.

It was suggested that the third party, provided for in § 42.265, be chosen by the claimant. We believe that it would be in the best interests of all involved to

have the third party or parties mutually acceptable. In our opinion, this can best be achieved by having both the claimant and the State agency involved in the selection of third parties.

The suggestion that the claimant have an opportunity for a hearing with both the State agency and HUD has not been incorporated in the regulations as it was felt to be inconsistent with the appellate nature of HUD review. However, agency procedures for holding a hearing with witnesses and an opportunity for cross-examination.

It was contended that State agencies might not observe the time limits imposed by the regulations unless there were sanctions. In this regard, it was suggested that unless State agencies meet the time limits set forth in the regulations they would be required to pay the claim from their own funds. An alternative suggestion was to permit the claimant to forego any step the State agency did not complete within the requisite time, and if evidence was lost thereby, the facts would be assumed to be as averred by the claimant. Before implementing sanctions, the Department would like the benefit of experience to establish what kind of sanctions, if any, are needed and would be most effective. If the Department discerns any consistent failure to meet the time limits, it will take steps to assure that claimants' rights are fully protected.

It was suggested that the regulations be revised to provide for mutually binding arbitration. This suggestion has not been adopted because it is not clear whether HUD can be legally bound by arbitration.

Accordingly, Part 42 is amended as follows:

§ 42.190 [Revoked]

1. Subpart E is amended to revoke § 42.190.

2. A new Subpart F is added to read as follows:

Subpart F—Grievance Procedures Relating to Claims and Payments

- Sec.
- 42.220 Purpose.
- 42.225 Right of review.
- 42.230 Notification to claimant.
- 42.235 Request for State agency review.
- 42.240 State agency review.
- 42.245 Request for HUD review.
- 42.250 HUD review.
- 42.255 Review procedure in connection with refusals to waive time limitation on filing of claims.
- 42.260 Extension of time limits.
- 42.265 Recommendations by third party.
- 42.270 Review of files by claimant.
- 42.275 Effect of determination on other persons.
- 42.280 Construction of rules and regulations.
- 42.285 Right to counsel.
- 42.290 Judicial review.

AUTHORITY: 42 U.S.C. 4601; sec. 7(d), Department of HUD Act, 42 U.S.C. 3535 (d).

Subpart F—Grievance Procedure Relating to Claims and Payments

§ 42.220 Purpose.

The purpose of this subpart is to set forth the guidelines for processing ap-

peals from State agency determinations as to eligibility for, or the amount of, a payment made under the regulations in this part. State agencies shall establish procedures to implement the regulations in this part. The State agency's procedures may include provisions not included in these procedures provided they are not inconsistent with the procedures contained herein.

§ 42.225 Right of review.

Any claimant, meaning a person aggrieved by a determination as to eligibility for, or the amount of, a payment under the regulations in this part, may have his claim reviewed and reconsidered by the head of the State agency or his authorized designee (other than the person who made the determination in question) in accordance with the procedures set forth in this subpart, as supplemented by such procedures as the State agency shall have established for such review and reconsideration. Where such a person is not satisfied with the State agency's determination after such review and reconsideration, he is entitled to review of his claim by HUD. Any person or class of persons may similarly seek review and revision of any schedule with respect to payments under the regulations in this part.

§ 42.230 Notification to claimant.

If the State agency denies the eligibility of a claimant for a payment or disapproves the full amount claimed or refuses to consider the claim on its merits because of untimely filing or any other ground, the State agency's notification to the claimant of its determination shall inform the claimant of its reasons therefor and shall also inform the claimant of the applicable procedures for obtaining State agency and HUD review of this determination.

§ 42.235 Request for State agency review.

(a) *General.* Any person who has a right to seek review pursuant to § 42.225 may, within the time limit specified in paragraph (d)(1) of this section, request the State agency to provide him with a full written explanation of its determination and the basis therefor if he feels that the explanation accompanying the payment of his claim or notice of the agency's determination was incorrect or inadequate. The State agency shall provide such an explanation to the claimant within 15 days of its receipt of claimant's request.

(b) *Informal presentation.* Upon request of the claimant, within the time limit specified in paragraph (d)(1) of this section, the State agency shall, within 15 days of the request, afford him an opportunity to make an oral presentation prior to filing a written request for review pursuant to paragraph (c) of this section. The claimant may be represented by an attorney or other person of his choosing. This oral presentation

shall enable the claimant to discuss his claim with the head of the State agency or a designee (other than the person who made the initial determination) having the authority to revise the initial determination on the claim. The State agency shall make a summary of the matters discussed in the oral presentation and it should be included as part of its file.

(c) *The written request for review.* The claimant may include in his request for review any statement of fact within his knowledge or belief, or other material which he feels has a bearing on his appeal. If the claimant requests more time to gather and prepare additional material for consideration or review and demonstrates a reasonable basis therefor, he may be granted 30 days from the date of his request for review. If the claimant feels he is unable to prepare the written claim, the State agency shall offer to provide assistance to the claimant and further notify the claimant of other available sources of assistance. The making of an oral presentation pursuant to paragraph (b) of this section shall not be deemed a condition precedent to the filing of a written request for review.

(d) *Time limits for filing written request for review.* (1) A claimant desiring review and reconsideration of the State agency's determination shall file a written request for review with the State agency either (i) within 6 months of the agency's notification to the claimant of its determination or (ii) prior to final closeout of the project which caused the displacement, whichever is earlier, but in no event less than 30 days following the agency's notification to the claimant of its determination.

(2) The time period specified in paragraph (d)(1) of this section shall be extended if necessary so that a claimant who previously made requests pursuant to paragraph (a) or (b) of this section shall have no less than 30 days from his receipt of the written explanation or from making the informal presentation, whichever is later, within which to file his written request for review and reconsideration.

§ 42.240 State agency review.

(a) *General.* The State agency shall consider the request for review and shall make a determination as to whether a modification is necessary. This review should be conducted by the head of the State agency or his authorized designee (other than the person who made the determination). A designee must have the authority to revise the initial determination of the claim and any determination reached pursuant to an oral presentation. The State agency shall consider every complaint regardless of form.

(b) *Scope of review.* The State agency shall review and reconsider its initial determination of the claimant's case in light of:

(1) All material upon which the State agency based its original determination including all applicable rules and regulations;

(2) The reasons given by the claimant for requesting review and reconsideration of his claim;

(3) Whatever additional written material has been submitted by the claimant; and

(4) Any further information which the State agency may, in its discretion, obtain by request, investigation, or research, to insure fair and full review of the claim.

(c) *Determination on review by State agency.* The final determination on review by the State agency shall include, but is not limited to:

(1) The agency's decision on reconsideration of the claim;

(2) The factual and legal basis upon which its decision is based, including any pertinent explanation or rationale;

(3) A statement of claimant's right to seek within 30 days further review of his claim by HUD and an explanation of the steps the claimant must take to obtain this review, including the address of the HUD Area Office which has responsibility for the locality wherein the displacement occurred.

(d) *Time limits.* (1) The State agency shall issue its determination of review within 30 days from receipt of the last material submitted for consideration by the claimant in accordance with § 42.235. The State agency shall forward a copy of the determination to the HUD Area Office at the time the determination is sent to the claimant. (Unless the context indicates otherwise, "Area Office" and "Director" shall be used in this subpart to refer to the Regional Office and the Regional Administrator where there is no area office.)

(2) In the case of complaints dismissed for untimeliness or for any other reason not based on the merits of the claim, the State agency shall issue a statement as to why the complaint was dismissed to the claimant and forward a copy to the HUD Area Office within 10 days from receipt of the last material submitted by the claimant.

§ 42.245 Request for HUD review.

(a) *General.* Any person who believes himself aggrieved as the result of the final determination of his claim on review by the State agency may request HUD review of his claim. The request for HUD review shall be submitted to the Director of the HUD Area Office which has responsibility for the particular locality wherein the displacement occurred.

(b) *Submission by claimant.* The claimant may include in his request for review by the Area Director any facts within his knowledge or belief or other material which he feels will have a direct bearing on his claim: *Provided*, That where the claimant submits material to HUD which was not submitted to the State agency for review, HUD will provide the State agency an opportunity to review such new material and to submit any comments it wishes to make.

(c) *Submission of State agency's file.* Upon receipt of a request for review by HUD, the Area Director shall forward a copy of such request by certified mail, return receipt requested, to the State agency which made the initial deter-

mination, and shall direct the State agency to submit a copy of the complete file of the claimant's case, including materials upon which the State agency based its decision. The State agency shall forward this material to the Area Director within 10 days of having been directed to do so.

(d) *Time limit.* The claimant shall file a written request for review of his claim with the Area Director within 30 days from the date of receipt of the determination on review issued by the State agency.

§ 42.250 HUD review.

(a) *General.* The Area Director shall issue his determination on review within 30 days from the date of receipt of the last material submitted by the claimant in accordance with § 42.245 or the date of receipt of the complete file of claimant's case from the State agency, whichever is later.

(b) *Scope of review.* The Area Director shall make his determination of the claimant's case in light of:

(1) All material upon which the State agency based its original determination, including all applicable rules and regulations;

(2) The reasons given by the claimant for requesting review and reconsideration of his claim;

(3) Whatever written material has been submitted by the claimant; and

(4) Any further information which HUD may, in its discretion, obtain by request, investigation, or research to insure a fair and full review of the claim.

(c) *Determination on review by HUD.* The determination by HUD shall include, but need not be limited to:

(1) The Area Director's decision on reconsideration of the claim;

(2) Findings of fact and conclusions of law, including any pertinent explanation or rationale;

(3) A statement of claimant's right to seek judicial review.

(d) *Final determinations not based on merits.* A State agency's refusal to review a claim (e.g., because of claimant's failure to request such review within the required time period) shall be considered as a "final determination" and upon the claimant's request shall be reviewed by HUD. If the Area Director finds that the State agency's refusal to review the claim was unreasonable, the claim shall be remanded to the State agency for review on its merits within 30 days of the State agency's receipt of the remanded claim. If the State agency's refusal to hear the claim is not found to have been unreasonable, the Area Director shall so notify the claimant and inform him that he may have a right to judicial review.

§ 42.255 Review procedure in connection with refusals to waive time limitation on filing of claims.

(a) *State agency review.* Whenever a State agency rejects a request by a claimant for a waiver of the time limits provided in § 42.60 for filing payment claims, a claimant may file a written request for

review of this decision in accordance with the procedures set forth in §§ 42.235 and 42.240, except that such written request for review must be filed within 30 days of the claimant's receipt of the State agency's determination. If after reviewing the claim the State agency determines that the time limits for filing claims should be waived, the State agency shall promptly request HUD concurrence in accordance with § 42.215 and the claimant shall be so informed.

(b) *HUD review.* If upon review the State agency determines that the time limits for filing claims should not be waived, the claimant should be so informed in accordance with § 42.240(c). If the claimant believes himself aggrieved by this determination, he may then file a written request, in accordance with the procedures of §§ 42.245 and 42.250, to the Director of the Area Office, which has responsibility for the locality wherein the displacement occurred, for a review of the reasonableness of the State agency's determination in refusing to grant the waiver. If the Area Director determines that there was good cause for the failure to file within the time period of § 42.60, he shall then remand the claim to the State agency for consideration on the merits and the claimant shall be so informed. If the Area Director concurs in the State agency's determination that a waiver should not be granted, both the State agency and the claimant shall be informed that he may have a right to judicial review.

§ 42.260 Extension of time limits.

The time limits specified in §§ 42.235 and 42.245 may be extended for good cause by the State agency or by the Area Director, respectively.

§ 42.265 Recommendations by third party.

Upon agreement between the claimant and the State agency, a mutually acceptable third party or parties may review the claim and make advisory recommendations thereon to the head of the State agency for its final determination. The agreement between the claimant and the State agency may provide for an extension of the time limit for State agency review set out in § 42.240(d). In reviewing the claim and making recommendations to the State agency, the third party or parties should be guided by the provisions of § 42.240(b) and paragraphs (c) (1) and (2) of § 42.240. The requirements of these sections and of paragraph (c) (3) of § 42.240 remain fully applicable to the State agency.

§ 42.270 Review of files by claimant.

Except for confidential material, and except to the extent specifically prohibited by law, a State agency shall permit the claimant to inspect all files and records bearing upon his claim or the prosecution of his grievance. The State agency may, however, impose reasonable conditions on the claimant's right to inspect.

§ 42.275 Effect of determination on other persons.

The principles established in all determinations by a State agency (unless modified by HUD) or by HUD shall be applied to all similar cases regardless of whether or not a person has filed a written request for review.

§ 42.280 Construction of rules and regulations.

This subpart, and all applicable rules and regulations on which State agency and HUD determinations are based, shall be liberally construed so as to fulfill the statutory purpose as declared in section 201 of the Act of "fair and equitable treatment" in order that displaced persons "not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole."

§ 42.285 Right to counsel.

Any aggrieved party has a right to representation by legal or other counsel at his own expense at any and all stages of the proceedings set forth in this subpart.

§ 42.290 Judicial review.

Nothing in this subpart shall in any way preclude or limit a claimant from seeking judicial review or receiving a fair and impartial consideration of his claim on its merits upon exhaustion of such administrative remedies as are available to him under this subpart.

Effective date. These regulations are effective as of March 26, 1973.

JAMES T. LYNN,
Secretary of Housing
and Urban Development.

[FR Doc.73-3538 Filed 2-23-73;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER A—INCOME TAX

[T.D. 7253]

PART 301—PROCEDURE AND ADMINISTRATION

Levies on Salaries and Wages

By a notice of proposed rule making appearing in the FEDERAL REGISTER of October 11, 1972 (37 FR 21442), amendments to the regulations on procedure and administration (26 CFR Part 301) under section 6331(d) of the Internal Revenue Code of 1954 were proposed. The amendments relate to levies on salaries and wages and conform such regulations to changes made by section 211 of the Revenue Act of 1971 (85 Stat. 520). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments are adopted by this document without change.

The purpose of these amendments is to require in most cases that the Secretary or his delegate give an individual notice not less than 10 days prior to levy upon his salary or wages. Section 301.-

6331-1(c)(1) provides that the notice of intent to levy upon salary or wages may be given at the same time as the notice and demand that is described in section 6303. Section 301.6331-1(c)(2) provides special rules for jeopardy. Section 301.6331-1(c)(3) provides that the new rules are to be effective with respect to levies made after March 31, 1972.

On October 11, 1972, a notice of proposed rule making was published in the FEDERAL REGISTER (37 FR 21442) to revise the rules relating to levies on salaries and wages. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments are hereby adopted as proposed without change.

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] JOHNNIE M. WALTERS,
Commissioner of Internal Revenue.

Approved: February 17, 1973.

JOHN H. HALL,
Deputy Assistant Secretary of
the Treasury.

In order to provide regulations under section 6331(d) of the Internal Revenue Code of 1954 as added by section 211 of the Revenue Act of 1971 (85 Stat. 520), the Regulations on Procedure and Administration (26 CFR Part 301) are amended as follows:

PARAGRAPH 1. Section 301.6331-1 is amended by redesignating subsection (d) as (e), by adding a new subsection (d) immediately after subsection (c), and by revising the historical note. As amended, these redesignated, added, and revised provisions read as follows:

§ 301.6331 Statutory provisions; levy and distraint.

*Sec. 6331. Levy and distraint * * **

(d) *Salary and Wages.*—(1) *In general.* Levy may be made under subsection (a) upon the salary or wages of an individual with respect to any unpaid tax only after the Secretary or his delegate has notified such individual in writing of his intention to make such levy. Such notice shall be given in person, left at the dwelling or usual place of business of such individual, or shall be sent by mail to such individual's last known address, no less than 10 days before the day of levy. No additional notice shall be required in the case of successive levies with respect to such tax.

(2) *Jeopardy.* Paragraph (1) shall not apply to a levy if the Secretary or his delegate has made a finding under the last sentence of subsection (a) that the collection of tax is in jeopardy.

(e) *Cross references.* (1) For provisions relating to jeopardy, see Subchapter A of Chapter 70.

(2) For proceedings applicable to sale of seized property, see section 6335.

[Section 6331 as amended by sec. 104(a), Federal Tax Lien Act 1966 (80 Stat. 1135); sec. 211(a) Revenue Act 1971 (85 Stat. 520)]

PAR. 2. Section 301.6331-1 is amended by adding at the end thereof the following new paragraph:

§ 301.6331-1 Levy and distraint.

(c) *Notice of intent to levy on salary or wages.*—(1) *In general.* Levy may be

made under this section upon the salary or wages of an individual with respect to any unpaid tax only after the district director or the director of the service center has notified such individual in writing of his intention to make such levy. Such notice shall be given in person, left at the dwelling or usual place of business of such individual, or shall be sent by mail to such individual's last known address, no less than 10 days before the day of levy. If a notice has been given under this paragraph with respect to an unpaid tax, no further notice is required in the case of successive levies with respect to such unpaid tax. The notice required to be given under this paragraph is in addition to, and may be given at the same time as, the notice and demand described in § 301.6303-1.

(2) *Jeopardy.* Subparagraph (1) of this paragraph shall not apply to a levy if the district director or director of the service center has made a finding under paragraph (a) (2) of this section that the collection of tax is in jeopardy.

(3) *Effective date.* This paragraph shall apply with respect to levies made after March 31, 1972.

[FR Doc.73-3592 Filed 2-23-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER II—CORPS OF ENGINEERS, DEPARTMENT OF THE ARMY

[ER 1140-1-210]

PART 209—ADMINISTRATIVE PROCEDURE

Laboratory Investigations and Tests

This regulation establishes the policies and procedures to be followed at Corps of Engineers laboratory installations when investigations and tests are to be performed at these installations for other governmental and private agencies and organizations. It applies to the U.S. Army Engineer Waterways Experiment Station (WES), the U.S. Army Construction Engineering Research Laboratory (CERL), the U.S. Army Engineer Topographic Laboratories (ETL), the U.S. Army Coastal Engineering Research Center (CERC), the U.S. Army Cold Regions Research and Engineering Laboratory (CRREL), the U.S. Army Engineer Power Group (ENPG), the Soils, Concrete, and Hydraulic Laboratories of the Engineer Divisions, and the Inter-Agency Sedimentation Project.

This regulation establishes procedural requirements of the Corps of Engineers, and is, accordingly, promulgated without publication of a notice of proposed rule making. It becomes effective February 26, 1973.

§ 209.340 Work for others in laboratory investigations and tests.

(a) *Purpose.* To define and establish policies and procedures applicable to the performance of investigations and tests at Corps of Engineers laboratory installations for other governmental and private agencies and organizations.

(b) *Applicability.* This section applies to the U.S. Army Engineer Waterways Experiment Station (WES), the

U.S. Army Construction Engineering Research Laboratory (CERL), the U.S. Army Engineer Topographic Laboratories (ETL), the U.S. Army Coastal Engineering Research Center (CERC), the U.S. Army Cold Regions Research and Engineering Laboratory (CRREL), the U.S. Army Engineer Power Group (ENPG), the Soils, Concrete, and Hydraulic Laboratories of the Engineer Divisions, and the Inter-Agency Sedimentation Project.

(c) *Policy.* (1) The policies and procedures covered herein extend and supplement the services for State and local governmental units and are based upon the policy set forth by the Secretary of Defense in Appendix A.¹

(2) Subject to the authority limitations contained in paragraph (f) of this section, investigations and tests may be performed for other agencies of the Federal Government, State and local governments, foreign governments and private firms under the following conditions:

(i) The work is performed on a cost reimbursable basis, or as a part of direct funded programs for the Army Materiel Command (AMC) or the Defense Mapping Agency (DMA) as provided for in paragraph (f) (1) (i) of this section.

(ii) Performance of the work will not interfere with performance of services essential to the mission of the Corps.

(iii) Performance of the work will not require an increase in the permanent staff of the facility. In exceptional cases, consideration will be given to increasing manpower authorizations to permit conduct of work for others in accordance with procedures referred to in paragraph (e) of this section.

(iv) Performance of the work will not require expansion of normal facilities.

(v) The work is within the scope of authorized activities of the laboratory at which the work is to be performed.

(vi) Performance of the work will not be adverse to the public interest.

(vii) Written certification will be obtained from private firms prior to the performance of investigations or tests, that the results of the work to be performed will not be used in litigation or for promotional purposes.

(viii) Work will not be performed for foreign governments or private firms unless it is firmly established that other laboratory facilities capable of performing the services are not available, or because of location or for other reasons it is clearly impractical to utilize other laboratory services.

(d) *Terms of providing reimbursement for work performed.* (1) *Federal agencies.* Reimbursement for work for the Department of Defense, the Department of the Army, and other Federal agencies will be in accordance with prescribed procedures.

(2) *Private concerns and foreign governments.* Funds to cover the total estimated cost of the work or an initial increment of the estimated cost based on

an approved schedule of payment will be deposited with the installation performing the work before any obligations or expenses in connection with the work are incurred; and when funds are being deposited on an approved schedule no obligations or expenses will be incurred in connection with the work in excess of funds on deposit. Charges shall include a surcharge of 15 percent of all applicable costs, except under the following conditions:

(i) When the final product will directly contribute to planning, design, research, or construction activities in which Federal funds are involved by grant or otherwise.

(ii) Where an exception is granted based on a direct benefit to the Government. Adequate justification, outlining the direct benefits which are expected to accrue to the Government, will be forwarded to HQDA (DAEN-CWO-S) or (DAEN-MER-D) or (DAEN-MCZ-S) WASH DC 20314, whichever is appropriate, for review and approval prior to deletion of the surcharge.

(3) *State and local governments.* Work performed for State and local governments will be billed on a cost reimbursable basis in accordance with procedures established in advance of performing the work.

(e) *Manpower requirements for reimbursable work.* Primary responsibility for providing additional facility staff spaces required to conduct work for other Department of Defense elements and other Federal agencies lies with the sponsor. Where the DA, DOD, or Federal agency sponsor will not provide the necessary spaces, and for work for all other sponsors, where the total estimated cost of each investigation or test is \$30,000 or less. The appropriate Directorate will be advised of each investigation or test having an estimated or actual cost exceeding \$5,000 (excluding cement sampling and testing work covered in subdivision (iv) of this subparagraph). Reimbursable investigation and test work for which the cost is estimated to be in excess of \$30,000 will not be initiated until authorization is received. Written requests for authorization to conduct work beyond the \$30,000 limit and notification of all scheduled work costing between \$5,000 and \$30,000 shall be submitted to the appropriate office code as follows:

Laboratory	Directorate	Office Code
WES.....	Civil works.....	DAEN-CWO-S
ETL.....	Mil engineering and Topo.....	DAEN- MER-D
CERL.....	Military construction.....	DAEN-MCZ-S
ENPG.....	do.....	DAEN-MCZ-S
CERC.....	Civil works.....	DAEN-CWO-S
CRREL.....	Military construction.....	DAEN-MCZ-S

(iii) Except as provided for subdivisions (iv) and (v) of this subparagraph, the Directors of WES, CERL, ENPG and CERC and the Commander/Director of CRREL and the Commander of ETL are delegated authority to perform reimbursable work for U.S. private firms and

foreign governments when the total estimated cost of each investigation or test is \$5,000 or less. Approval is required when estimated or actual costs exceed this authority. Written requests for approval shall be addressed to the attention of the office codes cited at the end of subdivision (ii) of this subparagraph.

(iv) The Director of WES is authorized to perform sampling and testing of cement and pozzolan for Federal, State, and local governmental requests and justification for manpower increases will be submitted prior to the initiation of the work. Manpower authorization increases will require approval by HQDA (DAEN-EPA) WASH DC 20314.

(f) *Authority.* The following delegations to perform investigations and tests apply to all except National Aeronautics and Space Administration for which approval must be obtained in accordance with paragraph (g) of this section.

(1) *Major Corps of Engineers research and development laboratories.* The major Corps of Engineers research and development organizations are identified as follows: WES, CERL, ETL, CERC, CRREL, and ENPG.

(i) Subject to the provisions of paragraph (i) of this section, the Director of WES, the Commander of ETL, and the Commander/Director of CRREL are authorized to perform direct funded work for AMC in accordance with the applicable memorandum of understanding as noted below; or, in the case of ETL, for DMA subject to the approval of the Chief of Research and Development.

Laboratory	Agency	Memorandum of understanding included in appendices ¹
WES.....	AMC.....	B
ETL.....	AMC.....	C
CRREL.....	AMC.....	D

¹ Filed as part of the original.

(ii) Except as provided for in subdivisions (iv) and (v) of this subparagraph, the Director of WES, CERL, CERC, and ENPG, the Commander/Director of CRREL, and the Commander of ETL are authorized to perform reimbursable work for Army agencies, Federal, State, and local governmental agencies without limitation on cost. Approval is required prior to performance of sampling and testing of cement and pozzolan for private firms and foreign governments when the total estimated or actual cost of sampling and testing services exceeds \$2,500. Requests for approval shall be addressed to DAEN-CWO-S.

(v) The Director of CERL is authorized to perform compliance testing of paint for Federal, State, and local governmental agencies when the estimated annual cost of services for each agency does not exceed \$5,000. Approval is required when the estimated annual cost of compliance testing and all other investigational and testing work performed for these agencies exceeds \$5,000. Approval is required to perform laboratory

¹ Filed as part of the original.

work for private firms and foreign governments when the estimated cost exceeds \$500. Requests for approval shall be addressed to DAEN-CWO-S.

(2) *Division laboratories.* (i) *General.* Division Engineers are delegated the authority to approve laboratory work for Federal, State, and local governmental agencies when the total estimated cost of each investigation or test project is \$10,000 or less. Division Engineers are also delegated the authority to approve laboratory work for private firms and foreign governments when the total estimated cost of each investigation or test project is \$2,500 or less. Approval is required when the estimated or actual costs exceed these delegations of authority. Requests for approval shall be addressed to DAEN-CWO-S.

(ii) *Sampling and testing of cement and pozzolan.* The Division Engineer, North Pacific Division is delegated the authority to approve the sampling and testing of cement and pozzolan for Federal, State, and local governmental agencies without limitation on cost. Approval is required prior to performance of sampling and testing of cement and pozzolan for private firms and foreign governments when the total estimated or actual cost of the sampling and testing service exceeds \$2,500. Requests for approval shall be addressed to DAEN-CWO-S.

(3) *North Pacific Division Hydraulic Laboratory, and San Francisco Bay Model Hydraulic Laboratory.* Division Engineers for each of these laboratories are delegated the authority to approve laboratory work for Federal, State, and local governmental agencies when the total estimated cost of each investigation or test project is \$5,000 or less. Approval is required when the estimated, or actual, costs exceed this amount, and for all work for private organizations and foreign governments. Request for approval shall be addressed to DAEN-CWO-S.

(4) *Interagency Sedimentation Project, St. Anthony Falls Laboratory, University of Minnesota, Minneapolis, Minn.* The District Engineer, St. Paul, is authorized to perform work required in procurement, testing and calibration of specialized sediment sampling equipment developed at the Interagency Sedimentation Project. Work of this nature for Federal, State, and local governmental agencies will be accomplished on a reimbursable basis in accordance with existing cooperative procedures. The District Engineer, St. Paul, is also authorized to approve the performance of testing and calibration work for U.S. private firms that fabricate this specialized equipment for commercial sale when the estimated cost for services of Corps personnel is \$2,000 or less for a single order. Approval is required when the estimated single order cost for a private firm exceeds \$2,000 and when the total cost of work during a fiscal year for any one private firm exceeds \$6,000. Requests for approval shall be addressed to HQDA (DAEN-CWE-Y) Washington, D.C. 20314.

(g) *Authorization for NASA support.* Testing, studies, and supporting research and development for and funded by NASA must be authorized by Headquarters, Department of the Army. Requests for such work received by laboratories will be forwarded to the Office, Chief of Engineers marked for the appropriate office code. (See paragraph (f) (1) (ii) of this section.)

(h) *Submission of technical proposals.* (1) Corps of Engineers research and development laboratories are authorized to submit technical proposals directly to Federal agencies covering proposed work in their assigned fields except that proposals submitted to DMA must be submitted through DAEN-MER-D and the Office of Research and Development, Department of the Army, for approval. Copies of proposals which exceed the delegation of authority contained in this section will be submitted simultaneously to the Chief of Engineers marked for the attention of the appropriate office code.

(2) The above authority for direct submission of technical proposals, does not include authority to perform work when proposals are accepted. When another Federal agency requests that work covered by proposals be undertaken, authority to proceed will be requested from DAEN-CWO-S, DAEN-MER-D, or DAEN-MCZ-S as required by paragraph (f) of this section.

(i) *Program documentation and reports.* Program documentation and reports will be submitted in accordance with instructions provided by the sponsoring agency and to the Office, Chief of Engineers, as directed herein.

(1) Copies of all formal program planning documentation, such as DD Form 1634, submitted to the sponsoring agency for work which is supported from Department of Defense military appropriations and which have been budgeted and programed by other than the Chief of Engineers will be furnished to the Office, Chief of Engineers, with two copies each marked for DAEN-CWE-C, DAEN-MER-D, and DAEN-MCZ-S.

(2) For military-funded, RDT & E work, Research and Technology Work Unit Summaries will be submitted directly to the Office, Chief of Research and Development, with one information copy furnished each to the sponsoring agency, DAEN-MER-D, DAEN-CWE-C, and DAEN-MCZ-S.

(3) Progress reports will be submitted as may be required by the sponsoring agency, with copies furnished the appropriate office code. (See paragraph (f) (1) (ii) of this section.)

(4) Research, developmental, investigational, and testing work for others will be appropriately reported in the consolidated program summary and the quarterly progress summary reports. Authorized strength of the laboratories on the consolidated summaries will show both total spaces and spaces allocated for military-funded RDT & E programs.

(5) Interim and final technical reports will be prepared as required by the sponsoring agency. These reports will be sub-

mitted in draft form to the sponsoring agency for approval prior to publication unless otherwise specified. Distribution will be made pursuant to instructions furnished by the sponsoring agency, and a copy of each approved interim and final technical report will be furnished to the appropriate office code (see paragraph (f) (1) (ii) of this section). In addition, if not otherwise indicated for military-funded work, furnish one copy of each interim and final report to DAEN-MER-D.

(Engineer Reg. 1140-1-210, Dec. 29, 1972)
(Sec. 3012, 70A Stat. 157; 10 U.S.C. 3012)

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

[FR Doc. 73-3512 Filed 2-23-73; 8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 72-171A]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Phosphorous Pentasulfide

Correction

In FR Doc. 73-2474 appearing at page 3981 in the issue for Friday, February 9, 1973, in Table E to § 146.22-100 the penultimate item in the right hand column, "Metal portable tank: (DOT-53, 56)" should be deleted.

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Corrected S.O. 1121]

PART 1033—CAR SERVICE

Demurrage and Free Time at Ports

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 1st day of February 1973.

It appearing, that an acute shortage of covered hopper cars and plain boxcars exists throughout the country; that certain carriers are unable to furnish an adequate supply of these cars to shippers located on their lines; that these shortages of covered hopper cars and plain boxcars are impeding both the domestic and export movement of agricultural, mineral, forest, and manufactured products and other commodities; that certain existing tariff rules and regulations provide excessive free-time periods for loading or unloading at ports, and demurrage, detention, or storage rates at levels below those applicable to domestic freight; that such rules, regulations, and demurrage, detention, or storage rates are ineffective in securing prompt release of cars held at the ports. It is the opinion of the Commission that an emergency exists requiring immediate action

to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1121 Service Order No. 1121.

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

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

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

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

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

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

(vi) The terms "Loading", "Unloading", and "Forwarding Directions" as defined in Demurrage Rule 2, Item 905 of General Car Demurrage Tariff 4-I, ICC H-36, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply to cars subject to this order.

(vii) The term "holidays" means holidays as listed in Item 25 of General Car Demurrage Tariff 4-I, ICC H-36, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(viii) *Exception.* This order shall not apply to cars loaded or unloaded at ports by shippers which file on or before the 10th day of each month a verified statement stating that their rail-water traffic comprised less than twenty percent (20%) of the total volume of rail carload freight unloaded from plain boxcars and covered hopper cars or that their water-rail traffic comprised less than twenty

percent (20%) of the total volume of rail carload freight forwarded in plain boxcars and covered hopper cars. If the required statement is not filed on or before the date specified, cars unloaded or loaded by shippers located at ports and engaging in the transfer of freight between rail and water carriers shall be fully subject to all of the requirements of this order.

(ix) *Exception.* This order shall not apply to cars of Mexican ownerships held at Texas Gulf ports.

(x) *Exception.* This order shall not apply to emergency relief supplies, other than bulk grain or soybeans, when billed to an agency of the U.S. Government.

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

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

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

(3) *Demurrage, detention, or storage charges.* (i) After the expiration of the free time described in paragraph (a) (2) of this section, demurrage charges at the rates published for application on interstate traffic in Item 930-J, section A of General Car Demurrage Tariff 4-I, ICC H-36, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply. (See exception.)

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

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

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

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

loading or transshipment at the ports shall apply.

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

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

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

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

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 394, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911, 49 U.S.C. 1(10-17), 15(4), 17(2))

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

By the Commission, Railroad Service Board.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc. 73-3560 Filed 2-23-73; 8:45 am]

[S. O. 1123]

PART 1033—CAR SERVICE

Northwestern Oklahoma Railroad Co., Authorized To Operate Over Certain Trackage

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 15th day of February 1973.

It appearing, that the Missouri-Kansas-Texas Railroad Co. (MKT), in Finance Docket No. 26967, was authorized to abandon its line serving Woodward, Okla.; that that portion of this line between former MKT mileposts 218.26 and 221.59 has been sold to Frank W. Pollock, Jr., doing business as Northwestern Oklahoma Railroad Co. (NWO); that the NWO, in Finance Docket No. 27310, has requested permanent authority to acquire and operate this trackage; that operation over this trackage by the NWO is necessary to restore railroad service to shippers served by this trackage in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1123 Service Order No. 1123.

(a) Frank W. Pollock, Jr., doing business as Northwestern Oklahoma Railroad Co., authorized to operate over certain trackage abandoned by Missouri-Kansas-Texas Railroad Co. Frank W. Pollock, Jr., doing business as Northwestern Oklahoma Railroad Co. (NWO) be, and he is hereby, authorized to operate over trackage abandoned by the Missouri-Kansas-Texas Railroad Co. (MKT) in the vicinity of Woodward, Okla., between former MKT mileposts 218.26 and 221.59, a distance of approximately 3.33 miles, pending disposition of the application of the NWO in Finance Docket No. 27310, seeking permanent authority to acquire and operate this trackage.

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

(c) Nothing herein shall be considered as a prejudice of the application of the NWO in Finance Docket No. 27310, seeking permanent authority to acquire and operate this line.

(d) *Effective date.* This order shall become effective at 12:01 a.m., February 19, 1973.

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

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 73-3561 Filed 2-23-73; 8:45 am]

Title 50—Wildlife and Fisheries
CHAPTER I—BUREAU OF SPORT FISHERIES AND WILDLIFE, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

PART 33—SPORT FISHING
Merritt Island National Wildlife Refuge, Fla.

The following special regulations are issued and are effective on March 1, 1973.

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

FLORIDA

MERRITT ISLAND NATIONAL WILDLIFE REFUGE

Sport fishing on the Merritt Island National Wildlife Refuge, Titusville, Fla., is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Peachtree-Seventh Building, Atlanta, Ga. 30323. Salt and fresh water fish may be taken in accordance with all applicable State regulations except for the following special conditions:

(1) Sport fishing is permitted in the open areas year round except that fishing may be prohibited at certain times when safety and operational factors by NASA so require. At such times the area will be posted as closed. Bank fishing along Banana Creek is prohibited. Air thrust boats are not allowed on Refuge waters.

(2) Legal methods of fishing:

(a) Attended rod and reel and/or pole and line permitted.

(b) Bow fishing with retrieving line attached.

(c) Cast nets are permitted with not more than 7-feet length and not more than 14 feet in diameter and no less than 1 inch mesh.

(3) All State regulations must be obeyed while fishing on the Refuge and fishing license must be carried on the person to be exhibited to Federal or State officers upon request. No special Refuge permit is required.

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

C. EDWARD CARLSON,
Regional Director, Bureau
of Sport Fisheries and Wildlife.

FEBRUARY 14, 1973.

[FR Doc. 73-3544 Filed 2-23-73; 8:45 am]

Title 19—Customs Duties
CHAPTER I—BUREAU OF CUSTOMS,
DEPARTMENT OF THE TREASURY

[T.D. 73-27]

PERSONAL DECLARATIONS AND
EXEMPTIONS

Declaration and Entry of Articles
Correction

In FR Doc. 73-1409, amending Parts 4, 6, 9, 10, 11, 23, 123, and 148, appearing at

page 2448 in the issue for Friday, January 26, 1973, the following changes should be made:

1. The effective date, appearing just above the signatures to the document, now reading "February 22, 1973", should read "February 26, 1973".

2. a. In the parallel reference table appearing on page 2462 immediately following § 148.89, in the first line after the heading the word "proposed" should read "revised".

b. In the portion of the table appearing in the third column of page 2462 the word "Supervised" in the heading to the right-hand column should read "Superseded".

c. In the left hand column the 10th and 11th figures from the bottom, now reading "148.85", and "148.84", respectively, should be reversed to read "148.84", and "148.85", respectively.

