federal register

MONDAY, MARCH 12, 1973
WASHINGTON, D.C.
Volume 38 ■ Number 47
Pages 6655–6753
PART I
(Part II begins on page 6741)

HIGHLIGHTS OF THIS ISSUE

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

REMINDERS

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

federal register

Area Code 202 Phone 962-8626

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

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by the Executive Branch of the Federal Government. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $2.50 per month or $25 per year, payable in advance. The charge for individual copies is 20 cents for each issue, or 20 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Contents

(Continued on next page)

List of CFR Parts Affected

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.

Presidential Documents

Title 3—The President

PROCLAMATION 4193

Law Day, U.S.A., 1973

By the President of the United States of America

A Proclamation

Nearly 190 years ago, Alexander Hamilton wrote in The Federalist Papers that an independent judicial system is "the best expedient which can be devised in any government, to secure a steady, upright, and impartial administration of the laws."

The theme of the sixteenth annual observance of Law Day, U.S.A., "Help Your Courts—Assure Justice," makes Hamilton's words particularly timely. For it is in our courts that our Constitution and all our laws take on their practical meaning.

The judicial system is the final arbiter of American justice—and the final guarantor of American democracy. The first principle of the judiciary must always be to interpret the law fairly and without prejudice—the rights of the weak must be equally protected with those of the strong, the rights of the poor with those of the rich, the rights of the guilty with those of the innocent.

We honor the law because it preserves civilized society. We revere the law because it protects the dignity of the individual. And we respect our courts because without them the words of law would be words without meaning.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby request the observance of Tuesday, May 1, 1973, as Law Day in the United States of America.

As requested by the Congress, I urge that our people observe Law Day with appropriate public ceremonies, through public bodies and private organizations, in schools, colleges and universities, and in other suitable places. I especially request that the courts, the legal profession, and all media of public information take the lead in such observances so that public understanding of the role of the courts in our society can be broadened. I call upon public officials to display the Nation's flag on public buildings on that day.

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

Richard Nixon

[FR Doc.73-4810 Filed 3-8-73;5:40 pm]

EXECUTIVE ORDER 11706

Inspection of Returns by U.S. Attorneys and Attorneys of Department of Justice and Use of Returns in Grand Jury Proceedings and in Litigation

By virtue of the authority vested in me by section 6103(a) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 6103(a)), it is hereby ordered that returns made in respect of the taxes imposed by chapters 1, 2, 3, 5, 6, 11, 12, and 32, subchapters B and C of chapter 33, and chapter 41 of such Code shall be open to inspection by U.S. attorneys and attorneys of the Department of Justice and for use in grand jury proceedings and in litigation in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decision 6543, relating to inspection and use of returns by certain classes of persons and State and Federal Government establishments, approved by the President on January 17, 1961, the amendments thereto approved by the President on April 4, 1963, March 18, 1965, and February 16, 1972, and the amendment thereto approved by me this date.

Richard Nixon

THE WHITE HOUSE,
March 8, 1973.

[FR Doc.73-4809 Filed 3-8-73;5:40 pm]

Rules and Regulations

Title 7—Agriculture

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 7]

PART 780—APPEAL REGULATIONS

Special Handling

On page 3071 of the FEDERAL REGISTER of February 1, 1973, there was published a notice of proposed rule making stating that the Agricultural Stabilization and Conservation Service was considering an amendment to the appeal regulations.

Interested persons were given 20 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment to the regulations is hereby adopted without change and is set forth below. The amendment provides that determinations made by a State ASC committee with respect to the quality of the acreage set-aside under the programs for wheat, feed grains, and upland cotton are no longer appealable to the Deputy Administrator.

Effective date. This amendment shall be effective on March 12, 1973.

Signed at Washington, D.C., on March 6, 1973.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

Section 780.11(a) of the appeal regulations, 7 CFR Part 780, is amended by adding a new subparagraph (8). The paragraph, as amended, shall read as follows:

§ 780.11 **Requests for reconsideration and appeals requiring special handling.**

(a) Determinations made by a State committee with respect to (1) the establishment of farm yields for wheat, feed grain, and cotton, (2) the establishment of wheat allotments, (3) the establishment of farm feed grain bases, (4) the establishment of upland cotton base acreage allotments, (5) the establishment of conserving bases, (6) matters rising under the tobacco discount variety program, (7) eligibility provisions of the livestock feed program, and (8) the quality of the set-aside acreage are not appealable to the Deputy Administrator.

[FR Doc.73-4655 Filed 3-9-73;8:45 am]

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

[Navel Orange Reg. 290, Amdt. 1]

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

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period March 2–March 8, 1973. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 290 (38 FR 5480). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(ii) of § 907.590 (Navel Orange Reg. 290 (38 FR 5480)) are hereby amended to read as follows:

§ 907.590 **Navel Orange Regulation 290.**

* * * * *

(b) *Order.* (1) * * *

(ii) District 2: 350,000 cartons.

* * * * *

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

Dated: March 7, 1973.

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

[FR Doc.73-4707 Filed 3-9-73;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Areas Quarantined

This amendment releases Beckham, Greer, Harmon, Jackson, and Tillman Counties in Oklahoma from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 73.1a. Further, the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 apply to the excluded areas.

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the

Act of July 2, 1962 (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f), Part 73, Title 9, Code of Federal Regulations, restricting the interstate movement of cattle because of scabies, is hereby amended as follows:

In § 73.1a, paragraph (b) is amended to read:

§ 73.1a Notice of quarantine.

* * * * *

(b) Notice is hereby given that cattle in certain portions of the State of Oklahoma are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

(1) Beaver County.
(2) Cimarron County.
(3) Texas County.

* * * * *

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

Effective date. The foregoing amendment shall become effective March 6, 1973.

The amendment relieves restrictions presently imposed but no longer deemed necessary to prevent the spread of cattle scabies, and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 6th day of March 1973.

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

[FR Doc.73-4710 Filed 3-9-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-CE-2-AD; Amdt. 39-1594]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Models 336 and 337 Series Airplanes; Correction

In FR Doc. 73-3275, appearing on page 4749 in the issue of Thursday, February 22, 1973, the Airworthiness Directive should be corrected to include reproductions of Figures 1, 2, and 3.

Issued in Kansas City, Mo., on February 28, 1973.

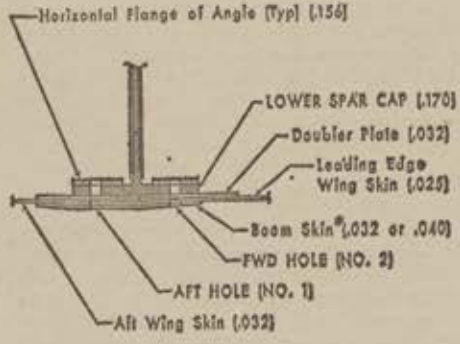
CHESTER W. WELLS,
Acting Director, Central Region.

WING STRUT ATTACHMENT AREA
WITH STRUT CUFF REMOVED

View Looking Up at R.H. Wing - L.H. Typical

Fig. 1

LOWER SPAR CAP AT FASTENERS
Wing Station 64.41



*.032 THRU SN 337-0756
.040 SN 337-0757 AND ON

Fig. 2

FRONT WING SPAR-BOOM & STRUT ATTACHMENT AREA
L.H. Shown - R.H. Typical

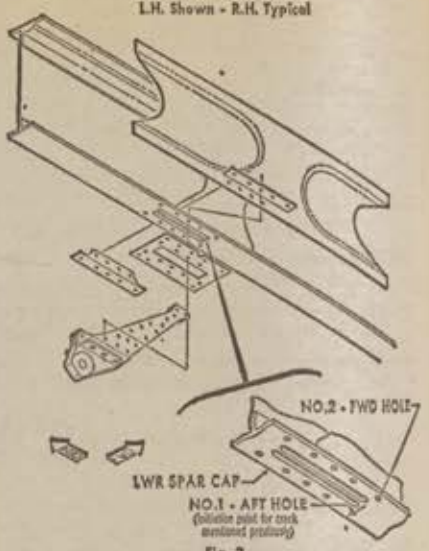


Fig. 3

[FR Doc.73-4518 Filed 3-9-73;8:45 am]

[Airspace Docket No. 72-GL-69]

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

Designation of Transition Area

On page 28764 of the FEDERAL REGISTER dated December 29, 1972, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Fayette County Airport, Washington Court House, Ohio.

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

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change:

After line 7 of the transition area description for Fayette County Airport, Washington Court House, Ohio, add: "of the airport".

This amendment shall be effective 0901 G.m.t., May 24, 1973.

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

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

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

In § 71.181 (37 FR 2143), the following transition area is added:

WASHINGTON COURT HOUSE, OHIO

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Fayette County Airport (latitude 39°34'15" N., longitude 83°25'13" W.) and within 3 miles each side of the 037° bearing from the airport extending from the 5½-mile radius area to 10 miles northeast of the airport.

[FR Doc.73-4746 Filed 3-9-73;8:45 am]

Title 12—Banks and Banking

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 701—ORGANIZATION AND OPERATIONS OF FEDERAL CREDIT UNIONS

Insured Loans to Student Members in Eligible Higher Education or Vocational Institutions; Correction

The document revising § 701.25 of Chapter VII of title 12 of the Code of Federal Regulations, published in the FEDERAL REGISTER on February 28, 1973, at 38 FR 5341, is corrected by changing the cite in line 12 from "79 Stat. 1247" to "79 Stat. 1048".

HERMAN NICKERSON, Jr.,
Administrator.

MARCH 5, 1973.

[FR Doc.73-4658 Filed 3-9-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-451; Order No. 475]

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

Electric Plant Instruction 9.D.

MARCH 1, 1973.

On August 28, 1972, the Commission issued a notice of proposed rule making in this proceeding (37 FR 18041, Sept. 6, 1972) proposing to amend Electric Plant Instruction 9.D. in the Uniform System of Accounts for Class A and Class B Public Utilities and Licensees, prescribed by Part 101, Chapter I, Title 18, CFR. The proposed amendments to Electric Plant Instruction 9.D. would modify the requirement that utilities furnish the Commission with full particulars and justification for test or experimental runs exceeding a period of 30 days to require such reporting when the testing period for nuclear plant exceeds 90 days and the testing for other plants exceed 60 days; and specify data on test periods to be submitted by utilities when they notify the Commission that test periods have exceeded the specified number of days.

Interested persons were given until October 12, 1972, to submit data, views, comments, and suggestions in writing. The Commission received 19 responses[1] representing 35 respondents. There were no requests for a conference.

It was unanimous among the electric utilities responding to the rule making that the 30-day reporting requirement should be modified, with several utilities suggesting it be modified to a greater degree than proposed in the rule making for both nuclear and other type plants. After an analysis of comments to the rule making and information furnished the Commission on test periods by utilities in compliance with the 30-day requirement, we are modifying the proposed 60 and 90 day reporting requirements to read 90 days for all other type plants and 120 days for nuclear plants.