[T.D. 73-61]

PART 153—ANTIDUMPING

Chromic Acid From Australia; Revocation
of Dumping Finding

On November 22, 1972, there was published in the FEDERAL REGISTER (37 FR 24838) a notice of intent to revoke the finding of dumping with respect to chromic acid from Australia (T.D. 56130, published in the FEDERAL REGISTER of March 21, 1964 (29 FR 3596)).

The above-mentioned notice set forth the reasons for the proposed revocation and interested parties were afforded an opportunity to make written submissions in connection therewith.

No written submissions having been received, I hereby determine that, for the reasons stated in the notice of intent to revoke, chromic acid from Australia is no longer being, nor is likely to be, sold in the United States at less than fair value, and the finding of dumping with respect to such merchandise is hereby revoked.

Section 153.43 of the Customs Regulations is amended by deleting the following from the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Chromic acid.....	Australia.....	56130

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

FEBRUARY 21, 1973.

[FR Doc. 73-3676 Filed 2-23-73; 8:45 am]

Proposed Rule Making

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1036]

[Docket No. AO 179-A37]

MILK IN THE EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 60 et seq.), and the applicable rules of practice (7 CFR Part 900), at Cleveland, Ohio, on December 6, 1972, pursuant to notice thereof issued on October 30, 1972 (37 FR 23342).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on January 26, 1973 (38 FR 3064) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein.

The material issue on the record of the hearing relates to the adoption of an advertising and promotion program.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issue are based on evidence presented at the hearing and the record thereof:

The order should provide for an advertising and promotion program (hereinafter also referred to as "program").

The request for a hearing to include an advertising and promotion program in the order was submitted by four cooperatives representing a substantial majority of the order's producers. Two other cooperatives also supported adoption of the program at the hearing. Proponents contended that a program is needed to achieve and maintain increased sales of milk and milk products and to compete with the promotional efforts on behalf of other food products.

There is substantial support for the proposed program, as evidenced both by the proportion of total producers represented by proponents and by the support now given to various advertising and promotion programs in the market.

The proposed program, proponents claimed, is necessary to obtain more equitable participation by their members and all other producers on the market.

The spokesman for a cooperative representing a relatively small number of order producers opposed adopting the program because, he inferred, its cost to producers would exceed the benefits he expected they would derive from it.

The enabling statute affords producers under an order the opportunity to determine whether such a program should be adopted, and provides further that each individual producer may elect whether or not to participate in the program if it is adopted.

A producer who elects not to participate in the program will, upon proper application, be refunded the assessment made against his deliveries. Such refund will be made by the market administrator on a quarterly basis. The program also provides for refunds to producers assessed under a mandatory advertising and promotion program under the authority of a State law.

The rate of 5 cents per hundredweight on producer milk, which was proposed by producers, should be adopted. No other rate was proposed for consideration. A somewhat similar program under the authority of the State is now in effect in New York and one has been proposed for Pennsylvania. The programs for both these States (in which the farms of a number of producers under this order are located) provide for the same 5-cent rate as proposed here (and in several other Federal orders).

Based on the quantity of milk marketed under the order in 1971 an assessment rate of 5 cents per hundredweight will gross approximately \$1.6 million annually. Allowing for refunds to non-participating producers and necessary administrative costs, it can reasonably be expected that money which will be available for advertising and promotion will be adequate to maintain an appropriate program and will compare favorably with that presently being expended in the eastern Ohio-western Pennsylvania order market.

A definition of "Agency" is incorporated in the order to identify the administrative body organized by producers and cooperatives to expend the funds for advertising and promotional activities.

The Agency under the terms prescribed herein is responsible for administration of the program. Subject to approval of the Secretary, it is empowered to enter into contracts and agreements with persons or organizations as deemed necessary to carry out such program. In addition, the Agency may recommend to the Secretary amendments to the terms of the program and make such rules and regulations as are necessary to carry out its stated objectives.

The powers, duties, and functions specifically assigned to the Agency are of a nature and scope to provide participating producers full and necessary authority through their representatives on the Agency to develop and administer an advertising and promotion program as authorized by the Act. (Participating producers are those who have not requested refunds.) At the Agency's initial formation, all producers under the order will be considered as participating producers.

The Act states that the Agency "... may designate, employ, and allocate funds to persons and organizations engaged in such programs which meet the standards and qualifications specified in the order." The guidelines concerning this matter are set forth in the amendments to the order. Under the terms of such amendments the Agency will develop and submit to the Secretary for approval, programs and projects that may provide for: (a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for advertising and promotion of milk and milk products on a nonbrand basis; (b) the utilization of the services of other organizations to carry out Agency programs and projects, if the Agency finds that such activities will benefit producers supplying the market; and (c) the establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers supplying the market.

The procedures adopted herein authorize a cooperative to select Agency members to represent its participating producer members. It is provided, likewise, that Agency representatives for participating nonmembers will be elected in a referendum conducted by the market administrator among individual participating producers. If the number of participating producer members of a cooperative is less than the minimum required to qualify for a representative, they will be included with participating nonmembers in such referendum.

Cooperatives may combine their participating memberships for the purpose of selecting Agency members. Such combined participating membership then will

be treated as a single group in determining the number of Agency representatives to be selected by such cooperatives.

Since cooperative members constitute most producers under the order, the Agency members will be principally those persons selected by cooperatives. Such Agency members (selected by cooperatives individually or in combination) may be producers or individuals not engaged in milk production, e.g., employees of cooperatives. The latter can be expected to reflect their cooperatives' views as fully as any participating producer member of their respective cooperatives.

If a cooperative with insufficient participating membership to select an Agency representative has not elected to combine with another cooperative(s) to achieve representation, its participating members may vote with participating nonmembers in a referendum to select Agency members. The persons selected as Agency members through the referendum procedure should be producers who actively support the program. It is appropriate, therefore, to require that such persons be participating producers.

The makeup of the Agency as proposed by producers, and here adopted, will allot a cooperative one Agency member for 1.5 percent of participating producers plus one additional member for each additional 5 percent of participating producers. For cooperatives with less than 1.5 percent of participating producers (that elect not to combine to achieve Agency representation) their participating producer members together with participating nonmember producers will be allotted Agency representation (as a group) in the same manner.

Currently, more than 70 percent of the approximately 8,800 producers under the order are represented by 11 cooperatives. Six of the 11 cooperatives each represent more than 1.5 percent of the producers on the market and therefore each would be eligible to select at least one Agency member. The five cooperatives that individually represent less than 1.5 percent of the total producers on the market could combine to obtain Agency representation for their members or be represented together with participating nonmember producers.

On the basis of selecting membership as here proposed, it is expected that the Agency will contain about 20 members. An Agency membership of such size is needed to achieve adequate representation of the producers serving this market.

Under the program herein adopted, the market administrator will conduct a referendum annually to determine representation on the Agency of the participating producers who will not be represented on the Agency by a cooperative.

Within 30 days after the effective date of the amended order and annually thereafter, the market administrator shall give notice to all such producers of their opportunity to nominate from among their groups Agency members and shall specify the number of repre-

sentatives that such producers together are authorized.

Following the closing date for nominations, the market administrator shall notify the nominees who are eligible for Agency membership and then shall conduct a referendum in which each such participating producer shall have one vote.

Since cooperatives may elect to combine or not combine for purposes of selecting agency representation, it is provided in the case of a cooperative with less than the 1.5 percent that does not combine, that the balloting of its participating producer members shall be on an individual basis, the same as nonmembers. This procedure will tend to promote equity between member and nonmember producers in the selection of representation. Election of Agency membership will be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes of participating producers.

Each person selected for the Agency shall qualify by filing with the market administrator a written acceptance of his willingness and intention to serve in such capacity. It is anticipated that any eligible nominee included on the list that the market administrator is required to circulate to participating nonmember producers and certain participating member producers in the conduct of the referendum, as discussed elsewhere in these findings, would advise the market administrator promptly if he were not willing to be a nominee. Notwithstanding, it is possible that a person elected to membership or so designated by a cooperative may not be able or may not wish to accept the position. This requirement, therefore, is necessary in order that the market administrator will know whether or not the position has been filled. Such acceptance should be filed promptly after notification in order that the formation of the Agency can be prompt.

The term of office of each member of the Agency as herein adopted is 1 year or until a replacement is designated by the cooperative association or is elected.

It is possible that an elected representative may leave the market or otherwise be unable to complete his term of office. It is desirable, therefore, that some procedure be provided for filling the vacancy. It is concluded appropriate in such circumstance that the market administrator appoint as his replacement the then currently participating producer who received the next highest number of eligible votes in the referendum.

Actions to be taken by the Agency are of such importance that a majority of the representatives should be required to be present at any meeting to constitute a quorum and any action taken by the Agency should require a majority of concurring votes of those present and voting.

The Agency's duties set forth in the order are generally necessary for the discharge of its responsibilities. It is intended that activities undertaken by the

Agency shall be confined to those reasonably necessary to carry out its responsibilities as prescribed by the program. At the same time it should be recognized that these specified duties are not necessarily all inclusive, and it may develop that there are other duties the Agency may need to perform.

The statute authorizing advertising and promotion programs contemplates their surveillance by the Secretary. It provides that all funds collected under an order for the purpose of a program shall be used only for such purpose. It is essential, therefore, that the Agency prepare and submit to the Secretary for his approval budgets showing projected amounts of available funds and how such funds are to be disbursed. Also, in order to make the audit necessary to establish that Agency funds are used only for authorized purposes, the market administrator or other representative of the Secretary must have access to all of the Agency's records and access to, and the right to examine, any directly pertinent books, documents, papers, and records of any organization performing advertising and promotion activities for such Agency.

Proponents proposed that budgets be prepared and submitted for approval on a quarterly basis. The Agency must be in a position to develop firm plans and make commitments covering a sufficient forward period to insure a continuing viable program. A calendar quarter is concluded to be the minimum practical period for achieving this end and it is provided therefore that a budget shall be submitted to the Secretary for his approval prior to each quarterly period.

All of the possible promotion and other authorized activities that the Agency may wish to pursue cannot be anticipated at this time. Therefore, the authority for the Agency to establish programs and projects is purposely left broad and flexible to facilitate the timely development of such programs suitable to prevailing circumstances in the market.

Any promotion program or project the Agency may consider must comport with the terms and conditions of the order and be evaluated in terms of cost, the statutory objectives to be accomplished, the time required to complete the program or project, and other such factors, in order to arrive at a sound decision as to whether the program or project is justified.

The required budget submissions will permit the Secretary to evaluate projected programs in terms of the declared policy of the Act and also will serve as policy guidelines for Agency members in the conduct of their operations for each ensuing quarterly period. This will be particularly helpful in the transition of Agency membership as the terms of office of individual members expire.

The Agency appropriately must follow prudent operating procedures in the furtherance of the best interests of producers. It is required, therefore, that it shall keep minutes of its meetings and such other books and records as will clearly reflect all its transactions, and on

request shall submit such books and records to the Secretary for his examination. It also shall provide for the bonding of all persons handling Agency funds with surety thereon satisfactory to the Secretary.

The amending order prescribes no specific requirements of the Agency to publish an account of funds collected and the use made thereof or to make releases of information concerning the operation of the program to producers and other interested parties. Since the activities of the Agency are under the direct supervision of the Secretary, it is not necessary to prescribe such requirements to insure the integrity of the program. However, since the degree of producer participation in the program, and thus its relative success, will depend in large part upon the interest and confidence it generates among producers, the Agency undoubtedly will keep producers on the market fully informed of its milk promotion plans, projects, and activities. In view of these considerations, it is not necessary to prescribe specific informational releases to producers and other parties.

The Agency should be authorized to incur reasonable expense in its administration of the program, including the employment and the fixing of compensation of any person necessary to the exercise of its powers and performance of its duties. For example, the Agency may find it necessary to retain the services of an attorney from time to time to assist in the preparation of contracts, or to employ a stenographer, or other individual(s) to handle its recordkeeping and bookkeeping functions. Other Agency costs could be expected to involve miscellaneous office costs usually associated with a business office.

It is appropriate and necessary that Agency representatives be reimbursed for reasonable expenses incurred in attending meetings and while on other Agency business. This could involve expenses for travel in private car, and expenses incurred for public transportation, meals, and lodging. It would be unreasonable to require members of the Agency to bear such expenses incurred in the interest of all producers on the market.

The Agency members therefore should have assurance that they will not be personally liable for the impact of their official acts except for willful misconduct, gross negligence, or any acts that are criminal in nature. To assure that the Agency funds are used only for the purpose contemplated by the Congress, it is provided that such funds shall not be used for political activities, or for influencing governmental policy or acts.

Although a specified assessment automatically will be withheld for the program with respect to milk deliveries of all producers, the authorizing statute, nevertheless, provides that producers not wishing to participate in the program shall have refunded the assessments made on their milk.

As proposed, the procedure for obtaining a refund would be the same as now

provided in other orders. Specifically, a producer desiring a refund on the assessments made against his marketings would submit to the market administrator his signed request, in the manner prescribed by the market administrator within the first 15 days of the month (December, March, June, or September) preceding the calendar quarter for which refund is requested.

Proponents requested that any application for refund be made on forms prescribed by the market administrator in order that the market administrator may have proper information to match requests with the proper account. They indicated that unless appropriate safeguards are provided it would be possible for any handler, hauler, producer group or individual, not in accord with the program, to impede its effectiveness through the filing of a refund request in the name of individual producers or by solicitation of refund requests from individual producers, without their full knowledge or understanding of the nature of their action.

It is concluded that the order should provide that a refund shall be accomplished only through application filed with, and in the manner prescribed by, the market administrator and signed by the producer. This will permit the market administrator to develop appropriate procedures with respect to refund requests.

To insure that producers have an awareness of the program and of their rights thereunder, it is provided that the market administrator shall forward to each producer a copy of the amended order promptly when the program is effectuated, and thereafter to new producers.

All refunds paid should be made by the market administrator directly to the producer requesting the refund. This is a primary consideration in assuring that the payment of the money to the producer will be expedited and that the producer does, in fact, receive the money to which he is entitled. The market administrator is in possession of the information on which to determine the validity of the request, and the identity of the producer, or is in a position to obtain the necessary information for these purposes. Further, inasmuch as all the money involved in the program is in the first instance collected by the market administrator, there is no reason for any other method of payment of refunds than directly from the market administrator to the individual producer.

A quarterly refund procedure, together with the requirement that refund requests be made within the first 15 days of the month immediately preceding the calendar quarter, should be provided so that the Agency may make quarterly budget estimates for each ensuing calendar quarter with reasonable assurance of the amount of money available for expenditure in that quarter.

One cooperative proposed that refund requests should be accepted by the market administrator during any month. Such requests would be effective on the

first day of the following month through the remainder of the calendar year unless rescinded by the producer. For the refund request to be applicable during each subsequent year, a producer would be required to renew such request prior to the beginning of each year.

One of the consequences of monthly refunding is that the Agency would be required to prepare budgets monthly. As a result the cost of operating the Agency would increase. Refunding on a monthly basis, rather than on the basis of each calendar quarter, would result also in a significant increase in administrative expense incurred by the market administrator.

In deciding whether the added expense of monthly refunds is warranted, consideration should be given to the size of the average refund. If the program had been in effect during 1971, the monthly refund to a producer would have averaged \$15. In view of the amount of the deduction, it is concluded that a producer desiring a refund would not be disadvantaged by quarterly refunding to the extent that the added expense of monthly refunding is warranted.

Producers who apply for a refund should be required to renew their applications once each quarter rather than on a yearly basis. Since the program of the Agency is subject to change each quarter because of quarterly budgeting, all producers should be given an opportunity each quarter to reappraise the program. For this reason producers receiving a refund of any assessment under the advertising and promotion program should be required to refile for such refund quarterly.

Proponents recognized that certain elements of flexibility are necessary in the procedure when a dairy farmer is not on the market during the specified notification period in which requests for refunds are to be made. It was proposed that a dairy farmer coming on the market after such specified period and before the beginning of the next regular period for requesting refunds be permitted to request refund for the calendar quarter.

It was pointed out, however, that a dairy farmer coming on the market may have been a producer on another market where a similar program applies and where he had requested refund for the calendar quarter or had opportunity to make such request. Proponents suggested that, ideally, one request by a producer should serve for all markets in which his milk is delivered and subject to program assessments.

The program should operate in such a manner that an application properly submitted by a dairy farmer for refund for a calendar quarter under one order will be valid with respect to refund of program assessments on his milk under a second order. As a corollary, there is no need to provide a new producer opportunity to request refund if he already has had such opportunity in another market. To do so would result in unnecessary duplication of the refund procedure and added expense. A second opportunity for such producers to request a refund

would also be inequitable compared to the application of the order to producers who are afforded the opportunity only in the specified 15-day period.

A producer who has not been under a Federal milk order where a similar program exists, and who enters the market after the regular refund notification period applicable to a calendar quarter or comes on the market during such calendar quarter, should be permitted to apply for refund of assessments for such calendar quarter.

Proponents recognized that the milk of some producers may be subject to deductions under a State program requiring a mandatory checkoff for a similar advertising and promotion program. Proponents held that a double assessment was not intended and that refund to the producer should be made under the Federal order of an amount equal to such State assessment but not in excess of 5 cents per hundredweight. This procedure is provided for in the statute and should be adopted.

A part of the function of the market administrator in relation to handling of applications for refunds is the ascertainment of the amount of funds to be available to the Agency during the ensuing calendar quarter for use in the program. Under the procedure specifying that application for refunds should be made during the first 15 days of the month preceding the quarter, the market administrator will have in hand information from which to estimate the total of assessments on milk during the ensuing quarter that will be available for disbursement to the Agency. Such estimate of available funds will be based, of course, only on existing information at the beginning of the calendar quarter. Changes in producer numbers as well as other occurrences during the quarter will affect somewhat the amount of money available.

Since this is a voluntary program there should be no provision for disclosure by the market administrator regarding the status of any producer under the program. It will be incumbent upon the participants, through their Agency, to conduct programs in a manner and of a nature to set the climate for maximum participation by producers.

It is possible that at some later date producers could request termination of the program, or that the order provisions could be terminated by the Secretary on a finding that they no longer tend to effectuate the declared policy of the Act. In the event that the provisions of the program are terminated in their entirety, any remaining uncommitted funds applicable thereto should revert to producers since such moneys are derived solely from funds otherwise due producers. Such uncommitted funds appropriately should be deposited in the producer-settlement fund for distribution to producers.

Expenses incurred by the market administrator in the administration of the program should be charged against the advertising and promotion funds. Neither

the marketing service fund nor the administrative fund should be charged with costs directly related to the administration of the program. The program is producer originated and should be self-sustaining. The expenses attendant to its administration appropriately should be borne by participating producers.

The statutory authority supports this position and makes it clear that this is intended to be strictly a producer program. In part the law states that "Establishing or providing for the establishment of * * * program * * * to be financed by producers in a manner and at a rate specified in the order, on all producer milk under the order. * * * All funds collected under this subparagraph shall be separately accounted for and shall be used only for the purpose for which they are collected."

To implement the program, it is necessary that certain provisions of the current order be modified.

The provisions for computing the weighted average price must be modified by inserting a new paragraph prescribing the deduction of 5 cents per hundredweight of producer milk from the aggregate value included in the computation. It is through this procedure that the advertising and promotion funds are reserved. This, of course, has the result of reducing the weighted average price by 5 cents.

The advertising and promotion moneys so reserved will be held in the producer-settlement fund as a separate account for disposition by the market administrator in accordance with the terms and conditions prescribed under the advertising and promotion program order provisions.

It is necessary also that appropriate corollary changes be made in the provisions prescribing the obligations of a handler operating a partially regulated distributing plant and the obligations of any handler with respect to other source milk allocated to Class I (on which the pool obligation is the difference between the Class I and the weighted average price) so that such handler's pool obligations will not be increased by 5 cents because of the change in the weighted average price.

It is recognized that, unless otherwise provided for, an audit adjustment involving any handler's balance of payment to or from the producer-settlement fund could also require adjustments in the moneys to be turned over to the program or refunded to producers. However, such adjustment normally would not involve sufficient volumes of milk to significantly affect the moneys available to the program. For this reason and because of the substantial administrative costs that would be involved in reflecting audit adjustment in adjusted payments to the program, it is intended that such audit adjustments shall not result in adjustments of funds available to the program.

Other order modifications not specifically discussed herein are necessary and incidental to insure the proper functioning of the order to accommodate the advertising and promotion program as here established.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an order amending the order regulating the handling of milk in the

Eastern Ohio - Western Pennsylvania marketing area which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

REFERENDUM ORDER TO DETERMINE PRODUCER APPROVAL; DETERMINATION OF REPRESENTATIVE PERIOD; AND DESIGNATION OF REFERENDUM AGENT

It is hereby directed that a referendum be conducted and completed on or before the 30th day from the date this decision is issued, in accordance with the procedure for the conduct of referenda (7 CFR 900.300 et seq.), to determine whether the issuance of the attached order as amended and as hereby proposed to be amended, regulating the handling of milk in the Eastern Ohio - Western Pennsylvania marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during the representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

The representative period for the conduct of such referendum is hereby determined to be January 1973.

The agent of the Secretary to conduct such referendum is hereby designated to be Cleo C. Taylor.

Signed at Washington, D.C., on February 21, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

Order¹ amending the order, regulating the handling of milk in the Eastern Ohio - Western Pennsylvania marketing area.

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Ohio - Western Penn-

sylvania marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Eastern Ohio - Western Pennsylvania marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on January 26, 1973 and published in the FEDERAL REGISTER on February 1, 1973 (38 FR 3064) shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein, subject to the modifications in §§ 1036.120(b) and 1036.121(b) (3) and (d):

1. In § 1036.61, a new paragraph (c-1) is added and paragraph (g) is revised as follows:

§ 1036.61 Computation of uniform price.

(c-1) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents;

(g) For the months specified in paragraphs (h) and (i) of this section, subtract from the amount resulting from the computations pursuant to paragraphs (a) through (d) of this section an amount computed by multiplying the hundredweight of milk specified in paragraph (e)(2) of this section by the weighted average price plus 5 cents;

2. In § 1036.71, paragraph (a) (2) (ii) is revised as follows:

§ 1036.71 Payments to the producer-settlement fund.

(a) * * *

(2) * * *

(ii) The value at the weighted average price applicable at the location of the plants from which received plus 5 cents with respect to other source milk for which a value is computed pursuant to § 1036.60(e).

3. In § 1036.76, paragraph (b) (4) is revised as follows:

§ 1036.76 Payments by handler operating a partially regulated distributing plant.

(b) * * *

(4) Multiply the remaining pounds by the difference between the Class I price applicable at the location of the partially regulated distributing plant (but not to be less than the Class III price) and the weighted average price applicable at the location of the partially regulated distributing plant plus 5 cents (but not to be less than the Class III price); and

4. Immediately following § 1036.86, a new centerhead and new §§ 1036.110 through 1036.122 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1036.110 Agency.

"Agency" means the body made up of the persons selected pursuant to § 1036.113, which is authorized to expend funds, made available pursuant to § 1036.121(b) (1), on approval by the Secretary, for the purposes of establishing or providing for establishment of research and development projects, advertising (excluding brand advertising), sales promotion, educational, and other programs, designed to improve or promote the domestic marketing and consumption of milk and its products. Members of the Agency shall serve without compensation but shall be reimbursed for reasonable expenses incurred in the performance of duties as members of the Agency.

§ 1036.111 Composition of the Agency.

Each cooperative association or combination of cooperative associations as provided for under § 1036.113(b) with 1.5 percent or more of the total participating producers (producers who have not requested refunds for the most recent quarter) is authorized one Agency member plus one additional Agency member for each additional full 5 percent of the participating producers it represents. Cooperative associations with less than 1.5 percent of the total participating producers that have elected not to combine pursuant to § 1036.113(b), and participating producers who are not members of cooperatives are authorized to select from such group, in total, one Agency member for the first full 1.5 percent plus one additional Agency member for each additional full 5 percent that such producers constitute of the total participating producers. For the purpose of the

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

Agency's initial organization, all producers shall be considered participating producers.

§ 1036.112 Term of office.

The term of office of each member of the Agency shall be 1 year or until a replacement is designated by the cooperative association or is otherwise appropriately elected.

§ 1036.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to this section. Each person selected shall qualify by filing with the market administrator a written acceptance promptly after being notified of such selection.

(a) Each cooperative association authorized one or more Agency members shall notify the market administrator of the name and address of each such member who shall serve at the pleasure of the cooperative.

(b) For the purpose of this section, cooperative associations may combine their participating producer members and, if such combined total is 1.5 percent or more of all participating producers, such cooperatives may select an Agency member(s) under the rules of § 1036.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association(s) having less than 1.5 percent of the total participating producers that have not elected to combine pursuant to paragraph (b) of this section shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this section, and annually thereafter, the market administrator shall notify such participating producers of their opportunity to nominate one or more producers as Agency members and shall specify the number of members to be selected.

(2) Following the closing date for nominations, the market administrator shall announce the nominees who are eligible for Agency membership and shall conduct a referendum among producers eligible to vote. Election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an Agency member thus elected subsequently discontinues producer status or is otherwise unable to complete his term of office, the market administrator shall appoint as his replacement the participating producer who received the next highest number of eligible votes.

§ 1036.114 Agency operating procedure.

A majority of the Agency members shall constitute a quorum and any action of the Agency shall require a majority of concurring votes of those present and voting.

§ 1036.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions of the advertising and promotion program within the scope of Agency authority pursuant to § 1036.110;

(b) Make rules and regulations to effectuate the terms and provisions of the advertising and promotion program;

(c) Recommend amendments to the Secretary; and

(d) With the approval of the Secretary, enter into contracts and agreements with persons or organizations as deemed necessary to carry out advertising and promotion programs and projects specified in §§ 1036.110 and 1036.117.

§ 1036.116 Duties of the Agency.

The Agency shall perform all duties necessary to carry out the terms and provisions of this program including, but not limited to, the following:

(a) Meet, organize, and select from among its members a chairman and such other officers and committees as may be necessary and adopt and make public such rules as may be necessary for the conduct of its business;

(b) Develop programs and projects pursuant to §§ 1036.110 and 1036.117;

(c) Keep minutes, books, and records and submit books and records for examination by the Secretary and furnish any information and reports requested by the Secretary;

(d) Prepare and submit to the Secretary for approval prior to each quarterly period a budget showing the projected amounts to be collected during the quarter and how such funds are to be disbursed by the Agency;

(e) Employ and fix the compensation of any person deemed necessary to its exercise of powers and performance of duties;

(f) Establish the rate of reimbursement to the members of the Agency for expenses in attending meetings, and pay the expenses of administering the Agency; and

(g) Provide for the bonding of all persons handling Agency funds in an amount and with surety thereon satisfactory to the Secretary.

§ 1036.117 Advertising, research, education, and promotion program.

The Agency shall develop and submit to the Secretary for approval all programs or projects undertaken under the authority of this part. Such programs or projects may provide for:

(a) The establishment, issuance, effectuation, and administration of appropriate programs or projects for the advertising and promotion of milk and milk products on a nonbrand basis;

(b) The utilization of the services of other organizations to carry out Agency programs and projects if the Agency finds that such activities will benefit all producers under this part;

(c) The establishment, support, and conduct of research and development

projects and studies that the Agency finds will benefit all producers under this part.

§ 1036.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1036.121(b)(1) shall be utilized for administrative expense of the Agency.

(b) Agency funds shall not, in any manner, be used for political activity or for the purpose of influencing governmental policy or action, except in recommending to the Secretary amendments to the advertising and promotion program provisions of this part.

(c) Agency funds may not be expended to solicit producer participation.

(d) Agency funds may be used only for programs and projects promoting the domestic marketing and consumption of milk and its products.

§ 1036.119 Personal liability.

No member of the Agency shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, of such member in performance of his duties, except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1036.120 Procedure for requesting refunds.

Any producer may apply for refund subject to the conditions set forth in this section.

(a) Refund shall be accomplished only through application filed with, and in the manner prescribed by, the market administrator and signed by the producer. Only that information necessary to identify the producer and the records relevant to the refund may be required of such producer.

(b) Except as provided in paragraph (c) of this section, the request shall be submitted within the first 15 days of December, March, June or September for milk to be marketed during the ensuing calendar quarter beginning on the first day of January, April, July, and October, respectively.

(c) A dairy farmer who first acquires producer status under this part after the 15th day of December, March, June, or September, and prior to the end of the ensuing calendar quarter may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all his marketings against which an assessment is withheld for the period from the date of his first marketing as a new producer through the end of such calendar quarter: *Provided*, That, such eligibility for refund shall not apply to a person who during the first 15 days of such December, March, June or September, was a producer under a Federal order under which the same refund notification period applied and he did not appropriately

submit a refund application during such period. This paragraph also shall be applicable to all producers during the period between the effective date of this paragraph and the beginning of the first full calendar quarter for which the opportunity exists for such producer to request a refund pursuant to paragraph (b) of this section.

(d) A producer who, with respect to any calendar quarter, has appropriately filed request for refund of advertising and promotion program assessments on his marketings of milk under another Federal order shall be eligible (on the basis of his request filed under the other order) for refund with respect to his producer milk under this order against which an assessment is withheld during such quarter.

§ 1036.121 Duties of the market administrator.

Except as specified in § 1036.116, the market administrator, in addition to other duties specified by this part, shall perform all the duties necessary to administer the terms and provisions of the advertising and promotion program including, but not limited to, the following:

(a) Within 30 days after the effective date of this section, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1036.113(c);

(b) Set aside the amount subtracted under § 1036.61(c-1) into an advertising and promotion fund, separately accounted for, from which shall be disbursed:

(1) To the Agency each month, all such funds less any necessary amount held in reserve to cover refunds pursuant to subparagraphs (2) and (3) of this paragraph, and payments to cover expenses of the market administrator incurred in the administration of the advertising and promotion program (including audit).

(2) Refund to a producer the amount of mandatory checkoff for advertising and promotion programs required under authority of State law applicable to such producer but not more than 5 cents per hundredweight of his milk for which deductions were made pursuant to § 1036.61(c-1).

(3) After the end of each calendar quarter, refund upon request pursuant to § 1036.120 to a producer the deductions applicable to his milk made pursuant to § 1036.61(c-1) for such calendar quarter, less the amount of any refund otherwise made to the producer pursuant to subparagraph (2) of this paragraph.

(c) Promptly after the effective date of this section, and thereafter with respect to a new producer, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1036.110 through 1036.122).

(d) Make necessary audits to establish that all Agency funds are used only for authorized purposes.

§ 1036.122 Liquidation.

In the event that the provisions of this advertising and promotion program are terminated, any remaining uncommitted funds applicable thereto shall revert to the producer-settlement fund.

[FR Doc.73-3579 Filed 2-23-73; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 404]

[Reg. No. 4]

FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950-...)

Proof of Death

Notice is hereby given pursuant to the Administrative Procedure Act, as amended (5 U.S.C. 553) that the amendment to the regulations (20 CFR Part 404) as set forth below in tentative form is proposed by the Commissioner of Social Security with the approval of the Secretary of Health, Education, and Welfare. The proposed amendment to the regulations would eliminate the requirement that a certified copy of the public record of death occurring outside the United States be authenticated in all cases by the U.S. consul or other agent of the State Department. However, where the probative value of any such evidence may be questionable, the Social Security Administration reserves the right to require verification or corroboration of such evidence.

Prior to the adoption of the proposed regulations, consideration will be given to any data, views, and comments relating thereto which are submitted in writing to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before March 28, 1973.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 3193, 330 Independence Avenue SW., Washington, DC 20201.

(Secs. 205 and 1102, 53 Stat. 1368, as amended; 49 Stat. 647, as amended; 67 Stat. 18, 631; 42 U.S.C. 405, and 1302)

Dated: January 22, 1973.

ROBERT M. BALL,

Commissioner of Social Security.

Approved: February 20, 1973.

CASPAR W. WEINBERGER,
Secretary of Health,
Education, and Welfare.

Subpart H of Regulations No. 4 (20 CFR 404.1 et seq.) is amended as follows:

Paragraph (c) of § 404.704 is revised to read as follows:

§ 404.704 Evidence as to death.

(c) Where death occurs outside the United States. If death occurs outside the United States, there must be furnished a report of the death by a U.S. consul, or other agent of the State Department, bearing the signature and official seal of such consul or agent; or a certified copy of the public record of death issued by a foreign vital statistics or health department or agency; or other evidence of probative value.

[FR Doc.73-3546 Filed 2-23-73; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-SW-84]

EXTENSION OF VOR FEDERAL AIRWAYS

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 306 from Austin, Tex., to Junction, Tex.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received on or before March 23, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

The proposed amendment would extend VOR Federal airway No. 306 from Austin, Tex., via INT of Austin 279°T (270°M) and Junction, Tex., 099°T (089°M) radials to Junction. The extension of V-306 would provide a shorter route from Austin to Junction for airspace users who want to proceed west bound departing or overflying Austin.

(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 16, 1973.

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

[FR Doc.73-3507 Filed 2-23-73; 8:45 am]

ENVIRONMENTAL PROTECTION
AGENCY

[40 CFR Part 85]

CONTROL OF AIR POLLUTION FROM NEW
MOTOR VEHICLES AND NEW MOTOR
VEHICLE ENGINES

Motor Vehicle Certification Procedures

Notice is hereby given that various sections of Part 85 of Title 40 of the Code of Federal Regulations are proposed to be revised to read as set forth below.

Interested persons may participate in this rulemaking proceeding by submitting written comments in triplicate to:

Norman D. Shutler, Director, Mobile Source Enforcement Division, Room 3220, Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

All comments received on or before April 27, 1973, will be considered. All comments will be made available for public inspection.

Final regulations, modified as the Administrator deems appropriate after consideration of comments, will be promulgated as soon as practicable after such consideration.

Explanatory statement. Four major purposes are intended to be served by the proposed amendments.

1. EPA practice under the Clean Air Amendments of 1970 has been, and will continue to be, to place a major share of the responsibility for certification testing of motor vehicles on the applicant manufacturer. This approach, besides relieving EPA of an administrative burden, benefits the manufacturer by leaving its personnel in control of many aspects of the testing organization. At the same time, the inevitable conflict of interest imposed on the applicant makes stringent monitoring of these tests by EPA personnel advisable to insure that the Administrator is provided with the accurate test data he must have before deciding that certification is in order.

The proposed regulations codify and extend some aspects of EPA practice in this field by spelling out exactly what records and other documents concerning certification testing must be retained, and for how long. The procedures by which the right of inspection contained in section 206(c) of the Clean Air Act will be exercised are also specified. Finally, the regulations provide that any failure to maintain or submit required information or to permit required inspections will raise doubts about the reliability of the data affected that may well be serious enough to preclude EPA reliance on it.

2. Unless there is proof that production cars for a model year will closely resemble the vehicles used for certification testing, the fact that prototype cars pass the certification tests is not sufficient evidence that the production models will meet emissions standards. Accordingly, the proposed regulations would provide that cars which are not in all material respects of the same design as a vehicle actually tested and certified will be considered to be uncertified. The proposed regulations would also increase the in-

formation that must be made available on the relationship between prototype and production vehicles, and would state that a test vehicle may be rejected if the Administrator finds that it was built using a process substantially different from the one to be used in building the corresponding production vehicles.

3. In 1971, approximately 9.7 million new cars were sold in this country. About 1.5 million, or 15 percent were imports. In the last 4 years, the imports' share of the market has never been less than 10 percent.

Without exception, the manufacturers of these imports have located their certification testing facilities overseas. Nothing in the Clean Air Act or the regulations under it forbids that choice. However, the proposed regulations make clear that all testing facilities, wherever located, are subject to the same record-keeping and inspection requirements. Since these requirements are necessary to insure the integrity of the testing process, tests which are not subject to them cannot be considered reliable. In addition, to fail to apply these requirements to facilities located overseas would discriminate unjustifiably against domestic manufacturers in favor of their foreign competition.

If these regulations are adopted as proposed, they will apply even to facilities located in jurisdictions where local law forbids the kind of summary inspections they allow. Though it is well established that American courts will not order a person to disclose documents or other information located in a foreign jurisdiction that forbids such disclosure, the reason behind that rule is to avoid a conflict of laws, and is not applicable here. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that a car is certifiable can properly be based on that data. It is the responsibility of the manufacturer to locate its testing facilities in jurisdictions where this situation will not arise.

4. Finally, the amendments would expressly authorize the Administrator to withhold a certificate of conformity if the manufacturer who applies for it (i) employs a scheme which renders the emission control system partly or wholly ineffective, or (ii) renders invalid the test results by which conformity is to be judged or (iii) otherwise circumvents the intent of the Act to assure that all new motor vehicles will comply with applicable emissions standards over their useful lives.

This notice of proposed rule making is issued under authority of the following sections of the Clean Air Act, as amended: 206 (sec. 206, 79 Stat. 994, as amended by section 8(a), 84 Stat. 1694, 42 U.S.C. 1857f-5); 208 (sec. 207, 79 Stat. 994, 42 U.S.C. 1857f-6); and 301(a) (sec. 301(a), 81 Stat. 504, as amended by sec. 15(c), 84 Stat. 1713, 42 U.S.C. 1857g(a)). The proposed regulations, if adopted,

would implement sections 206 and 208 of the Clean Air Act.

Dated: February 21, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator.

Part 85 of Title 40 is hereby amended as follows:

1. Paragraph (a) of § 85.002 is amended by adding a new paragraph (26) reading as follows:

§ 85.002 Definitions.

(a) * * *

(26) "EPA Inspector" shall mean any officer or employee of the Environmental Protection Agency designated in writing by the Administrator (or by his designee) as an EPA Motor Vehicle Emissions Control Inspector.

2. Paragraphs (a) and (c) of § 85.006 are revised to read as follows:

§ 85.006 Maintenance of records; submittal of information; right of entry.

(a) The manufacturer of any new motor vehicle subject to any of the standards or procedures prescribed in this subpart (including certification testing) shall establish and maintain the following adequately organized and indexed records:

(1) *General records.* (i) Identification and description of all vehicles for which testing is required under this subpart.

(ii) A description of all emission control systems which are installed on or incorporated in each such vehicle.

(iii) A description of all procedures used to test each such vehicle.

(2) *Individual records.* (i) A brief history of each new motor vehicle used for certification testing under this subpart from the time its construction was begun to the final EPA decision on whether or not to issue a certificate. This history shall be in the form of a separate booklet or other document for each separate vehicle in which shall be recorded:

(a) A description of the process by which the vehicle was assembled, giving specifically the place of assembly and the person in charge of assembly. The description shall specify the steps taken to insure that all construction processes, quality control measures, and assembly techniques are reasonably likely to be implemented for production vehicles.

(b) A complete record of all emissions tests performed (except tests performed by EPA directly), including all individual worksheets relating to each such test, or photostatic copies thereof, the date, time, purpose, and location of each test, the number of miles accumulated on the vehicle when the test began and ended, and the names of those taking part in the test, specifically identifying the person in charge.

(c) The precise dates and times of each mileage accumulation run, listing both the mileage accumulated and the name of each driver or each operator of the automatic mileage accumulation device.

(d) A record and description of all maintenance and other servicing performed, giving the precise date and time

of the maintenance or service, the reason for it, the person authorizing it, and the names of the persons performing it, specifically designating the person in charge. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance.

(e) A record and description of each test performed to diagnose engine or emissions control system performance, giving the precise date and time of the test, the reason for it, the person authorizing it, and the names of the persons performing it, specifically identifying the person in charge. The description shall indicate why, in the opinion of the manufacturer, the average driver would have requested similar tests to be performed on such a vehicle in similar circumstances, and shall give supporting reasons.

(f) The precise dates and times that the vehicle was idle in storage.

(g) A brief description of what was being done by and to the vehicle during any time in the period covered by the history not accounted for by an entry under one of the previous headings.

(h) Each such history shall be started on the day that construction of the vehicle covered was begun, shall be updated daily, and shall accompany the vehicle through the testing process.

(3) This paragraph shall apply to certification testing of vehicles for the 1974 model year and all subsequent model years.

(4) All records required to be maintained under this subpart, shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate.

(c) (1) Any manufacturer who has applied for certification of a new motor vehicle subject to certification tests under this subpart shall admit or cause to be admitted any EPA Inspector during operating hours on demand and on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle which is being, was, or is to be so tested is present.

(iii) Any facility where any construction process or assembly process used in the manufacture of such a vehicle is taking place or has taken place.

(iv) Any facility where any record or other documents relating to any of the above are located.

(2) Upon admission to any facility referred to in subparagraph (1) of this paragraph, any EPA Inspector shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring emissions tests and mileage accumulation, maintenance, and vehicle soak and storage procedures,

and verifying correlation or calibration of test equipment; and

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect any part or aspect of any such new motor vehicle and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicles conform in all material respects to the same design specifications which applied to a test vehicle for which a certificate of conformity has been issued, any manufacturer shall admit any EPA Inspector on demand and on presentation of credentials to both

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of vehicles used for certification testing into production vehicles is located or carried on; and

(ii) Any facility where any motor vehicles to be introduced into commerce are assembled.

On admission to any such facility, an EPA Inspector shall be allowed to inspect and monitor any aspects of such assembly and other procedures, and to inspect and make copies of any such documents or designs, that are reasonably related to the purpose of his entry.

(4) Any EPA Inspector shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(5) The duty to admit or cause to be admitted any EPA Inspector applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure that accuracy of data generated at a facility, no informed judgment that a vehicle or engine is certifiable can properly be based on that data. It is the responsibility of the manufacturer to locate its testing facilities in jurisdictions where this situation will not arise.

(6) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Inspector, or a copy thereof.

(ii) Where vehicle, component, or engine storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c) (6)

(ii) of this section are concerned, "operating hours" shall mean any time during which an assembly line is running or during which testing, maintenance, mileage accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of designs from the test stage to the production stage, or to vehicle assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Inspector of how the facility operates and to answer his questions, and the performance on request of emissions tests on any new motor vehicle which is being, has been, or will be used for certification testing.

3. Subparagraph (1) of § 85.073-2(b) is revised to read as follows:

§ 85.073-2 Application for certification.

(b) * * *

(1) Identification and description of the vehicles covered by the application and a description of their emissions control systems, including a description of the construction processes, quality control measures, and assembly techniques employed or to be employed in the build-up of each certification test vehicle.

4. Section 85.073-3 is amended by inserting the following new sentence after the first sentence:

§ 85.073-3 Approval of procedure and equipment; test fleet selections.

* * * The Administrator may disapprove the use, in the build-up of any test vehicle, of any construction process, quality control measure, or assembly technique which he finds is substantially different from that used, or which will be used, in the construction of production vehicles represented by such test vehicle and which may reasonably be expected to affect the emissions performance of such production vehicles and may disapprove the use in certification testing of any vehicle so constructed, provided such difference is not attributable solely to the nature of the mass production process.

5. Subparagraph (2) of § 85.073-29(b) is amended by adding the following after "established by the manufacturer":

§ 85.073-29 Testing by the Administrator.

(b) * * *

(2) * * *: And further provided, That if the Administrator has reason to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator

may refuse to accept that data as the official data pending retesting or submission of further information.

6. Section 85.073-30 is amended by revising subparagraphs (1) and (2), by amending the first sentence of paragraph (b)(3), and by adding a new paragraph (c) to read as follows:

§ 85.073-30 Certification.

(a) (1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.073-29, data or information derived from any inspection carried out under § 85.006(c), and any other pertinent data or information, the Administrator determines that a test vehicle(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such vehicle(s), except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not more than one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle covered by the certificate will meet the requirements of the Act of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicles which conform, in all material respects, to the same design specifications that applied to a test vehicle as described in the application for certification and which are produced during the ____ model year production period of the said manufacturer, as defined in 40 CFR 85.002(a)(3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.006(a) which concern either the vehicle certified, or any production vehicle covered by the certificate, or any production vehicle which will when completed be claimed to be covered by the certificate. Failure to comply with all the requirements of § 85.006(c) with respect to any such vehicle may lead to revocation of this certificate as specified in 40 CFR 85.073-30(c). It is also a term of this certificate that this certificate may be revoked for the other reasons stated in § 85.073-30(c).

(b) * * *

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.073-29, data or information derived from any inspection carried out under § 85.006(c), or any other pertinent data or information, the Administrator determines that one or more test vehicles of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

(c) (1) Notwithstanding the fact that any vehicle(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has issued) with respect to any such vehicle(s) if:

(i) The manufacturer has employed any element of design which senses temperature, vehicle speed, engine r.p.m., transmission gear, manifold or carburetor vacuum, or any other parameter to activate, modulate, delay or deactivate the operation of any part of the emission control systems in any circumstances not covered by the prescribed certification test procedures. The Administrator may, however, issue (or leave in effect) any certificate if the manufacturer of such vehicle(s) demonstrates to the satisfaction of the Administrator that the employment of such element of design is consistent with the intent of the Act and this subpart to assure that all new motor vehicles will comply with all applicable emissions standards during all conditions of operation which may be encountered in the course of the vehicle's useful life.

(ii) The manufacturer submits false or incomplete information in its application for certification thereof; or

(iii) The manufacturer renders inaccurate or invalid any test data which it submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such vehicle; or

(iv) Any EPA Inspector is denied access on the terms specified in § 85.006(c) to any facility which contains any of the following:

(a) The vehicle, or
(b) Any components used or considered for use in its construction, or
(c) Any production vehicle which is or will be claimed by the manufacturer to be covered by the certificate, or
(d) Any step in the construction of a vehicle described in (c) of this subdivision, or

(e) Any records required by this part to be kept concerning any of the above.

(v) Any EPA Inspector is denied "reasonable assistance" (as defined in § 85.006(c)) in examining any of the items listed in paragraph (c)(1)(iv) of this section.

(2) The sanction of denial or revocation of a certificate may be imposed for the reasons in paragraph (c)(1)(ii), (iii), (iv), or (v) of this section only when the infraction is substantial.

(3) In any case in which certification of a vehicle is proposed to be withheld, denied, revoked, or suspended under paragraph (a)(1)(iv) or (a)(1)(v) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.006(c) in fact occurred, the manufacturer, if it wishes to contend that, even though the violation occurred, the vehicle in question was not involved in the violation to a degree that would warrant revocation or denial of certification under either paragraph (a)(1)(iv) or (a)(1)(v) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(4) Any revocation or suspension of certification under paragraph (c)(1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an op-

portunity for a hearing conducted in accordance with § 85.005 hereof. However, the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not, be the Administrator himself) shall be the final EPA decision.

(ii) Except in cases of such fraud or other misconduct as makes the certification invalid ab initio, shall extend no further than to forbid the introduction into commerce of vehicles previously covered by the certificate which are still in the hands of the manufacturer.

(5) The manufacturer may request in the form and manner specified in paragraph (b) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.005. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

7. Paragraph (a) of § 85.702 is amended by adding a new paragraph (18), reading as follows:

§ 85.702 Definitions.

(a) * * *

(18) "EPA Inspector" shall mean any officer or employee of the Environmental Protection Agency designated in writing by the Administrator (or by his designee) as an EPA Motor Vehicle Emissions Control Inspector.

8. Paragraphs (a) and (c) of § 85.706 are revised to read as follows:

§ 85.706 Maintenance of records; submittal of information; right of entry.

(a) The manufacturer of any new motor vehicle engine subject to any of the standards or procedures prescribed in this subpart (including certification testing) shall establish and maintain the following adequately organized and indexed records:

(i) *Generic records.* (1) Identification and description of all engines for which testing is required under this subpart.

(ii) A description of all emission control systems which are installed on or incorporated in each such engine.

(iii) A description of all procedures used to test each such engine.

(2) *Individual records.* (1) A brief history of each new motor vehicle engine used for certification testing under this subpart from the time its construction was begun to the final EPA decision on whether or not to issue a certificate. This history shall be in the form of a separate booklet or other document for each separate engine, in which shall be recorded:

(a) A description of the process by which the engine was assembled, giving specifically the place of assembly and the person in charge of assembly. The

description shall specify the steps taken to insure that all construction processes, quality control measures and assembly techniques are reasonably likely to be implemented for production engines.

(b) A complete record of all emissions tests performed (except tests performed by EPA directly), including all individual worksheets relating to each such test, or photostatic copies thereof, the date, time, purpose, and location of each test, the number of hours operating time accumulated on the engine, when the test began and ended, and the names of those taking part in the test, specifically identifying the person in charge.

(c) The precise dates and times of each accumulation of operating time on the engine, listing both the number of hours of operating time accumulated and the name of the person in charge of the run.

(d) A record and description of all maintenance and other servicing performed, giving the precise date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of the persons performing it, specifically designating the person in charge. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance.

(e) A record and description of each test performed to diagnose engine or emissions control system performance, giving the precise date and time of the test, the reason for it, the person authorizing it, and the names of the persons performing it, specifically identifying the person in charge. The description shall indicate why, in the opinion of the manufacturer, the average driver would have requested similar tests to be performed on such an engine in similar circumstances, and shall give supporting reasons.

(f) The precise dates and times that the engine was idle in storage.

(g) A brief description of what was being done by and to the engine during any time in the period covered by the history not accounted for by an entry under one of the previous headings.

(ii) Each such history shall be started on the day that construction of the engine covered was begun, shall be updated daily, and shall accompany the engine through the testing process.

(3) This paragraph shall apply to certification testing of engines for the 1974 model year and all subsequent model years.

(4) All records required to be maintained under this subpart shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate.

(c) (1) Any manufacturer who has applied for certification of a new motor vehicle engine subject to certification tests under this subpart shall admit or cause to be admitted any EPA Inspector during operating hours on demand and

on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle engine which is being, was, or is to be so tested is present.

(iii) Any facility where any construction process or assembly process used in the manufacture of such an engine is taking place or has taken place.

(iv) Any facility where any records or other documents relating to any of the above are located.

(2) Upon admission to any facility referred to in subparagraph (1) of this paragraph, any EPA Inspector shall be allowed.

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring emissions tests and mileage accumulation, maintenance, and engine soak and storage procedures, and verifying correlation or calibration of test equipment; and

(ii) To inspect and make copies of any such records, designs, or other documents, and

(iii) To inspect any part or aspect of any such new motor vehicle engine, and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicle engines conform, in all material respects, to the same design specifications, that applied to a test engine for which a certificate of conformity has been issued, any manufacturer shall admit any EPA Inspector on demand and on presentation of credentials to both

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines used for certification testing into production engines is located or carried on; and

(ii) Any facility where any motor vehicle engines to be introduced into commerce are assembled. On admission to any such facility, an EPA Inspector shall be allowed to inspect and monitor any aspects of such assembly and other procedures, and to inspect and make copies of any such documents or designs, that are reasonably related to the purpose of his entry.

(4) Any EPA Inspector shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(5) The duty to admit or cause to be admitted any EPA Inspector applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law

forbids. However, if local law makes it impossible to do what is necessary to insure that accuracy of data generated at a facility, no informed judgment that an engine is certifiable can properly be based on that data. It is the responsibility of the manufacturer to locate its testing facilities in jurisdictions where this situation will not arise.

(6) For purposes of this paragraph: (i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Inspector, or a copy thereof.

(ii) Where engine or component storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c) (6) (ii) of this section are concerned, "operating hours" shall mean any time during which an assembly line is running or during which testing, maintenance, mileage accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of designs from the test stage to the production stage, or to engine assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Inspector of how the facility operates and to answer his questions, and the performance on request of emissions tests on any new motor vehicle engine which is being, has been, or will be used for certification testing.

9. Subparagraph (1) of § 85.773-2(b) is revised to read as follows:

§ 85.773-2 Application for certification.

(b) * * *

(1) Identification and description of the engines covered by the application and a description of their emissions control systems, including a description of the construction processes, quality control measures, and assembly techniques employed or to be employed in the build-up of each certification test engine.

10. Section 85.773-3 is amended by inserting the following new sentence after the first sentence:

§ 85.773-2 Approval of procedure and equipment; test fleet selections.

* * * The Administrator may disapprove the use, in the build-up of any test engine, of any construction process, quality control measure, or assembly technique which he finds is substantially different from that used, or which will be used, in the construction of production engines represented by such test engine and which may reasonably be expected to affect the emissions performance of such production engines, and may disapprove the use in certification testing of any

engine so constructed, provided such difference is not attributable solely to the nature of the mass production process.

11. Subparagraph (2) of § 85.773-29 (b) is amended by adding the following after, "established by the manufacturer":

§ 85.773-29 Testing by the Administrator.

(b) * * *

(2) * * *. And further provided, That if the Administrator has reason to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

12. Section 85.773-30 is amended by revising subparagraphs (1) and (2) of paragraph (a), by amending the first sentence of paragraph (b) (3), and by adding a new paragraph (c) to read as follows:

§ 85.773-30 Certification.

(a) (1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.773-29, data or information derived from any inspection carried out under § 85.706, and any other pertinent data or information, the Administrator determines that a test engine(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such engine(s), except in cases covered by paragraph (c) of this paragraph.

(2) Such certificate will be issued for such period not more than 1 model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle engine covered by the certificate will meet the requirements of the Act and of this subpart.

Each such certificate shall contain the following language:

This certificate covers only those new motor vehicle engines which conform, in all material respects, to the same design specifications that applied to a test engine as described in the application for certification and which are produced during the model year production period of the said manufacturer, as defined in 40 CFR 85.702 (a) (3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.706(c) which concern either the engine certified, or any production engine covered by the certificate, or any production engine which will when completed be claimed to be covered by the certificate. Failure to comply with all the requirements of § 85.706(c) with respect to any such engine may lead to revocation of this certificate as specified in 40 CFR 85.773-30 (c). It is also a term of this certificate that this certificate may be revoked for the other reasons stated in § 85.773-30(c).

(b) * * *

(3) If, after a review of the test reports and data submitted by the manu-

facturer, data derived from any additional testing conducted pursuant to § 85.773-29, data or information derived from any inspection carried out under § 85.706(c), or any other pertinent data or information, the Administrator determines that one or more test engines of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

(c) (1) Notwithstanding the fact that any engine(s) may comply with other provisions of this subpart, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has issued) with respect to any such engine(s), if

(i) The manufacturer has employed any element of design which senses temperature, vehicle speed, engine r.p.m., transmission gear, manifold or carburetor vacuum, or any other parameter to activate, modulate, delay or deactivate the operation of any part of the emission control systems in any circumstances not covered by the prescribed certification test procedures. The Administrator may, however, issue (or leave in effect) any certificate if the manufacturer of such engine(s) demonstrates to the satisfaction of the Administrator that the employment of such element of design is consistent with the intent of the Act and this subpart to assure that all new motor vehicle engines will comply with all applicable emissions standards during all conditions of operation which may be encountered in the course of the engine's useful life.

(ii) The manufacturer submits false or incomplete information in its application for certification thereof; or

(iii) The manufacturer renders inaccurate or invalid any test data which it submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such engine; or

(iv) Any EPA Inspector is denied access on the terms specified in § 85.706(c) to any facility which contains any of the following:

(a) The engine, or

(b) Any components used or considered for use in its construction, or

(c) Any production engine which is or will be claimed by the manufacturer to be covered by the certificate, or

(d) Any step in the construction of an engine described in (c) of this subdivision, or

(e) Any records required by this part to be kept concerning any of the above.

(v) Any EPA Inspector is denied "reasonable assistance" (as defined in § 85.706(c)) in examining any of the items listed in paragraph (c) (1) (iv) of this section.

(2) The sanction of denial or revocation of a certificate may be imposed for the reasons in paragraph (c) (1) (ii), (iii), (iv), or (v) of this section only when the infraction is substantial.

(3) In any case in which certification of an engine is proposed to be withheld, denied, revoked, or suspended under subparagraph (c) (1) (iv) or (c) (1) (v) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.706(c) in fact occurred, the manufacturer, if it wishes to contend that, even though the violation occurred, the engine in question was not involved in the violation to a degree that would warrant revocation or denial of certification under either paragraph (a) (1) (iv) or (a) (1) (v) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(4) Any revocation or suspension of certification under paragraph (c) (1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.706. However, the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not, be the Administrator himself) shall be the final EPA decision.

(ii) Except in cases of such fraud or other misconduct as makes the certification invalid ab initio, shall extend no further than to forbid the introduction into commerce of engines previously covered by the certificate which are still in the hands of the manufacturer.

(5) The manufacturer may request in the form and manner specified in paragraph (b) of this section that any determination made by the Administrator under paragraph (c) (1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.705. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

13. Paragraph (a) of § 85.802 is amended by adding a new subparagraph (23), reading as follows:

§ 85.802 Definitions.

(a) * * * (23) "EPA Inspector" shall mean any officer or employee of the Environmental Protection Agency designated in writing by the Administrator (or by his designee) as an EPA Motor Vehicle Emissions Control Inspector.

14. Paragraphs (a) and (c) of § 85.806 are revised to read as follows:

§ 85.806 Maintenance of records; submission of information; right of entry.

(a) The manufacturer of any new motor vehicle engine subject to any of the standards or procedures prescribed

in this subpart (including certification testing) shall establish and maintain the following adequately organized and indexed records:

(1) *Generic records.* (i) Identification and description of all engines for which testing is required under this subpart.

(ii) A description of all emission control systems which are installed on or incorporated in each such engine.

(iii) A description of all procedures used to test each such engine.

(2) *Individual records.* (i) A brief history of each new motor vehicle engine used for certification testing under this part from the time its construction was begun to the final EPA decision on whether or not to issue a certificate. This history shall be in the form of a separate booklet or other document for each separate engine, in which shall be recorded:

(a) A description of the process by which the engine was assembled, giving specifically the place of assembly and the person in charge of assembly. The description shall specify the steps taken to ensure that all construction processes, quality control measures and assembly techniques are reasonably likely to be implemented for production engines.

(b) A complete record of all emissions tests performed (except tests performed by EPA directly), including all individual worksheets relating to each such test, or photostatic copies thereof, the date, time, purpose and location of each test, the number of hours operating time accumulated on the engine when the test began and ended, and the names of those taking part in the test, specifically identifying the person in charge.

(c) The precise dates and times of each accumulation of operating time on the engine, listing both the number of hours of operating time accumulated and the name of the person in charge of the run.

(d) A record and description of all maintenance and other servicing performed, giving the precise date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of the persons performing it, specifically designating the person in charge. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance.

(e) A record and description of each test performed to diagnose engine or emissions control system performance, giving the precise date and time of the test, the reason for it, the person authorizing it, and the names of the persons performing it, specifically identifying the person in charge. The description shall indicate why, in the opinion of the manufacturer, the average driver would have requested similar tests to be performed on such an engine in similar circumstances, and shall give supporting reasons.

(f) The precise dates and times that the engine was idle in storage.

(g) A brief description of what was being done by and to the engine during

any time in the period covered by the history not accounted for by an entry under one of the previous headings.

(ii) Each such history shall be started on the day that construction of the engine covered was begun, shall be updated daily, and shall accompany the engine through the testing process.

(3) This paragraph shall apply to certification testing of engines for the 1974 model year and all subsequent model years.

(4) All records required to be maintained under this subpart, shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate.

(c) (1) Any manufacturer who has applied for certification of new motor vehicle engine subject to certification tests under this subpart shall admit or cause to be admitted any EPA Inspector during operating hours on demand and on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle engine which is being, was, or is to be so tested is present.

(iii) Any facility where any construction process or assembly process used in the manufacture of such an engine is taking place or has taken place.

(iv) Any facility where any records or other documents relating to any of the above are located.

(2) Upon admission to any facility referred to in subparagraph (1) of this paragraph, any EPA Inspector shall be allowed:

(i) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to, monitoring emissions tests and mileage accumulation, maintenance, and soak and storage procedures, and verifying correlation or calibration of test equipment; and

(ii) To inspect and make copies of any such records, designs, or other documents; and

(iii) To inspect any part or aspect of any such new motor vehicle engine, and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicle engines conform, in all material respects, to the same design specifications that applied to a test engine for which a certificate of conformity has been issued, any manufacturer shall admit any EPA Inspector on demand and on presentation of credentials to both:

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines used for certification testing into production engines is located or carried on; and

(ii) Any facility where any motor vehicle engines to be introduced into com-

merce are assembled. On admission to any such facility, an EPA Inspector shall be allowed to inspect and monitor any aspects of such assembly and other procedures, and to inspect and make copies of any such documents or designs, that are reasonably related to the purpose of his entry.

(4) Any EPA Inspector shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph.

Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(5) The duty to admit or cause to be admitted any EPA Inspector applies whether or not the applicant owns or controls the facility in question and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure the accuracy of data generated at a facility, no informed judgment that an engine is certifiable can properly be based on that data. It is the responsibility of the manufacturer to locate its testing facilities in jurisdictions where this situation will not arise.

(6) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Inspector, or a copy thereof.

(ii) Where engine or component storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c) (6) (i) of this section are concerned, "operating hours" shall mean any time during which an assembly line is running or during which testing, maintenance, mileage accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of designs from the test stage to the production stage, or to engine assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Inspector of how the facility operates and to answer his questions, and the performance on request of emissions tests on any new motor vehicle engine which is being, has been, or will be used for certification testing.

15. Subparagraph (1) of § 85.873-2(b) is revised to read as follows:

§ 85.873-2 Application of certification.

(b) * * *

(1) Identification and description of the engine(s) covered by the application and a description of their emissions control systems, including a description of the construction processes, quality control measures, and assembly techniques employed or to be employed in the buildup of each certification test engine.

16. Section 85.873-3 is amended by inserting the following new sentence after the first sentence:

§ 85.873-3 Approval of procedure and equipment; test fleet selections.

* * * The Administrator may disapprove the use, in the buildup of any test engine, of any construction process, quality control measure, or assembly technique which he finds is substantially different from that used, or which will be used, in the construction of production engines represented by such test engine and which may reasonably be expected to affect the emissions performance of such production engines, and may disapprove the use in certification testing of any engine so constructed, provided such difference is not attributable solely to the nature of the mass production process.

17. Subparagraph (2) of § 85.873-29(b) is amended by adding the following after "established by the manufacturer":

§ 85.873-29 Testing by the Administrator.

(b) * * *

(2) * * * : And further provided, That if the Administrator has reason to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

18. Section 85.873-30 is amended by revising subparagraphs (1) and (2) of paragraph (a), by amending the first sentence of paragraph (b) (3), and by adding a new paragraph (c) to read as follows:

§ 85.873-30 Certification.

(a) (1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.873-29, data or information derived from any inspection carried out under § 85.806(c), and any other pertinent data or information, the Administrator determines that a test engine(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such engine(s), except in cases covered by paragraph (c) of this section.

(2) Such certificate will be issued for such period not more than 1 model year as the Administrator may determine and

upon such terms as he may deem necessary to assure that any new motor vehicle engine covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only those new motor vehicle engines which conform, in all material respects, to the same design specifications that applied to a test engine as described in the application for certification and which are produced during the ----- model year production period of the said manufacturer, as defined in 40 CFR 85.802(a) (3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.806(c) which concern either the engine certified, or any production engine covered by the certificate, or any production engine which will when completed be claimed to be covered by the certificate. Failure to comply with all the requirements of § 85.806(c) with respect to any such engine may lead to revocation of this certificate as specified in 40 CFR 85.873-30(c). It is also a term of this certificate that this certificate may be revoked for other reasons stated in § 85.873-30(c).

(b) * * *

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.873-29, data or information derived from any inspection carried out under § 85.806(c), or any other pertinent data or information, the Administrator determines that one or more test engines of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

(c) (1) Notwithstanding the fact that any engine(s) may comply with other provisions of this part, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has issued) with respect to any such engine(s), if

(i) The manufacturer has employed any element of design which senses temperature, vehicle speed, engine r.p.m., transmission gear, manifold or carburetor vacuum, or any other parameter to activate, modulate, delay, or deactivate the operation of any part of the emission control systems in any circumstances not covered by the prescribed certification test procedures. The Administrator may, however, issue (or leave in effect) any certificate if the manufacturer of such engine(s) demonstrates to the satisfaction of the Administrator that the employment of such element of design is consistent with the intent of the Act and this part to assure that all new motor vehicles will comply with all applicable emissions standards during all conditions of operation which may be encountered in the course of the engine's useful life.

(ii) The manufacturer submits false or incomplete information in its application for certification thereof; or

(iii) The manufacturer renders inaccurate or invalid any test data which it submits pertaining thereto or otherwise

circumvents the intent of the Act or of this subpart with respect to such engine; or

(iv) Any EPA Inspector is denied access on the terms specified in § 85.806(c) to any facility which contains any of the following:

(a) The engine, or

(b) Any components used or considered for use in its construction, or

(c) Any production engine which is or will be claimed by the manufacturer to be covered by the certificate, or

(d) Any step in the construction of an engine described in (c) of this subdivision, or

(e) Any records required by this part to be kept concerning any of the above.

(v) Any EPA Inspector is denied "reasonable assistance" (as defined in § 85.806(c)) in examining any of the items listed in paragraph (c) (1) (iv) of this section.

(2) The sanction of denial or revocation of a certificate may be imposed for the reasons in paragraph (c) (1) (ii), (iii), (iv), or (v) of this section only when the infraction is substantial.

(3) In any case in which certification of an engine is proposed to be withheld, denied, revoked, or suspended under paragraph (a) (1) (iv) or (a) (1) (v) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.806(c) in fact occurred, the manufacturer, if it wishes to contend that, even though the violation occurred, the engine in question was not involved in the violation to a degree that would warrant revocation or denial of certification under either paragraph (a) (1) (iv) or (a) (1) (v) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(4) Any revocation or suspension of certification under paragraph (c) (1) of this section shall

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in accordance with § 85.805 hereof. However, the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not, be the Administrator himself) shall be the final EPA decision.

(ii) Except in cases of such fraud or other misconduct as makes the certification invalid ab initio, shall extend no further than to forbid the introduction into commerce of engines previously covered by the certificate which are still in the hands of the manufacturer.

(5) The manufacturer may request in the form and manner specified in paragraph (b) of this section that any determination made by the Administrator under paragraph (c) (1) of this section to

withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.805. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

19. Paragraph (a) of § 85.902 is amended by adding a new subparagraph (23), reading as follows:

§ 85.902 Definitions.

(a) * * *

(23) "EPA Inspector" shall mean any officer or employee of the Environmental Protection Agency designated in writing by the Administrator (or by his designee) as an EPA Motor Vehicle Emissions Control Inspector.

20. Paragraphs (a) and (c) of § 85.906 is revised to read as follows:

§ 85.906 Maintenance of records; submittal of information; right of entry.

(a) The manufacturer of any new motor vehicle engine subject to any of the standards or procedures prescribed in this subpart (including certification testing) shall establish and maintain the following adequately organized and indexed records:

(1) *Generic records.* (i) Identification and description of all engines for which testing is required under this subpart.

(ii) A description of all emission control systems which are installed on or incorporated in each such engine.

(iii) A description of all procedures used to test each such engine.

(2) *Individual records.* (i) A brief history of each new motor vehicle engine used for certification testing under this subpart from the time its construction was begun to the final EPA decision on whether or not to issue a certificate. This history shall be in the form of a separate booklet or other document for each separate engine, in which shall be recorded:

(a) A description of the process by which the engine was assembled, giving specifically the place of assembly and the person in charge of assembly. The description shall specify the steps taken to insure that all construction processes, quality control measures and assembly techniques are reasonably likely to be implemented for production engines.

(b) A complete record of all emissions tests performed (except tests performed by EPA directly), including all individual worksheets relating to each such test, or photostatic copies thereof, the date, time, purpose and location of each test, the number of hours operating time accumulated on the engine, when the test began and ended, and the names of those taking part in the test, specifically identifying the person in charge.

(c) The precise dates and times of each accumulation of operating time on the engine, listing both the number of hours of operating time accumulated and the name of the person in charge of the run.

(d) A record and description of all maintenance and other servicing per-

formed, giving the precise date and time of the maintenance or service, the reason for it, the person authorizing it, and the names of the persons performing it, specifically designating the person in charge. The description shall indicate whether or not EPA specifically consented to the work and, if EPA did not, shall list the provision of this subpart which authorizes its performance.

(e) A record and description of each test performed to diagnose engine or emissions control system performance, giving the precise date and time of the test, the reason for it, the person authorizing it, and the names of the persons performing it, specifically identifying the person in charge. The description shall indicate why, in the opinion of the manufacturer, the average driver would have requested similar tests to be performed on such an engine in similar circumstances, and shall give supporting reasons.

(f) The precise dates and times that the engine was idle in storage.

(g) A brief description of what was being done by and to the engine during any time in the period covered by the history not accounted for by an entry under one of the previous headings.

(ii) Each such history shall be started on the day that construction of the engine covered was begun, shall be updated daily, and shall accompany the engine through the testing process.

(3) This paragraph shall apply to certification testing of engines for the 1974 model year and all subsequent model years.

(4) All records required to be maintained under this subpart, shall be retained by the manufacturer for a period of six (6) years after issuance of all certificates of conformity to which they relate.

* * *

(c) (1) Any manufacturer who has applied for certification of a new motor vehicle engine subject to certification tests under this subpart shall admit or cause to be admitted any EPA Inspector during operating hours on demand and on presentation of credentials to any of the following:

(i) Any facility where any such tests or any procedures or activities connected with such tests are or were performed.

(ii) Any facility where any new motor vehicle engine which is being, was, or is to be so tested is present.

(iii) Any facility where any construction process or assembly process used in the manufacture of such an engine is taking place or has taken place.

(iv) Any facility where any records or other documents relating to any of the above are located.

(2) Upon admission to any facility referred to in subparagraph (1) of this paragraph, any EPA Inspector shall be allowed

(1) To inspect and monitor any part or aspect of such procedures, activities, and testing facilities, including, but not limited to monitoring emissions tests and mileage accumulation, maintenance, and engine soak and storage procedures,

and verifying correlation or calibration of test equipment; and

(ii) To inspect and make copies of any such records, designs, or other documents, and

(iii) To inspect any part or aspect of any such new motor vehicle engine, and any components to be used in the construction thereof.

(3) In order to allow the Administrator to determine whether or not production motor vehicle engines conform, in all material respects, to the same design specifications that applied to a test engine for which a certificate of conformity has been issued, any manufacturer shall admit any EPA Inspector on demand and on presentation of credentials to both.

(i) Any facility where any document, design, or procedure relating to the translation of the design and construction of engines used for certification testing into production engines is located or carried on; and

(ii) Any facility where any engines to be introduced into commerce are assembled.

On admission to any such facility, an EPA Inspector shall be allowed to inspect and monitor any aspects of such assembly and other procedures, and to inspect and make copies of any such documents or designs, that are reasonably related to the purpose of his entry.

(4) Any EPA Inspector shall be furnished by those in charge of a facility being inspected with such reasonable assistance as he may request to help him discharge any function listed in this paragraph. Each applicant for or recipient of certification is required to cause those in charge of a facility operated for its benefit to furnish such reasonable assistance without charge to EPA whether or not the applicant controls the facility.

(5) The duty to admit or cause to be admitted any EPA Inspector applies whether or not the applicant owns or controls the facility in question, and applies both to domestic and to foreign manufacturers and facilities. EPA will not attempt to make any inspections which it has been informed that local law forbids. However, if local law makes it impossible to do what is necessary to insure that accuracy of data generated at a facility, no informed judgment that an engine is certifiable can properly be based on that data. It is the responsibility of the manufacturer to locate its testing facilities in jurisdictions where this situation will not arise.

(6) For purposes of this paragraph:

(i) "Presentation of credentials" shall mean display of the document designating a person as an EPA Inspector, or a copy thereof.

(ii) Where engine or component storage areas or facilities are concerned, "operating hours" shall mean all times during which personnel other than custodial personnel are at work in the vicinity of the area or facility and have access to it.

(iii) Where facilities or areas other than those covered by paragraph (c) (6)

(iii) of this section are concerned, "operating hours" shall mean any time during which an assembly line is running or during which testing, maintenance, mileage accumulation, production or compilation of records, or any other procedure or activity related to certification testing, to translation of designs from the test stage to the production stage, or to engine assembly is being carried out in a facility.

(iv) "Reasonable assistance" includes, but is not limited to, clerical, copying, interpretation and translation services, the making available on request of personnel of the facility being inspected during their working hours to inform the EPA Inspector of how the facility operates and to answer his questions, and the performance on request of emissions tests on any new motor vehicle engine which is being, has been, or will be used for certification testing.

21. Subparagraph (1) of § 85.974-2(b) is revised to read as follows:

§ 85.974-2 Application for certification.

(b) * * *

(1) Identification and description of the engines covered by the application and a description of their emissions control systems, including a description of the construction processes, quality control measures, and assembly techniques employed or to be employed in the build-up of each certification test engine.

22. Section 85.974-3 is amended by inserting the following new sentence after the first sentence:

§ 85.974-3 Approval of procedure and equipment; test fleet selections.

* * * The Administrator may disapprove the use, in the build-up of any test engine, of any construction process, quality control measure, or assembly technique which he finds is substantially different from that used, or which will be used, in the construction of production engines represented by such test vehicle or engine and which may reasonably be expected to affect the emissions performance of such production engines, and may disapprove the use in certification testing of any engine so constructed, provided such difference is not attributable solely to the nature of the mass production process.

23. Subparagraph (2) of § 85.974-29 is amended by adding the following after "established by the manufacturer":

§ 85.974-29 Testing by the Administrator.

(b) * * *

(2) * * * : And further provided, That if the Administrator has reason to believe that any test data submitted by the manufacturer is not accurate or has been obtained in violation of any provision of this part, the Administrator may refuse to accept that data as the official data pending retesting or submission of further information.

24. Section 85.974-30 is amended by revising subparagraphs (1) and (2) of paragraph (a), by amending the first sentence of paragraph (b)(3), and by adding a new paragraph (c) to read as follows:

§ 85.974-30 Certification.

(a) (1) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.974-29, data or information derived from any inspection carried out under § 85.906(c), and any other pertinent data or information, the Administrator determines that a test engine(s) meets the requirements of the Act and of this subpart, he will issue a certificate of conformity with respect to such engine(s), except in cases covered by subparagraph (c) of this section.