One respondent commenting on the proposed amendment to Instruction 9.D., specifying data to be submitted when the test period exceeded the specified number of days, suggested that the amount of detail required to be reported to the Commission be more general and less specific. Another respondent suggested that the last sentence of the proposed amendment which read "* * * beginning with the first date the unit was tested or synchronized on the line * * *" be changed to read "* * * beginning with the first date the unit was synchronized on the line * * *" We recognize that it is necessary to synchronize generating units on the line before they can be tested, but do not believe that the suggestion should be adopted because it is too specific and pertains only to generating equipment. Instruction 9.D covers the testing of all types and kinds of equipment. With respect to the data to be submitted in support of the test period, it is necessary in most cases for the Commission to obtain such information from utilities before the reasonableness of test periods can be evaluated. Submission of the data by a utility at the same time it notifies the Commission it has exceeded the specified number of days should be less costly and time consuming than the present procedure.

Certain suggestions were received on the time a facility should be deemed to be ready for service or when it should be placed in service. Two respondents suggested adoption of an accounting procedure which would permit a facility to be partly in service during the test period, based upon operating capacity being used or allowed to be used. Another respondent suggested that the Commission consider outages that occur during the warranty period as serving to extend the test period. These comments pertain to matters to be considered in determining when the test period should be terminated and not on when utilities should notify the Commission on the length of test periods, which is the subject of this instant rule making. We wish to make it clear that the requirement in Plant Instruction 9.D. that utilities notify the Commission when a test period has exceeded a specified number of days does not pertain to the reasonableness of the test period. The Commission will continue to evaluate the reasonableness of all test periods.

The Commision finds:

(1) The notice and opportunity to participate in this rule making proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments to Part 101 of the Commission's Uniform System of Accounts for Class A and Class B Public Utilities and Licensees herein prescribed by Chapter I, Title 18 of the Code of Federal Regulations, are necessary and appropriate for the administration of the Federal Power Act.

(3) Good cause exists for making this order effective upon issuance.

The Commission, acting pursuant to the authority granted by the Federal Power Act, as amended, particularly Sections 3, 4, 301, 304, and 309 (49 Stat. 854, 855, 858; 16 U.S.C. 796, 797, 825, 825c, 825h), orders:

A. The Commission's Uniform System of Accounts for Class A and Class B Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18 of the Code of Federal Regulations is amended as follows:

1. Amend subparagraph D of Electric Plant Instruction "9. Equipment." As so amended the subparagraph reads:

Electric Plant Instructions

* * * * *

9. *Equipment.*

* * * * *

D. The equipment accounts shall include the necessary costs of testing or running a plant or parts thereof during an experimental or test period prior to such plant becoming ready for or placed in service. The utility shall furnish the Commission with full particulars of and justification for any test or experimental run extending beyond a period of 120 days for nuclear plant, and a period of 90 days for all other plant. Such particulars shall include a detailed operational and downtime log showing days of production, gross kilowatts generated by hourly increments, types, and periods of outages by hours with explanation thereof, beginning with the first date the

[1] Alabama Power Co., American Electric Power System Cos., Baltimore Gas & Electric Co., Carolina Power & Light Co., Central Louisiana Electric Co., Cincinnati Gas & Electric Co., Cleveland Electric Illuminating Co., The, Commonwealth Edison Co., Consumers Power Co., Florida Power Corp., General Public Utilities Corp., Northern States Power Co., Pacific Gas & Electric Co., Public Service Indiana, Salt River Project, Southern California Edison Co., Southern Services, Inc., Virginia Electric & Power Co., and Arthur Andersen & Co.

equipment was either tested or synchronized on the line to the end of the test period.

* * * * *

B. This order is effective on March 1, 1973.

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

By the Commission.

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

[FR Doc.73-4628 Filed 3-9-73;8:45 am]

Title 21—Food and Drugs

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

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

COMMISSIONER OF FOOD AND DRUGS

Under authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 2.120(a) is revised to reflect the revised delegations of authority to the Commissioner of Food and Drugs by the Assistant Secretary for Health (35 FR 606, 3000; 36 FR 8893, 11433, 11770, 12803; 37 FR 27646).

§ 2.120 Delegations from the Secretary and Assistant Secretary.

(a) The Assistant Secretary for Health has redelegated to the Commissioner of Food and Drugs with authority to redelegate (35 FR 606 as amended) all authority delegated to him by the Secretary of Health, Education, and Welfare as follows.

(1) Functions vested in the Secretary under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), the Filled Milk Act (21 U.S.C. 61-63), the Federal Import Milk Act (21 U.S.C. 141 et seq.), the Tea Importation Act (21 U.S.C. 41 et seq.), the Federal Caustic Poison Act (44 Stat. 1406), the Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.), The Fair Packaging and Labeling Act (15 U.S.C. 1451 et seq.), the Flammable Fabrics Act (15 U.S.C. 1201(a)), and sections 3, 4, 5, 7, 8, and 9 of the Poison Prevention Packaging Act of 1970 (15 U.S.C. 1471 et seq.), pursuant to section 12 of Reorganization Plan No. IV and Reorganization Plan No. 1 of 1953, including authority to administer oaths vested in the Secretary of Agriculture by 7 U.S.C. 2217.

(2) Functions vested in the Secretary under section 301. (Research and investigations); section 308. (International cooperation); section 311. (Federal-State cooperation); section 314(f). (Interchange of personnel with States); and section 315. (Health education and information) of the Public Health Service Act (42 U.S.C. 241, 242f, 243, 246(f), and 247) which relate to the functions of the Food and Drug Administration.

(3) Functions vested in the Secretary under sections 354 through 360F of the Public Health Service Act (42 U.S.C. 263b through 263n) which relate to electronic product radiation control.

(4) Functions vested in the Secretary under section 361 of the Public Health Service Act (42 U.S.C. 264) which relate to interstate travel sanitation (except interstate transportation of etiological agents under 42 CFR 72.25), milk and food service sanitation, and shellfish sanitation.

(5) Functions vested in the Secretary pertaining to section 351 of the Public Health Service Act (42 U.S.C. 262) which relate to the regulation of biological products.

(6) Functions vested in the Secretary pertaining to section 302(a) of the Public Health Service Act (42 U.S.C. 242(a)) which relate to the determination and reporting requirements with respect to the medicinal and scientific requirements of the United States for controlled substances.

(7) Functions vested in the Secretary pertaining to section 303 of the Public Health Service Act (42 U.S.C. 242a) which relate to the authorization of persons engaged in research on the use and effect of drugs to protect the identity of their research subjects with respect to drugs scheduled under Public Law 91-513 for which a notice of claimed exemption for an investigational new drug is filed with the Food and Drug Administration and with respect to all drugs not scheduled under Public Law 91-513.

(8) Functions vested in the Secretary pertaining to section 4 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (84 Stat. 1241) which relate to the determination of the safety and effectiveness of drugs or to approve new drugs to be used in the treatment of narcotic addicts.

(9) Functions vested in the Secretary pertaining to section 303(f) of the Controlled Substances Act (21 U.S.C. 823(f)) which relate to the determination of the qualifications and competency of practitioners wishing to conduct research with controlled substances listed in Schedule I of the Act, and the merits of the research protocol.

(10) Functions vested in the Secretary pertaining to provisions of the Controlled Substances Act (21 U.S.C. 801 et seq.) which relate to administration of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.).

(11) Functions vested in the Secretary under section 409(b) of the Federal Meat Inspection Act (21 U.S.C. 679(b)) which relate to the detention of any carcass, part thereof, meat, or meat product of cattle, sheep, swine, goats, or equines.

(12) Functions vested in the Secretary under section 24(b) of the Poultry Products Inspection Act (21 U.S.C. 467f(b)) which relate to the detention of any poultry carcass, part thereof, or poultry product.

(13) Functions vested in the Secretary under the Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

(14) Functions vested in the Secretary by amendments to the foregoing statutes subsequent to Reorganization Plan No. 1 of 1953.

(15) Functions vested in the Secretary regarding the issuance of all regulations pursuant to authorities cited in paragraphs (1) through (14) of this section. The reservation of authority contained in Chapter 1A of the Department Organization Manual shall not apply.

(16) Functions vested in the Secretary under Executive Order 11490, section 1103(5), and those portions of sections 1103(1), 1103(3), 1103(4), 3001(2), 3001(3), 3002(1), 3002(2), 3002(3), 3004, and 3009 which relate to food, drugs, and biologicals. In the performance of these emergency functions the Commissioner shall coordinate his activities with the Administrator, Health Services and Mental Health Administration, in order that preemergency plans shall be developed in consonance with postattack organization plans and structure of the Department for the Emergency Health Service.

(17) Function vested in the Secretary of authorizing and approving miscellaneous and emergency expenses of enforcement activities.

(18) Function vested in the Secretary under the Federal Advisory Committee Act, Public Law 92-463, to make determinations that advisory committee meetings are concerned with matters listed in section 552(b) of title 5, U.S.C. and therefore may be closed to the public for those committees under the administrative jurisdiction of the Commissioner of Food and Drugs. This authority may not be redelegated. This authority is to be exercised in accordance with the requirements of the Act and only with respect to the following:

(i) Meetings, to the extent that they directly involve review, discussion or consideration of records of the Department which are exempt from disclosure under 5 U.S.C. 552(b) (4), (6), and (7), namely, (*a*) records containing trade secrets and commercial or financial information obtained from a person and privileged or confidential; (*b*) personnel, medical and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (*c*) investigatory files compiled for law enforcement purposes;

(ii) Meetings to the extent that they involve the review, discussion, and evaluation of specific drugs and devices regulated by FDA which are intended to result in recommendations for regulatory decisions under the Federal Food, Drug, and Cosmetic Act and which are concerned with matters listed in 5 U.S.C. 552(b) (4), (5), and (7);

(iii) Meetings held for the sole purpose of considering and formulating advice which the comittee will give or any final report it will render, *Provided:*

(*a*) The meetings will involve solely the internal expression of views and judgments of the members and it is essential to close the meeting or portions thereof to protect the free exchange of such views and avoid undue interference with agency or committee operations, and such views if reduced to writing would be protected from mandatory disclosure under section 552(b)(5) of title 5 U.S.C.;

(b) The meeting is closed for the shortest time necessary, summarizing the work of the committee during the closed session, and a report, prepared by the executive secretary will be made available promptly to the public.

(c) When feasible, the public is given a timely opportunity to present relevant information and views to the committee; and

(d) Concurrence for closing the meetings for such purpose is obtained from the Office of the General Counsel and the Office of Public Affairs.

* * * * *

Effective date. This order shall be effective on March 12, 1973.

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

Dated: March 5, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc. 73-4666 Filed 3-9-73;8:45 am]

PART 2—ADMINISTRATIVE FUNCTIONS, PRACTICES, AND PROCEDURES

Subpart H—Delegations of Authority

AUTHORITY RELATING TO MEAT, POULTRY, EGGS, AND RELATED PRODUCTS

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701(a), 52 Stat. 1055; 21 U.S.C. 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 2 is amended to delegate authority regarding detention of meat, poultry, eggs, and related products.

Accordingly, § 2.121 is amended by adding paragraph (v), as follows:

§ 2.121 Redelegations of authority from the Commissioner to other officers of the Administration.

* * * * *

(v) *Delegations regarding detention of meat, poultry, eggs, and related products.* The Regional Food and Drug Directors and Deputy Regional Food and Drug Directors are authorized to perform and to designate other officials to perform all the functions of the Commissioner of Food and Drugs under:

(1) Section 409(b) of the Federal Meat Inspection Act (21 U.S.C. 679(b)) which relate to the detention of any carcass, part thereof, meat, or meat product of cattle, sheep, swine, goats, or equines.

(2) Section 24(b) of the Poultry Products Inspection Act (21 U.S.C. 467f(b)) which relate to the detention of any poultry carcass, part thereof, or poultry product.

(3) The Egg Products Inspection Act (21 U.S.C. 1031 et seq.).

Effective date. This order shall be effective on March 12, 1973.

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

Dated: March 5, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-4667 Filed 3-9-73;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Xylazine Hydrochloride

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (47-955V) filed by Chemagro, Division of Baychem Corp., Post Office Box 4913, Kansas City, MO 64120, proposing revised labeling regarding the use of the drug xylazine hydrochloride for subcutaneous and intramuscular use in dogs and cats. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), § 135b.58 is amended in paragraph (c)(2) as follows:

§ 135b.58 Xylazine hydrochloride injection.

* * * * *

(c) * * *

(2) It is administered as follows:

(i) To horses from a solution containing 100 milligrams of xylazine hydrochloride per milliliter intravenously at 0.5 mg. per 100 pounds of body weight or intramuscularly at 1.0 mg. per 100 pounds of body weight.

(ii) To dogs and cats from a solution containing 20 milligrams of xylazine hydrochloride per milliliter intravenously at 0.5 mg. per pound of body weight or intramuscularly or subcutaneously at 1.0 mg. per pound of body weight. In dogs over 50 pounds, a dosage of 0.5 mg. per pound administered intramuscularly may provide sufficient sedation and/or analgesia for most procedures.

* * * * *

Effective date. This order shall be effective on March 12, 1973.

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

Dated: March 6, 1973.

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

[FR Doc.73-4665 Filed 3-9-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Pyrilamine Maleate

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (7-404V) filed by Norden Laboratories, Inc., Lincoln, Nebr. 68501, proposing revised labeling for the safe and effective use of pyrilamine maleate as an anthihistamine for treating horses. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by adding a new section as follows:

§ 135b.75 Pyrilamine maleate injection.

(a) *Specifications.* The drug is a sterile aqueous solution with each milliliter containing 20 milligrams of pyrilamine maleate.

(b) *Sponsor.* See code No. 026 in § 135.501(c) of this chapter.

(c) *Conditions of use.* (1) It is intended for treating horses in conditions in which antihistaminic therapy may be expected to lead to alleviation of some signs of disease, such as equine laminitis or insect stings.

(2) It is administered intramuscularly, subcutaneously, or intravenously. Local injection at the site of insect bites may be indicated in severe cases. Intravenous injections must be given slowly to avoid symptoms of overdosage. Dosage may be repeated every 6-12 hours whenever necessary. Horses, 40-60 milligrams per 10 pounds body weight; foals, 20 milligrams per 100 pounds body weight.

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

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

Effective date. This order shall be effective on March 12, 1973.

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

Dated: March 6, 1973.

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

[FR Doc.73-4664 Filed 3-9-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

SUPPLY CONTRACT CLAUSES

This amendment of the Federal Procurement Regulations amends Part 1-7, Contract Clauses, by revising Subpart 1-7.1, Fixed-Price Supply Contracts, as follows: (1) Categorizes the clauses into three groupings: Required clauses, clauses to be used when applicable, and additional clauses to be used when it is desirable to cover the subject matter; (2) provides references to clauses appearing in other subparts which have not previously been referenced in Subpart 1-7.1; and (3) incorporates new and revised references pertaining to minority business enterprises and contract work hours and safety standards. Miscellaneous changes are included in Subpart 1-12.3 to provide necessary revisions of captions, titles, and citations pertaining to the Contract Work Hours and Safety Standards Act. The amendment also includes necessary revisions of cross-references.

PART 1-3—PROCUREMENT BY NEGOTIATION

Subpart 1-3.3—Determinations, Findings, and Authorities

Section 1-3.302(f) is revised, as follows:

§ 1–3.302 Determinations and findings required.

* * * * *

(f) The determinations required by section 304(c) of the Act (41 U.S.C. 254(c)) and Subpart 1–6.10 with respect to omitting the clause specified in § 1–7.103–3 or § 1–7.602–7 from contracts with foreign contractors or subcontractors regarding the right of the Comptroller General of the United States to examine the contractor's records when it is determined (1) that the omission will serve the best interests of the United States, or (2) that the public interest will best be served by the omission.

Subpart 1–3.8—Price Negotiation Policies and Techniques

Section 1–3.814–2(e) is revised, as follows:

§ 1–3.814–2 Audit and records.

* * * * *

(e) Except as otherwise provided in Subpart 1–6.10 of this chapter, or when independent authority exists for the omission of such clause, the clause in §§ 1–7.103–3 and 1–7.602–7 of this chapter shall be inserted in all negotiated fixed-price contracts in excess of $2,500, including contracts awarded under a total setaside (small business restricted advertising, as defined in § 1–1.701–9 of this chapter) or a partial setaside (see §§ 1–1.706 and 1–1.804 of this chapter), and a clause containing substantially the same provisions shall be included in all other negotiated contracts in excess of $2,500 (the clause prescribed by § 1–7.103–3 of this chapter satisfies this requirement). In addition, the right of the contracting agency to inspect the plant and to audit the books and records of any prime conractor engaged in the performance of a cost-type contract shall be expressly reserved in any such contract.

PART 1–4—SPECIAL TYPES AND METHODS OF PROCUREMENT

Subpart 1–4.4—Public Utilities

Section 1–4.410–5(a) is revised, as follows:

§ 1–4.410–5 Uniform clauses for utility service contracts.

(a) The following uniform clauses, as prescribed in the FPR sections referenced or set forth verbatim in this § 1–4.410–5, shall be mandatory for utility service contracts. The clauses shall be inserted in all such contracts, expressly or through incorporation by reference:

(1) *Definitions.* Section 1–7.102–1.

(2) *Examination of records by Comptroller General.* Section 1–7.103–3.

(3) *Equal opportunity.* Section 1–12.803–2.

(4) *Officials not to benefit.* Section 1–7.102–17.

(5) *Covenant against contingent fees.* Section 1–1.503.

(6) *Convict labor.* Section 1–12.203.

(7) *Contract Work Hours and Safety Standards Act—overtime compensation.* Section 1–12.303.

(8) *Disputes.* Section 1–7.102–12.

(9) *Certificate of independent price determination.* Section 1–1.317.

(10) *Conflicts.*

CONFLICTS

To the extent of any inconsistency between the provisions of this contract, and any schedule, rider, or exhibit incorporated in this contract by reference or otherwise, or any of the Contractor's rules and regulations, the provisions of this contract shall control.

* * * * *

PART 1–6—FOREIGN PURCHASES

Subpart 1–6.1—Buy American Act—Supply and Service Contracts

Section 1–6.104–5(b) is revised, as follows:

§ 1–6.104–5 Contract clause.

* * * * *

(b) Where the term "secretary" is inapplicable to the agency, the term "head of the agency" may be substituted in the clause prescribed in § 1–6.104–5(a) when the contract does not contain the clause in § 1–7.102–1.

Subpart 1–6.10—Omission of the Examination of Records Clause From Contracts With Foreign Contractors

Section 1–6.1001(a) is revised, as follows:

§ 1–6.1001 Statutory requirements.

(a) In accordance with section 304(c) of the Federal Property and Administrative Services Act of 1949, as amended (41 U.S.C. 254(c)), the Examination of Records by Comptrolle rGeneral clause (see §§ 1–7.103–3 and 1–7.602–7) may be omitted from negotiated contracts and subcontracts with foreign contractors and foreign subcontractors.

* * * * *

PART 1–7—CONTRACT CLAUSES

The table of contents for Part 1–7 is amended to provide revised and new entries for Subpart 1–7.1, as follows:

Subpart 1–7.1—Fixed-Price Supply Contracts

Subpart 1–7.1, Fixed-Price Supply Contracts, is revised, as follows:

§ 1–7.100 Scope of subpart.

This subpart sets forth contract clauses for use in fixed-price supply contracts.

§ 1–7.101 Applicability.

The clauses set forth in this subpart shall be used in fixed-price supply contracts entered into either by formal advertising or by negotiation (other than for small purchases as defined in Subpart 1–3.6).

§ 1–7.102 Required clauses.

The clauses set forth in this § 1–7.102 shall be inserted in all fixed-price supply contracts.

§ 1–7.102–1 Definitions.

DEFINITIONS

As used throughout this contract, the following terms shall have the meaning set forth below:

(a) The term "head of the agency" or "Secretary" as used herein means the Secretary, the Under Secretary, any Assistant Secretary, or any other head or assistant head of the executive or military department or other Federal agency; and the term "his duly authorized representative" means any person

or persons or board (other than the Contracting Officer) authorized to act for the head of the agency or the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or civilian employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(c) Except as otherwise provided in this contract, the term "subcontracts" includes purchase orders under this contract.

Additional definitions may be included provided they are not inconsistent with the clause or the provisions of these regulations.

§ 1-7.102-2 Changes.

CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, make changes, within the general scope of this contract, in any one or more of the following: (i) Drawings, designs, or specifications, where the supplies to be furnished are to be specially manufactured for the Government in accordance therewith; (ii) method of shipment or packing; and (iii) place of delivery. If any such change causes an increase or decrease in the cost of, or the time required for, the performance of any part of the work under this contract, whether changed or not changed by any such order, an equitable adjustment shall be made in the contract price or delivery schedule, or both, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within 30 days from the date of receipt by the Contractor of the notification of change: *Provided, however,* That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as a result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

§ 1-7.102-3 Extras.

EXTRAS

Except as otherwise provided in this contract, no payment for extras shall be made unless such extras and the price therefor have been authorized in writing by the Contracting Officer.

§ 1-7.102-4 Variation in quantity.

VARIATION IN QUANTITY

No variation in the quantity of any item called for by this contract will be accepted unless such variation has been caused by conditions of loading, shipping, or packing, or allowances in manufacturing processes, and then only to the extent, if any, specified elsewhere in this contract.

§ 1-7.102-5 Inspection.

INSPECTION

(a) All supplies (which term throughout this clause includes without limitation raw materials, components, intermediate assemblies, and end products) shall be subject to inspection and test by the Government, to the extent practicable at all times and places including the period of manufacture, and in any event prior to acceptance.

(b) In case any supplies or lots of supplies are defective in material or workmanship or otherwise not in conformity with the requirements of this contract, the Government shall have the right either to reject them (with or without instructions as to their disposition) or to require their correction. Supplies or lots of supplies which have been rejected or required to be corrected shall be removed, or, if permitted or required by the Contracting Officer, corrected in place by and at the expense of the Contractor promptly after notice, and shall not thereafter be tendered for acceptance unless the former rejection or requirement of correction is disclosed. If the Contractor fails promptly to remove such supplies or lots of supplies which are required to be removed, or promptly to replace or correct such supplies or lots of supplies, the Government either (i) may by contract or otherwise replace or correct such supplies and charge to the Contractor the cost occasioned the Government thereby, or (ii) may terminate this contract for default as provided in the clause of this contract entitled "Default." Unless the Contractor corrects or replaces such supplies within the delivery schedule, the Contracting Officer may require the delivery of such supplies at a reduction in price which is equitable under the circumstances. Failure to agree to such reduction of price shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes."