(2) Such certificate will be issued for such period not more than one model year as the Administrator may determine and upon such terms as he may deem necessary to assure that any new motor vehicle engine covered by the certificate will meet the requirements of the Act and of this subpart. Each such certificate shall contain the following language:

This certificate covers only these new motor vehicle engines which conform, in all material respects, to the same design specifications that applied to a test engine as described in the application for certification and which are produced during the ---- model year production period of the said manufacturer, as defined in 40 CFR 85.902(a) (3).

It is a term of this certificate that the manufacturer shall consent to all inspections described in 40 CFR 85.906(c) which concern either the engine certified, or any production engine covered by the certificate, or any production engine which will when completed be claimed to be covered by the certificate. Failure to comply with all requirements of § 85.906(c) with respect to any such engine may lead to revocation of this certificate as specified in 40 CFR 85.974-30(c). It is also a term of this certificate that this certificate may be revoked for other reasons stated in § 85.974-30(c).

(b) * * *

(3) If, after a review of the test reports and data submitted by the manufacturer, data derived from any additional testing conducted pursuant to § 85.974-29, data or information derived from any inspection carried out under § 85.906(c), or any other pertinent data or information, the Administrator determines that one or more test engines of the certification test fleet do not meet applicable standards, he will notify the manufacturer in writing, setting forth the basis for his determination.

(c) (1) Notwithstanding the fact that any engine(s) may comply with other provisions of this part, the Administrator may withhold or deny the issuance of a certificate of conformity (or suspend or revoke any such certificate which has issued) with respect to any such engine(s), if:

(i) The manufacturer has employed any element of design which senses temperature, vehicle speed, engine r.p.m.,

transmission gear, manifold or carburetor vacuum, or any other parameter to activate, modulate, delay or deactivate the operation of any part of the emission control systems in any circumstances not covered by the prescribed certification test procedures. The Administrator may, however, issue (or leave in effect) any certificate if the manufacturer of such engine(s) demonstrates to the satisfaction of the Administrator that the employment of such element of design is consistent with the intent of the Act and this part to assure that all new motor vehicle engines will comply with all applicable emissions standards during all conditions of operation which may be encountered in the course of the engine's useful life.

(ii) The manufacturer submits false or incomplete information in its application for certification thereof; or

(iii) The manufacturer renders inaccurate or invalid any test data which it submits pertaining thereto or otherwise circumvents the intent of the Act or of this subpart with respect to such engine; or

(iv) Any EPA Inspector is denied access on the terms specified in § 85.906(c) to any facility which contains any of the following:

(a) The engine, or

(b) Any components used or considered for use in its construction, or

(c) Any production engine which is or will be claimed by the manufacturer to be covered by the certificate, or

(d) Any step in the construction of an engine described in (c) of this subdivision, or

(e) Any records required by this part to be kept concerning any of the above.

(v) Any EPA Inspector is denied "reasonable assistance" (as defined in § 85.906(c)) in examining any of the items listed in paragraph (c) (1) (iv) of this section.

(2) The sanction of denial or revocation of a certificate may be imposed for the reasons in paragraph (c) (1) (ii), (iii), (iv) or (v) of this section only when the infraction is substantial.

(3) In any case in which certification of an engine is proposed to be withheld, denied, revoked, or suspended under paragraph (c) (1) (iv) or (c) (1) (v) of this section, and in which the Administrator has presented to the manufacturer involved reasonable evidence that a violation of § 85.906(c) in fact occurred, the manufacturer if it wishes to contend that, even though the violation occurred, the engine in question was not involved in the violation to a degree that would warrant revocation or denial of certification under either paragraphs (a) (1) (iv) or (a) (1) (v) of this section, shall have the burden of establishing that contention to the satisfaction of the Administrator.

(4) Any revocation or suspension of certification under paragraph (c) (1) of this section shall:

(i) Be made only after the manufacturer concerned has been offered an opportunity for a hearing conducted in

accordance with § 85.905 hereof. However, the Administrator may in his discretion direct that all argument and presentation of evidence be concluded within such fixed period not less than 30 days as he may establish from the date that the first written offer of a hearing is made to the manufacturer. To expedite proceedings, the Administrator may direct that the decision of the Presiding Officer (who may, but need not, be the Administrator himself) shall be the final EPA decision.

(ii) Except in cases of such fraud or other misconduct as makes the certification invalid ab initio, shall extend no further than to forbid the introduction into commerce of engines previously covered by the certificate which are still in the hands of the manufacturer.

(5) The manufacturer may request in the form and manner specified in paragraph (b) of this section that any determination made by the Administrator under paragraph (c)(1) of this section to withhold or deny certification be reviewed in a hearing conducted in accordance with § 85.905. If the Administrator finds, after a review of the request and supporting data, that the request raises a substantial factual issue, he shall grant the request with respect to such issue.

[FR Doc.73-3591 Filed 2-23-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19644]

FM BROADCAST STATIONS IN COLORADO SPRINGS, COLO.

Proposed Table of Assignments; Order Extending Time for Filing Reply Comments

In the matter of amendment of § 73.202(b), Table of assignments, FM Broadcast Stations, (Colorado Springs, Colo.), Docket No. 19644, RM-1886.

1. The notice of proposed rule making in the above-entitled proceeding was adopted on December 6, 1972, and published in the FEDERAL REGISTER December 15, 1972, 37 FR 26740. The date for filing comments has expired and the date for filing reply comments is presently February 12, 1973.

2. On February 12, 1973, KYSN Broadcasting Co., by its attorney, filed a petition for extension of time in which to submit reply comments to and including February 19, 1973. Counsel states that they are in the process of compiling statistical data in this proceeding and need this extension of time to complete the work. Counsel further states that Western Broadcasting Company, proponent in this proceeding has no objection to the grant of the additional time.

3. It appears that the additional time is warranted and would serve the public interest. Accordingly, it is ordered, That the time for filing reply comments in Docket No. 19644 is extended to and including February 20, 1973.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: February 13, 1973.

Released: February 14, 1973.

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-3562 Filed 2-23-73;8:45 am]

[47 CFR Part 73]

[Docket No. 19689; FCC 73-178]

FM BROADCAST STATIONS IN CASTALIA AND SANDUSKY, OHIO

Proposed Table of Assignments

In the matter of amendment of § 73.202(b), table of assignments, FM Broadcast Stations, (Castalia and Sandusky, Ohio), Docket No. 19689, RM-1953.

1. On March 7, 1972, the Wayside Temple Church, Castalia, Ohio, filed a petition proposing the assignment of Channel 249A to Castalia, Ohio. Castalia (1,045 population) is located in Erie County, about 7 miles southwest of Sandusky, Ohio. Channel 249A could be assigned to Castalia in conformance with the Commission's minimum mileage separation rule and without affecting other assignments in the FM Table of assignments. Castalia has no local broadcast transmission service. Petitioner states that a Class A FM station operating with maximum power and antenna height would serve, in addition to Castalia, the cities of Sandusky, Huron, most of Norwalk, Bellevue, Clyde, Port Clinton, and Marblehead, having a combined population of 76,036 persons. He further states that such a station would be a great asset to the communities by providing educational programming, by promoting better business through advertisement, and by providing information concerning the activities in and around the community.

2. It would appear that petitioner has made a sufficient public interest showing to warrant issuance of a notice of proposed rule making as to this proposal. However, it appears that assignment of Channel 249A to Sandusky, Ohio, rather than to Castalia might be more in the public interest since the channel would then be available to Sandusky and to other communities located within 10 miles thereof (§ 73.203), which includes Castalia. Sandusky (32,674 population) is located in Erie County (75,909 population) about 50 miles southeast of Toledo and presently has in operation a Class IV AM station and a Class B FM station. Under our assignment criteria Sandusky has a population the size of which would warrant its assignment of a second FM channel.

3. Accordingly, pursuant to the authority contained in sections 4(i), 303, and 307(b) of the Communications Act

of 1934, as amended, it is proposed to amend the table of assignments in § 73.202(b) with respect to the cities listed below:

City	Channel No.	
	Present	Proposed
Castalia, Ohio.....		249A
Sandusky, Ohio.....	274	249A, 274

4. In view of the fact that Castalia and Sandusky are within 250 miles of the United States-Canadian border, and the impact of the United States-Canadian Agreement on FM assignments in such communities, the proposed assignments are subject to concurrence by the Canadian authorities.

5. *Showings required.* Proponents of either proposal are expected to file comments indicating the public interest factors involved in the proposal they advance. This can be done, in large part, by discussing the sociological, economic, and governmental activities in the community of their preference. In the event a proponent is of the view that it has made a sufficient public interest showing, it should restate its intention to apply for the channel if it is assigned and, if authorized, to build the station promptly. Failure to file may lead to denial of a request.

6. *Cutoff procedures.* The following procedures will govern the consideration of filings in this proceeding.

(a) Counterproposal advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposals in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

7. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before March 28, 1973, and reply comments on or before April 6, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

9. All filings made in this proceeding will be available for examination by interested parties during regular business

hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: February 14, 1973.

Released: February 20, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-3563 Filed 2-23-73;8:45 am]

[47 CFR Part 73]

[Docket No. 19688; FCC 73-176]

FM BROADCAST STATIONS IN
FLINT, MICH.

Proposed Table of Assignments

In the matter of amendment of § 73.202(b), *Table of assignments*, FM Broadcast Stations (Flint, Mich.), Docket No. 19688, RM-1924.

1. On February 16, 1972, Flint Family Radio, Inc. (Family), filed a petition with this Commission requesting the assignment of FM Channel 224A to Flint, Mich. No other revisions in our Table of Assignments were proposed. A statement in support of the petition was filed by Sherwood Broadcasting, Inc. (Sherwood), a newly formed entity created for the purpose of entering the broadcasting industry.²

2. Genesee County, Mich. (population 444,341), contains the city of Flint, Mich. (roughly 60 miles northwest of Detroit), which has 193,317 residents.³ Our FM table presently has three FM channels assigned to Flint, all of which are occupied: 236, WFBE, licensed to the Flint Board of Education; 288A, WWCK, licensed to Heritage Broadcasting Co.; and 300, WGMZ, licensed to WGMZ, Inc. The following standard broadcast stations are licensed in the community: WAMM, licensed to WAMM, Inc. (a daytime-only service); WCNZ, licensed to Heritage Broadcasting Co. (a daytime-only service); WKMF, licensed to WKMF, Inc.; WTAC, licensed to Fuqua Communications, Inc.; WFDF, licensed to WFDF Flint Corp.; and WTRX, licensed to Eastman Broadcasting Co. Family points out that according to the Commission's FM channel assignment criteria, a community the size of Flint should have 4 to 6 commercial channels.

3. With respect to the need for an additional FM service in Flint, petitioner primarily relies on statistics compiled by the Chamber of Commerce of that community. Among other things, we are told the following: The community's primary industry is the manufacturing of automobiles. There are approximately 342 manufacturing concerns in Flint employing approximately 82,000 people. The city's retail area has a radius of 25 miles and a population of 500,000 while the wholesale area has a radius of

30 miles and a population of 600,000. According to 1967 statistics retail sales for Genesee County totaled \$728,269,000 with 2,841 retail establishments. Flint's 409 wholesale establishments had sales of \$581 million in the standard metropolitan statistical area according to 1967 statistics. The 1968 personal income was \$3,860 per capita. The average annual rate of growth 1959-68 was 7.73 percent. Three banks serve the Flint area with 57 branches. Deposits of the two locally based banks were \$727,334,029 as of September 30, 1970. Flint is served by two airlines, two railroads, and five bus lines.⁴ Both Family and Sherwood appear to view the above statistics as an indication of the need of Flint for an additional FM service and each proposes to apply for Channel 224A if assigned to the community with the hope of rapidly inaugurating a new local radio voice.

4. Family's engineering statement shows that assignment of Channel 224A to Flint would meet our mileage separation requirements. Our engineering analysis indicates that the assignment of Channel 224A to Flint would foreclose future assignments on Channels 223 and 224A. The preclusion on Channel 223 occurs in a very limited area where the channel cannot be used efficiently. On Channel 224A, the zone of preclusion occurs in the Flint area where an assignment could be made to Mount Morris, Mich. (population 3,778). Since Mount Morris is located within 10 miles of Flint, the channel would be available for application at Mount Morris if it were to be assigned to Flint. From a technical view, it is our judgment that assignment of Channel 224A to Flint would result in an efficient use of the FM frequencies because it cannot be used at any other community in this area of the State.

5. Although we normally avoid intermixing classes of channels because limited coverage channels when so intermixed oftentimes lie fallow, in this instance we note that there are at this time two parties maintaining their intentions to promptly activate Channel 224A on its assignment to Flint. Apparently it is their business judgment that a Class A channel is feasible at Flint in competition with 2 wide coverage FM stations.⁵ We note that their business judgment is made with the knowledge of the operation of one existing Class A assignment (288A, WWCK) at Flint.

6. In view of the foregoing we find it in the public interest to propose the assignment of FM Channel 224A to Flint, Mich. Accordingly, we propose, for consideration, the following revision in our FM Table of Assignments (§ 73.202(b) of our rules) with respect to the city listed below:

² Detailed statistics are also given for other facets of the community, such as police and fire departments, hospitals, hotels, churches, libraries and educational institutions.

⁴ One of which, WFBE, is a noncommercial educational station.

City	Channel No.	
	Present	Proposed
Flint, Mich.	236, 288A, 300	234A, 236, 288A, 300.

In view of the fact that Flint is within 250 miles of the United States-Canadian border the proposed assignment is subject to Canadian concurrence.

7. Authority for the action proposed herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

8. *Showings required.* Comments are invited on the proposal discussed and set forth above. Proponents of the proposed assignment are expected to file comments even if they only resubmit or incorporate by reference their former pleadings. They should also restate their present intentions to apply for the channel if it is assigned and, if authorized, to build the station promptly. Failure to file may lead to denial of the request.

9. *Cutoff procedures.* The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this notice, they will be considered as comments in the proceeding, and public notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

10. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before March 28, 1973, and reply comments on or before April 6, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

11. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

12. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: February 14, 1973.

Released: February 20, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-3564 Filed 2-23-73;8:45 am]

¹ Commissioner Reid absent.

¹ The statement was not timely filed but is accepted for good cause shown.

² All population figures cited are from the 1970 U.S. Census unless otherwise specified.

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 270]

[Release No. IC-7659; File No. S7-434]

ADJOURNMENT OF SHAREHOLDERS' MEETING AND SOLICITATION OF ADDITIONAL PROXIES

Withdrawal of Proposed Rule Making

On March 31, 1972, the Securities and Exchange Commission, published notice (Investment Company Act Release No. 7087, Securities Exchange Act Release No. 9546) that it had under consideration the adoption of proposed Rule 20a-4 (17 CFR 270.20a-4) under the Investment Company Act of 1940 (Act) (15 U.S.C. 80a-1 et seq.) and invited all interested persons to comment upon the proposal. The rule would have prohibited any adjournment of a meeting of shareholders of a registered investment company which related to a proposal requiring shareholder approval if a quorum pursuant to State law were present at such meeting. The Commission has considered the comments and suggestions received and has decided to withdraw the proposed rule and to defer further action on a rule at this time pending further study. Such deferral should not be construed by registered investment companies and their counsel as an abatement of the Commission's concern with the problem of unwarranted adjournments of investment company shareholder meetings or resolicitation of shareholders. Whether or not the Commission will ultimately decide to adopt a rule in this area will be determined in large measure by the conduct of investment company management with respect to such solicitations in the future.

Investment company management must weigh carefully the decision whether to adjourn a shareholder meeting for the purpose of soliciting shareholders to obtain additional proxies in an effort to secure sufficient votes to pass a particular proposal or proposals. In any case where shareholders clearly express their disagreement and disinterest abstention, and thus fail to yield sufficient votes for passage, management must determine if an adjournment and additional solicitation is reasonable and in the interest of shareholders, or whether such procedures would constitute an abuse of management's office. Where management embarks upon a course of adjournment and additional solicitation, the Commission will consider whether such conduct appears to constitute a breach of fiduciary duty under section 36(a) of the Act (15 U.S.C. 80a-35(a)).

Among other factors the Commission will consider will be the nature of the proposal, the percentage of votes actually cast, the percentage of actual negative votes, the nature of the further solicitation and the information provided to shareholders with respect to the reasons for such further solicitation (File No. S7-434).

Proposed Rule 20a-4 is hereby withdrawn. Additionally, a proposed technical amendment to Rule 20a-1 published in the same notice, which would have incorporated a reference to Rule 20a-4, is also hereby withdrawn.

Commission action. The Commission's proposals to amend Part 270 of Chapter II of Title 17 of the Code of Federal Regulations, which was published in Release Nos. 34-9546 and IC-7087 (37 FR 6758 April 4, 1972), by amending § 270-

20a-1 and by adding a new § 270.20a-4, are hereby withdrawn.

By the Commission.

[SEAL]

RONALD F. HUNT,
Secretary.

FEBRUARY 6, 1973.

[FR Doc.73-3573 Filed 2-23-73;8:45 am]

FEDERAL POWER COMMISSION

[18 CFR Part 2]

[Docket Nos. R-467, R-468]

UTILIZATION AND CONSERVATION OF NATURAL GAS

Proposed Policy Statement and Notice of Proposed Rule Making; Extension of Time

FEBRUARY 16, 1973.

Commission regulations under the Natural Gas Act, Parts 153, 154, 156, and 157.

The Independent Natural Gas Association of America, the Associated Gas Distributors, and the American Gas Association have filed requests for an extension of time within which to file comments in response to the "Notice of Proposed Policy Statement with Request for Comments" in Docket No. R-467 (38 FR 1517), and the "Notice of Proposed Rulemaking and Request for Comments" in Docket No. R-468 (38 FR 1519), issued January 8, 1973, in the above-designated matters.

Upon consideration, notice is hereby given that the time is extended to and including March 30, 1973, within which any interested person may submit data, views, comments, or suggestions in writing, in the above-designated matters.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3500 Filed 2-23-73;8:45 am]

Notices

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

DEPARTMENT OF THE TREASURY

Office of the Secretary

[ATB 643.3 WT]

EXPANDED METAL, OF BASE METAL, FROM JAPAN

Antidumping Proceeding Notice

On January 12, 1973, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that expanded metal, of base metal, from Japan is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.). Expanded metal, of base metal, is used primarily as flooring and platforms for pedestrian traffic, and for decorative purposes.

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

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

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

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

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

[SEAL] EDWARD L. MORGAN,
Assistant Secretary
of the Treasury.

FEBRUARY 20, 1973.

[FR Doc.73-3026 Filed 2-23-73; 8:45 am]

METAL PUNCHING MACHINES, SINGLE-END TYPE, MANUALLY OPERATED, FROM JAPAN

Notice of Antidumping Proceeding

On January 23, 1973, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that metal punching machines, single-end type, manually oper-

ated, from Japan are being, or are likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

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

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

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

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

This notice is published pursuant to § 153.30 of the customs regulations (19 CFR 153.30).

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

FEBRUARY 22, 1973.

[FR Doc.73-3675 Filed 2-23-73; 8:45 am]

[O:A:T 643.3 MR]

NATURAL RUBBER THREAD FROM ITALY Antidumping Proceeding Notice

FEBRUARY 22, 1973.

On January 22, 1973, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that natural rubber thread from Italy is being, or is likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

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

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

the fact or likelihood of sales at less than fair value.

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

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

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

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

[FR Doc.73-3627 Filed 2-23-73; 8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

HIGHLAND LIGHT DEVELOPMENT AREA OF CAPE COD NATIONAL SEASHORE

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before March 28, 1973, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with the town of Truro, authorizing it to operate a golf course and provide related facilities and services for the public within the Highland Light Development Area of Cape Cod National Seashore, for a period of one (1) year from January 1, 1973, through December 31, 1973.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and, therefore, pursuant to the act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before March 28, 1973.

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

Dated: December 27, 1972.

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

[FR Doc.73-3539 Filed 2-23-73; 8:45 am]

NATIONAL CAPITAL PARKS

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given on or before March 28, 1973, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Rock Creek Park Horse Centre, Inc., authorizing it to provide concession facilities and services for the public within National Capital Parks for a period of one (1) year from October 1, 1972, through September 30, 1973.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before March 28, 1973.

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

Dated: February 14, 1973.

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

[FR Doc.73-3542 Filed 2-23-73; 8:45 am]

OZARK NATIONAL SCENIC RIVERWAYS

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on or before March 28, 1973, the Department of the Interior, through the Superintendent, Ozark National Scenic Riverways, proposes to issue a concession permit to Dwight Terry and Robert McSpadden authorizing them to provide concession facilities and service for the public at Big Spring Unit, Ozark National Scenic Riverways for a period of two (2) years from January 1, 1973, through December 31, 1974.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before March 28, 1973.

Interested parties should contact the Superintendent, Ozark National Scenic

Riverways, Van Buren, Mo. 63965, for information as to the requirements of the proposed permit.

RANDALL R. POPE,
Superintendent,
Ozark National Scenic Riverways.

DECEMBER 18, 1972.

[FR Doc.73-3540 Filed 2-23-73; 8:45 am]

OZARK NATIONAL SCENIC RIVERWAYS

Notice of Intention To Issue a Concession Permit

Pursuant to the provisions of section 5, of the act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given on or before March 28, 1973, the Department of the Interior, through the Superintendent, Ozark National Scenic Riverways, proposes to issue a concession permit to James and Mae Sullivan authorizing them to provide concession facilities and service for the public at Round Spring Unit, Ozark National Scenic Riverways for a period of one (1) year from January 1, 1973, through December 31, 1973.

The foregoing concessioner has performed its obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above, is entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before March 28, 1973.

Interested parties should contact the Superintendent, Ozark National Scenic Riverways, Van Buren, Mo. 63965, for information as to the requirements of the proposed permit.

RANDALL R. POPE,
Superintendent,
Ozark National Scenic Riverways.

DECEMBER 18, 1972.

[FR Doc.73-3541 Filed 2-23-73; 8:45 am]

YOSEMITE NATIONAL PARK

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given on or before March 28, 1973, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Dr. Charles A. Woessner, authorizing him to provide dental services for the public at Yosemite National Park, Calif., for a period of two (2) years from January 1, 1973, through December 31, 1974.

The foregoing concessioner has performed its obligations under the expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the act cited above, is entitled

to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before March 28, 1973.

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

Dated: February 14, 1973.

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

[FR Doc.73-3543 Filed 2-23-73; 8:45 am]

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration
BASIN ELECTRIC POWER COOPERATIVE
Availability of Final Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan application from Basin Electric Power Cooperative of Bismarck, N. Dak. This loan application requests REA loan funds to complete Stanton Unit No. 2 and extensive transmission facilities and to install an electrostatic precipitator for Stanton Unit No. 1.

Additional information may be secured on request, submitted to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, DC 20250. The Final Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW, Washington, DC, Room 4310 or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 16th day of February 1973.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.
[FR Doc.73-3580 Filed 2-23-73; 8:45 am]

Soil Conservation Service
SWAN CREEK WATERSHED PROJECT,
ALABAMANotice of Availability of Draft
Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of

1969, the Soil Conservation Service, U.S. Department of Agriculture has prepared a draft environmental statement for the Swan Creek Watershed Project, Limestone County, Ala., USDA-SCS-ES-WS-(ADM)-73-31(D).

The environmental statement concerns a plan for watershed protection and flood prevention. The planned works of improvement include conservation land treatment and 12.5 miles of channel modification.

This draft environmental statement was transmitted to CEQ on January 30, 1973.

Copies are available during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue SW, Washington, DC 20250.

Soil Conservation Service, Wright Building, 138 South Gay Street, Auburn, AL 36830.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please use name and number of statement above when ordering. The estimated cost is \$3.25.

Copies of the draft environmental statement have been sent for comment to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to William B. Lingle, State Conservationist, Soil Conservation Service, Post Office Box 311, Auburn, AL 36830.

Comments must be received within 60 days of the date the statement was transmitted to CEQ in order to be considered in the preparation of the final environmental statement.

EUGENE C. BUTE,
Acting Deputy Administrator
for Watersheds, Soil Conservation Service.

FEBRUARY 16, 1973.

[FR Doc. 73-3530 Filed 2-23-73; 8:45 am]

Office of the Secretary

NEW YORK PRODUCE EXCHANGE Order Vacating Designations as Contract Market

Pursuant to section 7 of the Commodity Exchange Act (7 U.S.C. 11), I hereby vacate the designations of the New York Produce Exchange of New York, N.Y., as a contract market effective May 10, 1973. The said exchange, which was designated as a contract market for grains on July 21, 1926, for cottonseed oil, soybean oil, and tallow on December 8, 1940, for cottonseed meal on February 11, 1964, and for soybeans on

August 15, 1966, has requested that such designations be vacated.

Issued this 20th day of February 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc. 73-3529 Filed 2-23-73; 8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

SS "UNITED STATES"

Notice of Purchase and Solicitation of Proposals for Use

Notice is hereby given that pursuant to the provisions of Public Law 92-296 the Assistant Secretary of Commerce for Maritime Affairs, acting for and on behalf of the Secretary of Commerce, purchased on February 6, 1973, the passenger liner SS *United States* from its former owner. The Public Law permits the Maritime Administration to sell or charter the vessel to a qualified operator for operation under the American flag or to lay up the vessel in the National Defense Reserve Fleet.

The Maritime Administration is soliciting proposals from qualified operators interested in the purchase or charter of the vessel for operation under the American flag. Proposals are to be submitted by March 30, 1973, and should be addressed to the Secretary, Maritime Administration, Washington, DC 20235, and contain sufficient detail for the Maritime Administration to determine the intended use, and the economic feasibility of the project, as well as the ability (financial and operational) of the proposed operator to undertake the project.

Dated: February 20, 1973.

By order of the Maritime Administration.

JAMES S. DAWSON, JR.,
Secretary.

[FR Doc. 73-3581 Filed 2-23-73; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

SECRETARY'S ADVISORY COMMITTEE ON AUTOMATED PERSONAL DATA SYSTEMS

Notice of Meeting

A meeting of the Secretary's Advisory Committee on Automated Personal Data Systems will be held as follows: from 9:30 a.m. to 6 p.m. on Thursday, March 1, 1973, in room 5131 HEW north building, 330 Independence Avenue SW., Washington, D.C.; from 9 a.m. to 6 p.m. on Friday, March 2, 1973, and from 9 a.m. to 3 p.m. on Saturday, March 3, 1973, at Skyline Inn, South Capitol and Eye Streets SW., Washington, D.C.

(1) *Purpose of Committee.* The Committee was appointed to advise and assist the Department of Health, Educa-

tion, and Welfare in the preparation of analyses and recommendations which the Secretary determines will help the Department to take initiative in seeking to assure that the use of automated personal data systems will be managed to maximize their benefits and minimize their potential for harmful consequences.

(2) *Members of Committee.* The Committee is chaired by Dr. Willis H. Ware, and is composed of the following other members: Layman Allen, Juan Anglero, Stanley Aronoff, William Bagley, Philip Burgess, Gertrude Cox, Patricia Cross, Gerald Davey, Taylor DeWeese, Guy Dobbs, Robert Gallati, Florence Gaynor, John Gentile, Jane Hardaway, James Impara, Patricia Lanphere, Arthur Miller, Don Muchmore, Jane Noreen, Roy Siemiller, Ruth Silver, Sheila Smythe, and Joseph Weizenbaum.

(3) *Agenda for meeting.* The meeting will be devoted exclusively to the purposes of considering and formulating advice to be included in the Committee's report to the Secretary. The meeting will consist solely of the exchange of opinions, views, and judgments of members on the proposed and tentative formulations of the report, and this discussion, if written, would fall within the fifth exemption from the mandatory disclosure requirements of the Freedom of Information Act (5 U.S.C. 552(b)(5)). Accordingly, in accordance with a determination made by the Assistant Secretary for Administration and Management with the concurrence of the Office of General Counsel and the Office of Public Affairs, the meeting will be closed to the public pursuant to section 10(d) of the Federal Advisory Committee Act (Public Law 92-463).

Any persons desiring information about the Committee's work may telephone (202-963-3003), or write to the Office of the Executive Director, Room 5517, HEW North Building, 330 Independence Avenue, SW., Washington, DC 20201.

DAVID B. H. MARTIN,
Executive Director.

FEBRUARY 20, 1973.

[FR Doc. 73-3547 Filed 2-23-73; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N-73-140; Adm. Div. Docket No. Z-303]

Hasty-Greene Investments, Inc.

Notice of Hearing

1. Hasty-Greene Investments, Inc., its officers and agents, hereinafter referred to as Respondent, being subject to the provisions of the Interstate Land Sales Full Disclosure Act (Public Law 90-488) (15 U.S.C. 1701 et seq.), received a notice of proceedings and opportunity for hearing dated January 3, 1973, which was

sent to the developer pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b) (1) informing the developer of information obtained by the Office of Interstate Land Sales Registration showing that a change had occurred which affected material facts in the developer's statement of record for Walden Ridge unit I, and the failure of the developer to amend the pertinent sections of the statement of record and property report.

2. The Respondent filed an answer dated January 17, 1973, in answer to the allegations of the notice of proceedings and opportunity for a hearing.

3. In said answer the Respondent requested a hearing on the allegations contained in the notice of proceedings and opportunity for a hearing.

4. Therefore, pursuant to the provisions of 15 U.S.C. 1706(d) and 24 CFR 1720.160(b), *It is hereby ordered*, That a public hearing for the purpose of taking evidence on the questions set forth in the notice of proceedings and opportunity for hearing will be held before Paul N. Pfeiffer, Administrative Law Judge, in room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, D.C., on March 7, 1973 at 10 a.m.

The following time and procedure is applicable to such hearing: All affidavits and a list of all witnesses are requested to be filed with the Hearing Clerk, HUD Building, Room 10150, Washington, D.C. 20410, on or before February 28, 1973.

5. The Respondent is hereby notified that failure to appear at the above-scheduled hearing shall be deemed a default and the proceeding shall be determined against Respondent, the allegations of which shall be deemed to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b) (1).

This notice shall be served upon the Respondent forthwith pursuant to 24 CFR 1720.440.

Dated: February 20, 1973.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.
[FR Doc. 73-3553 Filed 2-23-73; 8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-269A etc.]

DUKE POWER CO.

Notice and Order for Prehearing Conference

In the matter of Duke Power Co. (Oconee Units 1, 2, and 3; McGuire Units 1 and 2), Dockets Nos. 50-269A, 50-270A, 50-287A, 50-369A, 50-370A.

Take notice that the fourth prehearing conference in the above-entitled matter will be held commencing at 9:30 a.m. March 7, 1973, at 811 Vermont Avenue NW., Room 111, Washington, DC (Veterans Administration Building).

Issued at Washington, D.C., this 20th day of February 1973.

It is so ordered.

The Atomic Safety and Licensing Board.

WALTER W. K. BENNETT,
Chairman.

[FR Doc. 73-3513 Filed 2-23-73; 8:45 am]

[Docket No. 50-289]

METROPOLITAN EDISON CO., ET AL.

Notice of Hearing on a Facility Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the National Environmental Policy Act of 1969 (NEPA), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, rules of practice, notice is hereby given that, subject to conditions set forth in a memorandum and order of February 20, 1973, a hearing will be held on the pressurized water reactor identified as the Three-Mile Island Station, Unit 1 (the facility) of the applicants, Metropolitan Edison Co., Jersey Central Power & Light Co., and Pennsylvania Electric Co. The hearing will be held at a time and place to be set in the future by the Atomic Safety and Licensing Board (Licensing Board) designated herein, to begin in the vicinity of the facility in Dauphin County, Pa. Construction of the facility was authorized by Provisional Construction Permit No. CPPR-40, issued by the Atomic Energy Commission on May 18, 1968. The hearing will consider (1) whether, considering those matters covered by Appendix D to 10 CFR Part 50, the provisional construction permit should be continued, modified, terminated, or appropriately conditioned to protect environmental values, and (2) whether a facility operating license should issue. An operating license will be issued only after appropriate findings are made by the Director of Regulation on the matters set out in 10 CFR 50.57A which are not embraced by the Board's decision, and upon compliance with the applicable provisions of Appendix D to 10 CFR Part 50.

The instant facility is subject to the provisions of section C of Appendix D to 10 CFR Part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits were issued prior to January 1, 1970.

The Licensing Board shall consist of Charles A. Haskins, Esq. (Chairman), Dr. M. Stanley Livingston and Dr. John R. Lyman. Mr. Ralph S. Decker has been designated as a technically qualified alternate, and Max D. Paglin, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

A "Notice of Consideration of Issuance of Facility Operating License and Notice of Opportunity for Hearing" was published in the FEDERAL REGISTER on July 7,

1972 (37 FR 13360). The notice provided that, on or before March 28, 1973, any person whose interest may be affected by the proceeding could file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, rules of practice. A joint petition for leave to intervene was thereafter filed by Citizens for a Safe Environment and Environmental Coalition on Nuclear Power (petitioners). The State of Pennsylvania also petitioned to participate as a State pursuant to 10 CFR 2.715(c). As set out in the memorandum and order referred to above, a public hearing will be held; petitioners will be admitted as a party, and Pennsylvania as an interested State.

A prehearing conference or conferences will be held by the Licensing Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's rules of practice. The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the Licensing Board.

For further details pertinent to the matters under consideration, see the application for the facility operating license dated June 25, 1970, as amended; the licensee's revised environmental report dated February 11, 1972; and the licensee's Amendment No. 1 thereto, dated March 3, 1972, the draft detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D, dated June 1972, and the Commission's final detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D, dated December 1972, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Government Publication Section, State Library of Pennsylvania, Box 1601 (Education Building), Harrisburg, PA 17126. Copies of the Commission's final detailed statement on environmental considerations pursuant to 10 CFR Part 50, Appendix D, dated December 1972, may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545. As they become available, the following documents also will be available at the above locations: (1) The report of the Advisory Committee on Reactor Safeguards on the application for a facility operating license for the Three-Mile Island Nuclear Station Unit 1; (2) the safety evaluation prepared by the Directorate of Licensing; (3) the proposed facility operating license; and (4) the technical specifications, which will be attached as Appendix A to the proposed facility operating license.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition

for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Licensing Board, within such limits and on such conditions as may be fixed by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, on or before March 28, 1973. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's rules of practice, must be filed by the parties to this proceeding (other than the regulatory staff) on or before March 16, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Licensing Board, parties are required to file pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and 20 conformed copies of each such paper with the Commission.

Dated at Germantown, Md., this 20th day of February 1973.

U.S. Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-3514 Filed 2-23-73;8:45 am]

URANIUM HEXAFLUORIDE

Charges, Enriching Services, Specifications, and Packaging; Revisions

Correction

In FR Doc. 73-2879, appearing at page 4432 for the issue of Wednesday, February 14, 1973, in the fourth column of Table 1 the fourth number which now reads "-0.89" should read "-0.189".

CIVIL AERONAUTICS BOARD

[Docket No. 24907]

AIR HAITI, S.A.

Notice of Prehearing Conference and Hearing

Foreign air carrier permit amendment. Addition of New York, N.Y. as a co-terminal point.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on March 20, 1973, at 10 a.m. (local time) in room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Joseph L. Fitzmaurice.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before March 13, 1973.

Dated at Washington, D.C., February 20, 1973.

[SEAL]

RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-3575 Filed 2-23-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19678-19680; FCC 73-142]

RADIO TELEPHONE COMPANY OF GAINESVILLE, FLA., ET AL.

Memorandum Opinion and Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Radio Telephone Company of Gainesville, Gainesville, Fla., Docket No. 19678, File No. 426-M-L-62; W. Donald Molitor and Donald N. Molitor doing business as Canaveral Communications, Cocoa, Fla., Docket No. 19679, File No. 294-M-L-62; Marine Telephone Co., Inc., Miami, Fla., Docket No. 19680, File No. 232-M-L-52; for a public coast Class III (VHF) radio station to serve the Daytona Beach-New Smyrna Beach, Fla., locality.

1. The above applications are on file for a VHF Public Coast station to be located on the east coast of Florida in the Daytona Beach-New Smyrna Beach locality. This class of station provides public correspondence service to ships and, pursuant to the Commission's rules, amended on August 14 and 22, 1972, in Dockets Nos. 19360 and 19484, respectively, we authorize only one station of this class to serve such a locality under circumstances here existing.

2. The applications, therefore, are mutually exclusive under our rules because all applicants propose to serve essentially the same locality. Additionally, the applications of Radio Telephone Company of Gainesville, and Marine Telephone Co., Inc., are mutually exclusive because they propose to operate on the same working frequency; 162 MHz. Thus, a hearing is needed to determine which application should be granted. Except as indicated otherwise by the issues below, the applicants are qualified for the grant of their applications.

3. Accordingly, it is ordered, That the above-entitled applications are designated for hearing at a time and place to be specified in a subsequent order on the following issues.

a. To determine comparatively which applicant will provide the public with

the best public coast station service based on the following considerations:

- (1) Coverage area and its relation to the greatest number of potential users;
- (2) Hours of operation;
- (3) Quality and variety of service;
- (4) Ability to effectively participate in the maritime mobile radio safety system;
- (5) Economic viability as affects licensee's ability to provide continuous and uninterrupted reliable and efficient service for at least 1 year;
- (6) Rates and charges;
- (7) Qualifications of management, operators, and other personnel; and
- (8) Interconnections with landline facilities.

b. To determine in the light of the evidence adduced on all the foregoing issues, which application should be granted.