(c) If any inspection or test is made by the Government on the premises of the Contractor or a subcontractor, the Contractor without additional charge shall provide all reasonable facilities and assistance for the safety and convenience of the Government inspectors in the performance of their duties. If Government inspection or test is made at a point other than the premises of the Contractor or a subcontractor, it shall be at the expense of the Government except as otherwise provided in this contract: *Provided,* That in case of rejection the Government shall not be liable for any reduction in value of samples used in connection with such inspection or test. All inspections and tests by the Government shall be performed in such a manner as not to unduly delay the work. The Government reserves the right to charge to the Contractor any additional cost of Government inspection and test when supplies are not ready at the time such inspection and test is requested by the Contractor or when reinspection or retest is necessitated by prior rejection. Acceptance or rejection of supplies shall be made as promptly as practicable after delivery, except as otherwise provided in this contract; but failure to inspect and accept or reject the supplies shall neither relieve the Contractor from responsibility for such supplies as are not in accordance with the contract requirements nor impose liability on the Government therefor.

(d) The inspection and test by the Government of any supplies or lots thereof does not relieve the Contractor from any responsibility regarding defects or other failures to meet the contract requirements which may be discovered prior to acceptance. Except as otherwise provided in this contract, acceptance shall be conclusive except as regards latent defects, fraud, or such gross mistakes as amount to fraud.

(e) The Contractor shall provide and maintain an inspection system acceptable to the Government covering the supplies hereunder. Records of all inspection work by the Contractor shall be kept complete and available to the Government during the performance of this contract and for such longer period as may be specified elsewhere in this contract.

§ 1-7.102-6 Responsibility for supplies.

RESPONSIBILITY FOR SUPPLIES

Except as otherwise provided in this contract, (i) the Contractor shall be responsible for the supplies covered by this contract until they are delivered at the designated delivery point, regardless of the point of inspection; (ii) after delivery to the Government at the designated point and prior to acceptance by the Government or rejection and giving notice thereof by the Government, the Government shall be responsible for the loss or destruction of or damage to the supplies only if such loss, destruction, or damage results from the negligence of officers, agents, or employees of the Government acting within the scope of their employment; and (iii) the Contractor shall bear all risks as to rejected supplies after notice of rejection, except that the Government shall be responsible for the loss, or destruction of, or damage to the supplies only if such loss, destruction, or damage results from the gross negligence of officers, agents, or employees of the Government acting within the scope of their employment.

§ 1-7.102-7 Payments.

PAYMENTS

The Contractor shall be paid, upon the submission of proper invoices or vouchers, the prices stipulated herein for supplies delivered and accepted or services rendered and accepted, less deductions, if any, as herein provided. Unless otherwise specified, payment will be made on partial deliveries accepted by the Government when the amount due on such deliveries so warrants; or, when requested by the Contractor, payment for accepted partial deliveries shall be made whenever such payment would equal or exceed either $1,000 or 50 percent of the total amount of this contract.

§ 1-7.102-8 Assignment of claims.

Insert the clause set forth in § 1-30.703 under the conditions contained therein.

§ 1-7.102-9 [Reserved]

§ 1-7.102-10 Federal, State, and local taxes.

Insert either the clause in § 1.11.401-1 or the clause in § 1-11.401-2 and, when appropriate, insert the supplementary clause in § 1-11.401-3(a), in accordance with the conditions contained in those sections.

§ 1-7.102-11 Default.

Insert the clause set forth in § 1-8.707 under the conditions prescribed in § 1-8.700-2(b)(1).

§ 1-7.102-12 Disputes.

DISPUTES

(a) Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the contracting officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the contractor. The decision of the contracting officer shall be final and conclusive unless within 30 days from the date of receipt of such copy, the contractor mails or otherwise furnishes to the contracting officer a written appeal addressed to the Secretary. The decision of the Secretary or his duly authorized representative for the determination of such appeals shall be final and conclusive

unless determined by a court of competent jurisdiction to have been fraudulent, or capricious, or arbitrary, or so grossly erroneous as necessarily to imply bad faith, or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the contractor shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending final decision of a dispute hereunder, the contractor shall proceed diligently with the performance of the contract and in accordance with the contracting officer's decision.

(b) This "Disputes" clause does not preclude consideration of law questions in connection with decisions provided for in paragraph (a), above: *Provided*, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

§ 1–7.102–13 [Reserved]

§ 1–7.102–14 Buy American Act.

Insert the clause set forth in § 1–6.104–5 under the conditions contained therein.

§ 1–7.102–15 Contract Work Hours and Safety Standards Act—overtime compensation.

Insert the clause set forth in § 1–12.303 under the conditions contained in § 1–12.302.

§ 1–7.102–16 Equal opportunity.

Insert the clause set forth in § 1–12.803–2 under the conditions contained in § 1–12.803–1.

§ 1–7.102–17 Officials not to benefit.

OFFICIALS NOT TO BENEFIT

No member of or delegate to Congress, or resident commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

§ 1–7.102–18 Covenant against contingent fees.

Insert the clause set forth in § 1–1.503 under the conditions contained in § 1–1.501.

§ 1–7.102–19 Termination for convenience of the Government.

Insert the clause set forth in § 1–8.701 in fixed-priced supply contracts in excess of $2,500 except as permitted by § 1–8.700–2(a)(2) for contracts not in excess of $100,000.

§ 1–7.102–20 Pricing of adjustments.

The following clause shall be included in all formally advertised or negotiated contracts other than cost-type contracts:

PRICING OF ADJUSTMENTS

When costs are a factor in any determination of a contract price adjustment pursuant to the "Changes" cause or any other provision of this contract, such costs shall be in accordance with the contract cost principles and procedures in Part 1–15 of the Federal Procurement Regulations (41 CFR 1–15) or section XV of the Armed Services Procurement Regulation in effect on the date of this contract.

§ 1–7.103 Clauses to be used when applicable.

§ 1–7.103–1 Clauses for fixed-price supply contracts involving construction.

(a) Insert the clauses set forth in § 1–12.403–1 in fixed-price supply contracts under the conditions contained in § 1–12.402–2. The clauses set forth in § 1–12.403–1 are:

Davis-Bacon Act.
Contract Work Hours and Safety Standards Act—overtime compensation.
Apprentices.
Payrolls and basic records.
Compliance with Copeland regulations.
Withholding of funds.
Subcontracts.
Contract termination—debarment.

(b) Insert the clause set forth in § 1–18.605 in fixed-price supply contracts under the conditions contained in Subpart 1–18.6.

§ 1–7.103–2 Additional bond security.

ADDITIONAL BOND SECURITY

If any surety upon any bond furnished in connection with this contract becomes unacceptable to the Government, or if any such surety fails to furnish reports as to his financial condition from time to time as requested by the Government, the contractor shall promptly furnish such additional security as may be required from time to time to protect the interests of the Government and of persons supplying labor or materials in the prosecution of the work contemplated by this contract.

§ 1–7.103–3 Examination of records by Comptroller General.

(a) The following clause shall be included in fixed-price negotiated contracts and may be included in other than fixed-price negotiated contracts, as provided in § 1–3.814–2(c) of this chapter. When contracts involve the use of Standard Forms 2–A and 2–B, or 253, the forms may be amended to provide for the use of the term "lessor" or "architect-engineer," respectively, in lieu of the term "contractor."

EXAMINATION OF RECORDS BY COMPTROLLER GENERAL

(a) This clause is applicable if the amount of this contract exceeds $2,500 and was entered into by means of negotiation, including small business restricted advertising, but is not applicable if this contract was entered into by means of formal advertising.

(b) The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this contract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1–20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of the contractor involving transactions related to this contract.

(c) The contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under the subcontract or such lesser time specified in either Appendix M of the Armed Services Procurement Regulation or the Federal Procurement Regulations Part 1–20, as appropriate, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $2,500 and (2) subcontractors or purchase orders for public utility services at rates established for uniform applicability to the general public.

(d) The periods of access and examination described in (b) and (c), above, for records which relate to (1) appeals under the "Disputes" clause of this contract, (2) litigation or the settlement of claims arising out of the performance of this contract, or (3) costs and expenses of this contract as to which exception has been taken by the Comptroller General or any of his duly authorized representatives, shall continue until such appeals, litigation, claims, or exceptions have been disposed of.

§ 1–7.103–4 Notice and assistance regarding patent and copyright infringement.

The following clause shall be included in all contracts which exceed $10,000:

NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT

(a) The contractor shall report to the Contracting Officer, promptly and in reasonable written detail, each notice or claim of patent or copyright infringement based on the performance of this contract of which the Contractor has knowledge.

(b) In the event of any claim or suit against the Government, on account of any alleged patent or copyright infringement arising out of the performance of this contract or out of the use of any supplies furnished or work or services performed hereunder, the contractor shall furnish to the Government, when requested by the contracting officer, all evidence and information in possession of the contractor pertaining to such suit or claim. Such evidence and information shall be furnished at the expense of the Government except where the contractor has agreed to indemnify the Government.

§ 1–7.103–5 Convict labor.

Insert the clause set forth in § 1–12.203 under the conditions contained in § 1–12.202.

§ 1–7.103–6 Walsh-Healey Public Contracts Act.

Insert the clause set forth in § 1–12.605 under the conditions contained in § 1–12.602.

§ 1–7.103–7 Utilization of small business concerns.

Insert the clause set forth in § 1–1.710–3(a) under the conditions and in the manner prescribed therein.

§ 1–7.103–8 Small business subcontracting program.

Insert the clause set forth in § 1–1.710–3(b) under the conditions and in the manner prescribed therein.

§ 1–7.103–9 Utilization of labor surplus area concerns.

Insert the clause set forth in § 1–1.805–3(a) under the conditions and in the manner prescribed therein.

§ 1–7.103–10 Labor surplus area subcontracting program.

Insert the clause set forth in § 1–1.805–3(b) under the conditions and in the manner prescribed therein.

§ 1–7.103–11 Utilization of minority business enterprises.

Insert the clause set forth in § 1–1.1310–2(a) under the conditions and in the manner prescribed therein.

§ 1–7.103–12 Minority business enterprises subcontracting program.

Insert the clause set forth in § 1–1.1310–2(b) under the conditions and in the manner prescribed therein.

§ 1–7.103–13 Humane slaughter of livestock.

Insert the clause set forth in § 1–4.605 or in § 1–4.606 under the procedures provided in § 1–4.604.

§ 1–7.103–14 Required source for jewel bearings.

Insert the clause set forth in § 1–1.319 under the conditions and in the manner prescribed therein.

§ 1–7.103–15 Use of excess aluminum.

Insert the clause set forth in § 1–5.1001–2 under the conditions contained in § 1–5.1001–1.

§ 1–7.103–16 Listing of employment openings.

Insert the clause set forth in § 1–12.1102–2 under the conditions and in the manner prescribed therein.

§ 1–7.103–17 Price reduction for defective cost or pricing data.

Insert the appropriate clause set forth in § 1–3.814–1 under the conditions described therein.

§ 1–7.103–18 Audit and records.

Insert the appropriate clause or clauses set forth in § 1–3.814–2 under the conditions described therein.

§ 1–7.103–19 Subcontractor cost and pricing data.

Insert the appropriate clause set forth in § 1–3.814–3 under the conditions described therein.

§ 1–7.103–20 Advance payments.

When advance payments are to be made in accordance with Subpart 1–30.4, insert the appropriate provisions as prescribed in § 1–30.414–2.

§ 1–7.103–21 Progress payments.