4. It is further ordered, That the burden of proceeding with the introduction of evidence on Issue a is placed on each applicant insofar as the respective items pertain to each of the parties. Issue b is conclusory.

5. It is further ordered, That Subpart R of Part 81 of the rules shall be used as the guide and reference source for the preparation of exhibits showing the geographical area in which satisfactory ship-shore maritime communications can be technically exchanged. Subpart R contains technical standards for computing service areas for VHF maritime mobile coast stations.

6. It is further ordered, That to avail themselves of an opportunity to be heard, each of the applicant parties, pursuant to § 1.221(c) of the rules, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Pursuant to § 1.221(b) of the rules, the chiefs of the Safety and Special Radio Services and Common Carrier Bureaus are parties in this proceeding, and will be served with copies of all filings.

Adopted: February 7, 1973.

Released: February 14, 1973.

FEDERAL COMMUNICATIONS COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-3565 Filed 2-23-73;8:45 am]

[Docket No. 19072; FCC 73-131]

UNITED TELEPHONE CO. OF OHIO

Memorandum Opinion and Order Remanding Proceeding to Administrative Law Judge

In re applications for renewal of license filed by United Telephone Co. of Ohio; Docket No. 19072; File Nos. 548-C2-R-70, 549-C2-R-70, for radio common carrier stations KQA459 and KQA651 in the Domestic public land

¹ Commissioner Johnson concurring in the result; Commissioner H. Rex Lee absent.

mobile radio service at Lima, Ohio, and Bellefontaine, Ohio.

1. The Commission has under consideration the Initial Decision, FCC 72D-16, of Administrative Law Judge Lenore Ehrig, exceptions thereto and supporting briefs, filed on April 6, 1972, by Carpenter Radio Co. (Carpenter), Ohio Association of Radio Common Carriers (Association), and the Chief, Common Carrier Bureau (Bureau), and a reply, filed April 19, 1972, by United Telephone Co. of Ohio (United). Carpenter, Association, and the Bureau have requested oral argument before the Commission, en banc.

2. The captioned renewal applications were designated for hearing in a Memorandum Opinion and Order, FCC 70-1154, released November 6, 1970, on issues which included inter alia the following:

To determine whether United Telephone Co. of Ohio, in connection with the rates charged to miscellaneous common carriers and to others for interconnection with the landline facilities of United, has engaged in any pricing practices which are:

- (a) Anticompetitive or monopolistic;
- (b) In violation of any provision of the Communications Act or contrary to the public interest standards thereof;
- (c) In violation of any rule, decision, or policy of the Federal Communications Commission;

and if so, whether the Commission should prescribe just and reasonable interconnection charges, and what such charges should be, pursuant to section 201(a) of the Act, 47 U.S.C. section 201 (a).

In resolving the designated issue, the Presiding Judge misconstrued the scope of the issue and confined her deliberations to "whether United is charging a premium for a line to connect a miscellaneous common carrier as distinct from ordinary business lines."

3. In our designation order we noted that Association alleged, inter alia, that United was discriminating in its charges to miscellaneous common carriers for interconnection as opposed to ordinary business lines. It was our intention, however, to consider United's interconnection pricing practices fully in order to assure that it was not engaged in any anticompetitive or monopolistic pricing practices. In the designation order we discussed at length our "concern for the possibilities of competitive abuse where wireline carriers compete with non-wireline carriers" (Guardband Proceeding, 12 FCC 2d 841 at 845 (1968), recon. den. 14 FCC 2d 296, affirmed sub nom. Radio Relay, Inc. v. FCC, 409 F.2d 322 (2d Cir., 1969)), and we stressed the "great significance we attach to competitive equality between wireline and non-wireline carriers." The guidelines we established in the Guardband Proceeding for pricing practices in competitive situations provided that authorizations would be granted on the condition that wireline carriers made their facilities available to competing non-wireline carriers at costs identical to those they use in com-

puting their own costs for providing competitive services. Although the Guardband Proceeding is not directly applicable to the applications under consideration here, our discussion illustrated our concern with competition between United and competing non-wireline carriers which use its interconnection facilities. We did not contemplate the narrow framework within which the Presiding Judge interpreted Issue 2. It is incumbent upon United to establish the costs upon which its charges for interconnection are based and to have the burden of proving that the charges are reasonable and do not give United unwarranted competitive advantage. Under the Presiding Judge's interpretation of the issue, such evidence was not required for resolution of the issue. We are therefore unable to resolve the issue based on the evidence of record.

4. Accordingly, it is ordered, That the record is reopened and that the proceeding is remanded to the presiding Administrative Law Judge for further proceedings consistent with our opinion herein; and

5. It is further ordered, That such remanded proceedings be conducted on an expedited basis; and

6. It is further ordered, That the requests for oral argument filed by Carpenter Radio Co., Ohio Association of Radio Common Carriers, and the Chief, Common Carrier Bureau, are denied.

Adopted: January 31, 1973.

Released: February 5, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-3566 Filed 2-23-73; 8:45 am]

FEDERAL MARITIME COMMISSION

CHINESE MARITIME TRANSPORT, LTD., AND/OR ORIENT OVERSEAS LINE, INC.

Notice of Issuance of Casualty Certificate

Security for the protection of the public, financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Chinese Maritime Transport, Ltd., and/or Orient Overseas Line, Inc., c/o Orient Overseas Services, Inc., 311 California Street, San Francisco, CA 94104.

Dated: February 20, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-3549 Filed 2-23-73; 8:45 am]

¹ Commissioner Johnson concurring in part and dissenting in part; Commissioners Reid and Wiley concurring in the result.

CHINESE MARITIME TRANSPORT, LTD., AND/OR ORIENT OVERSEAS LINE, INC.

Notice of Issuance of Performance Certificate

Security for the protection of the public, indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a certificate of financial responsibility for indemnification of passengers for nonperformance of transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Chinese Maritime Transport, Ltd., and/or Orient Overseas Line, Inc., c/o Orient Overseas Services, Inc., 311 California Street, San Francisco, CA 94104.

Dated: February 20, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-3550 Filed 2-23-73; 8:45 am]

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice of voluntary revocation is hereby given with respect to Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p) (1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	Owner/Operator and Vessel
01034---	Graff-Wang & Evjen: Seafalcon.
01177---	Freighters Transport Corp.: Aegean Dolphin.
01248---	A.S. Atlantic: Condo.
01271---	N.V. Nederlandsch-Amerikaansche Stoomvaart-Maatschappij: Kamperdyk.
01306---	Shaw Savill & Albion Co. Ltd.: Atlantic Jamican.
01320---	Friedrich A. Detjen: Maas.
01334---	American President Lines Ltd.: President Harding.
01354---	H.E. Hansen-Tangen: Greenland Sea.
01609---	N.V. Houtvaart: Vlat.
01819---	King Line Ltd.: King Charles.
01861---	B.P. Tanker Co., Ltd.: British Lantern.
01905---	Ben Line Steamers Ltd.: Wearfield.
01935---	Partnership 88 Co. Svendborg & 88 Co. of 1912 Ltd.: Sine Maersk.
02043---	Suomen Tankkilaiva Oy-Finla Tankfartygs AB: Wirta.
02198---	Peninsular & Oriental Steam Navigation Co.: Trevaylor.
02253---	Aktieselskabet "Ocean": Dageld.

Certificate No.	Owner/Operator and Vessels
02358...	Brussgaard Klosteruds Skibeasjeselskap: Hermion.
02392...	Pacific Marine Transport Co., Ltd.: Hongkong Crusade.
02393...	Interessentskapet Seahorse: Seahorse.
02392...	Lykes Bros. S/S Co., Inc.: Norman Lykes. Lipscomb Lykes. Doctor Lykes.
02341...	Koninklijke Nederlandsche Stoomboot Maatschappij N.V.: Ammon.
02363...	Rederiet Otto Danielsen: Otto Danielsen.
02473...	Irish Shipping Ltd.: Irish Poplar.
02501...	Standard Oil Co. of California: Arizona Standard.
02552...	Ellerman & Bucknall Steamship Co., Ltd.: City of St. Albans. City of Dundee.
02903...	Empresa Hondurena de Vapores, S.A.: Olancho. Orica.
02718...	Almador Shipping Co. Ltd.: Georgios Matsas.
02877...	Nippon Yusen Kabushiki Kaisha: Wakakusa Maru.
03009...	Ionic Sociedad Anonima: Aeolia.
03174...	Themistocles Maritime Co. Ltd.: Themistocles.
03249...	Rederiet for M.S. "Polar Diamant": Polar Diamant.
03301...	Prudential-Grace Lines, Inc.: Santa Alicia. Santa Monica.
03322...	Dalichi Chuo Kisen Kabushiki Kaisha: Semantan Maru. Rocky Maru.
03328...	Mid-Ohio Towing Inc.: Alton Zephyr.
03397...	Mr. Hilmar Reksten: Lucian. Vespasian. Julian.
03447...	K.K. Kyokuyo: Kyoshin Maru No. 52. Kyokko Maru.
03458...	Matsuoka Kisen Kabushiki Kaisha: Harriet Maru.
03474...	Nippon Suisan K.K.: Ehiko Maru. Kiso Maru. Shirane Maru. Suzuka Maru. Zao Maru.
03484...	Sanko Kisen K.K.: Wako Maru.
03500...	Bahamas Line, S.A.: Lincoln Express.
03742...	Bauer Dredging Co., Inc.: BDCO No. 26. Dave Blackburn. Russell B. Long. J. J. Mansfield. ST-5. BDCO No. 32. C.S.E. Holland. Barge 617. BDCO No. 98. Bill Bauer. BDCO No. 52. BDCO No. 85. John H. Shary.
03817...	Nueva Sevilla Compania Naviera S.A.: Princess Anne-Marie.

Certificate No.	Owner/Operator and Vessels
03841...	American Export Isbrandtsen Lines, Inc.: Constitution. Independence. Exbrook. Excheater. Executor. Exford. Export Adventurer. Export Agent. Export Aide. Export Ambassador. Export Banner. Export Bay. Export Builder. Export Buyer. Export Challenger. Export Champion. Export Commerce. Export Courier. CV Lightning. CV Staghound. CV Sea Witch.
03901...	Lodestone Shipping Corp., Monrovia: Lodestone.
03958...	Liberian Oriental Transports Inc.: World Oriental.
03968...	Zim-Israel Nav. Co. Ltd.: Deganya.
04020...	Skips A/S Agnes (Einar Saanum): Ronabay.
04021...	Koppers Co., Inc.: CKC-43.
04040...	Halldan Ditlev-Simonsen & Co.: Visund. Velma.
04080...	Port Arthur Towing Co.: GW 100.
04087...	Merichem Co.: NMS-1400.
04113...	Mon River Towing, Inc.: MRBL-12. GBL 2 (LOT2).
04119...	CIA Naviera La Molinera S.A.: La Molinera.
04250...	Westminster Corp.: Preveza.
04251...	AGA Corp.: Athenoula.
04252...	Rendondo Shipping Co., Inc.: Keharitomoni.
04357...	Koninklijke Nedlloyd N.V.: Eemstroom.
04648...	Universal Bulk Carriers Ltd.: Lankus.
04788...	Traverse Shipping, Inc.: Theomitor.
04801...	Three R. Towing Co., Inc.: TC-5.
04963...	N. V. Zuid-Hollandsa Scheepvaart Maatschappij: Spitsbergen.
05059...	Oriental Central American Lines, Inc.: Oriental Fantasia.
05222...	Thalis Shipping Corp.: Tidaholm.
05735...	Solstad Rederi A/S Skips A/S Solhav & Co. Skips A/S Soltun & Co.: Scandia Falcon.
05793...	Zoya Compania Naviera S.A.: Zoya.
06269...	Paul & Helen Suchko/S & P Towing Inc.: SP 241.
06583...	M.I.L. Tug & Salvage Ltd.: Foundation Vigilant.
06604...	Maritima Balboa, S.A.: Acuario.
06758...	Avion Shipping Co. Ltd.: Aegis Myth.
07065...	Sea Tankers, Inc.: Alpha Reserve. Gamma Reserve.

Certificate No.	Owner/Operator and Vessels
07265...	Kitanion Gyogyo K.K.: Yushomaru No. 2.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc. 73-3551 Filed 2-23-73; 8:45 am]

CERTIFICATES OF FINANCIAL
RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p) (1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	Owner/Operator and Vessels
01092...	Thor Dahls Hvalfangerselskap A/S: Thorsholm.
01145...	Det Bergenske Dampskibsselskab: Team Vesta.
01172...	H. Clarkson & Co., Ltd.: Silver Bridge.
01278...	Leonhardt & Blumberg: Albis.
01305...	Royal Mail Lines Ltd.: Orbita.
01306...	Shaw Savill & Albion Co., Ltd.: Britis. Mayfield.
01428...	The Ocean Steam Ship Co., Ltd.: Achilles.
01465...	Scottish Ship Management Ltd.: Cape Grenville.
01641...	The Bank Line Ltd.: Corabank.
01805...	Suisse Atlantique Societe d'Armenement Maritime S.A.: Londrina.
01905...	The Ben Line Steamers Ltd.: Benhiant. Benledi. Benavon.
01930...	Aktieselskabet Dampskibsselskabet Svendborg: Helene Maersk.
01933...	Dampskibsselskabet AF 1912 Aktieselskab: Hulda Maersk.
01935...	Partnership Between Steamship Co., Svendborg Ltd. Steamship Company of 1912 Ltd: Romo Maersk.
02163...	Rederiet "Ocean" A/S, Copenhagen: Erika Dan.
02332...	Lykes Bros. S/S Co. Inc.: LY-135. LY-136. LY-137. LY-138. LY-139. LY-140. LY-141. LY-142. LY-143. LY-144. LY-903.
02344...	Empresa Lineas Maritimas Argentinas: Rio Abaucan.
02367...	Canadian Pacific (Bermuda) Ltd.: G. A. Walker.

Certificate
No.

Owner/Operator and Vessels

02384... Kristiansands Tankrederi A/S,
A/S Kristiansands Tankrederi
II, Aksjeselskapet Avant and
Aksjeselskapet Skjoldheim;
Polyvikings.

02585... Koch Refining Co.:
AOR-35.
UM-90.

02903... George Gibson & Co., Ltd.:
Abbotsford.

02911... Sig. Bergesen D.Y. & Co.:
Bergeland.

02961... Kobe Kisen Kabushiki Kaisha:
Haiti Maru.

03139... Offshore Marine Ltd.:
Shetland Shore.
Orkney Shore.

03214... Salenrederierna Aktiebolag:
Snow drift.

03294... Companhia De Navegacao Lloyd
Brasileiro:
Itapura.
Atagiba.

03322... Dalichi Chuoh Kisen Kabushiki
Kaisha:
Bristol Maru.

03415... Chiyoda Kisen K. K.:
Sagami Maru.
Wakakusa Maru.

03432... Hino Kisen Co., Ltd.:
Sagami Maru.

03453... Kyoel Tanker Kabushiki Kaisha:
Tosa Maru.

03483... Sankyo Kaiun Kabushiki Kaisha:
Kyokyu Maru.

03501... Osaka Shosen Mitsui Senpaku K.
K.:
Arafura Maru.

03519... Toko Shosen K. K.:
Caucasus Maru.

03566... Skibsaktieselskapet Aino, Skibsak-
sjeselskapet viator, and Skib-
saksjeselskapet Viva:
Ancora.

03714... Pennzoll Co.:
DUVAL 1.
DUVAL 2.
DUVAL 3.

03841... American Export Lines, Inc.:
Export Leader.

03918... Mobil Shipping & Transportation
Co.:
Mobil Explorer

04007... Egon Oldendorff:
Gretke Oldendorff.

04021... Koppers Co., Inc.:
J.I.W. 103.

04149... Seattle Stevedore Co.:
Twin Harbor No. 2.

04251... AGA Corp.
Eleoussa.

04252... Rendondo Shipping Co., Inc.:
Grigoroussa.

04573... S.A. Pesquera Industrial Gallega:
Nuevo Mundo.

04617... Inland Waterways, Inc.
Susan B.

04629... Smit International (Antilles)
N.V.:
Smit Enterprise.

04793... Snam S.p.A.:
Agip Sicilia.

05036... Companhia Nacional De Navega-
cao:
Amarante.

05147... Arne Presthus Rederi A/S.
Anna Presthus.

05577... Far-Eastern Shipping Co.:
Adimiles.
Barnaul.
Bodalbo.
Komsomolets Ussuriyska.
Komsomolets Spasska.

05578... Baltic Shipping Co.:
Warnemunde.

Certificate
No.

Owner/Operator and Vessels

05579... Black Sea Shipping Co.:
Ivan Korobcov.
Kapitan Kadeckiy.
Kapitan Chirkov.

05624... P.N. Pertambangan Minyak Dan
Gas Bumi Nasional (Perta-
mina):
Permina Samudra XII.
Sally One.

05743... Reederei Barthold Richters:
Lloyd Estocolmo.

05974... Slobodna Plovidba:
Murter.

06130... Northern Shipping Co.:
Maymaksa.
Isakogorka.
Bakaritsa.
Zolotitsa.

06248... Commercial Corp., "Sovrybflot":
Ekliptika.

06305... E. T. Barber doing business as
Neches Shell Co., Inc.:
Chemical 801.

06359... Malaysian International Shipping
Corp. Berhad:
Bunga Angsana.

06399... Tokumaru Kaiun K. K.:
Daitoku Maru No. 15.
Daitoku Maru No. 17.
Daitoku Maru No. 3.
Daitoku Maru No. 5.

06429... Ta Cheng Marine Co., Ltd.:
Pu Jen.

06496... Whaling City Dredge & Dock
Corp.:
Steel RR Carfloat No. 5649.
Steel RR Carfloat No. 5831.
Steel RR Carfloat No. 635.
Steel RR Carfloat No. 636.
Steel RR Carfloat No. 637.
Steel Barge Hughes 137.
Steel Barge No. "0."

06498... Federal Steam Navigation Co.,
Ltd.:
Wild Cormorant.

06583... Eastern Canada Towing, Ltd.:
Foundation Vigilant.
Foundation Vallant.

06616... Oswego Shipping Corp.:
"Oswego Harmony."
"Oswego Patriot."
"Oswego Courage."

06775... Whitco (Marine Services) Ltd.:
Newcastle Clipper.
Teesside Clipper.
Chrysanthea.

06925... Bibby Bulk Carriers, Ltd.:
English Bridge.
Australian Bridge.

06995... Novorossiysk Shipping Co.:
Leonardo Da Vinci.
Fedor Poletaev.
Giordano Bruno.
Galileo Galilei.
Giuseppe Verdi.
Rafael.
Gheorghe Gheorghiu Dej.
Drezden.
Belgrad.
Havana.
Borodino.
Sofia.
Bratislava.
Gdynia.
Varna.
Gdansk.
Maurice Thorez.
Otto Grotevol.
Rikhard Zorge.
Julio Antonio Mella.
Burgas.
Komsomolets Kubani.
Pyatidesyati-Ljetie Oktyabrya.
Komsomolets Leningrada.
Mekhanik Afanasiev.

Certificate
No.

Owner/Operator and Vessels

06995... Druzha.
Mir.
Lenkoran.
Lebedin.
Leninakan.
Lutsk.
Ljudinovo.
Ljubilno.
Lenino.
Livny.
Lisichansk.
Ljubotin.
Lugansk.
Lozovaya.
Liski.
Leninabad.
Lubny.
Ljubertay.
Lukhovitsy.
Giuseppe Garibaldi.
Budapest.
Bukharest.
Warszawa.
Pekin.
Praha.
Phenjan.
Ulan-Bator.
Trud.

07039... Rothschild Washington Stevedor-
ing Co.:
Big Red.

07085... Sea Tankers, Inc.:
Overseas Rose.
Overseas Evelyn.

07145... Dal-Ho Industrial Co., Ltd.:
Sun Light No. 20.

07151... Sea Containers Chartering, Ltd.:
Bergen Juno.

07176... Great Fortune Navigation Co. S.A.
Hong Kong:
Great Welfare.
Great Success.
Great Glory.
Great Peace.
Great Power.

07230... Hassel Trading Corp.:
Seaborne.

07265... Dohoku Suisan Kabushiki Kaisha:
Choyomaru No. 81.

07278... Compania Trafico Naviero Sud-
continental S.A. Panama:
Troms.

07325... The Maersk Co., Ltd.:
Maersk Captain.

07366... Compagnie Maritime Des Charge-
urs Reunis:
Medelena.

07432... Inversiones y Finanzas Barberena
S.A.:
Fucsia.

07536... Cycladian Maritime Co. of Panama
S.A.:
Cycladian.

07550... Erato Shipping, Inc.:
Regent Azalea.
Regent Violet.
Regent Begonia.
Regent Cosmos.
Universal Lily.
Regent Fleur.

07561... Gulf Atlantic Transport Corp.:
Gateo 105.

07583... Planta Colombiana de Soda Ltda.:
Planta de Mamonal.

07590... Vitali Naviera S.A.:
Theopae.

07599... Partenreederei M/T. "Frisia":
Frisia.

07603... Anglomark Bulk Carriers Ltd.:
Hampton Lion.

07610... Power Trust Co.:
Erika Hendrik Fisser.

07616... I.A.I. Industria Alimentari Italiani
S.P.A.:
Airona.
Pellicano.

Certificate No.	Owner/Operator and Vessels
07017...	Yugen Kaisha Yasuichiyo Katun: Taiho-Maru.
07029...	Alkmeon Naviera S.A.: Theoketor.
07030...	Strimon Naviera S.A.: Theoforos.
07031...	Meridionalpesca S.P.A.: De Giosa T.
07032...	Mohawk Shipping Corp., Inc.: Star Castor.
07035...	Helmos Shipping, Inc.: Courier.
07039...	Avenir Navigation Co., Ltd. (of Cyprus): Avenir.
07041...	Jade Bay Shipping Co., Ltd.: Jade Bay.
07042...	Armadores Marisurf, Ltd.: Maribruna.
07044...	Viceroy Shipping Ltd.: Buena Esperanza.
07046...	Panoeanic Freight Transport, Ltd.: Anna.
07047...	Athenian Shipping Corp.: Patris.
07052...	Emblema Hidalgo Navigation S.A. of Panama: Kavo Vrettanos.
07053...	Metropolitan Tankers, Ltd.: Marianna.
07056...	Bellva Compania Naviera S.A.: Sovereign Ruby.
07057...	Regent Daisy Shipping Co., S.A.: The Laurel.
07058...	Regent Tulp Shipping Co., S.A.: Juniper.
07061...	Partrederiet for MS Montmorency: Montmorency.
07062...	Tankrederiet de Vries & Co. K. G.: Thor Asgard.
07063...	Molave Bulk Carriers, Inc.: Dona Corazon II.
07066...	Marine Leasing Corp.: MPE-107.
07073...	Doncaster Shipping Co., Ltd.: Sophie.
07074...	Sea Traders Co., Ltd.: Elena.
07075...	Harmony Transport Corp., Inc.: Unique Harriet.
07078...	Tasmanian Transportation, Inc.: Gohyo.
07080...	Tradewind Shipping Co., S.A.: Authentic.
07082...	Sembawang Shipping Co., Ltd.: Silver Land.
07085...	Tanker Enterprises, Inc.: Stolt Pasadena.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-3552 Filed 2-23-73; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI73-530]

CHAMPLIN PETROLEUM CO. ET AL.

Application and Petition for Waiver of Regulations

FEBRUARY 15, 1973.

Take notice that on February 5, 1973, Champlin Petroleum Co. (Operator), et al. (Petitioner), Post Office Box 9365, Fort Worth, TX 76107, filed pursuant to section 4 of the Natural Gas Act and §1.7(b) of the Commission's rules of practice and procedure, a petition for waiver of §154.109(c) of the Commission's regulations under the Natural Gas

Act (18 CFR 154.109(c)), so as to authorize Petitioner to charge a base rate in excess of the Other Oklahoma area ceiling rate for a sale of residue gas to Cities Service Gas Co. (Cities) from the Witcher Processing Plant, Oklahoma County, Okla.; or, in the alternative, Petitioner requests in an application filed in Docket No. CI73-530 permission and approval to abandon said sales of gas to Cities pursuant to section 7(b) of the Natural Gas Act, all as more fully set forth in the petition and application which are on file with the Commission and open to public inspection.

Petitioner presently sells to Cities 78 percent of the residue gas available for sale that is processed at Petitioner's Witcher Processing Plant in accordance with an agreement with Cities dated March 21, 1949, as amended. Petitioner sells said gas at 19.4 cents per Mcf at 14.65 p.s.i.a., plus B.t.u. adjustment, the applicable area rate. It is stated that the remaining 22 percent of such residue gas heretofore has been sold in intrastate commerce to Oklahoma Natural Gas Co.

Petitioner states that on January 12, 1973, it amended the March 21, 1949, agreement to provide, inter alia, for the sale of the aforementioned residue gas at 35 cents per Mcf, effective January 1, 1973. Petitioner requests waiver of §154.109(c) which limits Petitioner to a 19.4-cent rate for the subject gas, and requests authorization to charge a basic rate of 35 cents.

Petitioner states that in return for new pricing provisions contained in the January 13, 1973, amendment, it agrees to sell and deliver to Cities the total volume of residue gas flowing from the Witcher Plant. It is stated that such an increased sale will assure approximately 1,500 Mcf of additional gas per day for the interstate market.

Petitioner further states that the gas it sells to Cities is derived primarily from volumes of casinghead gas that Petitioner purchases under 30 contracts with various producers at an average price of 11 cents per Mcf. Petitioner states that all but three of the contracts between Petitioner and these producers are on a year-to-year basis and that several of the producers have expressed their intention to terminate their contracts with Petitioner unless Petitioner pays an increased rate for the casinghead gas. Petitioner states that based upon the present rate of 19.4 cents per Mcf of gas, plus B.t.u. adjustments, Petitioner is unable economically to pay higher rates for casinghead gas or even bid competitively for new and uncommitted supplies of gas in this area.

Petitioner also states that since 1957 there has been a 70 percent decline in the volumes of gas produced in the field and delivered to the Witcher Plant due to the depletion of reservoirs, decreasing well pressures, and the need to rework or recondition wells, and that the producers have not been willing to undertake measures necessary to sustain the deliveries because of Petitioner's inability to offer the producers a higher wellhead price.

Petitioner requests permission and approval to abandon sales of residue gas to Cities if, and only if, the Commission falls, prior to July 1, 1973, to permit Petitioner to collect the proposed increased rate of 35 cents per Mcf, without refund obligation, for such sales.

Any person desiring to be heard or to make any protest with reference to said application and petition should on or before March 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on the application for permission and approval to abandon sales filed in Docket No. CI73-530 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.73-3589 Filed 2-23-73; 8:45 am]

[Docket No. G-6341]

CONTINENTAL OIL CO.

Notice of Application

FEBRUARY 16, 1973.

Take notice that on January 30, 1973, Continental Oil Co. (Applicant), Post Office Box 2197, Houston, TX 77001, filed in Docket No. G-6341 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon the sale of natural gas to Warren Petroleum Corp. (Warren) and Skelly Oil Co. (Skelly) for resale in interstate commerce and pursuant to section 7(c) of the Natural Gas Act for an amendment of the order issuing a certificate of public convenience and necessity in the instant docket by authorizing the sale of additional gas to El Paso Natural Gas Co. (El Paso) pursuant to

Applicant's FPC Gas Rate Schedule No. 85, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that as the result of reclassification of certain wells in Lea County, N. Mex., from oil wells to gas wells by the New Mexico Conservation Commission, Applicant proposes to abandon percentage sales of casinghead gas from said wells to Warren and Skelly and to sell gas well gas from said wells to El Paso. Applicant states that Warren and Skelly sold residue gas from casinghead gas to El Paso and that Applicant proposes to sell gas to El Paso under its FPC Gas Rate Schedule No. 85 at the rate of 17.9022813 cents per Mcf at 15.025 psia. Applicant states further that the requested abandonment and certificate authorizations are required because the percentage contracts for the sales to Warren and Skelly pertain only to the sale of casinghead gas and the contract comprising Applicant's FPC Gas Rate Schedule No. 85 pertains only to the sale of gas well gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate amendment and 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.73-3586 Filed 2-23-73;8:45 am]

[Docket No. CP73-205]

DISTRIGAS OF NEW YORK CORP.

Notice of Application

FEBRUARY 15, 1973.

Take notice that on February 1, 1973, Distrigas of New York Corp. (Applicant), 125 High Street, Boston, MA 02110, filed in Docket No. CP73-205 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation and sale for resale in interstate commerce of liquefied natural gas (LNG) to certain gas distribution companies in the State of New Jersey, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Customer	Rate schedule	(Volumes of LNG in thousands Mcf equivalent)			
		Winter 1973-4	Summer 1974	Winter 1974-5	Summer
Public Service Electric and Gas Co.	ST-1	4,000	1,000	4,000	
New Jersey Natural Gas Co.	X-1	1,000			
South Jersey Gas Co.	ST-1	420		420	
	ST-1	900		1,100	

Applicant states that the rates charged under Rate Schedule ST-1 will be \$1.014 per million B.t.u. of LNG delivered in the summer months and \$1.614 per million B.t.u. for LNG delivered in the winter months, and under Rate Schedule X-1, \$2.07 per million B.t.u. of LNG.

It is stated that the sale of LNG proposed herein will significantly contribute toward meeting the pressing requirements of Public Service Electric & Gas Co., New Jersey Natural Gas Co., and South Jersey Gas Co. for supplemental gas supplies.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) 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

Distrigas Corp. (Distrigas), has filed an application in Docket No. CP73-78 for authority to import LNG from Algeria to the deepwater terminals located at Everett, Mass., and at Staten Island, N.Y., owned by Distrigas' affiliates, Distrigas of Massachusetts Corp. and Applicant. It is stated that Applicant's LNG terminal at Staten Island, N.Y., is now under construction.

Applicant states that it will buy from Distrigas approximately 58,000,000 Mcf vaporous gas equivalent of LNG at 1,000 B.t.u. per cubic foot, and Applicant proposes to sell approximately 13,000,000 Mcf vaporous gas equivalent of such LNG to Public Service Electric & Gas Co., New Jersey Natural Gas Co., and South Jersey Gas Co., between November 15, 1973 and June 30, 1975, allocated as follows:

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.73-3586 Filed 2-23-73;8:45 am]

[Project 2336]

GEORGIA POWER CO.

Application for Grant of Easement

FEBRUARY 15, 1973.

Public notice is hereby given that application for approval of an easement was filed December 11, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by the Georgia Power Co. (correspondence to: Mr. I. S. Mitchell III, vice president and secretary, Post Office Box 4545, Atlanta, GA 30302), for project No. 2336, known as the Lloyd Shoals project, located on the Alcovy River, in Jasper and Newton Counties, Ga.

Georgia Power Co., licensee for the Lloyd Shoals project No. 2336, is seeking Commission authorization to grant an easement to Southern Bell Telephone & Telegraph Co., for the installation of a submarine telephone cable across the bottom of the project reservoir (Jackson Lake) at the location of Waters Bridge (Georgia Highway No. 212). The

cable will provide additional telephone facilities to customers in the Waters Bridge area on the southern shore of the Alcovy River. Terms of the proposed easement require that installation, use and maintenance of the cable will not endanger health, create a nuisance or otherwise be incompatible with the recreational use of project lands and that following installation of the cable, the land surface will be restored in such manner as to prevent erosion and insure that the environmental qualities, including scenic value, of the project are not adversely affected.

Any person desiring to be heard or to make protest with reference to said application should on or before March 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 a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3587 Filed 2-23-73;8:45 am]

[Docket No. E-7740]

INDIANA AND MICHIGAN ELECTRIC CO. Application for Issuance of Subpoena Duces Tecum and Production of Documentary Evidence

FEBRUARY 16, 1973.

Take notice that the Intervenor Richmond Power and Light of the city of Richmond, Ind. (Richmond) on February 9, 1973, filed with the Commission an application for issuance of a Subpoena Duces Tecum to Mr. Donald C. Cook, president of Indiana and Michigan Electric Co. (I & M) and Chairman and Chief Executive Officer of American Electric Power Co., Inc. for production of documentary evidence. In support of its application, Richmond states that the documents are vital in order for it to adequately prepare and prove its case in the above captioned proceeding and that I & M has refused to voluntarily provide the data which was requested by the city of Fort Wayne, Ind., on December 6, 1972.

Any party to this proceeding desiring to be heard or to protest said application should file comments with the Federal Power Commission, 441 G Street NW., Washington, DC 20426. All such comments or responses should be filed on or before February 28, 1973. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3586 Filed 2-23-73;8:45 am]

[Docket No. E-8009]

WASHINGTON WATER POWER CO. Filing of Supplemental Agreement

FEBRUARY 16, 1973.

Take notice that Washington Water Power Co. on January 9, 1973, tendered for filing a supplemental agreement No. 3 to FPC Rate Schedule No. 40.22. The contract provides for service to Public Utility District No. 2 of Grant County, Wash., and the U.S. Bureau of Reclamation at Warden.

The Company states that the agreement involves no change in rate, but was executed solely to revise the transfer limit to reasonably reflect load requirements. The demand limit is increased to 14,000 kilowatts.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before March 2, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-3584 Filed 2-23-73;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE PAY SYSTEMS FOR FEDERAL EMPLOYEES

Notice of Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, March 1, 1973.
Thursday, March 8, 1973.
Thursday, March 22, 1973.
Thursday, March 29, 1973.

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, DC.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public under a determination to do so, made under the provisions of section 10(d) of Public Law 92-463.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional in-

formation concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street NW., Washington, DC.

DAVID T. ROADLEY,
Chairman, Federal Prevailing
Rate Advisory Committee.

FEBRUARY 21, 1973.

[FR Doc.73-3548 Filed 2-23-73;8:45 am]

FEDERAL RESERVE SYSTEM

BARCLAYS BANK LTD. AND BARCLAYS BANK INTERNATIONAL LTD.

Acquisition of Bank

Barclays Bank Ltd., and Barclays Bank International Ltd., both of London, England, have applied for the Board's approval under section 3(a) (3) of the Bank Holding Company Act (12 U.S.C. 1842(a) (3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Long Island Trust Co., Garden City, N.Y. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of New York. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 19, 1973.

Board of Governors of the Federal Reserve System, February 16, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-3515 Filed 2-23-73;8:45 am]

BANK OF VIRGINIA CO.

Proposed Acquisition of General Finance Service Corp.

Bank of Virginia Co., Richmond, Va., has applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 225.4(b) (2) of the Board's Regulation Y, for permission to acquire voting shares of General Finance Service Corp., Huntingdon, Pa. Notice of the application was published on January 29, 30, 31, February 1, 2, and 6, 1973, in newspapers of general circulation in communities in the State of Pennsylvania in which the proposed subsidiary operates its 33 offices. The proposed subsidiary does business under the names of: Penn Securities Consumer Discount Co.; The Budget Plan, Inc.; Keystone Consumer Discount Co.; Dauphin Loan Co.; Sylvania Credit Service, Inc.; Sylvania Consumer Discount Co.; MoCar Consumer Discount Co., or variations thereof.

Applicant states that the proposed subsidiary engages in the making of small loans under the Pennsylvania Uniform Small Loan Act, the making of consumer discount loans under the Pennsylvania Consumer Discount Act, and the sale, to its consumer borrowers, of credit life and health and accident insurance

and of other insurance serving to protect collateral supporting extensions of credit made by the proposed subsidiary. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 15, 1973.

Board of Governors of the Federal Reserve System, February 16, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-3516 Filed 2-23-73; 8:45 am]

BANKERS TRUST NEW YORK CORP.

Proposed Acquisition of Public Loan Co., Inc.

Bankers Trust New York Corp., New York, N.Y., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire all of the voting shares of Public Loan Co., Inc., Binghamton, N.Y. Notice of the application was published in newspapers of general circulation in each of the 62 communities in New York, Pennsylvania, and New Jersey in which the consumer finance, sales finance, and reinsurance activities of Public Loan Co., are conducted.

Applicant states that the proposed subsidiary would engage in the activities of making consumer finance loans and sales finance loans including purchasing retail installment contracts. Applicant indicates that two of Public Loan's wholly owned subsidiaries, Empire Life Insurance Co., and Commonwealth Life Insurance Co., both located in Wilmington, Del., engage in reinsuring credit life and accident and health insurance coverage for Public Loan Co.'s borrowers. Such activities have been specified by the Board in § 225.4(a) of Regulation

Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b). The proposed activities will not include the commercial lending and equipment leasing activities of Thrift Credit Corp., as that subsidiary will be disposed of prior to the acquisition of Public Loan.

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of New York.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than March 15, 1973.

Board of Governors of the Federal Reserve System, February 16, 1973.

[SEAL] MICHAEL A. GREENSPAN,
Assistant Secretary of the Board.