When progress payments are to be made in accordance with Subpart 1–30.5, insert the appropriate clause as provided in § 1–30.510.

§ 1–7.103–22 Workmen's compensation insurance (Defense Base Act).

Insert the clause set forth in § 1–10.402 under the conditions described therein.

§ 1–7.103–23 Late offers and modifications or withdrawals.

The following clause is prescribed for appropriate use in accordance with § 1–16.101(b).

LATE OFFERS AND MODIFICATIONS OR WITHDRAWALS

(This paragraph applies to all advertised solicitations. In the case of Department of Defense negotiated solicitations, it shall also apply to late offers and modifications (other than the normal revisions of offers by selected offerors during the usual conduct of negotiations with such offerors) but not to withdrawal of offers. Unless otherwise provided, this paragraph does not apply to negotiated solicitations issued by civilian agencies.)

(a) Offers and modifications of offers (or withdrawals thereof, if this solicitation is advertised) received at the office designated in the solicitation after the exact hour and date specified for receipt will not be considered unless: (1) They are received before award is made; and either (2) they are sent by registered mail, or by certified mail for which an official dated post office stamp (postmark) on the original receipt for certified mail has been obtained and it is determined by the Government that the late receipt was due solely to delay in the mails, for which the offeror was not responsible; or (3) if submitted by mail (or by telegram if authorized) it is determined by the Government that the late receipt was due solely to mishandling by the Government after receipt at the Government installation: *Provided*, That timely receipt at such installation is established upon examination of an appropriate date or time stamp (if any) of such installation, or of other documentary evidence of receipt (if readily available) within the control of such installation or of the post office serving it. However, a modification of an offer which makes the terms of an otherwise successful offer more favorable to the Government will be considered at any time it is received and may thereafter be accepted.

(b) Offerors using certified mail are cautioned to obtain a receipt for certified mail showing a legible, dated postmark and to retain such receipt against the chance that it will be required as evidence that a late offer was timely mailed.

(c) The time of mailing of late offers submitted by registered or certified mail shall be deemed to be the last minute of the date shown in the postmark on the registered mail receipt or registered mail wrapper or on the receipt for certified mail unless the offeror furnishes evidence from the post office station of mailing which establishes an earlier time. In the case of certified mail, the only acceptable evidence is as follows: (1) Where the receipt for certified mail identifies the post office station of mailing, evidence furnished by the offeror which establishes that the business day of that station ended at an earlier time, in which case the time of mailing shall be deemed to be the last minute of the business day of that station; or (2) an entry in ink on the receipt for certified mail showing the time of mailing and the initials of the postal employee receiving the item and making the entry, with appropriate written verification of such entry from the post office station of mailing, in which case the time of mailing shall be the time shown in the entry. If the postmark on the original receipt for certified mail does not show a date, the offer shall not be considered.

§ 1–7.103–24 Contracts with the Small Business Administration.

(a) Insert the clause set forth in § 1–1.713–3(d)(1) in contracts with the Small Business Administration awarded pursuant to section 8(a) of the Small Business Act (15 U.S.C. 637(a)).

(b) Insert the clause set forth in § 1–1.713–3(e) in subcontracts which will be executed by the Small Business Administration and its subcontractors.

§ 1–7.103–25 Supplementary tax clauses.

(a) Insert the supplementary clause set forth in § 1–11.401–3(a) under the conditions contained therein.

(b) Insert the clause set forth in § 1–11.401–3(b) under the conditions contained therein.

§ 1–7.104 Additional clauses.

The clauses set forth in this § 1–7.104 shall be inserted in fixed-price supply contracts if it is desired to cover the subject matter thereof.

§ 1–7.104–1 Liquidated damages provisions.

Insert the provision set forth in § 1–1.315–3 under the conditions and in the manner prescribed in § 1–1.315.

§ 1–7.104–2 Changes to "make-or-buy" program.

Insert the clause set forth in § 1–3.902–3 in all contracts containing a "make-or-buy" program.

Subpart 1–7.6—Fixed-Price Construction Contracts

Section 1–7.602 is revised, as follows:

§ 1–7.602–7 Examination of records by Comptroller General.

The clause set forth in § 1–7.103–3 shall be included in all negotiated fixed-price contracts in excess of $2,500.

§ 1–7.602–12 Pricing of adjustments.

Insert the clause set forth in § 1–7.102–20 under the conditions contained therein.

PART 1–12—LABOR

The table of contents for Part 1–12 is amended to provide a revised caption, as follows:

Subpart 1–12.3—Contract Work Hours and Safety Standards Act (Other Than Construction Contracts)

1. Section 1–12.300 is revised, as follows:

§ 1–12.300 Scope of subpart.

This subpart deals with the requirements of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333) insofar as they apply to contracts

other than construction contracts dealt with in Subpart 1–12.4.

2. Section 1–12.301 is revised, as follows:

§ 1–12.301 Statutory requirement.

The Contract Work Hours and Safety Standards Act provides that the wages of every laborer and mechanic employed by any contractor or subcontractor in his performance of work on any contract of the character specified in section 103 of that Act shall be computed on the basis of a standard workday of 8 hours and a standard workweek of 40 hours. Work in excess of such standard workday or workweek is permissible, provided that the wages of any laborer or mechanic so employed include compensation at a rate not less than one and one-half times the basic rate of pay for all hours worked in any workweek in excess of 8 hours in any calendar day or in excess of 40 hours in the workweek, as the case may be. "Laborers and mechanics" include apprentices, trainees, watchmen, guards, and workmen, other than seamen, performing services in connection with dredging or rock excavation in rivers or harbors.

3. Section 1–12.303 is revised, as follows:

§ 1–12.303 Contract clause.

The contract clause set forth in § 1–12.303 shall be included in contracts in accordance with the provisions of §§ 1–12.301 and 1–12.302. The clause may be modified as necessary in order to comply with the provisions of § 1–12.304(b).

CONTRACT WORK HOURS AND SAFETY STANDARDS ACT—OVERTIME COMPENSATION

This contract, to the extent that it is of a character specified in the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–333), is subject to the following provisions and to all other applicable provisions and exceptions of such Act and the regulations of the Secretary of Labor thereunder.

(a) *Overtime requirements.* No Contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, apprentices, trainees, watchmen, and guards shall require or permit any laborer, mechanic, apprentice, trainee, watchman, or guard in any workweek in which he is employed on such work to work in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek on work subject to the provisions of the Contract Work Hours and Safety Standards Act unless such laborer, mechanic, apprentice, trainee, watchman, or guard receives compensation at a rate not less than one and one-half times his basic rate of pay for all such hours worked in excess of 8 hours in any calendar day or in excess of 40 hours in such workweek, whichever is the greater number of overtime hours.

(b) *Violation; liability for unpaid wages; liquidated damages.* In the event of any violation of the provisions of paragraph (a), the Contractor and any subcontractor responsible therefor shall be liable to any affected employee for his unpaid wages. In addition, such Contractor and subcontractor shall be liable to the United States for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, apprentice, trainee, watchman, or guard employed in violation of the provisions of paragraph (a) in the sum of $10 for each calendar day on which such employee was required or permitted to be employed on such work in excess of 8 hours or in excess of his standard workweek of 40 hours without payment of the overtime wages required by paragraph (a).

(c) *Withholding for unpaid wages and liquidated damages.* The Contracting Officer may withhold from the Government Prime Contractor, from any moneys payable on account of work performed by the Contractor or subcontractor, such sums as may administratively be determined to be necessary to satisfy any liabilities of such Contractor or subcontractor for unpaid wages and liquidated damages as provided in the provisions of paragraph (b).

(d) *Subcontracts.* The Contractor shall insert paragraphs (a) through (d) of this clause in all subcontracts, and shall require their inclusion in all subcontracts of any tier.

(e) *Records.* The Contractor shall maintain payroll records contaning the information specified in 29 CFR 516.2(a). Such records shall be preserved for 3 years from the completion of the contract.

4. Section 1–12.304 is revised, as follows:

§ 1–12.304 Variations and tolerances.

Variations and tolerances from the provisions of this subpart which are granted under section 105 of the Contract Work Hours and Safety Standards Act by the Secretary of Labor in the case of any contract work for which such variations and tolerances have been provided (29 CFR 5.14) shall be deemed to satisfy the requirements of § 1–1.009.

PART 1–14—INSPECTION AND ACCEPTANCE

Subpart 1–14.1—Inspection

Section 1–14.107(a) is revised, as follows:

§ 1–14.107 Rejection of nonconforming supplies or services.

(a) Contractors ordinarily shall be given an opportunity to correct or replace nonconforming supplies or services if this can be done within the required delivery schedule. Unless the contract provides otherwise (as may be the case in some cost-reimbursement type contracts), such correction or replacement shall be without additional cost to the Government. The standard inspection clause in § 1–7.102–5 reserves to the Government the right to charge the contractor the cost of Government reinspection and retests because of prior rejection.

* * * * *

Section 1–14.206 is revised, as follows:

§ 1–14.206 Acceptance of supplies or services not conforming with contract requirements.

Except as provided in this § 1–14.206, supplies or services tendered for acceptance which do not conform with contract requirements shall be rejected (see § 1–14.107). However, if it is in the best interest of the Government, for reasons of economy or the urgency of the requirement, acceptance of supplies or services which do not meet all contract requirements may occasionally be desirable. Prior to such acceptance, the contracting officer shall obtain the approval of the requiring activity. If the nonconformity is a significant deviation from contract requirements, or if the contracting officer determines that a price reduction is appropriate, the acceptance of nonconforming supplies or services shall be covered by an appropriate modification of the contract. A deviation is significant if it adversely affects safety; durability; performance; interchangeability of parts or assemblies; weight, where weight is a significant consideration; or any other basic objective of the specification. Where acceptance of nonconforming supplies or services is to be at a reduction in price, the amount of the reduction shall be fair and reasonable (see paragraph (b) of the standard inspection clause in § 1–7.102–5).

PART 1–15—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 1–15.1—Applicability

1. Section 1–15.102(b)(6) is revised, as follows:

§ 1–15.102 Negotiated supply, service, experimental, developmental, and research contracts, and contract changes with concerns other than educational institutions.

* * * * *

(b) * * *

(6) For pricing changes and other contract modifications (§ 1–7.102–20).

2. Section 1–15.104(b)(5) is revised, as follows:

§ 1–15.104 Construction and architect-engineer contracts.

* * * * *

(b) * * *

(5) For pricing changes and other contract modifications (§ 1–7.102–20).

PART 1–16—PROCUREMENT FORMS

Subpart 1–16.1—Forms for Advertised Supply Contracts

Section 1–16.101(c) is revised, as follows:

§ 1–16.101 Contract forms.

* * * * *

(c) General Provisions (Supply Contract) (Standard Form 32, November 1969 edition). Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.103–3 of this chapter shall be substituted for the provision entitled Examination of Records in Article 10, the Utilization of Labor Surplus Area Concerns clause prescribed by § 1–1.805–3(a) of this chapter shall be substituted for the provision entitled Utilization of Concerns in Labor Surplus Areas in Article 22, and the Payment of Interest on Contractors' Claims clause set forth in §1–1.322(b), the Utilization of Minority Business Enterprises clause set forth in § 1–1.1310–2(a), the Pricing of Adjustments clause set forth in § 1–7.102–20, and the Listing of Employment Openings clause set forth in § 1–12.1102–2 shall be added as additional articles of the General Previsions.