[FR Doc.73-3537 Filed 2-23-73; 8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on November 20-21, 1972.¹

The information reviewed at this meeting, including recent data for industrial production, employment, and retail sales, suggests that real output of goods and services is growing more rapidly in the current quarter than in the third quarter. However, the unemployment rate has remained substantial. The increase in wages has been larger in recent months than earlier this year. Consumer prices rose considerably in September, but the October rise in wholesale prices was small. In recent weeks, the current account deficit of the U.S. balance of payments has been offset in large part by capital inflows; while the reserves of Japan have increased sub-

¹ The Record of Policy Actions of the Committee for the meeting of Nov. 20-21, 1972, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

stantially further, those of other industrial countries have changed little. In September the excess of U.S. merchandise imports over exports remained large.

In October rates of growth in the monetary aggregates changed relatively little from preceding months, with expansion in the narrowly defined money stock again quite moderate. Since mid-October interest rates generally have declined.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to sustainable real economic growth and increased employment, abatement of inflationary pressures, and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, while taking account of the effects of recent bank regulatory changes, the committee seeks to achieve bank reserve and money market conditions that will support more moderate growth in monetary aggregates over the months ahead than recorded in the third quarter.

By order of the Federal Open Market Committee, February 15, 1973.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.73-3534 Filed 2-23-73; 8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on December 19, 1972.¹

The information reviewed at this meeting, including strong recent gains in industrial production, employment, and retail sales, suggests that real output of goods and services is growing more rapidly in the current quarter than in the third quarter. The unemployment rate has declined. Wage rates increased little in November, following 2 months of large increases. Consumer prices rose considerably again in October, and wholesale prices rose sharply in November. The overall deficit in the U.S. balance of payments has remained substantial in recent months, but there has been a moderate reduction in the excess of U.S. merchandise imports over exports since last spring and summer.

In November rates of growth in the monetary aggregates generally remained moderate, but expansion in the narrowly defined money stock quickened in early December. In recent weeks most market interest rates have tended upward.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to sustainable

¹ The Record of Policy Actions of the Committee for the meeting of Dec. 19, 1972, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

real economic growth and increased employment, abatement of inflationary pressures, and attainment of reasonable equilibrium in the country's balance of payments.

To implement this policy, while taking account of Treasury financing operations and possible credit market developments, the committee seeks to achieve bank reserve and money market conditions that will support slower growth in monetary aggregates over the months ahead than appears indicated for the second half of this year.

By order of the Federal Open Market Committee, February 15, 1973.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc. 73-3535 Filed 2-23-73; 8:45 am]

FIRST FLORIDA BANCORPORATION Order Approving Merger of Bank Holding Companies

First Florida Bancorporation, Tampa, Fla. (First Florida), a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(5) of the Act (12 U.S.C. 1842(a)(5)) to merge with United Bancshares of Florida, Inc., Miami Beach, Fla. (United), under the certificate of incorporation of First Florida and the title of United First Florida Banks, Inc.

Notice of receipt of the application, affording an 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 some 8 months ago. The nature and scope of the subject proposal, hereafter discussed, including its likely direct and indirect effect on banking competition in Florida, has necessitated an unusual amount of staff analysis and Board study with the noted lengthy processing period. In this process, the Board has considered the entire record, including the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

First Florida controls 28 banks with aggregate deposits of \$587.2 million representing 3.4 percent of deposits of commercial banks in Florida, and is the sixth largest banking organization in the State. United controls six banks with total deposits of \$384.3 million representing 2.3 percent of aggregate deposits in the State, and is Florida's 12th largest banking organization. Consummation of the proposed merger would result in First Florida's control of 5.7 percent of total State deposits, and the resulting organization would become the State's fifth largest banking organization. Of course these percentages have no significance other than indicating the relative size

of the named organizations. The State of Florida is not a banking market in any meaningful sense; it is a political entity which encompasses a large number of banking markets some of which are interrelated.

All of First Florida's present subsidiary banks are located in the northern two-thirds of Florida, and it is represented in several of the major banking markets in that portion of the State. It is dominant in none. Its shares of total deposits and the market size of the most significant related areas are as follows: Jacksonville \$1,467 million (6 percent); Lakeland \$521 million (9 percent); Melbourne \$310 million (21 percent); Orlando \$1,102 million (7 percent); and Tampa \$2,772 million (7 percent). United, on the other hand, is concentrated in southern Florida. Five of its subsidiaries are located in the Dade County banking market, where it is the third largest banking organization holding approximately 9 percent of deposits, and its remaining subsidiary is located in the nearby West Palm Beach area. Since the closest subsidiary banks of the proponents are over 50 miles apart and the remaining subsidiaries are more than 100 miles apart, and considering the nature of the bank, consummation of the proposal could not eliminate any significant amount of competition.

The U.S. Department of Justice, in commenting on this proposal, agreed that it would eliminate no significant existing competition. With respect to the effect of the proposal on potential competition, the Department felt that consummation of the proposal would eliminate the possibility that First Florida would enter the Dade County market through the establishment of a de novo bank or "foothold" bank already in the market and the possibility of United entering the Tampa banking market through the same means. It therefore felt that consummation of the proposal would have an adverse effect on potential competition with respect to Dade County and Tampa. Furthermore, the Department felt that the proposed merger "could trigger a wave of consolidations among other large Florida bank holding companies and would have a significant adverse effect on the competitive structure of banking throughout the State."

The Board recognizes that consummation of the proposal would foreclose the possibility that United would expand to become a statewide competitor of First Florida. However, the Board believes that a substantial adverse effect on potential competition occurs only where there is a probability rather than a possibility that substantial competition would develop between the banking organizations involved in the absence of the proposal. Taking into account the time lag involved in attempting to establish competitive effectiveness through a "foothold" or de novo entry, we do not believe that the record in this case reflects a probability that, absent this proposal, United would expand to become a state-

wide competitor of First Florida in the reasonably foreseeable future. Furthermore, with respect to any particular market, such as the Tampa market, the Board does not believe that the record establishes that such entry is more than a possibility.

With respect to Dade County the Board believes that, absent this proposal, it is probable that First Florida would enter de novo or through the acquisition of one of the smaller banks or banking groups in that market. However, due to the structure of banking in Dade County we do not believe that the foreclosure of First Florida's entry as an independent competitor would have any substantial adverse effects on competition in that market. Banking in Dade County has been becoming more and more competitive. While the largest banking organization in the market holds approximately 24 percent of market deposits, the next five banking organizations hold market shares ranging from approximately 10 percent to approximately 5 percent. In addition to these six organizations, the second and fourth largest banking organizations in the State established a competitive presence in the market during 1972. Further, Edge Act subsidiaries of some of the Nation's largest banks compete aggressively in Miami for international banking business.

While consummation of the present proposal would eliminate First Florida as another potential entrant, the retail banking customers in Dade County are presently served by 46 banking organizations. Foreclosure of the possibility of a 47th could hardly have adverse effects on competition for retail business. As to the customer in need of wholesale and regional banking services, the proposal, rather than being anticompetitive, should in fact be procompetitive by creating a fifth institution in the Miami market with established relationships in Jacksonville, Tampa, Orlando, Melbourne and other Florida communities and having in the aggregate resources of approximately \$1 billion.

With respect to the question whether the proposal will have a significantly adverse effect on competition due to the fact that it "could trigger" similar consolidations among large Florida holding companies, the Board believes that each application before it should be decided on the merits of that particular application. As we have previously stated, each subsequent application must also receive the approval of the Board and will be analyzed on the basis of the competitive structure of the market and other facts existing at the time of Board consideration (57 Federal Reserve Bulletin 348).

The financial conditions and managerial resources of First Florida, United, and their respective groups of banks are generally satisfactory and their prospects appear favorable. These considerations are consistent with approval of the applications. The primary banking needs of the areas served by both holding companies appear to be adequately met at

* Banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through Dec. 31, 1972, except data for First Florida are to date.

the present time. However, consummation of the proposal would create another regional organization with resources more appropriate to meeting inter-regional needs. At the same time, the Board does not believe that there would be any noticeable adverse effects on the competitive structure of Florida banking if there were 26 rather than 27 organizations with deposits of over \$100 million. Considerations relating to the convenience and needs of the communities to be served lend some weight toward approval. It is the Board's judgment that the proposed transaction is in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above.² The transaction shall not be consummated (a) before March 19, 1973, or (b) later than May 16, 1973, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,³ effective February 16, 1973.

[SEAL] **TYNAN SMITH,**
Secretary of the Board.
[FR Doc.73-3568 Filed 2-23-73; 8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Bank of El Paso, El Paso, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 19, 1973.

Board of Governors of the Federal Reserve System, February 20, 1973.

[SEAL] **MICHAEL A. GREENSPAN,**
Assistant Secretary of the Board.
[FR Doc.73-3570 Filed 2-23-73; 8:45 am]

FIRST NATIONAL FINANCIAL CORP.

Acquisition of Bank

First National Financial Corp., Kalamazoo, Mich., has applied for the

² Dissenting Statements of Governors Brimmer, Bucher, and Robertson filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

³ Voting for this action: Chairman Burns and Governors Mitchell, Daane and Sheehan. Voting against this action: Governors Robertson, Brimmer and Bucher.

Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares of the successor by merger to the Cheboygan Bank, Cheboygan, Mich. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Chicago. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 19, 1973.

Board of Governors of the Federal Reserve System, February 20, 1973.

[SEAL] **MICHAEL A. GREENSPAN,**
Assistant Secretary of the Board.
[FR Doc.73-3569 Filed 2-23-73; 8:45 am]

FIRST YORK BAN CORP.

Formation of Bank Holding Company

First York Ban Corp., York, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 95.1 percent or more of the voting shares of The First National Bank of York, York, Nebr. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than March 15, 1973.

Board of Governors of the Federal Reserve System, February 16, 1973.

[SEAL] **MICHAEL A. GREENSPAN,**
Assistant Secretary of the Board.
[FR Doc.73-3536 Filed 2-23-73; 8:45 am]

WASATCH NATIONAL, INC.

"Grandfather" Privileges

There appeared in the FEDERAL REGISTER of October 19, 1972, a notice that the Board would be reviewing, pursuant to section 4(a)(2) of the Bank Holding Company Act (the Act) (12 U.S.C. 1843(a)(2)), the nonbanking activities of Wasatch National, Inc., Ogden, Utah (Wasatch), that the company engaged in on, and continuously since, June 30, 1968 (37 FR 22414).

The proposed review of "grandfather" privileges of Wasatch was based on the assumption, derived from the original registration statement of Wasatch, that Wasatch became a bank holding company with respect to Commercial Security Bank, Ogden, Utah (CSB), on December 31, 1970, as a result of enactment of the 1970 Amendments to the Act.

Wasatch amended its registration statement in November 1972, claiming to be a bank holding company with respect to both CSB and Idaho Bank & Trust Co., Pocatello, Idaho (IB&T).

The time given for filing comments, views or requests for a hearing on this matter has expired. After examining the facts and views presented regarding the status of Wasatch under the Act, the Board has concluded, for the reasons summarized below, that the proposed review of "grandfather" privileges of Wasatch is moot.

On December 31, 1970, Wasatch owned 13.99 percent of the shares of CSB and 4.23 percent of the shares of IB&T. (Wasatch is the successor to Mutual Supply Co., by statutory merger consummated in 1971; for the purposes of the Board's consideration of this matter, Wasatch and its predecessor were treated as the same company.) On the same date, additional shares of each of the two banks were owned, controlled, or voted by officers, directors, and shareholders of Wasatch. On the basis of the facts before the Board, it concluded that attribution of these share holdings of individuals to Wasatch was not warranted and that, on December 31, 1970, Wasatch did not control the election of a majority of the directors of either bank. Accordingly, the Board concluded that Wasatch is not a "company covered in 1970" within the meaning of section 2(b) of the Act (12 U.S.C. 1841(b)).

On April 17, 1972, Commercial Security Bancorporation (Bancorporation) received Board approval, pursuant to delegated authority, to acquire substantially all the shares of the successor by merger to CSB. Consummation of the proposal involved the exchange by Wasatch of its shares of CSB for shares of Bancorporation. According to information furnished to the Board, at the present time, Wasatch owns, controls, or holds with power to vote approximately 14 percent of the shares of Bancorporation and less than 5 percent of the shares of IB&T. On this basis, the Board concluded that Wasatch does not control Bancorporation or IB&T within the meaning of section 2(a)(2)(A) or section 2(a)(2)(B) of the Act (12 U.S.C. 1841(a)(2)). Accordingly, the Board regards Wasatch as not being a bank holding company at the present time.

Board of Governors of the Federal Reserve System, February 15, 1973.

[SEAL] **MICHAEL A. GREENSPAN,**
Assistant Secretary of the Board.
[FR Doc.73-3533 Filed 2-23-73; 8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-13]

EARTH RESOURCES TECHNOLOGY SATELLITE (ERTS-1) SYMPOSIUM

Results and Findings

NASA will hold a symposium on significant results obtained from the Earth Resources Technology Satellite, March 5-8, 1973, at the Sheraton Inn.

New Carrollton, Md. (a suburb of Washington, D.C.). This satellite obtains special photographlike images of every part of the United States once every 18 days. More than 100 papers are expected to be presented by principal investigators on results and findings to date using data from NASA's ERTS-1 which was launched on July 23, 1972. The first 3 days will cover the applications disciplines—agriculture/forestry/range resources, environmental quality, mineral and land resources, water resources, marine resources, and mapping and charting. The fourth day of the symposium will include a summary review of the highlights of the first 3 days, and presentations on practical uses of ERTS data. Since space is limited, registrations will be accepted for the first 200 requests received (based upon the postmark date of written requests) on or before February 28, 1973, and with each firm limited to one or two registrants.

Anyone desiring to attend should write to Mr. John H. Boeckel, Deputy Project Manager, ERTS/Nimbus, Mail Code 430, Goddard Space Flight Center, Greenbelt, Md. 20771.

CHARLES W. MATHEWS,
Associate Administrator for Ap-
plications, National Aeronau-
tics and Space Administration.

[FR Doc.73-3554 Filed 2-23-73;8:45 am]

[Notice 73-14]

NASA RESEARCH AND TECHNOLOGY AD- VISORY COUNCIL, COMMITTEE ON AERONAUTICAL OPERATING SYSTEMS, AD HOC PANEL ON AIRCRAFT NOISE REDUCTION BY OPERATIONAL FLIGHT PROCEDURES MEETING

Notice of Meeting

MARCH 6, 1973.

The NASA Research and Technology Advisory Council, Committee on Aeronautical Operating Systems, Ad Hoc Panel on Aircraft Noise Reduction by Operational Flight Procedures will meet on March 6, 1973, at the Ames Research Center, Moffett Field, Calif. 94035. The meeting will be held in the Committee Room, second floor of the Administration Building (B-200). Members of the public will be admitted to this meeting on a first-come-first-served basis up to the seating capacity of the room, which is about 40 persons. All visitors must report to the NASA visitor gatehouse.

The NASA Ad Hoc Panel consists of specialists chosen because of the background and experience of the individuals and not as representatives of organizations. It has been asked to identify operating problems, review programs underway, evaluate results, and recommend new investigations to NASA concerning techniques, equipment, and conditions under which noise abatement operational techniques can be flown safely in the near future. The panel serves in an advisory capacity only. The current Chairman is Mr. Joseph Ferrarese. There are 12 members. The approved agenda is outlined below. For further information

please contact Mr. Lee D. Goolsby, Area Code 202-755-2366.

MARCH 6, 1973

Time	Topic
8:30 a.m.	Chairman and Recording Secretary's Reports—Review of recommendations made during last panel meeting relative to two-segment noise reduction approaches.
8:45 a.m.	Description of the development and flight evaluation of two-segment avionics in a B-727 aircraft.
1:00 p.m.	Description of the development and flight evaluation of two-segment avionics in a DC-8.
2:00 p.m.	Description of plans for reducing to practice other approach techniques.
2:30 p.m.	Possible hazards of two-segment approaches to other aircraft.

HOMER E. NEWELL,
Associate Administrator, Na-
tional Aeronautics and Space
Administration.

FEBRUARY 21, 1973.

[FR Doc.73-3555 Filed 2-23-73;8:45 am]

NATIONAL SCIENCE FOUNDATION CERTAIN ADVISORY PANELS

Notice of Closed Meetings

Pursuant to the Federal Advisory Committee Act (Public Law 92-463) notice is hereby given of meetings of the following committees including the individuals to contact for further information respecting each committee. The purpose of each of these advisory bodies is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects.

ADVISORY PANEL FOR POLITICAL SCIENCE

Date and time of meeting. 9 a.m. on March 9, 1973.

Location of meeting. Room 338, 1800 G Street NW., Washington, DC 20550.

Agenda. The agenda will be devoted to the review and evaluation of research proposals. For further information contact Mrs. Bertha Rubinstein, Special Assistant, Division of Social Sciences, Room 203, 1800 G Street NW., Washington DC 20550.

ADVISORY PANEL FOR EARTH SCIENCES

Date and time of meeting. 9 a.m. on March 9 and 10, 1973.

Location of meeting. Rooms 642 and 650; 1800 G Street NW., Washington, DC 20550.

Agenda. The agenda will be devoted to the review and evaluation of research proposals. For further information contact Dr. William E. Benson, Section Head, Earth Sciences Section, Division of Environmental Sciences, Room 310, 1800 G Street NW., Washington, DC 20550.

ADVISORY PANEL FOR RESEARCH MANAGEMENT IMPROVEMENT

Date and time of meeting. 8:30 a.m. on March 12 and 13, 1973.

Location of meeting. Room 642; 1800 G Street NW., Washington, DC 20550.

Agenda. The agenda will be devoted to the review and evaluation of proposals.

For further information, contact Miss Jean DeBell, Program Director, Research Management Improvement Program, Directorate for National and International Programs, Room 648, 1800 G Street NW., Washington, DC 20550.

ADVISORY PANEL FOR SOCIOLOGY

Date and time of meeting. 9 a.m. on March 15 and 16, 1973.

Location of meeting. Room 321; 1800 G Street NW., Washington, DC 20550.

Agenda. The agenda will be devoted to the review and evaluation of research proposals. For further information, contact Dr. Ronald L. Ploch, Program Director, Sociology Program, Division of Social Sciences, Room 205, 1800 G Street NW., Washington, DC 20550.

These meetings will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated January 15, 1973, pursuant to the provisions of section 10 (d) of the Federal Advisory Committee Act.

T. E. JENKINS,
Assistant Director
for Administration.

FEBRUARY 23, 1973.

[FR Doc.73-3576 Filed 2-23-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5310]

GEORGIA POWER CO.

Notice of Proposed Issue of First Mortgage Bonds for Sinking Fund Purposes

FEBRUARY 20, 1973.

Notice is hereby given that Georgia Power Co., 270 Peachtree Street, NW., Atlanta, GA 30303 (Georgia), a public utility subsidiary company of The Southern Company, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Georgia proposes, on or prior to June 1, 1973, to issue \$11,797,000 principal amount of its First Mortgage Bonds, 2% percent series due 1980, under the provisions of its indenture dated as of March 1, 1941, between Georgia and Chemical Bank, as trustee, as amended and supplemented, and to surrender such bonds to the trustee in accordance with the sinking fund provisions. The sinking fund bonds are to be of the same series and identical in all respects to the bonds which were the subject of the Commission's order dated April 3, 1972 (Holding Company Act Release No. 17525), and are to be issued on the basis of unfunded net property additions, thus making available for construction and other purposes cash which would otherwise be required to satisfy the sinking fund requirement or to purchase bonds for such purpose.

The fees and expenses to be paid by Georgia in connection with the issuance of the bonds are estimated at \$1,500, including \$1,000 for charges of the trustee and \$250 for counsel fees. It is stated that the issuance of the sinking fund bonds is subject to the authorization of the Georgia Public Service Commission and that no other State commission, and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than March 16, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc. 73-3571 Filed 2-23-73; 8:45 am]

[70-5308]

NORTHEAST UTILITIES AND WESTERN MASSACHUSETTS ELECTRIC CO.

Notice of Proposed Issue and Sale of Notes, Exception From Competitive Bidding, and Proposed Capital Contributions to Subsidiary Companies

FEBRUARY 20, 1973.

Notice is hereby given that Northeast Utilities (Northeast), 174 Brush Hill Avenue, West Springfield, MA 01089, a registered holding company, and its electric utility subsidiary company, Western Massachusetts Electric Company (WMECO), have filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, and 12(b) of the Act and Rules 45 and 50(a)(5)(B) promulgated thereunder as applicable to the proposed

transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Northeast and WMECO, here together referred to as declarants, propose, from time to time but not later than December 31, 1973, to issue and sell short-term notes (including commercial paper) in an aggregate principal amount outstanding at any one time of not more than (a) \$125,000,000 in case of Northeast, and (b) in case of WMECO, an amount not to exceed \$53,500,000 at any one time outstanding. Northeast intends to utilize the proceeds from its sales (i) to make capital contributions during 1973 of \$30,000,000, \$15,000,000, \$10,000,000, and \$5,400,000, respectively, to its public utility subsidiary companies, the Connecticut Light & Power Company (CL&P), the Hartford Electric Light Company (HELCO), WMECO, and the Millstone Point Company (Millstone); (ii) to make open account advances not exceeding \$5,000,000 during 1973 to its non-utility subsidiary, the Quinehtuk Company (Quinehtuk); and (iii) to supply funds as needed to other subsidiary companies as heretofore or hereafter authorized by the Commission. WMECO intends to utilize the funds from its sales, together with its other available funds, to finance construction expenditures in 1973, estimated at \$38,000,000. The open account advances to Quinehtuk will be used to purchase a generating site in Massachusetts, which will ultimately be purchased by one or more of Northeast's utility subsidiaries. CL&P and HELCO will apply the proposed capital contributions toward their 1973 construction programs, estimated at \$143,000,000 and \$79,000,000, respectively. Millstone will apply such contribution toward its nuclear fuel purchases in 1973 (see HCAR No. 17786).

As of January 31, 1973, Northeast had outstanding \$51,400,000 of short-term promissory notes to banks and to a dealer in commercial paper, which notes were issued pursuant to Commission's order of February 24, 1972 (HCAR No. 17464). Upon this declaration becoming effective, no further borrowings will be incurred pursuant to said order. However, Northeast proposes to renew and extend said notes and to issue and sell up to an additional \$73,600,000 of short-term notes (and to renew such notes) from time to time, so that the aggregate amount of all such notes at any one time outstanding, including notes authorized by said order of February 24, 1972, will at no time exceed \$125 million.

Pursuant to order of the Commission dated December 28, 1971 (HCAR No. 17414) WMECO, as of January 31, 1973, had outstanding \$18,250,000 in short-term notes to banks and to a dealer in commercial paper and expects to issue up to \$6,000,000 additional such short-term notes, prior to the effectiveness of the present declaration. WMECO proposes to renew and extend such notes or to refund them with other similar notes, and to issue and sell up to an additional \$29,250,000 of short-term notes (and to

renew such notes) from time to time. The aggregate amount of all such notes at any one time outstanding will not exceed \$53,500,000.

The proposed bank notes will each be dated the date of issue, will have maximum maturity dates of 9 months, with right of renewal, will bear interest at a rate per annum not in excess of the prime rate (currently 6 percent per annum) in effect at the lending bank on the date of issue, will be subject to prepayment at any time at the company's option without premium, and will be issued no later than December 31, 1973. Although no formal commitments for future borrowings have been made with any bank, declarants expect to borrow from lists of banks supplied herein; these consist of 30 banks including five New York City banks in the case of Northeast, and 18 banks including four New York City banks in the case of WMECO. Declarants state that with respect to the non-New York City banks normal working balances maintained with those banks are adequate to support the proposed credit lines, except that in the case of borrowings from Pittsfield National Bank, Pittsfield, Mass., required compensating balances will result in an effective interest rate of 7.06 percent per annum, assuming a prime interest rate of 6 percent. In respect of borrowings from the New York City banks, it is stated that compensating balances would in each case result in an effective interest rate of 7.5 percent per annum, assuming a maximum compensating balance of 20 percent and a prime rate of 6 percent.

The proposed commercial paper notes will be issued in denominations of not less than \$50,000 and not more than \$1 million, will have a maturity of not more than 270 days, will not be repayable prior to maturity, and will be sold by declarants directly to Lehman Commercial Paper, Inc., a dealer in commercial paper, at the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity sold by public utility issuers to commercial paper dealers. No commercial paper notes will be issued having a maturity of more than 90 days which have an effective interest cost which exceeds the prime commercial bank rate at which declarants could borrow from banks in an amount at least equal to the principal amount of such commercial paper. No commission or fee will be payable in connection with the issuance and sale of the commercial paper.

The commercial paper dealer, as principal, will reoffer the commercial paper to institutional investors at a discount of no more than $\frac{1}{8}$ of 1 percent per annum less than the prevailing discount rate to declarants in such manner as not to constitute a public offering. The commercial paper will be reoffered to not more than 200 identified and designated customers in a list (nonpublic) prepared in advance by the dealer. It is anticipated that the commercial paper will be held by customers to maturity, but if such customers desire to resell prior to

maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the commercial paper and reoffer the same to others in the group of 200 customers.

Declarants state that, unless otherwise authorized by the Commission, any of their bank notes or commercial paper outstanding at December 31, 1973, will be repaid from internal cash resources or from the proceeds of long-term financing.

Declarants request that the issue and sale of their commercial paper notes be excepted from the competitive bidding requirements of Rule 50 pursuant to subparagraph (a) (5) (B) thereof in view of the fact that current rates for commercial paper for prime borrowers such as Northeast and WMECO are readily ascertainable by reference to daily financial publications and that it is not practicable to invite competitive bids for commercial paper. Declarants further request that the certificates under Rule 24 be filed on a quarterly basis with respect to the commercial paper.

It is stated that no fees or commissions (including counsel fees) will be paid or incurred, directly or indirectly, in connection with the proposed transactions and that incidental services, estimated as \$1,000 (\$500 for each declarant), will be performed at cost by Northeast Utilities Service Co., an affiliated service company. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than March 16, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.73-3572 Filed 2-23-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/07-0023]

CREATIVE CAPITAL CORP.

Notice of Approval of Application for Transfer of Control

Pursuant to the provisions of § 107.701 of the Small Business Administration (SBA) rules and regulations (13 CFR Part 107, 33 FR 236), a notice of filing of an application for transfer of control of Creative Capital Corp., License No. 02/07-0023, 99 Park Avenue, New York, NY 10016, was published in the FEDERAL REGISTER on February 2, 1973 (38 FR 3222).

Interested persons were given an opportunity to send their comments to SBA on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of Creative Capital Corp., subject to any other Federal or State approval which may be necessary.

Dated: February 16, 1973.

DAVID A. WOLLARD,
Associate Administrator for
Finance and Investment.
[FR Doc.73-3545 Filed 2-23-73;8:45 am]

TARIFF COMMISSION

[337-L-57]

ELECTRONIC FLASH DEVICES

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on January 24, 1973, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Honeywell, Inc. of Minneapolis, Minn., alleging unfair methods of competition and unfair acts in the importation and sale of electronic flash devices which are embraced within the claims of U.S. Patent Nos. 3,519,879 and R.E. 26,999 owned by the complainants. Ponder & Best, Inc., 11201 West Pico Boulevard, Los Angeles, CA 90064 has been named as either importing or offering for sale the subject product.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the issues raised in the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so, whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in Room 437 of the Customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than March 20, 1973. Extensions of time for submitting information will not be granted unless good and sufficient cause is shown thereon. Such information should be sent to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436. A signed original and nineteen (19) true copies of each document must be filed.

Issued February 20, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.
[FR Doc.73-3503 Filed 2-23-73;8:45 am]

[TEA-W-186]

JOHNSON SHOES, INC.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a) (2) of the Trade Expansion Act of 1962, on behalf of the former workers of Johnson Shoes, Inc., Manchester, N.H., the U.S. Tariff Commission, on February 21, 1973, instituted an investigation under section 301(c) (2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the type provided for in items 700.20, 700.43, 700.45, and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before March 8, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

By order of the Commission.

Issued: February 21, 1973.

[SEAL] KENNETH R. MASON,
Secretary.
[FR Doc.73-3503 Filed 2-23-73;8:45 am]

[TEA-W-185]

SHAPIRO BROS. SHOE CO., INC.
Workers' Petition for Determination;
Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and the former workers of the Shapiro Bros. Shoe Co., Inc., Auburn, Maine, the U.S. Tariff Commission, on February 20, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.20, 700.43, 700.45, and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: February 20, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
 Secretary.

[FR Doc.73-3506 Filed 2-23-73; 8:45 am]

[AA1921-115]

SYNTHETIC METHIONINE FROM JAPAN
Notice of Investigation and Hearing

Having received advice from the Treasury Department on February 13, 1973, that synthetic methionine from Japan is being, or is likely to be, sold at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

HEARING. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C., beginning at 10 a.m., e.s.t., on April 10, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to ap-

pear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., not later than noon, Thursday, April 5, 1973.

Issued February 20, 1973.

By order of the Commission.

KENNETH R. MASON,
 Secretary.

[FR Doc.73-3504 Filed 2-23-73; 8:45 am]

[TEA-W-184]

UNIROYAL, INC., MIDDLEBURY, CONN.
Workers' Petition for a Determination;
Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Passaic, N.J., plant of Uniroyal, Inc., Middlebury, Conn., the U.S. Tariff Commission, on February 16, 1973, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with hose of textile fibers or rubber, belting and belts for machinery of textile fibers or of such fibers and rubber or plastics, flexible metal hose or tubing, and rubber sheeting (of the types provided for in Items 357.90, 357.95, 358.05, 358.06, 358.14, 358.16, 652.09, 771.42, and 772.65 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before March 8, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the customhouse.

Issued February 20, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
 Secretary.

[FR Doc.73-3505 Filed 2-23-73; 8:45 am]

INTERSTATE COMMERCE
COMMISSION

[Notice 185]

ASSIGNMENT OF HEARINGS

FEBRUARY 21, 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.

AB 5 Sub 102, George P. Baker, Richard C. Bond, Jarvis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment between Centerville and Lytle, Warren and Montgomery Counties, Ohio, now being assigned May 7, 1973 (2 days), at Dayton, Ohio, in a hearing room to be later designated.

MC-C-7936, Price Hill Coach Line, Inc. v. Indiana Trails, Inc., MC 136895 Sub 2, White Lines, Inc., now being assigned May 9, 1973, at Dayton, Ohio (3 days), in a hearing room to be later designated.

MC 124174 Sub 90, Momen Trucking Co., now being assigned May 14, 1973 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC 127042 Sub 103, Hagen, Inc., now being assigned hearing May 9, 1973 (1 day), at Chicago, Ill., in a hearing room to be later designated.

MC-C-7964, River Trails Transit Lines, Inc.—Investigation and revocation of certificate, now being assigned hearing May 10, 1973 (2 days), at Chicago, Ill., in a hearing room to be later designated.

MC-C-7879, A-1 Corp., investigation and revocation of certificate of registration, now assigned March 13, 1973, at Boston, Mass., will be held on the fifth floor, 105 Causeway Street.

MC 115322 Sub 89, Redwing Refrigerated, Inc., now assigned March 6, 1973, at Washington, D.C., is canceled and transferred to modified procedure.

MC-C-7972, Deerfleet Lines, Inc.—Investigation and revocation of certificates—now being assigned hearing April 10, 1973 (1 day), at Boston, Mass., in a hearing room to be later designated.

MC-C-7877, Southeastern Freight Lines, et al. v. Pool Freight Lines, Inc., now being assigned hearing April 11, 1973 (2 days), at Columbia, S.C., in a hearing room to be later designated.

MC 2900, Ryder Truck Lines, Inc., now being assigned hearing April 30, 1973 (1 week), at Knoxville, Tenn., in a hearing room to be later designated.

MC 71459 Sub 29, O. N. C. Freight Systems, now assigned March 12, 1973, at Los Angeles, Calif., is postponed indefinitely.

MC 138143, Specialized Cartage, Inc., now assigned March 8, 1973, at Los Angeles, Calif., will be held in Room 7210, Federal Office Building, 300 North Los Angeles Street.

NO. 35596, Wyoming Intrastate Freight Rates and Charges—1972, now assigned March 5, 1973, at Cheyenne, Wyo., will be held in Room 2104, Federal Building, 2120 Capitol Avenue.

MC 97127 Sub 6, Batesville Truck Line, Inc., common carrier application, now assigned March 19, 1973, at Little Rock, Ark., will be held in Room 5404, Federal Office Building, 700 West Capitol Street.

MC-107912 Sub 17, Rebel Motor Freight, Inc., now being assigned hearing April 16, 1973 (1 week) at Jackson, Miss., in a hearing room to be later designated.

MC-F-11604, McBride Transportation, Inc.—Purchase—C & E Trucking Corp. (assignee Alfred A. Rosenberg), and MC 80428 Sub 80, McBride Transportation, Inc., now assigned for continued hearing February 26, 1973, at Washington, D.C., postponed to March 12, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 51146 Subs 284, 285, 286 and 287, Schneider Transport, Inc., now assigned February 27, 1973, at Washington, D.C., is postponed indefinitely.

MC 127042 Sub 102, Hagen, Inc., now being assigned hearing May 3, 1973, at St. Louis, Mo., in a hearing room to be later designated.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-3556: Filed 2-23-73; 8:45 am]

[Ex Parte No. 241; Rule 19, 9th Rev.
Exemption 12]

ATLANTIC AND WESTERN RAILWAY CO. ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC RER No. 386, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

Atlantic and Western Railway Company reporting marks: ATW.

Chicago & Illinois Midland Railway Company reporting marks: CIM.

The La Salle and Bureau County Railroad Company reporting marks: LSBC.

Richmond, Fredericksburg and Potomac Railroad Company reporting marks: RFP.

Toledo, Peoria & Western Railroad Company reporting marks: TPW.

Vermont Railway, Inc. reporting marks: Rut or VTR.

Wellsville, Addison & Galetton Railroad Corporation reporting marks: WAG.

Effective February 15, 1973, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 15, 1973.

INTERSTATE COMMERCE COM-
MISSION,

[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-3559 Filed 2-23-73; 8:45 am]

[Ex Parte No. 241; Rule 19, 2nd Rev.
Exemption 10]

CENTRAL RAILROAD COMPANY OF NEW JERSEY ET AL.

Exemption Under Mandatory Car Service Rules

It appearing, that the railroads named herein own numerous 40-foot plain boxcars; that under present conditions, there is virtually no demand for these cars on the lines of the car owners; that return of these cars to the car owners would result in their being stored idle on these lines; that such cars can be used by other carriers for transporting traffic offered for shipments to points remote from the car owners; and that compliance with Car Service Rules 1 and 2 prevents such use of plain boxcars owned by the railroads listed herein, resulting in unnecessary loss of utilization of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, plain boxcars described in the Official Railway Equipment Register, ICC R.E.R. No. 386, issued by W. J. Trezise, or successive issues thereof, as having mechanical designation XM, with inside length 44 feet 6 inches or less, and bearing reporting marks assigned to the railroads named below, shall be exempt from the provisions of Car Service Rules 1(a), 2(a), and 2(b).

The Central Railroad Company of New Jersey,
Robert D. Timpany, Trustee.
Reporting marks: CNJ.

Petroit and Mackinac Railway Co.
Reporting marks: D&M.

Manufacturers Railway Co.
Reporting marks: MRS.

Effective February 15, 1973, and continuing in effect until further order of this Commission.

Issued at Washington, D.C., February 15, 1973.

INTERSTATE COMMERCE
COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.73-3558 Filed 2-23-73; 8:45 am]

[Notice 215]

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 19, 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-74084. By order entered January 29, 1973, the Motor Carrier Board approved the transfer to Nebraska Iowa Xpress, Inc., Council Bluffs, Iowa, of the operating rights set forth in certificates Nos. MC-69121 and MC-69121 (Sub-No. 2), issued by the Commission March 6, 1951, and July 25, 1968, respectively, authorizing the transportation of livestock, agricultural commodities, logs, household goods, empty petroleum products containers, feed, farm machinery, farm machinery parts, agricultural implements, agricultural implement parts, fencing materials, hardware, petroleum products, in containers, building materials, powdered milk, new furniture, twine, roofing, emigrant movables, and general commodities, with the usual exceptions, from, to, or between points in Kansas and Missouri. William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102, attorney for applicants.

No. MC-FC-74133. By order of January 26, 1973, the Motor Carrier Board approved the transfer to Arthur H. Fulton, Stephens City, Va., of the operating rights in permits Nos. MC-133021 (Sub-No. 2) and MC-133021 (Sub-No. 4) issued October 14, 1969, and May 10, 1972, respectively, to John L. Wilson, doing business as J. W. Trucking, Round Hill, Va., authorizing the transportation of canned fruit juices, from Round Hill, Va., to Baltimore, Md., and Washington, D.C.; sugar (except in bulk), frozen juices, concentrates, and containers, from Baltimore, Md., to Round Hill, Va.; sugar, frozen juices, and concentrates, from Washington, D.C., to Round Hill, Va.; apple cider, fruit concentrates, and canned fruit juices, from Round Hill, Va., to points in Delaware, Florida, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Ohio, Tennessee, and West Virginia, and materials, equipment, and supplies used in the preparation and manufacture of apple cider, fruit concentrates, and canned fruit juices, from points in the aforementioned destination States to Round Hill, Va., subject to the restriction that the operations authorized are limited to the transportation of traffic under a continuing contract, or contracts, with Hill High Food Products, Inc., of Round Hill, Va. Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, MD 20910, registered practitioner for applicants.