* * * * *

Subpart 1–16.4—Forms for Advertised Construction Contracts

Section 1–16.401 is revised, as follows:

§ 1–16.401 Forms prescribed.

* * * * *

(a) Invitation, Bid, and Award (Construction, Alteration or Repair) (Standard Form 19, October 1969 edition). Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.103–3 of this chapter shall be substituted for the provision entitled Examination of Records in Article 12, and the Payment of Interest on Contractors' Claims clause set forth in § 1–1.322(b) and the Utilization of Minority Business Enterprises clause set forth in §1–1.1310–2(a) shall be added as additional General Provisions.

* * * * *

(h) General Provisions (Construction Contract) (Standard Form 23–A, October 1969 edition). Pending the publication of a new edition of the form, the Payment of Interest on Contractors' Claims clause set forth in § 1–1.322(b), the Utilization of Minority Business Enterprises clause set forth in § 1–1.1310–2(a), the Pricing of Adjustments clause set forth in § 1–7.602–12, and the Listing of Employment Openings clause set forth in § 1–12.1102–2 shall be added as additional articles of the General Provisions.

Subpart 1–16.6—Forms of Leases for Real Property

Section 1–16.601 is revised, as follows:

§ 1–16.601 Forms prescribed.

* * * * *

(b) Standard Form 2–A, May 1970 edition, General Provisions, Certification and Instructions, U.S. Government Lease for Real Property. Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.103–3 of this chapter shall be substituted for the provision entitled Examination of Records in Article 11, and the clause set forth in § 1–12.1102–2 shall be added.

(c) Standard Form 2–B, February 1965 edition, U.S. Government Lease for Real Property (Short Form). Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.103–3 of this chapter shall be substituted for the provision entitled Examination of Records in Article 10.

Subpart 1–16.7—Forms for Negotiated Architect-Engineer Contracts

Section 1–16.701(b) is revised, as follows:

§ 1–16.701 Forms prescribed.

* * * * *

(b) General Provisions (Architect-Engineer Contract) (Standard Form 253, August 1970 edition). Pending the publication of a new edition of the form, the Examination of Records by Comptroller General clause prescribed by § 1–7.103–3 of this chapter shall be substituted for the provision entitled Examination of Records in Article 8, and the Payment of Interest on Contractors' Claims clause set forth in § 1–1.322(b), the Pricing of Adjustments clause prescribed in § 1–7.602–12, and the Listing of Employment Openings clause set forth in § 1–12.1102–2 shall be added as additional articles of the General Provisions.

* * * * *

PART 1–17—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

Subpart 1–17.2—Requests for Contractual Adjustment

Section 1–17.206 is revised, as follows:

§ 1–17.206 Contractual requirements.

* * * * *

(f) The Equal Opportunity clause prescribed in § 1–7.102–16;

(g) The Assignment of Claims clause prescribed in § 1–7.102–8;

(h) If otherwise applicable, the contract clause entitled Walsh-Healey Public Contracts Act as set forth in § 1–12.605; the contract clauses entitled Davis-Bacon Act and Compliance with Copeland Regulations as set forth in Standard Form 19–A (see § 1–16.901–19–A); and the contract clause entitled Contract Work Hours and Safety Standards Act—Overtime Compensation as prescribed in § 1–7.102–15.

* * * * *

PART 1–20—RETENTION REQUIREMENTS FOR CONTRACTOR AND SUBCONTRACTOR RECORDS

Subpart 1–20.2—General Provisions

Section 1–20.201(a) is revised, as follows:

§ 1–20.201 General retention requirements.

(a) Contractors and subcontractors are required to retain and make available books, records, documents, and other supporting evidence to satisfy contract negotiation, administration, and audit requirements of the contracting agency and the Comptroller General of the United States as set forth in the contract clauses prescribed under §§ 1–3.814–2, 1–7.103–3, 1–7.103–18, 1–7.602–5, and 1–7.602–7.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective May 15, 1973, but may be observed earlier.

Dated: March 2, 1973.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.73–4698 Filed 3–9–73;8:45 am]

Title 50—Wildlife and Fisheries

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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 16—MIGRATORY BIRD PERMITS

SUBCHAPTER G—MISCELLANEOUS PROVISIONS

PART 90—FEEDING DEPREDATING MIGRATORY WATERFOWL

Present regulations governing the feeding of depredating migratory waterfowl are published in Part 16 of this chapter compromising §§ 16.31 through 16.37. These regulations are not directly related to law enforcement and it is determined that for purposes of clarity and convenience of those persons having an interest in these provisions that a new Subchapter G—Miscellaneous Provisions be added to this Chapter I. Collected and published in this new subchapter in appropriate parts will be those miscellaneous regulations which are not directly related to law enforcement but which are more directly related to the resource.

This new Subchapter G, Part 90, has been organized into suitable subparts for easier reading and uniformity of format. No new requirements or procedures are imposed.

Accordingly, Chapter I of this Title 50 is amended by adding a new subchapter to read:

§§ 16.31–16.37 [Deleted]

Sections 16.31 through 16.37 of Part 16 of Chapter I, Subchapter B are deleted.

Subpart A—Introduction

Sec.
90.1 General
90.2 Scope of regulations.

Subpart B—Use of Surplus Grain

90.11 Statutory provisions.
90.12 Interpretation.
90.13 Policy.
90.14 Waterfowl depredations complaints; where filed.
90.15 Criteria to govern approval of applications.
90.16 Actions following investigation.
90.17 Compliance with other regulations.

AUTHORITY: 70 Stat. 492, 7 U.S.C. 443.

Subpart A—Introduction

§ 90.1 General.

Any person having an interest in a crop and who is suffering damage due to depredations by migratory waterfowl may file a complaint and apply for surplus grain for use in feeding programs to augment the natural source of food available to migratory waterfowl to aid in the prevention of crop damage by such birds, as provided for in these regulations.

§ 90.2 Scope of regulations.

The provisions of this part supplement 70 Stat. 492, 7 U.S.C. sections 442–445.

Subpart B—Use of Surplus Grain

§ 90.11 Statutory provisions.

Section 1 of the Act of July 3, 1956, as amended (70 Stat. 492; 7 U.S.C. 442–445) provides that the Commodity Credit Corporation shall make available to the Secretary of the Interior such wheat, corn,

or other grains, acquired through price support operations and certified by the Corporation to be available for purposes of the Act or in such condition through spoilage or deterioration as not to be desirable for human consumption, as the Secretary shall requisition for the purpose of preventing crop damage by migratory waterfowl. Section 2 of the Act provides that, upon a finding that any area in the United States is threatened with damage to farmers' crops by migratory waterfowl, the Secretary is authorized and directed to requisition from the Commodity Credit Corporation and to make available to Federal, State, or local governmental bodies or officials, or to private organizations or persons, such grain acquired by the Corporation through price support operations in such quantities and subject to such regulations as the Secretary determines will most effectively lure migratory waterfowl away from crop depredations and at the same time not expose such migratory waterfowl to shooting over areas to which the waterfowl have been lured by such feeding programs.

§ 90.12 Interpretation.

The authorization contained in the Act limits the availability of grain acquired through price support operations to the prevention of crop damage by migratory waterfowl (brant, wild ducks, geese, and swans) and such grain may not be made available for the feeding of any other species of migratory birds, whether or not such other species of migratory birds are committing or threatening to commit crop damage. Further, the Act does not authorize the use of such grain to conduct a migratory waterfowl feeding program for the purpose of augmenting natural sources of food available to migratory waterfowl, nor for any purpose incident to migratory waterfowl management not related to the prevention of crop damage. Accordingly, such grain shall not be made available pursuant to the Act to augment or to substitute for natural sources of migratory waterfowl food except as may be determined by the Secretary to be necessary to aid in the prevention of crop damage by such birds.

§ 90.13 Policy.

Whenever it is found necessary to conduct feeding programs under this section for the purposes of preventing crop damage by migratory waterfowl, it shall be the policy of the Secretary for the purposes of economy and efficiency to accord preference to feeding programs proposed to be executed through the placement of grain upon wildlife management areas or other lands or waters owned, leased, or otherwise controlled by an agency of the United States or a State.

§ 90.14 Water fowl depredation complaints; where filed.

Any person having an interest in crops being damaged or threatened with damage by migratory waterfowl in circumstances meeting the criteria prescribed in § 90.15 may make application for grain for use in luring such waterfowl away from such crops by submitting a written request to the Regional Director of the Bureau of Sport Fisheries and Wildlife regional office having administrative jurisdiction over the wildlife activities in the State where the affected crops are located. (See § 2.2 for geographical jurisdiction and addresses of regional offices.) Such applications may be in letter form but must contain information disclosing the location, nature, condition and extent of the crops being damaged or threatened, and the particular species of migratory waterfowl committing or threatening to commit damage. For the purposes of this section any authorized official of Federal State, or local governmental body shall be deemed to be a "person" and to have such an interest in crops threatened with damages as to qualify him as an applicant.

§ 90.15 Criteria to govern approval of applications.

Upon receipt of a written application for such grain for use in preventing crop depredations, the Regional Director shall promptly cause an investigation to be made, when necessary, to determine whether the applicant is in fact entitled to have such grain made available for such purposes. Whenever feasible the required investigation shall be made jointly by a representative of the game department of the State in which the affected crops are located and a representative of the Regional Director. When conducting such investigations, each of the factors set forth in paragraphs (a) to (d) of this section shall be considered separately. An application for grain shall not be approved if it is determined that one or more of these factors minimizes the extent of crop damage or provides another effective method of preventing the complained of damage.

(a) The migratory waterfowl committing or threatening to commit crop damage must be predominantly of a species which are susceptible of being effectively lured away from the crops by the use of such grain.

(b) The crop damage or threatened crop damage must be substantial in nature (when measured by the extent and potential value of the crops involved and the number of birds threatening damage); and must affect growing crops or mature unharvested crops that are in such condition as to be marketable or have value as feed for livestock or other purposes of material value to the applicant.

(c) It must be shown that the damage or threat of damage cannot be abated through the exercise of any of the privileges granted in permits authorized by this Chapter I to frighten or otherwise herd migratory waterfowl away from affected crops.

(d) During an open hunting season, it must be shown that the area affected by crop damage has been and is now open to public hunting and there has been a clear demonstration that such hunting is ineffective, and cannot be made effective, to prevent crop damage on such area.

§ 90.16 Actions following investigation.

Upon receipt of a report and recommendations based upon an investigation conducted under § 90.15, the Secretary shall make a determination that the applicant meets the qualifications for receiving grain. He shall then determine the quantity of grain, either bagged or in bulk, to be made available; the means of transportation; and the point of delivery in the vicinity of the crop damage. Before receiving delivery of such grain the applicant shall execute and deliver to any officer authorized to enforce this part written assurances as follows:

(a) That grain made available to him under this part will be used exclusively for the prevention and abatement of crop damage by migratory waterfowl and that no portion of such grain will be sold, donated, exchanged, or used as feed for livestock or other domestic animals or for any other purpose;

(b) That consent is granted to any officer authorized to enforce this part, to inspect, supervise or direct the placement and distribution of grain made available under this part for the prevention of crop damage at all reasonable times;

(c) That free and unrestricted access over the premises on which feeding operations have been or are to be conducted shall be permitted at all reasonable times, by any officer authorized to enforce this part and that such information as may be required by the officer will be promptly furnished; and

(d) That the applicant will not take, nor permit his agents, employees, invitees, or other persons under his control to take migratory game birds on or over any lands or waters subject to his control, during the time such grain is placed, exposed, deposited, distributed, scattered, or present upon such lands or waters, nor for a period of 10 days immediately following the consumption or removal of such grain from such lands or waters.

§ 90.17 Compliance with other regulations.

Nothing in this subpart shall be construed to supersede or modify any regulations relating to the hunting of migratory game birds, nor to permit the transportation, installation or use of grain contrary to any applicable Federal, State, or local laws or regulations.

This amendment recodifies existing regulations, does not impose any new requirements, restrictions, or procedures. Accordingly, notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest, and this amendment is effective March 12, 1973.

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

MARCH 6, 1973.

[FR Doc.73-4643 Filed 3-9-73;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Colorado	El Paso	Unincorporated areas.				Mar. 9, 1973. Emergency.
Connecticut	Middlesex	Westbrook, Town of.				Do.
Do	Tolland	Mansfield, Town of.				Do.
Georgia	Chatham	Garden City, City of.	I 13 051 2290 01 I 13 051 2290 02	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, GA 30334. Georgia Insurance Department, State Capitol, Atlanta, GA 30334.	City Hall, U.S. 17 North, Garden City, Ga. 31408.	Oct. 8, 1971. Emergency. Mar. 16, 1973. Regular.
Do	do	Port Wentworth, City of.	I 13 051 4475 01 I 13 051 4475 02	do	Office of the City Clerk, City of Port Wentworth, Post Office Box 4086, Port Wentworth, GA 31407.	June 4, 1971. Emergency. Mar. 16, 1973. Regular.
Illinois	Cook	Unincorporated areas.				Mar. 9, 1973. Emergency.
Do	Lake	Fox Lake, Village of.				Do.
Maine	Oxford	Rumford, Town of.				Do.
Maryland	Kent	Unincorporated areas.				Do.
Massachusetts	Plymouth	Mattapoisett, Town of.	I 25 023 0696 01 through I 25 023 0696 05	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge, St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	Town Hall, Main St., Mattapoisett, Mass. 02739.	June 18, 1971. Emergency. March 16, 1973. Regular.
Do	Bristol	Dighton, Town of.				March 9, 1973. Emergency.
Michigan	Berrien	Chikaming, Township of.				Do.
Do	do	Grand Beach, Village of.				Do.
Do	Ingham	Lansing, City of.				Do.
Do	Macomb	Shelby, Township of.				Do.
Do	Monroe	Berlin, Township of.				Do.
Do	St. Clair	St. Clair, Township of.				Do.
Do	Wayne	Dearborn, City of.				Do.
Minnesota	Washington	Stillwater, City of.	I 27 163 6770 01 through I 27 163 6770 03	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Municipal Bldg., 216 North Fourth St., Stillwater, MN 55082.	November 5, 1971. Emergency. March 16, 1973. Regular.
Do	Dakota	Hastings, City of.				March 9, 1973. Emergency.
Do	Polk	Crookston, City of.				Do.
New York	Monroe	Greece, Town of.				Do.
Do	do	Parma, Town of.				Do.
Do	do	Webster, Town of.				Do.
Do	Wayne	Sodus Point, Village of.				Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Pennsylvania	Berks	Muhlenberg, Township of.	----------	----------	----------	Do.
Do	Clinton	Flemington, Borough of.	----------	----------	----------	Do.
Do	Columbia	Bloomsburg, Town of.	----------	----------	----------	Do.
Do	Dauphin	Lykens, Borough of.	----------	----------	----------	Do.
Do	Delaware	Swarthmore, Borough of.	----------	----------	----------	Do.
Do	Huntingdon	Smithfield, Township of.	----------	----------	----------	Do.
Do	Lancaster	Columbia, Borough of.	----------	----------	----------	Do.
Do	do	Lancaster, Township of.	----------	----------	----------	Do.
Do	Lebanon	Cleona, Borough of.	----------	----------	----------	Do.
Do	Luzerne	Black Creek, Township of.	----------	----------	----------	Do.
Do	Lycoming	Porter, Township of.	----------	----------	----------	Do.
Do	York	Dover, Township of.	----------	----------	----------	Do.
Vermont	Caledonia	Hardwick, Town of.	----------	----------	----------	Do.
Wisconsin	Crawford	Lynxville, Village of.	I 55 023 2760 01	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Office of Village Clerk, Village Hall, Village of Lynxville, Lynxville, Wis. 54640.	April 23, 1971, Emergency. March 16, 1973, Regular.
Do	Milwaukee	Greenfield, City of.	----------	----------	----------	March 9, 1973, Emergency.

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

Issued: March 5, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-4550 Filed 3-9-73;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Florida	Broward	Pompano Beach, City of.	H 12 011 2570 01 through H 12 011 2570 04	Department of Community Affairs, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	City Engineer's Office, 101 Southwest 1st Ave., Post Office Box 1300, Pompano Beach, FL 33061.	March 16, 1973.
Georgia	Chatham	Garden City, City of	H 13 051 2290 01 H 13 051 2290 02	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, GA 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	City Hall, U.S. 17 North, Garden City, Ga. 31408.	Do.
Do	do	Port Wentworth, City of.	H 13 051 4475 01 H 13 051 4475 02	do	Office of the City Clerk, city of Port Wentworth, Post Office Box 4086, Port Wentworth, GA 31407.	Do.
Kentucky	Harlan	Cumberland, City of	H 21 095 0840 01 through H 21 095 0840 03	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	City Hall, city of Cumberland, Cumberland, Ky. 40823.	Do.
Do	do	Harlan, City of	H 21 095 1420 01 H 21 095 1420 02	do	City Hall, Post Office Box 783, Harlan, KY 40831.	Do.
Massachusetts	Plymouth	Mattapoisett, Town of.	H 25 023 0096 01 through H 25 023 0096 05	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	Town Hall, Main St., Mattapoisett, Mass. 02739.	Do.
Minnesota	Washington	Stillwater, City of.	H 27 163 6770 01 through H 27 163 6770 03	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Municipal Bldg., 216 North Fourth St., Stillwater, MN 55082.	Do.
New Jersey	Bergen	Allendale, Borough of.	H 34 003 0030 01 H 34 003 0030 02	Bureau of Water Control, Department of Environmental Protection, Post Office Box 1390, Trenton, NJ 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Borough Clerk, 290 Franklin Turnpike, Allendale, NJ 07401.	Do.
Do	Burlington	Moorestown, Township of.	H 34 005 2015 01 through H 34 005 2015 03	do	Office of the Township Clerk, Township of Moorestown, 40 East Main St., Moorestown, NJ 08057.	Do.
Do	Morris	Dover, Town of	H 34 027 0750 01 H 34 027 0750 02	do	Office of the Town Clerk, Town of Dover, Municipal Bldg., 37 North Sussex St., Dover, NJ 07801.	Do.
Do	Union	Summit, City of	H 34 039 3290 01 through H 34 039 3290 05	do	City Clerk's Office, Municipal Bldg., 512 Springfield Ave., Summit, NJ 07901.	Do.
New York	Westchester	White Plains, City of.	H 36 119 6670 01 through H 36 119 6670 06	New York State Department of Environmental Conservation, Division of Resources Management Services, Bureau of Water Management, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	Office of Emergency Planning and Civil Defense, Municipal Bldg., 255 Main St., White Plains, NY 10601.	Do.
Pennsylvania	Bucks	Chalfont, Borough of.	H 42 017 1220 01 H 42 017 1220 02	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Borough Office, 101 North Main St., Chalfont, PA 18914.	Do.
Wisconsin	Crawford	Lynxville, Village of.	H 55 023 2760 01	Department of Natural Resources, Post Office Box 450, Madison, WI 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, WI 53703.	Office of the Village Clerk, Village Hall, Village of Lynxville, Lynxville, Wis. 54640.	Do.

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

Issued: March 5, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-4551 Filed 3-9-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Executive and Variable Compensation Guidance

The purpose of the amendments set forth below is to provide rules and guidance in the area of executive and variable compensation during Phase III of the Economic Stabilization Program.

Decisions and orders of the Pay Board. Under the rules in effect during Phase II, decisions and orders were issued by the Pay Board with respect to executive and variable compensation plans, practices, and programs. Many decisions and orders did not provide for expiration dates and others required only that certain payments, awards, or grants be charged as wages and salaries when such payments, awards, or grants were made. Under Phase II rules, the payments, awards, or grants which were charged as wages and salaries were applied against the standard in the control year in which they were paid (except in the case of deferred payments). With the progression to the self-administered controls of Phase II, it now becomes necessary to clarify the status of, set expiration dates for, and provide specific rules with respect to, the treatment, of payments, awards, or grants made during Phase III, that were subject to decisions and orders issued under the rules in Phase II.

Accordingly, a new paragraph (d) has been added to § 130.1 to provide specifically that decisions and orders issued by the Pay Board shall be effective only for payments, awards, or grants made with respect to plan, practice or fiscal years (as appropriate), beginning prior to January 11, 1973. Furthermore, new § 130.1(d) provides that such payments, awards, or grants made during Phase III, which are required by decision and order of the Pay Board to be charged as wage and salary increases, should be added to other wage and salary increases, and that the total of such increases is subject to the general wage and salary standard provided in § 130.12. Thus, any such payments, awards, or grants treated as an increase in wages and salaries may be paid only to the extent the total thereof plus all other wage and salary increases affecting the appropriate employee unit involved is not unreasonably inconsistent with the general wage and salary standard in § 130.12.

Although § 130.12 will apply in many situations where payments, awards, or grants are made during Phase III, that section may not be applicable if another Pay Board decision and order limits wage and salary increases paid in an appropriate employee unit which includes plan, practice, or program participants, and applies to a control year which ends after January 10, 1973. In that situation, new § 130.1(d) requires that if the payments, awards, or grants are to be charged as wage and salary increases and are to be made during the control year covered by such a decision and order, then the total of wage and salary increases to be paid must be consistent with such other decision and order, in accordance with § 130.1(c)(ii). Also, § 130.12 will not apply to pay adjustments affecting employees in the food, health services and construction industries since these pay adjustments are under mandatory controls. For such industries the payments, awards, or grants required to be charged as wage and salary increases, therefore, remain subject to the rules and regulations applicable to those industries.

Where a decision and order with respect to executive and variable compensation does not provide that excess grants are to be charged as wages and salaries (as in cases involving stock options issued at 100 percent of fair market value), the grants made must be consistent with the limitations of the decision and order (i.e., subject to an aggregate share limitation).

Voluntary controls. During Phase II, certain payments, awards, or grants under existing executive and variable compensation plans, practices, or programs were permitted to be made under Pay Board rules without being charged as wages and salaries. Also during Phase II, certain other payments, awards, or grants under certain replacement, modified, or revised plans, practices, or programs were permitted to be made without being charged as wages and salaries. A new § 130.14 has been added to state the Council's policies during Phase III for employers subject to voluntary controls. These policies apply whether a plan, practice, or program is an existing one or one that is a replacement, modified, or new plan, practice, or program.