No. MC-FC-74142. By order of January 26, 1973, the Motor Carrier Board approved the transfer to Gerald M. Bjurquist, Stockholm, Wis., of certificate No. MC-88286, issued February 4, 1954, to Clarence E. Clausen, Stockholm, Wis., authorizing the transportation of livestock and general commodities, with exceptions, from and to various specified points in Minnesota and Wisconsin,

A. R. Fowler, 2288 University Avenue, St. Paul, Minn. 55114, applicant's attorney.

No. MC-FC-74199. By order of January 26, 1973, the Motor Carrier Board approved the transfer to Dixon & Douglas, Inc., Brooklyn, N.Y., of the operating rights in permits Nos. MC-127965 (Sub-No. 2), MC-127965 (Sub-No. 3), and MC-127965 (Sub-No. 4) issued December 20, 1965, June 25, 1968, and November 20, 1970, respectively, to Leonard Dixon, doing business as D & D Express, Brooklyn, N.Y., authorizing the transportation of copying and photographic machines, materials and supplies, except in bulk, in tank vehicles, from the warehouse of 3M Business Products Sales, Inc., at Teaneck, N.J., to New York, N.Y., and points in Nassau and Suffolk Counties, N.Y.; copying and photographic machines and materials and supplies, from the storage facilities of 3M Business Products Sales, Inc., at Paramus, N.J., to New York, N.Y., and

points in Nassau and Suffolk Counties, N.Y.; and returned shipments of the above-specified destination points to the above described origins. The operations authorized are limited a transportation service to be performed under a contract with 3M Business Products Sales, Inc. John L. Alfano, 2 West 45th Street, New York, NY 10036, Attorney for applicants.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-3557 Filed 2-23-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Notice of Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Business Advisory Council on Federal

Reports to be held in Room 10103, New Executive Office Building, 726 Jackson Place NW., Washington, DC, on March 1, 1973, at 9:30 a.m.

The purpose of the meeting is to conduct Council business such as the Treasurer's Report and reports of various Committees, to hear remarks from the Chief of the Statistical Policy Division, and to receive reports of recent actions by the Office of Management and Budget which affect the burden on business firms of reporting to Federal agencies. The meeting will be open to public observations and participation.

Anyone wishing to participate should contact the Chief, Statistical Policy Division, Room 10202B, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395-3730.

VELMA N. BALDWIN,
*Assistant to the Director
for Administration.*

[FR Doc.73-3689 Filed 2-23-73;11:18 am]

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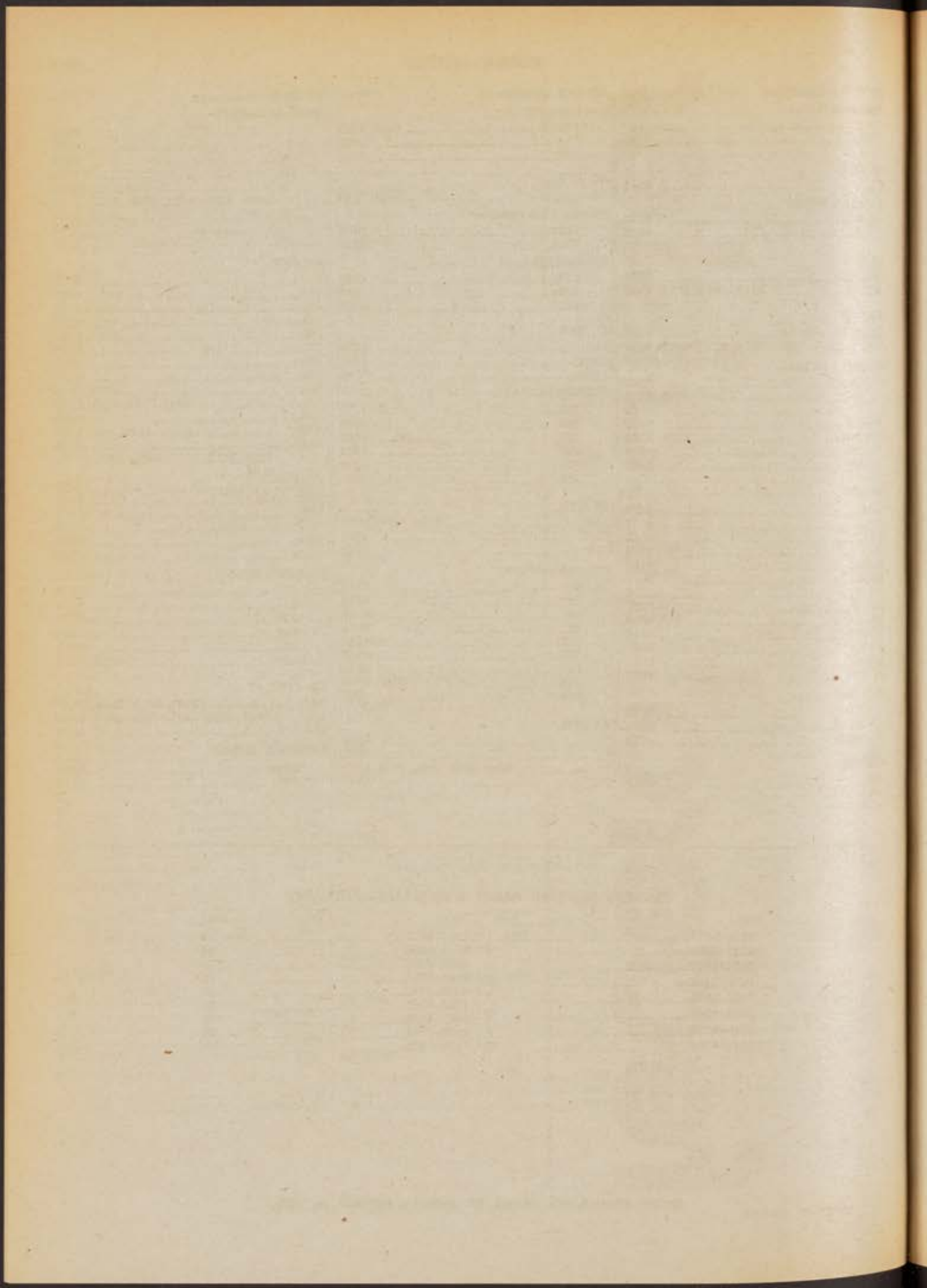
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federal register

MONDAY, FEBRUARY 26, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 37

PART II



DEPARTMENT OF TRANSPORTATION

Coast Guard



Equipment, Construction, and Materials

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73-19 N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from November 20, 1972, to December 13, 1972 (List No. 37-72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

Approval No. 160.011/43/0, Scott/Draeger BG-174 (800511-00), permissible self-contained 2 hour compressed oxygen breathing apparatus, Bureau of Mines Approval No. 13D-16, only for use with BM-13D-16 facepiece and BM-13D-16 sorbent canister, Scott assembly Drawing No. 800511, revision F dated December 11, 1967, Modification Sheet dated September 7, 1967 and Bureau of Mines Approval Label No. 13D-16, manufactured by Scott Aviation Corp., 225 Erie Street, Lancaster, NY 14086, effective December 12, 1972. (It is an extension of Approval No. 160.011/43/0 dated December 15, 1967.)

Approval No. 160.011/44/0, Scott/Draeger BG-174 (800511-01), permissible self-contained 2 hour compressed oxygen breathing apparatus, Bureau of Mines Approval No. 13D-16, only for use with BM-13D-16 facepiece and BM-13D-16 sorbent canister, Scott assembly Drawing No. 800511, revision F dated December 11, 1967, Modification Sheet

dated September 7, 1967, and Bureau of Mines Approval Label No. 13D-16, manufactured by Scott Aviation Corp., 225 Erie Street, Lancaster, NY 14086, effective December 12, 1972. (It is an extension of Approval No. 160.011/44/0 dated December 15, 1967.)

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/102/0, Model LS-111D survival capsule launching winch; approved as an alternate to a lifeboat winch for a maximum lowering load of 11,000 pounds on a single fall; identified by assembly drawing 56834 revision C dated November 9, 1972, and drawing list dated October 20, 1972, approved for use on non-self-propelled drilling rigs, artificial islands, and fixed structures with the Whittaker Survival Capsule, manufactured by Welin Davit and Boat Division, Lake Shore, Inc., Iron Mountain, Mich. 49801, effective December 5, 1972.

DAVITS FOR MERCHANT VESSELS

Approval No. 160.032/189/0, fixed gravity davit, Type S-30-22; approved for a maximum working load of 20,000 pounds per set (10,000 pounds per arm) using two-part falls; identified by general arrangement Drawing D1-F-231, revision A dated October 30, 1972, and drawing list DL-S-30-22, revision A dated November 15, 1972, manufactured by Marine Safety Equipment Corp., foot of Wycoff Road, Farmingdale, N.J. 07727, effective December 8, 1972.

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

Approval No. 160.033/28/7, Rottmer type, size 299 releasing gear, approved for maximum working load of 15,720 pounds per set (7,860 pounds per hook), identified by arrangement Drawing No. WBA 7005, revision B dated October 23, 1972, formerly manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., and Lane Lifeboat Division of Lane Marine Technology, Inc., manufactured by Welin Davit & Boat Division, Lake Shore, Inc., Iron Mountain, Mich. 49801, effective November 20, 1972. (It supersedes Approval No. 160.033/28/6 dated April 21, 1972, to show change in construction.)

LIFEBOATS

Approval No. 160.035/381/4, 24' x 8' x 3.5' fibrous glass reinforced plastic (FRP), oar-propelled lifeboat, 40-person capacity, identified by general arrangement Drawing No. P-24-1A, revision G, dated September 15, 1972, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"=2,500 pounds; Condition "B"=10,027 pounds, manufactured by Marine Safety Equipment Corp., foot of Wycoff Road, Farmingdale, N.J. 07727, effective December 13, 1972. (It supersedes Approval No. 160.035/381/3 dated May 21, 1969, to show change in construction.)

Approval No. 160.035/397/7, 24' x 8' x 3.5' fibrous glass reinforced plastic (FRP), motor-propelled lifeboat, without radio cabin or searchlight (class 1), 37-

person capacity, identified by general arrangement Drawing No. P-24-ID, revision P dated September 15, 1972, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"=3,994 pounds; Condition "B"=11,114 pounds, manufactured by Marine Safety Equipment Corp., foot of Wycoff Road, Farmingdale, N.J. 07727, effective December 12, 1972. (It supersedes Approval No. 160.035/397/6 dated June 3, 1969, to show change in construction.)

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

Approval No. 160.047/574/0, adult, Model AK-1, standard kapok buoyant vest, manufactured in accordance with USCG Specification Subpart 160.047 and UL/MD report file No. MQ 151, manufactured by Ero Industries, Inc., 1923-34 North Washtenaw Avenue, Chicago, IL 60647, for Sears, Roebuck, and Co., 925 South Homan Avenue, Chicago, IL 60607, effective December 7, 1972. (It supersedes Approval No. 160.047/574/0 dated September 29, 1969.)

Approval No. 160.047/575/0, child medium, Model CKM-1, standard kapok buoyant vest, manufactured in accordance with USCG Specification Subpart 160.047 and UL/MD Report File No. MQ 151, manufactured by Ero Industries, Inc., 1923-34 North Washtenaw Avenue, Chicago, IL 60647, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, IL 60607, effective December 7, 1972. (It supersedes Approval No. 160.047/575/0 dated September 29, 1969.)

Approval No. 160.047/576/0, child small, Model CKS-1, standard kapok buoyant vest, manufactured in accordance with USCG Specification Subpart 160.047 and UL/MD Report File No. MQ 151, manufactured by Ero Industries, Inc., 1923-34 North Washtenaw Avenue, Chicago, IL 60647, for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, IL 60607, effective December 7, 1972. (It supersedes Approval No. 160.047/576/0 dated September 29, 1969.)

Approval No. 160.047/638/0, adult, Model AK-1, standard kapok buoyant vest, manufactured in accordance with USCG Specification Subpart 160.047 and UL/MD Report File No. MQ 149, manufactured by Miltco Products Corp., 129 Emerson Place, Brooklyn, NY 11205, for Elvin Salow Co., 15 East Street, Boston, MA 02211, effective December 7, 1972.

Approval No. 160.047/639/0, child medium, Model CKM-1, standard kapok buoyant vest, manufactured in accordance with USCG Specification Subpart 160.047 and UL/MD Report File No. MQ 149, manufactured by Miltco Products Corp., 129 Emerson Place, Brooklyn, NY 11205, for Elvin Salow Co., 15 East Street, Boston, MA 02211, effective December 7, 1972.

Approval No. 160.047/640/0, child small, Model CKS-1, standard kapok buoyant vest, manufactured in accordance with USCG Specification Subpart 160.047 and UL/MD Report File No. MQ 149, manufactured by Miltco Products Corp., 129 Emerson Place, Brooklyn, NY 11205, for Elvin Salow Co., 15 East Street,

Boston, MA 02211, effective December 7, 1972.

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

Approval No. 160.048/32/0, group approval for rectangular and trapezoidal kapok buoyant cushions, USCG Specifications Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c) (1) (i), manufactured by Miltco Products Corp., 129 Emerson Place, Brooklyn, NY 11205, for Elvin Salow Co., 15 East Street, Boston, MA 02211, effective December 7, 1972. (It supersedes Approval No. 160.048/32/0 dated April 14, 1970.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.052/304/0, adult, Model LV-A, nonstandard unicellular plastic foam buoyant vests, manufactured in accordance with USCG Specification Subpart 160.052 and UL/MD Report File No. MQ 132, manufactured by Goodenow Manufacturing Co., 1363 West Sixth Street, Erie, PA 16505, effective December 7, 1972. (It supersedes Approval No. 160.052/304/0 dated April 29, 1968.)

Approval No. 160.052/305/0, child medium, Model LV-M, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with USCG Specification Subpart 160.052 and UL/MD Report File No. MQ 132, manufactured by Goodenow Manufacturing Company, 1363 West Sixth Street, Erie, PA 16505, effective December 7, 1972. (It supersedes Approval No. 160.052/305/0 dated April 29, 1968.)

Approval No. 160.052/306/0, child small, Model LV-S, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with USCG Specification Subpart 160.052 and UL/MD Report File No. MQ 132, manufactured by Goodenow Manufacturing Co., 1363 West Sixth Street, Erie, PA 16505, effective December 7, 1972. (It supersedes Approval No. 160.052/306/0 dated April 29, 1968.)

Approval No. 160.052/401/0, adult, Model BV-A, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with USCG Specification Subpart 160.052 and UL/MD Report File No. MQ 132, manufactured by Goodenow Manufacturing Co., 1363 West Sixth Street, Erie, PA 16505, effective December 7, 1972. (It supersedes Approval No. 160.052/401/0 dated September 1, 1970.)

Approval No. 160.052/402/0, child medium, Model BV-M, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with USCG Specification Subpart 160.052 and UL/MD Report File No. MQ 132, manufactured by Goodenow Manufacturing Co., 1363 West Sixth Street, Erie, PA 16505, effective December 7, 1972. (It supersedes Approval No. 160.052/402/0 dated September 1, 1970.)

Approval No. 160.052/403/0, child small, Model BV-S, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with USCG

Specification Subpart 160.052 and UL/MD Report File No. MQ 132, manufactured by Goodenow Manufacturing Co., 1363 West Sixth Street, Erie, PA 16505, effective December 7, 1972. (It supersedes Approval No. 160.052/403/0 dated September 1, 1970.)

Approval No. 160.052/404/0, adult, Model CV-L, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with USCG Specification Subpart 160.052 and UL/MD Report File No. MQ 132, manufactured by Goodenow Manufacturing Co., 1363 West Sixth Street, Erie, PA 16505, effective December 7, 1972. (It supersedes Approval No. 160.052/404/0 dated July 2, 1970.)

Approval No. 160.052/405/0, child medium, Model CV-M, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with USCG Specification Subpart 160.052 and UL/MD Report File No. MQ 132, manufactured by Goodenow Manufacturing Co., 1363 West Sixth Street, Erie, PA 16505, effective December 7, 1972. (It supersedes Approval No. 160.052/405/0 dated July 2, 1970.)

Approval No. 160.052/406/0, child small, Model CV-S, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with USCG Specification Subpart 160.052 and UL/MD Report File No. MQ 132, manufactured by Goodenow Manufacturing Co., 1363 West Sixth Street, Erie, PA 16505, effective December 7, 1972. (It supersedes Approval No. 160.052/406/0 dated July 2, 1970.)

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES FOR DESIGNATED USE ON ALL MOTORBOATS AND FOR GENERAL USE ON MOTORBOATS OF CLASSES A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

Approval No. 160.064/294/0, child small, Model No. REC 1050, vinyl dipped unicellular plastic foam "Water Ski Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 13, Type III Device, manufactured by Groendyk Manufacturing Co., Inc., Route 11 (south of town), Buchanan, Va. 24066, effective December 7, 1972.

Approval No. 160.064/295/0, child medium, Model No. REC 1051 vinyl dipped unicellular plastic foam "Water Ski Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. 13, Type III Device, manufactured by Groendyk Manufacturing Co., Inc., Route 11 (south of town), Buchanan, Va. 24066, effective December 7, 1972.

Approval No. 160.064/296/0, adult small, Model No. REC 1052, vinyl dipped unicellular plastic foam "Water Ski Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 13, Type III Device, manufactured by Groendyk Manufacturing Co., Inc., Route 11 (south of town), Buchanan, Va. 24066, effective December 7, 1972.

Approval No. 160.064/297/0, adult medium, Model No. REC 1053, vinyl

dipped unicellular plastic foam "Water Ski Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 13, Type III Device, manufactured by Groendyk Manufacturing Co., Inc., Route 11 (south of town), Buchanan, Va. 24066, effective December 7, 1972.

Approval No. 160.064/298/0, adult large, Model No. REC 1054, vinyl dipped unicellular plastic foam "Water Ski Jacket," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 13, Type III Device, manufactured by Groendyk Manufacturing Co., Inc., Route 11 (south of town), Buchanan, Va. 24066, effective December 7, 1972.

Approval No. 160.064/371/0, adult large, Model No. 1200, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 24, Type III Device, manufactured by Quality Built Products Co., Inc., 1832 East Commercial, Springfield, MO 65803, effective November 21, 1972.

Approval No. 160.064/372/0, adult medium, Model No. 1200, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 24, Type III Device, manufactured by Quality Built Products Co., Inc., 1832 East Commercial, Springfield, MO 65803, effective November 21, 1972.

Approval No. 160.064/373/0, adult small, Model No. 1200, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 24, Type III Device, manufactured by Quality Built Products Co., Inc., 1832 East Commercial, Springfield, MO 65803, effective November 21, 1972.

Approval No. 160.064/374/0, child medium, Model No. 1200, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 24, Type III Device, manufactured by Quality Built Products Co., Inc., 1832 East Commercial, Springfield, MO 65803, effective November 21, 1972.

Approval No. 160.064/394/0, adult S/M, Model No. 100D, cloth covered unicellular plastic foam "Yachtsman Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 47, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, effective December 7, 1972.

Approval No. 160.064/396/0, adult L/XL, Model No. 100F, cloth covered unicellular plastic foam "Yachtsman Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 47, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, effective December 7, 1972.

Approval No. 160.064/397/0, adult S/M, Model No. 200H, cloth-covered unicellular plastic foam "Sportsman Buoyant Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 47, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, effective December 7, 1972.

Approval No. 160.064/398/0, adult L/XL, Model No. 200J, cloth-covered unicellular plastic foam "Sportsman Buoyant Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 47, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, effective December 7, 1972.

Approval No. 160.064/421/0, adult small, Model No. 3015, cloth-covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 26, Type III Device, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, effective December 7, 1972.

Approval No. 160.064/422/0, adult medium, Model No. 3015, cloth-covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 26, Type III Device, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, effective December 7, 1972.

Approval No. 160.064/423/0, adult large, Model No. 3015, cloth-covered unicellular plastic foam "Flotation Jacket", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 26, Type III Device, manufactured by The Empress Corp., 1144 South San Julian Street, Los Angeles, CA 90015, effective December 7, 1972.

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/66/1, sound-powered telephone station, selective ringing, common talking, 19-station maximum, bulkhead mounting, splash-proof, with internal hand generator bell and 115-volt a.c. or d.c. relay for additional signal, Dwg. 84-01, Alt. 1, dated December 14, 1960, Model SWLR, for use in locations not exposed to the weather, manufactured by Hose-McCann Telephone Co., Inc., 524 West 23d Street, New York, NY 10011, effective December 6, 1972. (It is an extension of Approval No. 161.005/66/1 dated February 12, 1968.)

Approval No. 161.005/67/1, sound-powered telephone station, selective ringing, common talking, 19-station maximum, bulkhead mounting, splash-proof, with separately mounted hand generator bell and 115-volt a.c. or d.c. relay for additional signal, Dwg. 85-01, Alt. 1, dated December 14, 1960, Model SELR, for use in locations not exposed to the weather, manufactured by Hose-McCann Telephone Co., Inc., 524 West 23d Street, New York, NY 10011, effective December 6, 1972. (It is an extension of Approval No. 161.005/67/1 dated February 12, 1968.)

tive December 6, 1972. (It is an extension of Approval No. 161.005/67/1 dated February 12, 1968.)

SAFETY VALVES (STEAM HEATING BOILERS)

Approval No. 162.012/23/1, Series No. 12-200 pop safety valve, ASTM B62 brass body, for steam heating boilers and unfired steam generators Dwg. No. 12-200, dated June 10, 1970, approved for a maximum pressure of 15 p.s.i.g. in the following sizes:

Part No.	Size (Inches)	Capacity (pounds/hour) at 15 p.s.i.g.
12-205	2	2,500
12-206	2½	3,529
12-207	3	4,331

manufactured by Consolidated Brass Co., Post Office Box 247, Matthews, NC 28105, effective December 12, 1972. (It supersedes Approval No. 162.012/23/0 dated February 15, 1968 to show revision.)

PRESSURE VACUUM RELIEF VALVES AND SPILL VALVES FOR TANK VESSELS

Approval No. 162.017/65/3, Figure No. 110, pressure vacuum relief valve with lifting gear, atmospheric pattern, weight-loaded poppets, bronze, Ni-Resist Type 2 (20 percent nickel cast iron) and stainless steel Type 304, Dwg. No. 110-C, Alt. 6 dated July 12, 1972, approved for 3", 4", 5", 6", 8", and 10" sizes, manufactured by Mechanical Marine Co., Inc., 900 Fairmount Avenue, Elizabeth, NJ 07207, effective December 8, 1972. (It supersedes Approval No. 162.017/65/3 dated August 12, 1969.)

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/160/0, Barbron backfire flame arrester, Part No. 57153B, brass element, base and cover, also Part No. 57153A, having anodized aluminum base and cover, opening in base is 4.250" in diameter, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective December 5, 1972.

Approval No. 162.041/161/0, Barbron backfire flame arrester, Part No. 5713B, brass element, base and cover, also Part No. 5713A, having anodized aluminum base and cover, opening in base is 4.250" in diameter, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective December 5, 1972.

Dated: February 12, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting
Chief, Office of Merchant
Marine Safety.

[FR Doc. 73-3447 Filed 2-23-73; 8:45 am]

[CGD 73-26 N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials

used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from December 14, 1972, to December 27, 1972 (List No. 39-72). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner cancelled or suspended by proper authority.

LIFEBOATS

Approval No. 160.035/105/2, 26.0' x 9.0' x 3.8' steel, motor-propelled lifeboat, Class 1, 48-person capacity, identified by general arrangement and construction Dwg. No. 26-001-1 Rev. A dated November 19, 1972, this boat is built with wooden or fibrous glass reinforced plastic (FRP) removable interior, 46 CFR 160.035-13(c) Marking, Weights: Condition "A"—4,875 pounds; Condition "B"—13,847 pounds, manufactured by Lane Lifeboat Division of Lane Marine Technology, Inc., 150 Sullivan Street, Brooklyn, NY 11231, effective December 14, 1972. (It supersedes Approval No. 160.035/105/1 dated December 22, 1967 to show change in construction.)

KITS, FIRST-AID, FOR MERCHANT VESSELS

Approval No. 160.041/6/0, first-aid kit, Model No. 24 L.B., assembly Dwg. No. 1-24-LB, revised January 14, 1953, marking Dwg. No. 2-24-LB revised January 14, 1953, manufactured by Pac-Kit Safety Equipment Division, K. W. Griffen Co., Post Office Box 1306, Greenwich, CT 06830, formerly Pac-Kit Safety Equipment Co., Inc., effective December 18, 1972. (It is an extension of Approval No. 160.041/6/0 dated January 3, 1968 and change of name of manufacturer.)

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES FOR DESIGNATED USE ON ALL MOTORBOATS AND FOR GENERAL USE ON MOTORBOATS OF CLASSES A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

Approval No. 160.064/369/0, adult large, Model FJ55, cloth-covered unicellular plastic foam "Camouflage Hunter Coat", manufactured in accordance with

USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 29, Type III Device, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective December 22, 1972.

Approval No. 160.064/370/0 adult X-large, Model No. FJ55, cloth-covered unicellular plastic foam "Camouflage Hunter Coat", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 29, Type III Device, manufactured by Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, effective December 22, 1972.

Approval No. 160.064/424/0, adult S/M, Model No. 100DM, vinyl-dipped unicellular plastic foam "Yachtsman Buoyant Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 32, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121, effective December 22, 1972.

Approval No. 160.064/425/0, adult L/XL, Model 100FM, vinyl-dipped unicellular plastic foam "Yachtsman Buoyant Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 32, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121, effective December 22, 1972.

Approval No. 160.064/426/0, adult S/M, Model No. 200HM, vinyl-dipped unicellular plastic foam "Sportsman Buoyant Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 32, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121, effective December 22, 1972.

Approval No. 160.064/427/0, adult, L/XL, Model No. 200JM, vinyl-dipped unicellular plastic foam "Sportsman Buoyant Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 32, Type III Device, manufactured by Cut 'N' Jump Ski Corp., 11525 Sorrento Valley Road, San Diego, CA 92121, for Mermatec, Inc., 11525 Sorrento Valley Road, San Diego, CA 92121, effective December 22, 1972.

Approval No. 160.064/446/0, child medium, Model No. VCM, vinyl-dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 3, Type III Device, manufactured by Texas Water Crafters, 912 North Beverly Drive, Wichita Falls, TX 76307, for Hurtsboro Oak Flooring Co., Inc., Hurtsboro, Ala. 36860, effective December 15, 1972.

Approval No. 160.064/447/0, adult small, Model No. VAS, vinyl-dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG

Specification Subpart 160.064 and UL/MD Report File No. MQ 3, Type III Device, manufactured by Texas Water Crafters, 912 North Beverly Drive, Wichita Falls, TX 76307, for Hurtsboro Oak Flooring Co., Inc., Hurtsboro, Ala. 36860, effective December 15, 1972.

Approval No. 160.064/448/0, adult medium, Model No. VAM, vinyl-dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 3, Type III Device, manufactured by Texas Water Crafters, 912 North Beverly Drive, Wichita Falls, TX 76307, for Hurtsboro Oak Flooring Co., Inc., Hurtsboro, Ala. 36860, effective December 15, 1972.

Approval No. 160.064/449/0, adult large, Model No. VAL, vinyl-dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 3, Type III Device, manufactured by Texas Water Crafters, 912 North Beverly Drive, Wichita Falls, TX 76307, for Hurtsboro Oak Flooring Co., Inc., Hurtsboro, Ala. 36860, effective December 15, 1972.

Approval No. 160.064/450/0, adult X-large, Model No. VAXL, vinyl-dipped unicellular plastic foam "Sail 'N' Ski Vest", manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD Report File No. MQ 3, Type III Device, manufactured by Texas Water Crafters, 912 North Beverly Drive, Wichita Falls, TX 76307, for Hurtsboro Oak Flooring Co., Inc., Hurtsboro, Ala. 36860, effective December 15, 1972.

BROMOTRIFLUOROMETHANE-TYPE FIRE EXTINGUISHING SYSTEMS

Approval No. 162.035/2/1 Fyr-Fyter Marine Bromotrifluoromethane (CF₃Br) Type Fire Extinguishing Systems for Hydrofoil Craft (Unmanned Spaces), typical installation Dwg. No. C-9A730, Rev. 1 dated May 24, 1965, manufactured by Norris Industries, Fire & Safety Equipment Division, Post Office Box 2750, Newark, NJ 07114, effective December 15, 1972. (It is an extension of Approval No. 162.035/2/1 dated December 29, 1967.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/157/0, "ECISCO Incombustible Aluminum Foil Faced Fibrous Glass Insulation Blanket", fibrous glass type incombustible material identical to that described in National Bureau of Standards Test Report FR 3830 dated December 13, 1972, and Eastern Cold Storage Insulation Co., letters dated May 15, 1972, and July 14, 1972, approved in a nominal density of 1-2 pounds per cubic foot and in a 1-inch thickness, manufactured by Eastern Cold Storage Insulation Co., 630 Third Avenue, New York, NY 10017, Plant: Cedar Grove, N.J., effective December 27, 1972.

Approval No. 164.009/161/0, "ECISCO Incombustible Aluminum Foil Faced Fibrous Glass Marine Hull Board", fibrous glass type incombustible material identi-

cal to that described in National Bureau of Standards Tests Report FR 3830 dated December 13, 1972, and Eastern Cold Storage Insulation letters dated May 15, 1972, and July 14, 1972, approved in a nominal density of 3 pounds per cubic foot and in a 1-inch thickness, manufactured by Eastern Cold Storage Insulation Co., 630 Third Avenue, New York, NY 10017, Plant: Cedar Grove, N.J., effective December 27, 1972.

Dated: February 15, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting
Chief, Office of Merchant
Marine Safety.

[FR Doc. 73-3448 Filed 2-23-73; 8:45 am]

[CGD 73-33N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of life-saving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from December 26, 1972, to January 8, 1973 (List No. 3-73). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

mandant, U.S. Coast Guard, for certain

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 361, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard, with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

LIFE PRESERVERS, FIBROUS GLASS, ADULT AND CHILD (JACKET TYPE) MODELS 52 AND 56

NOTE: Approved for use on all vessels and motorboats.

Approval No. 160.005/15/0, Model 52 adult fibrous glass life preserver, USCG Specification Subpart 160.005, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective January 4, 1973. (It is an extension of Approval No. 160.005/15/0 dated March 15, 1968.)

Approval No. 160.005/16/0, Model 56 child fibrous glass life preserver, USCG Specification Subpart 160.005, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective January 4, 1973. (It is an extension of Approval No. 160.005/16/0 dated March 15, 1968.)

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/103/0, Type 55GH-MKIII lifeboat winch; approval is limited to mechanical components only and for a maximum working load of 11,000 pounds pull at the drums (5,500 pounds per fall); identified by general arrangement drawing No. W1-F-002-H, Revision B, dated June 7, 1972, and drawing list, Revision A, dated November 15, 1972, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective January 2, 1973.

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT, FOR MERCHANT VESSELS

Approval No. 160.033/39/4, Rottmer Type S-1 releasing gear, approved for a maximum working load of 21,300 pounds per set (10,650 pounds per hook), identified by hoist gear assembly drawing No. M-115-1, Rev. E dated March 15, 1968, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective January 3, 1973. (It is an extension of Approval No. 160.033/39/4 dated March 15, 1968, and change of address of manufacturer.)

KITS, FIRST-AID, FOR MERCHANT VESSELS

Approval No. 160.041/5/0, first-aid kit, Model G-12, assembly drawing No. B-12596 dated September 9, 1952, manufactured by Mine Safety Appliances Co., 201 North Braddock Avenue, Pittsburgh, PA 15208, effective January 3, 1973. (It is an extension of Approval No. 160.041/5/0 dated February 16, 1968.)

PUMPS, BILGE, LIFEBOAT, FOR MERCHANT VESSELS

Approval No. 160.044/5/1, size No. 3 lifeboat bilge pump, identified by general assembly drawing No. 228, Revision C, dated February 25, 1958, manufactured by Allied Marine Equipment Corp., Division of Tap-Rite Products, 204 Railroad Avenue, Hackensack, NJ 07601, effective January 3, 1973. (It is an extension of Approval No. 160.044/5/1 dated March 15, 1968.)

Approval No. 160.044/14/0, size No. 3 lifeboat bilge pump, Model BM-519CG identified by drawing No. P.C. 6514 dated March 7, 1963, manufactured by Beckson Manufacturing, Inc., Box 3336, Bridgeport, CT 06605, effective January 3, 1973. (It is an extension of Approval No. 160.044/14/0 dated March 8, 1968.)

INFLATABLE LIFERAFTS

Approval No. 160.051/13/2, 4-person inflatable liferaft; identified by gen-

eral arrangement drawing SPC-MM-4002 (Rev. 6) dated October 5, 1972, and drawing list SPC-MM-4, revised October 6, 1972, manufactured by Switlik Parachute Co., Inc., 1325 East State Street, Trenton, NJ 08607, effective January 8, 1973. (It supersedes Approval No. 160.051/13/1 dated August 16, 1967, to show change in design.)

Approval No. 160.051/14/1, 6-person inflatable liferaft; identified by general arrangement drawing SPC-MM-6002 (Rev. 5) dated October 4, 1972, and drawing list SPC-MM-6, revised October 6, 1972, manufactured by Switlik Parachute Co., Inc., 1325 East State Street, Trenton, NJ 08607, effective January 8, 1973. (It supersedes Approval No. 160.051/14/0 dated June 21, 1971, to show change in design.)

Approval No. 160.051/15/3, 8-person inflatable liferaft; identified by general arrangement drawing SPC-MM-8002 (Rev. 8) dated October 3, 1972, and drawing list SPC-MM-8, revised October 6, 1972, manufactured by Switlik Parachute Co., Inc., 1325 East State Street, Trenton, NJ 08607, effective January 8, 1973. (It supersedes Approval No. 160.051/15/2 dated August 16, 1967, to show change in design.)

Approval No. 160.051/16/3, 10-person inflatable liferaft; identified by general arrangement drawing SPC-LRC-10002 (Rev. 8) dated October 3, 1972, and drawing list SPC-MM-10, revised October 6, 1972, manufactured by Switlik Parachute Co., Inc., 1325 East State Street, Trenton, NJ 08607, effective January 8, 1973. (It supersedes Approval No. 160.051/16/2 dated August 16, 1967, to show change in design.)

Approval No. 160.051/18/3, 15-person inflatable liferaft; identified by general arrangement drawing SPC-LRC-15002 (Rev. 7) dated October 3, 1972, and drawing list SPC-MM-15, revised October 6, 1972, manufactured by Switlik Parachute Co., Inc., 1325 East State Street, Trenton, NJ 08607, effective January 8, 1973. (It supersedes Approval No. 160.051/18/2 dated August 16, 1967, to show change in design.)

Approval No. 160.051/19/3, 20-person inflatable liferaft; identified by general arrangement drawing SPC-MM-20002 (Rev. 7) dated October 4, 1972, and drawing list SPC-MM-20, revised October 6, 1972, manufactured by Switlik Parachute Co., Inc., 1325 East State Street, Trenton, NJ 08607, effective January 8, 1973. (It supersedes Approval No. 160.051/19/2 dated August 16, 1967, to show change in design.)

Approval No. 160.051/20/3, 25-person inflatable liferaft; identified by general arrangement drawing SPC-MM-25002 (Rev. 8) dated October 4, 1972, and drawing list SPC-MM-25, revised October 6, 1972, manufactured by Switlik Parachute Co., Inc., 1325 East State Street, Trenton, NJ 08607, effective January 8, 1973. (It supersedes Approval No. 160.051/20/2 dated August 16, 1967, to show change in design.)

WORK VEST, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/14/0, unicellular plastic foam work vest, drawing Nos. 20, 21, and 22, and bill of materials dated May 21, 1963, manufactured by Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212 and 12th and Graham Streets, Emporia, Kans. 66801, effective January 4, 1973. (It is an extension of Approval No. 160.053/14/0 dated March 20, 1968.)

FIRE-PROTECTIVE SYSTEMS

Approval No. 161.002/10/0, combination manual fire alarm station and test station, for use in dry locations only, manufactured by Henschel Corp., Amesbury, Mass. 01913, effective January 3, 1973. (It is an extension of Approval No. 161.002/10/0 dated February 13, 1968.)

TELEPHONE SYSTEMS, SOUND-POWERED

Approval No. 161.005/36/3, sound powered telephone handset, Type 333 or Type 331-1, identified by Drawing No. A-257, Alternate 5, revision 2 dated December 27, 1957, for use with approved sound powered telephone stations, manufactured by Stromberg-Carlson Corp., Post Office Box 1288, Charlottesville, VA 22902, effective January 3, 1973. (It is an extension of Approval No. 161.005/36/3 dated Mar. 15, 1968.)

SAFETY VALVES: (POWER BOILERS)

Approval No. 162.001/229/0, Style HC-MS-35 carbon steel body pop safety valve, nozzle type, exposed spring fitted with spring cover, 775 p.s.i. primary service pressure rating, 675° F. maximum temperature, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective January 5, 1973. (It supersedes Approval No. 162.001/229/0 dated February 27, 1968.)

Approval No. 162.001/230/0, Style HC-MS-36 carbon steel body pop safety valve, nozzle type, exposed spring, fitted with spring cover, 775 p.s.i. primary service pressure rating, 750° F. maximum temperature, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective January 5, 1973. (It supersedes Approval No. 162.001/230/0 dated February 27, 1968.)

Approval No. 162.001/233/0, Style HC-MS-65 carbon steel body pop safety valve, nozzle type, exposed spring fitted with spring cover, 1,500 p.s.i. primary service pressure rating, 675° F. maximum temperature with standard inlet flange; 1,400 p.s.i. primary service pressure rating; 675° F. maximum temperature with optional inlet flange, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective January 5, 1973. (It supersedes Approval No. 162.001/233/0 dated February 27, 1968.)

Approval No. 162.001/234/0, Style HC-MS-66 carbon steel body pop safety valve, nozzle type, exposed spring fitted with spring cover, 1,500 p.s.i. primary service

pressure rating, 750° F. maximum temperature with standard inlet flange; 1,275 p.s.i. primary service pressure rating, 750° F. maximum temperature with optional inlet flange, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective January 5, 1973. (It supersedes Approval No. 162.001/234/0 dated February 27, 1968.)

Approval No. 162.001/235/0, Style HCA-MS-37 alloy steel body pop safety valve, nozzle type, exposed spring fitted with spring cover, 700 p.s.i. primary service pressure rating, 900° F. maximum temperature with standard inlet flange; 775 p.s.i. primary service pressure rating, 900° F. maximum temperature with optional inlet flange, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective January 5, 1973. (It supersedes Approval No. 162.001/235/0 dated February 27, 1968.)

Approval No. 162.001/236/0, Style HCA-MS-38 alloy steel body pop safety valve, nozzle type, exposed spring fitted with spring cover, 400 p.s.i. primary service pressure rating, 1,050° F. maximum temperature with standard inlet flange; 595 p.s.i. primary service pressure rating, 1,050° F. maximum temperature with optional inlet flange, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective January 5, 1973. (It supersedes Approval No. 162.001/236/0 dated February 27, 1968.)

Approval No. 162.001/239/0, Style HCA-MS-67 alloy steel body pop safety valve, nozzle type, exposed spring fitted with spring cover, 1,500 p.s.i. primary service pressure rating, 900° F. maximum temperature with standard inlet flange; 1,050 p.s.i. primary service pressure rating, 900° F. maximum temperature with optional inlet flange, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective January 5, 1973. (It supersedes Approval No. 162.001/239/0 dated February 27, 1968.)

Approval No. 162.001/240/0, Style HCA-MS-68 alloy steel body pop safety valve, nozzle type, exposed spring fitted with spring cover, 995 p.s.i. primary service pressure rating, 1,050° F. maximum temperature with standard inlet flange; 595 p.s.i. primary service pressure rating, 1,050° F. maximum temperature with optional inlet flange, approved for sizes 1½", 2", 2½", and 3", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective January 5, 1973. (It supersedes Approval No. 162.001/240/0 dated February 27, 1968.)

Approval No. 162.001/248/0, Style HS-MS-15 carbon steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 300 p.s.i. primary service pressure rating, 650° F. maximum temperature with standard inlet flange; 120 p.s.i. primary service pressure rating, 650° F. maximum temperature with optional inlet flange, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective Janu-

ary 5, 1973. (It supersedes Approval No. 162.001/248/0 dated February 27, 1968.)

Approval No. 162.001/249/0, Style HS-MS-16 carbon steel pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 300 p.s.i. primary service pressure rating, 750° F. maximum temperature with standard inlet flange, 100 p.s.i. primary service pressure rating, 750° F. maximum temperature with optional inlet flange, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective January 5, 1973. (It supersedes Approval No. 162.001/249/0 dated February 27, 1968.)

Approval No. 162.001/250/0, Style HSA-MS-17 alloy steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 300 p.s.i. primary service pressure rating, 900° F. maximum temperature with standard inlet flange; 70 p.s.i. primary service pressure rating, 900° F. maximum temperature with optional inlet flange, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective January 5, 1973. (It supersedes Approval No. 162.001/250/0 dated February 27, 1968.)

Approval No. 162.001/251/0, Style HS-MS-45 carbon steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 900 p.s.i. primary service pressure rating, 650° F. maximum temperature, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective January 5, 1973. (It supersedes Approval No. 162.001/251/0 dated February 27, 1968.)

Approval No. 162.001/252/0, Style HS-MS-46 carbon steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 900 p.s.i. primary service pressure rating, 750° F. maximum temperature with standard inlet flange; 850 p.s.i. primary service pressure rating, 750° F. maximum temperature with optional inlet flange, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective January 5, 1973. (It supersedes Approval No. 162.001/252/0 dated February 27, 1968.)

Approval No. 162.001/253/0, Style HSA-MS-47 alloy steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 900 p.s.i. primary service pressure rating, 900° F. maximum temperature with standard inlet flange; 700 p.s.i. primary service pressure rating, 900° F. maximum temperature with optional inlet flange, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective January 5, 1973. (It supersedes Approval No. 162.001/253/0 dated February 27, 1968.)

Approval No. 162.001/254/0, Style HSA-MS-48 alloy steel body pop safety valve, flanged nozzle type, exposed spring fitted with spring cover, 900 p.s.i. primary service pressure rating, 1,020° F. maximum temperature with standard inlet flange, approved for sizes 1½", 2", and

2½", 700 p.s.i. primary service pressure rating, 1,020° F. maximum temperature with standard inlet flange, approved for sizes 3" and 4", 465 p.s.i. primary service pressure rating, 1,020° F. maximum temperature with optional inlet flange, approved for sizes 1½", 2", 2½", 3", and 4", manufactured by Crosby Valve & Gage Co., Wrentham, Mass. 02093, effective January 5, 1973. (It supersedes Approval No. 162.001/254/0 dated February 27, 1968.)

FIRE EXTINGUISHING SYSTEMS, FOAM TYPE

Approval No. 162.033/2/1, National Aer-O-Foam Marine Foam Fire Extinguishing Systems with Aer-O-Foam Liquid 3 percent Regular, Instruction Sheet 626A revised January 27, 1970, manufactured by National Foam System, Inc., Union and Adam Streets, West Chester, Pa. 19380, effective January 3, 1973. (It is an extension of Approval No. 162.033/2/1 dated March 26, 1968.)

FIRE EXTINGUISHING SYSTEMS, WATER SPRAY TYPE

Approval No. 162.036/1/0, Akron Fogged Systems, water spray type fire extinguishing systems, for tank vessel pump rooms, Fogged Models 1" BM-54, 1" DM-24, ½" BM-15, ½" 5DM-34, and ½" DM-15, typical system drawing No. D-6636, Rev. C, dated March 6, 1962, manufactured by Akron Brass Co., Post Office Box 86, Wooster, OH 44691, effective January 3, 1973. (It is an extension of Approval No. 162.036/1/0 dated March 20, 1968.)

Approval No. 162.036/2/0, Bete water spray system for tank vessel pump rooms, nozzle Model Nos. N3S, N3WS, N5S, and N5WS, layout drawing Nos. 4S-453-B, 4S-454-B, 4S-455-B, and 4S-456-B, all revised May 5, 1958, manufactured by Bete Fog Nozzle, Inc., 309 Wells Street, Greenfield, MA 01301, effective January 3, 1973. (It is an extension of Approval No. 162.036/2/0 dated March 20, 1968.)

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/37/0, "Foster Insulfas Sealer 31-26" composition type incombustible material consisting solely of Foster 31-26 Noncombustible Coating and Sealfas Open Weave Glass Cloth, identical to that referred to in National Bureau of Standards Test Report No. TG10210-1974:FP3363, dated April 30, 1956, formerly "Fiberseal"; also formerly "Foster Fiberseal Sealer," manufactured by Foster Division, Amchem Products, Inc., Ambler, Pa. 19002, formerly Benjamin Foster Co., effective December 26, 1972. (It supersedes Approval No. 164.009/37/0 dated June 5, 1969, to show change of name of manufacturer.)

Approval No. 164.009/78/0, "Foster Insulfas Adhesive 81-15" composition type incombustible material, identical to that referred to in National Bureau of Standards Test Report No. TG10210-2107:FR3634 dated December 3, 1963, manufactured by Foster Division, Amchem Products, Inc., Ambler, Pa. 19002, formerly Benjamin Foster Co., effective December 26, 1972. (It supersedes Approval

No. 164.009/78/0 dated June 5, 1969, to show change of name of manufacturer.)

Approval No. 164.009/80/0, Foster Insulfas Coating 31-30, composition type incombustible material, identical to that referred to in National Bureau of Standards Test Report No. TG10210-2109: FR3636 dated May 11, 1964, manufactured by Foster Division, Amchem Products, Inc., Ambler, Pa. 19002, formerly Benjamin Foster Co., effective December 26, 1972. (It supersedes Approval No. 164.009/80/0 dated June 5, 1969, to show change of name of manufacturer.)

INTERIOR FINISHES FOR MERCHANT VESSELS

Approval No. 164.012/5/0, CCC-W-408a, Type II, medium weight coated, Quality V-275, UL Serial A 34741, vinyl-coated fabric wall covering (Viertex), to be applied with manufacturer's adhesive F1460W, manufactured by L. E. Carpenter & Co., Wharton, N.J. 07885, effective January 2, 1973.

Approval No. 164.012/6/0, CCC-W-408a, Type I, light weight coated, Quality V-152, UL serial A 34740, vinyl-coated fabric wall covering (Viertex), to be applied with manufacturer's adhesive F1460W, manufactured by L. E. Carpenter & Co., Wharton, N.J. 07885, effective January 2, 1973.

Approval No. 164.012/7/0, CCC-W-408a, Type I, lightweight laminate, Quality VW-73 (L), UL Serial F 22215, vinyl-coated fabric wall covering (Viertex), to be applied with manufacturer's adhesive F1460W, manufactured by L. E. Carpenter & Co., Wharton, N.J. 07885, effective January 2, 1973.

Approval No. 164.012/8/0, CCC-W-408a, Type I, lightweight laminated plus tedlar, Quality VR-74 (R), UL Serial F 9531, vinyl-coated fabric wall covering (Viertex), to be applied with manufacturer's adhesive F1460W, manufactured by L. E. Carpenter & Co., Wharton, N.J. 07885, effective January 2, 1973.

Approval No. 164.012/9/0, CCC-W-408a, Type I, lightweight coated plus tedlar, Quality VT-154, UL Serial F 9532, vinyl-coated fabric wall covering (Viertex), to be applied with manufacturer's adhesive F1460W, manufactured by L. E. Carpenter & Co., Wharton, N.J. 07885, effective January 2, 1973.

Dated: February 15, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting
Chief, Office of Merchant
Marine Safety.

[FR Doc. 73-3449 Filed 2-23-73; 8:45 am]

[CGD 73-27 N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting, and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain

motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from October 31, 1972, to January 2, 1973 (List No. 1-73). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

LIFEBOATS

The Marine Safety Equipment Corp., foot of Wycoff Road, Farmingdale, N.J. 07727, Approval No. 160.035/279/2 expired and was terminated effective November 30, 1972.

The Marine Safety Equipment Corp., foot of Wycoff Road, Farmingdale, N.J. 07727, Approval No. 160.035/442/1 expired and was terminated effective October 31, 1972.

BUOYANT VESTS, KAPOK, OR FIBROUS GLASS

The Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212 and 12th and Graham Streets, Emporia, Kans. 66801, no longer manufactures certain kapok buoyant vests for Montgomery Ward & Co., Inc., Post Office Box 8339, Chicago, IL 60680 and Approval Nos. 160.047/333/0, 160.047/334/0, and 160.047/335/0 were therefore terminated effective January 2, 1973.

The Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, no longer manufactures certain kapok buoyant vests and Approval Nos. 160.047/351/0, 160.047/352/0, and 160.047/353/0 were therefore terminated effective January 2, 1973.

The Elvin Salow Co., 273-285 Congress Street, Boston, MA 02210, no longer manufactures certain kapok buoyant vests and Approval Nos. 160.047/354/0, 160.047/355/0, and 160.047/356/0 were therefore terminated effective January 2, 1973.

The Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, no longer manufactures certain kapok buoyant vests for Nautical Products, Inc., 130 Atlantic Avenue, Brooklyn, NY 11201 and Approval Nos. 160.047/

460/0, 160.047/461/0, and 160.047/462/0 were therefore terminated effective January 2, 1973.

The Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, no longer manufactures certain kapok buoyant vests for Herter's, Inc., Waseca, Minn. 56093 and Approval Nos. 160.047/511/0, 160.047/512/0, and 160.047/513/0 were therefore terminated effective January 2, 1973.

The Safegard Corp., Box 66, Station B, Cincinnati, OH 45214, no longer manufactures certain kapok buoyant vests for Life Products Co., 930 York Street, Cincinnati, OH 45214 and Approval Nos. 160.047/514/0, 160.047/515/0, and 160.047/516/0 were therefore terminated effective January 2, 1973.

The Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212 and 12th and Graham Streets, Emporia, Kans. 66801, no longer manufactures certain kapok buoyant vests for The Bowman Products Division, Associated Spring Corp., 850 East 72d Street, Cleveland, OH 44103 and Approval Nos. 160.047/535/0, 160.047/536/0, and 160.047/537/0 were therefore terminated effective January 2, 1973.

The Billy Boy Products, Inc., Quincy, Mich. 49082, no longer manufactures certain kapok buoyant vests for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, IL 60607 and Approval Nos. 160.047/548/0 and 160.047/549/0 were therefore terminated effective December 27, 1972.

The Parkway Manufacturing Co., subsidiary of Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212, and 12th and Graham Streets, Emporia, Kans. 66801, no longer manufactures certain kapok buoyant vests and Approval Nos. 160.047/550/0, 160.047/551/0, and 160.047/552/0 were therefore terminated effective December 27, 1972.

The Elvin Salow Co., 273-285 Congress Street, Boston, MA 02210, no longer manufactures certain kapok buoyant vests for West Products Co., Post Office Box 707, Newark, NJ 07101 and Approval Nos. 160.047/562/0, 160.047/563/0, and 160.047/564/0 were therefore terminated effective January 2, 1973.

The Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212 and 12th and Graham Streets, Emporia, Kans. 66801, no longer manufactures certain kapok buoyant vests for J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, NY 10019 and Approval No. 160.047/571/0 was therefore terminated effective January 2, 1973.

The Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, no longer manufactures certain kapok buoyant vests and Approval No. 160.047/595/0 was therefore terminated effective January 2, 1973.

The Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, no longer manufactures certain kapok buoyant vests and Approval Nos. 160.047/596/0 and 160.047/597/0 were therefore terminated effective December 27, 1972.

The Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, no longer manufactures certain kapok buoyant vests for J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, NY 10019 and Approval Nos. 160.047/604/0, 160.047/605/0, and 160.047/606/0 were therefore terminated effective January 2, 1973.

The Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, no longer manufactures certain kapok buoyant vests for James Bliss and Co., Inc., Route No. 128, Dedham, Mass. 02026 and Approval Nos. 160.047/616/0, 160.047/617/0, and 160.047/618/0 were therefore terminated effective January 2, 1973.

The Outdoor Supply Co., Inc., Oxford, N.C. 27565, no longer manufactures certain kapok buoyant vests for J. C. Penney Co., Inc., 1301 Avenue of the Americas, New York, NY 10019 and Approval Nos. 160.047/622/0, 160.047/623/0, and 160.047/624/0 were therefore terminated effective January 2, 1973.

The Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, no longer manufactures certain kapok buoyant vests for Boy Scouts of America, Supply Division, North Brunswick, N.J. 08902 and Approval No. 160.047/631/0 was therefore terminated effective January 2, 1973.

The Elvin Salow Co., 273-285 Congress Street, Boston, MA 02210, no longer manufactures certain kapok buoyant vests for Wallace Manufacturing Co., 273-285 Congress Street, Boston, MA 02210 and Approval Nos. 160.047/726/0, 160.047/727/0, and 160.047/728/0 were therefore terminated effective January 2, 1973.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

The Stearns Manufacturing Co., Division Street at 30th, St. Cloud, Minn. 56301, no longer manufactures certain uncellular plastic foam buoyant vests and Approval Nos. 160.052/7/0, 160.052/8/0, and 160.052/9/0 were therefore terminated effective January 2, 1973.

The Safeguard Corp., Box 14037, Post Office Annex, Cincinnati, OH 45214, no longer manufactures certain uncellular plastic foam buoyant vests and Approval Nos. 160.052/22/0, 160.052/23/0, and 160.052/24/0 were therefore terminated effective January 2, 1973.

The Billy Boy Products, Inc., Quincy, Mich. 49082, no longer manufactures certain uncellular plastic foam buoyant vests and Approval Nos. 160.052/28/0, 160.052/29/0, and 160.052/30/0 were therefore terminated effective January 2, 1973.

The Gentex Corp., Carbondale, Pa. 18407, no longer manufactures certain uncellular plastic foam buoyant vests and Approval Nos. 160.052/46/0, 160.052/48/0, 160.052/49/0, 160.052/50/0, and 160.052/87/0 were therefore terminated effective January 2, 1973.

The Noble Products Co., Post Office Box 329, Caldwell, OH 43724, no longer manufactures certain uncellular plastic foam buoyant vests and Approval Nos. 160.052/98/0, 160.052/99/0, and 160.052/

100/0 were therefore terminated effective January 2, 1973.

The Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, no longer manufactures certain uncellular plastic foam buoyant vests for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, IL 60607, and Approval No. 160.052/122/0 was therefore terminated effective December 27, 1972.

The Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212 and 12th and Graham Streets, Emporia, Kans. 66801, no longer manufactures certain uncellular plastic foam buoyant vests and Approval No. 160.052/131/1 was therefore terminated effective January 2, 1973.

Dated: February 15, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting
Chief, Office of Merchant
Marine Safety.

[FR Doc. 73-3450 Filed 2-23-73; 8:45 am]

[CGD 73-28 N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Termination of Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been terminated as herein described during the period from December 22, 1972, to January 2, 1973 (List No. 2-73). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. Notwithstanding the termination of approval listed in this document, the equipment affected may be used as long as it remains in good and serviceable condition.

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

The Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212 and 12th and Graham

Streets, Emporia, Kans. 66801, no longer manufactures certain uncellular plastic foam buoyant vests and Approval Nos. 160.052/132/1 and 160.052/133/1 were therefore terminated effective January 2, 1973.

The Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, no longer manufactures certain uncellular plastic foam buoyant vests for Nautical Products, Inc., 130 Atlantic Avenue, Brooklyn, NY 11201 and Approval Nos. 160.052/144/0, 160.052/145/0, and 160.052/146/0 were therefore terminated effective January 2, 1973.

The Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212 and 12th and Graham Streets, Emporia, Kans. 66801, no longer manufactures certain uncellular plastic foam buoyant vests for Montgomery Ward & Co., Inc., Post Office Box 8339, Chicago, IL 60680 and Approval Nos. 160.052/150/0, 160.052/151/0, and 160.052/152/0 were therefore terminated effective January 2, 1973.

The Ero Manufacturing Co., 308 South William Street, Hazlehurst, GA 31539, no longer manufactures certain uncellular plastic foam buoyant vests and Approval Nos. 160.052/153/0, 160.052/154/0, and 160.052/155/0 were therefore terminated effective January 2, 1973.

The Elvin Salow Co., 273-285 Congress Street, Boston, MA 02210, no longer manufactures certain uncellular plastic foam buoyant vests and Approval Nos. 160.052/168/0, 160.052/169/0, and 160.052/170/0 were therefore terminated effective January 2, 1973.

The Billy Boy Products, Inc., Quincy, Mich. 49082, no longer manufactures certain uncellular plastic foam buoyant vests and Approval No. 160.052/189/0 was therefore terminated effective January 2, 1973.

The Billy Boy Products, Inc., Quincy, Mich. 49082, no longer manufactures certain uncellular plastic foam buoyant vests for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, IL 60607 and Approval Nos. 160.052/215/0, 160.052/216/0, 160.052/217/0, and 160.052/218/0 were therefore terminated effective December 27, 1972.

The Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212, no longer manufactures certain uncellular plastic foam buoyant vests and Approval Nos. 160.052/226/1 and 160.052/227/1 were therefore terminated effective January 2, 1973.

The Gentex Corp., Carbondale, Pa. 18407, no longer manufactures certain uncellular plastic foam buoyant vests and Approval Nos. 160.052/231/0, 160.052/232/0, and 160.052/233/0 were therefore terminated effective January 2, 1973.

The Parkway Manufacturing Co., subsidiary of Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212 and 12th and Graham Streets, Emporia, Kans. 66801, no longer manufactures certain uncellular plastic foam buoyant vests and Approval Nos.

160.052/240/1, 160.052/241/1, and 160.052/242/1 were therefore terminated effective December 22, 1972.

The Noble Products Co., Caldwell, Ohio 43724, no longer manufactures certain unicellular plastic foam buoyant vests and Approval Nos. 160.052/286/0, 160.052/287/0, and 160.052/288/0 were therefore terminated effective January 2, 1973.

The Ero Manufacturing Co., Hazlehurst, Ga. 31539, no longer manufactures certain unicellular plastic foam buoyant vests for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, IL 60607 and Approval Nos. 160.052/295/0, 160.052/296/0, and 160.052/297/0 were therefore terminated effective January 2, 1973.

The Carlon Rubber Products Co., 1 New Haven Avenue, Derby, CT 06418, no longer manufactures certain unicellular plastic foam buoyant vests for Milteo Products Corp., 139 Emerson Place, Brooklyn, NY 11205 and Approval Nos. 160.052/322/0, 160.052/323/0, and 160.052/324/0 were therefore terminated effective January 2, 1973.

The Goodenow Manufacturing, 1301 West 18th Street, Erie PA 16502, no longer manufactures certain unicellular plastic foam buoyant vests for Milteo Products Corp., 139 Emerson Place, Brooklyn, NY 11205 and Approval Nos. 160.052/334/0, 160.052/335/0, and 160.052/336/0 were therefore terminated effective January 2, 1973.

The Texas Water Crafters, Post Office Drawer 539, Wichita Falls, TX 76307, no longer manufactures certain unicellular plastic foam buoyant vests and Approval No. 160.052/340/0 was therefore terminated effective January 2, 1973.

The Ero Manufacturing Co., 308 South Williams Street, Hazlehurst, GA 31539, no longer manufactures certain unicellular plastic foam buoyant vests for Sears, Roebuck and Co., 925 South Homan Avenue, Chicago, IL 60607 and Approval Nos. 160.052/341/0, 160.052/342/0 and 160.052/343/0 were therefore terminated effective January 2, 1973.

The Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, no longer manufactures certain unicellular plastic foam buoyant vests and Approval Nos. 160.052/344/0,

160.052/345/0, and 160.052/346/0 were therefore terminated effective December 27, 1972.

The Texas Water Crafters, Post Office Drawer 539, Wichita Falls, TX 76307, no longer manufactures certain unicellular plastic foam buoyant vests for Buddy Schoellkopf Products, Inc., 4100 Platinum Way, Dallas, TX 75237 and Approval No. 160.052/350/0 was therefore terminated effective January 2, 1973.

The Texas Water Crafters, Post Office Drawer 539, Wichita Falls, TX 76307, no longer manufactures certain unicellular plastic foam buoyant vests for Red Head Brand Corp., Post Office Box No. 10956, 1348 Manufacturing Street, Dallas, TX 75207 and Approval No. 160.052/351/0 was therefore terminated effective January 2, 1973.

The Texas Water Crafters, Post Office Drawer 539, Wichita Falls, TX 76307, no longer manufactures certain unicellular plastic foam buoyant vests for Hurtsboro Oak Flooring Co., Inc., Hurtsboro, Ala. 36860 and Approval No. 160.052/352/0 was therefore terminated effective January 2, 1973.

The Billy Boy Products, Inc., Quincy, Mich. 49082, no longer manufactures certain unicellular plastic foam buoyant vests and Approval No. 160.052/356/0 was therefore terminated effective January 2, 1973.

The Billy Boy Products, Inc., Quincy, Mich. 49082, no longer manufactures certain unicellular plastic foam buoyant vests and Approval Nos. 160.052/357/0 and 160.052/358/0 were therefore terminated effective December 27, 1972.

The Tapatco, Inc., Post Office Box 49, Fairfield, CA 94533, no longer manufactures certain unicellular plastic foam buoyant vests for Outdoor Supply Co., Inc., Oxford, N.C. 27565 and Approval Nos. 160.052/362/0, 160.052/363/0, and 160.052/364/0 were therefore terminated effective December 27, 1972.

The Style-Crafters, Inc., Post Office Box 8277, Station A, Greenville, SC 29604, no longer manufactures certain unicellular plastic foam buoyant vests and Approvals Nos. 160.052/390/0, 160.052/391/0, and 160.052/392/0 were therefore terminated effective January 2, 1973.

The Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212, no longer manufactures certain unicellular plastic foam buoyant vests and Approval No. 160.052/399/1 was therefore terminated effective January 2, 1973.

The Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212, no longer manufactures certain unicellular plastic foam buoyant vests for Montgomery Ward & Co., Inc., Post Office Box 8339, Chicago, IL 60680 and Approval No. 160.052/400/1 was therefore terminated effective January 2, 1973.

The Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, no longer manufactures certain unicellular plastic foam buoyant vests for Boy Scouts of America, Supply Division, North Brunswick, N.J. 08902 and Approval No. 160.052/410/0 was therefore terminated effective January 2, 1973.

BUOYANT VESTS, UNICELLULAR POLYETHYLENE FOAM, ADULT AND CHILD

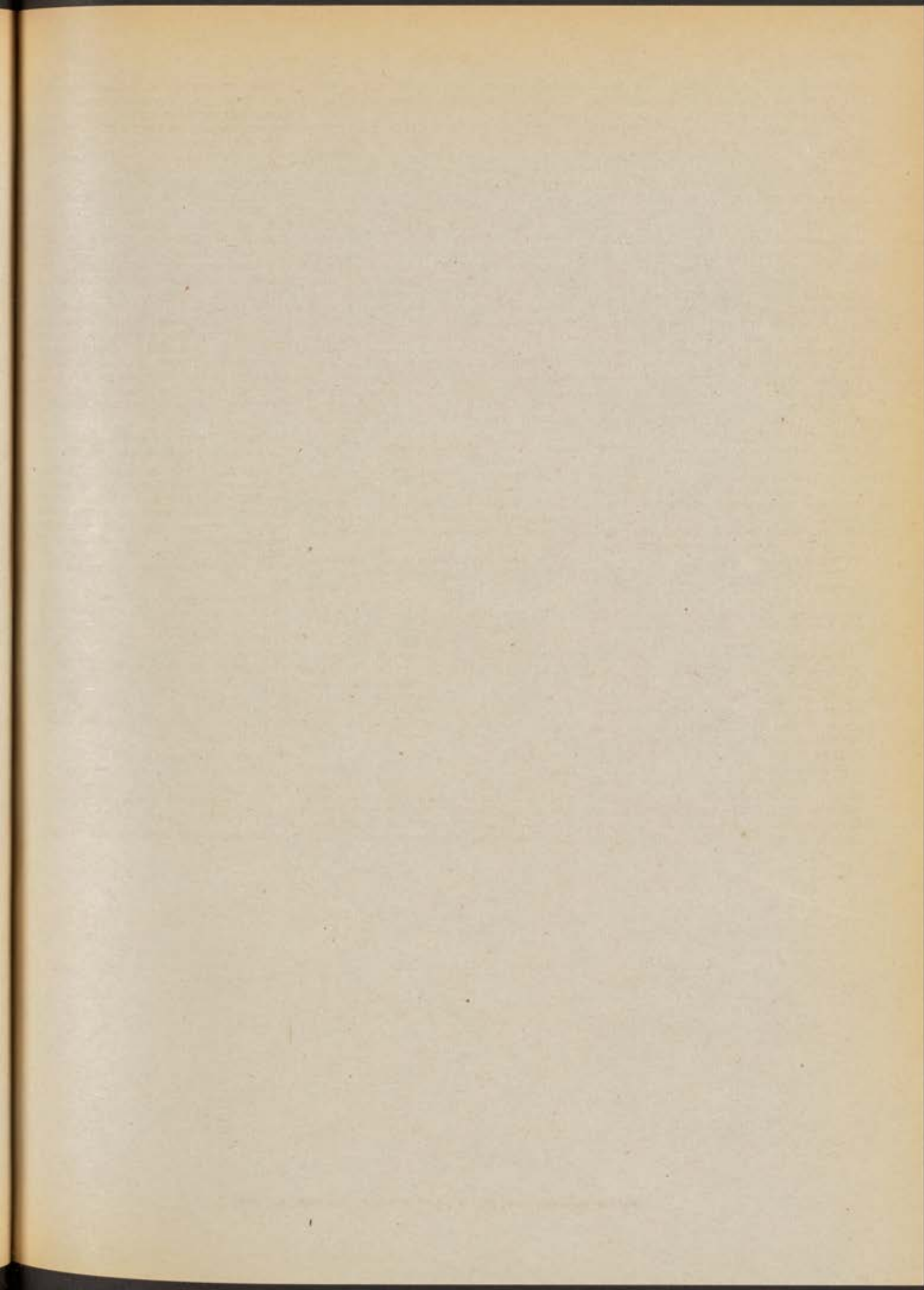
The Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212 and 12th and Graham Streets, Emporia, Kans. 66801, no longer manufactures certain unicellular polyethylene foam buoyant vests and Approval Nos. 160.060/1/0, 160.060/2/0, and 160.060/3/0 were therefore terminated effective January 2, 1973.

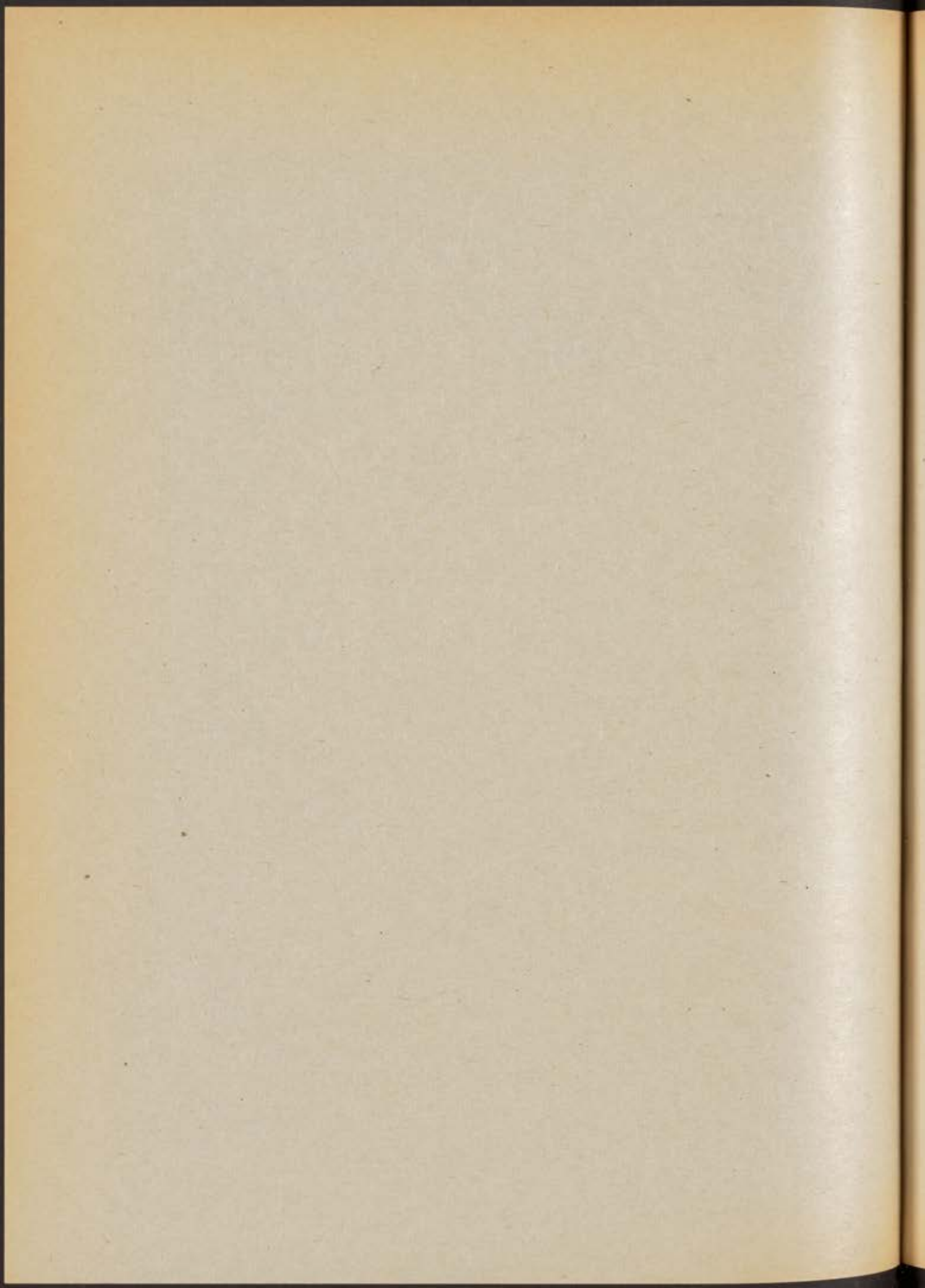
The Crawford Manufacturing Co., Inc., Third and Decatur Streets, Richmond, Va. 23212 and 12th and Graham Streets, Emporia, Kans. 66801, no longer manufactures certain unicellular polyethylene foam buoyant vests for Montgomery Ward & Co., Inc., Post Office Box 8339, Chicago, IL 60680 and Approval Nos. 160.060/4/0, 160.060/5/0, and 160.060/6/0 were therefore terminated effective January 2, 1973.

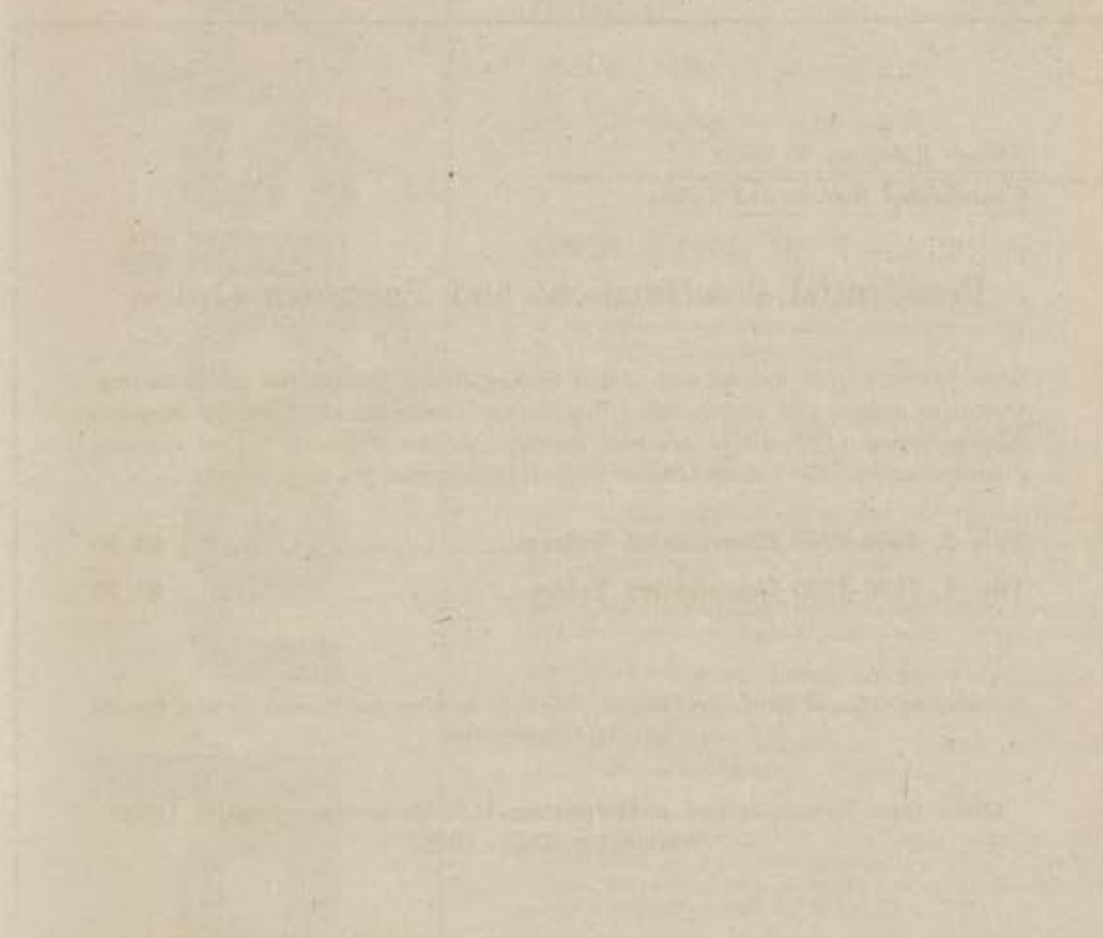
Dated: February 15, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting
Chief, Office of Merchant
Marine Safety.

[FR Doc. 73-3451 Filed 2-23-73; 8:45 am]







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