New § 130.14 provides that such employers should use both the Pay Board regulations in effect on January 10, 1973 and the guidance set forth in new Appendix B of Part 130 (as appropriate) in determining whether payments, awards, or grants are charged as wage and salary increases. Chargeable payments, awards, or grants are normally referred to as "excesses" and apportioned to the appropriate employee units which include the plan, practice, or program participants. Under new § 130.14, these "excesses" should be added to other wage and salary increases paid in the appropriate employee unit and the total of all such wage and salary increases is to be applied to the general wage and salary standard as provided in § 130.12.

Certain stock option plans. During Phase II, certain stock option plans which met the requirements of § 201.76 (b)(1)(i) (*a*) through (*d*) of Pay Board regulations (e.g., stock options issued at 100 percent of fair market value) were controlled by imposing an aggregate share limitation. For employers under voluntary controls new § 130.14 provides that stock option grants during Phase III under plans which meet these four requirements should not exceed the applicable aggregate share limitation except to the extent necessary to prevent cross inequities, serious market disruptions, or localized shortages of labor.

Replacement, modified, and new plans, practices, or programs. Under Phase II rules, certain plans, practices, or programs were required to be submitted to the Pay Board for prior approval. This generally was the case when an employer replaced, modified, or revised a plan, practice, or program carried over from Phase I and the amount of compensation to be paid under the new plan, practice, or program exceeded that attributable to the old plan, practice, or program. In addition, under Phase II rules, all new plans, practices, or programs not replacing, modifying, or revising a previous plan, practice, or program were required to be submitted to the Pay Board for prior approval.

In considering submissions for prior approval, the Pay Board applied certain principles, policies, and conditions not set forth in Pay Board regulations. These principles, policies, and conditions (as appropriate) were, however, made a part of each decision and order. Since prior approvals are no longer required (except for economic sectors under mandatory controls) a new Appendix B has been added to Part 130 to provide guidance to employers who implement a replacement, modified, or new executive and variable compensation plan, practice, or program during Phase III. The guidance provided includes the principles, policies, and conditions applied by the Pay Board during Phase II and should be used in determining whether payments, awards, or grants under replacement, modified, or new plans, practices, or programs are to be treated as wage and salary increases and apportioned to appropriate employee units which include the plan, practice, or program participants.

In the food, health, and construction industries the rules and regulations prescribed during Phase II continue to apply. Accordingly, requests for prior approval in the case of certain replacement, modified, and new plans, practices, or programs should now be submitted to the Cost of Living Council.

Incentive compensation plans or practices. During Phase III an employer may replace, modify, or revise an incentive compensation plan or practice in effect on November 13, 1971, as defined in §§ 201.74 and 201.75 of Pay Board regulations, without prior approval. However, any payment made under such replacement, revised, or modified plan or practice which is in excess of the allowable amount for such prior plan or practice, as defined in such regulations, or in excess of the payments which would have been made under the prior plan's formula or the prior practice's implied formula (if lower than the allowable amount) should be treated as an increase in wages and salaries and apportioned to the appropriate employee units of participants to determine the amount of wage and salary increase subject to § 130.12.

Where a new incentive compensation plan or practice is adopted which is neither a replacement, modification, or revision, of a plan or practice in existence on November 13, 1971, payments thereunder with respect to the first plan year of operation (the consecutive 12-month

period starting with the effective date of the plan) should be treated as an increase in wages and salaries, should be apportioned in the control year paid to the appropriate employee units of the plan or practice participants, and should be added to other wage and salary increases subject to § 130.12.

Certain rules for certain types of incentive compensation plans. In Phase II, the Pay Board regulations did not specify how awards under new performance share plans and phantom stock plans should be valued for purposes of determining the increase in wages and salaries attributable to such awards for participants of such plans. The special rules in new Appendix B describe the valuation which should be used for awards under such new plans adopted in Phase III, to determine the increase in wages and salaries for participants. These rules are consistent with the valuation placed on such awards by the Pay Board during Phase II in decisions and orders on specific cases.

Stock option plans. An employer may replace or modify or revise an existing stock option plan which meets the requirements of § 201.76(b)(1)(i) (*a*) (*d*) of Pay Board regulations after January 10, 1973, without prior approval. However, the aggregate share limitation which was applicable for the prior existing plan under Pay Board regulations should continue to be the aggregate share limitation for such replacement, modified, or revised plan. If a new stock option plan (i.e., one which is not a replacement, modification, or revision of an existing plan, and one which meets the requirements of § 201.76(b)(1)(i) (*a*) through (*d*) of Pay Board regulations), is adopted after January 10, 1973, the aggregate share limitation for the first fiscal year in which such plan operates is 25 percent of the number of shares authorized for stock option grants under the plan.

Sales or commission plans or practices and certain production incentive programs. Sales or commission plans or practices and certain production incentive programs, as defined in § 201.77 of Pay Board regulations, which are applicable to employees not subject to a collective bargaining agreement and which were in effect on November 13, 1971, may operate under their terms without being treated as an increase in wages and salaries as long as such plans are not replaced, modified, or revised.

Payments made under a revised, modified, or replacement sales or commission plan or practice or production incentive program adopted in Phase III, which result in an increase in compensation over that which would have been payable under the prior existing plan, etc., when measured against the level of sales or production volume at the time of determining payments under such prior plan, etc., should be treated as an increase in wages and salaries for participants. Payments under a new sales or commission plan or practice or production incentive program (which is not a replacement or modification or revision of a prior existing plan, etc.) adopted during Phase III should be treated as an increase in wages and salaries to participants covered by such plan, etc.

Payments that should be treated as an increase in wages and salaries under these guidelines should be included in the base compensation rate of the appropriate employee unit for purposes of measuring wage and salary increases for subsequent control years after the control year in which such new, replacement, modified, or revised plan, etc., has been adopted.

Because the purpose of these amendments is to provide immediate guidance for compliance with the Economic Stabilization Program during Phase III, I find that publication in accordance with normal rule making procedures is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit comments regarding these amendments. Communications should be addressed to the Office of the General Counsel, Cost of Living Council, Washington, D.C. 20507.

These amendments are effective as of January 11, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

PARAGRAPH 1. Section 130.1 is amended by adding a new paragraph (d) to read as follows:

§ 130.1 Scope.

* * * * *

(d) Executive and variable compensation: This part shall not operate to permit prospective payments, awards, or grants under an executive and variable compensation plan, practice, or program, where such plan, practice, or program is subject to a Pay Board decision and order, except to the extent consistent with such decision and order.

(1) Paid under voluntary controls: Notwithstanding the preceding sentence, a decision and order relating to executive and variable compensation, not affecting employees in the food, health services, or construction industry, shall be effective only for payments, awards, or grants made with respect to plan, practice, or fiscal years (as appropriate) which begin prior to January 11, 1973. Where such a decision and order requires that payments, awards, or grants are to be charged as wages and salaries, and such payments, awards, or grants are made after January 10, 1973, such payments, awards, or grants, together with any other wage and salary increases subject to voluntary controls, shall be subject to the general wage and salary standard set forth in § 130.12, unless such payments, awards, or grants are made during a control year covered by a Pay Board decision and order which limits wage and salary increases paid in an appropriate employee unit which includes plan, practice, or program participants. In such latter cases, the payments, awards, or grants which are to be charged as wage and salary increases may be paid only to the extent consistent with such other decision and order, as provided in paragraph (c)(ii) of this section.

(2) Paid under mandatory controls: Where a decision and order relating to executive and variable compensation affecting employees in the food, health services, or construction industry, requires that payments, awards, or grants are to be charged as wages and salaries, then such payments, awards, or grants made after January 10, 1973, together with any other wage and salary increases, shall be subject to the rules for pay adjustments in Subparts F, G, and H of this part.

PAR. 2. Subpart B of Part 130 is amended by adding at the end thereof a new § 130.14 to read as follows:

§ 130.14 Executive and variable compensation.

The rules contained in Subpart F of Part 201 of this title, in effect on January 10, 1973, and the guidance set forth in Appendix B of this part, relating to executive and variable compensation, should be used in determining whether payments, awards, or grants are charged as wage and salary increases which, when added to other wage and salary increases, are subject to the general wage and salary standard set forth in § 130.12. Stock option grants under plans which meet the requirements of § 201.76(b)(1)(i) (*a*) through (*d*) of this title should not exceed the aggregate share limitation applicable to such plans, except to the extent necessary to prevent gross inequities, serious market disruptions, or localized shortages of labor.

PAR. 3. Part 130 is amended by redesignating the present appendix thereto as Appendix A and by adding new Appendix B to read as follows:

APPENDIX B—GUIDANCE FOR REPLACEMENT, MODIFIED, AND NEW EXECUTIVE AND VARIABLE COMPENSATION PLANS

(1) *General.* The guidance set forth in this appendix should be used by employers subject to voluntary controls with respect to the implementation after January 10, 1973, of replacement, modified, or new executive and variable compensation plans, practices, or programs of the types covered in Subpart F of Part 201 of this title. For employers subject to voluntary controls, such implementation no longer requires prior approval. This appendix provides the principles, policies, and conditions that were used by the Pay Board in its consideration of such plans, practices, or programs submitted for approval during Phase II of the Economic Stabilization Program.

2. *Replacement incentive compensation plans or practices.* When an employer adopts a new incentive compensation plan or practice (other than a stock option plan) replacing such a plan or practice which has lapsed or terminated on account of the operation of time, the new plan or practice is not considered to increase wages and salaries if the aggregate amount of compensation attributable to the new plan or practice is not an increase over the aggregate amount which would have been granted under the replaced plan or practice had it not terminated. If the amount of compensation is increased over that attributable to the replaced plan or practice, the amount in excess should be treated as an increase in wages and salaries and should be apportioned to the appropriate employee units of the plan or practice participants in the man-

ner provided in §§ 201.74(c)(2) and 201.75 (c)(2) of Pay Board Regulations in effect on January 10, 1973.

3. *Modified or revised incentive compensation plans or practices.* When an employer modifies or revises an incentive compensation plan or practice (other than a stock option plan), the modification or revision is not considered to increase wages and salaries if the aggregate amount of compensation attributable to the modified or revised plan or practice is not an increase over the aggregate amount attributable to the plan or practice had it not been modified or revised. If the amount of compensation is increased over that attributable to the plan or practice prior to modification or revision, the amount in excess should be treated as an increase in wages and salaries and should be apportioned to the appropriate employee units of the plan or practice participants in the manner provided in §§ 201.74(c)(2) and 201.75(c)(2) of Pay Board Regulations in effect on January 10, 1973.

4. *New incentive compensation plans or practices.* When an employer adopts a new incentive compensation plan or practice (other than a stock option plan) which is neither a replacement nor modification or revision of an existing plan or practice, the amount granted with respect to the first 12 months of the operation of the plan or practice should be treated as an increase in wages and salaries and should be apportioned to the appropriate employee units of the plan or practice participants as provided in §§ 201.74(c)(2) and 201.75(c)(2) of Pay Board Regulations in effect on January 10, 1973. The amount so granted with respect to the first 12-month period should (within the meaning of §§ 201.74(b)(4) and 201.75 (b)(4)) become the "base year amount" for such plan or practice in computing the "allowable amount" with respect to future plan years. Payments in subsequent plan years that exceed the "allowable amount" should also be considered an increase in wages and salaries.

5. *Special rules for certain incentive compensation plans and practices.* For purposes of paragraph 4 above, the amount of certain types of awards should be determined as follows—

(a) *For performance share awards:* In an amount equal to the fair market value of the stock at the time of the award assuming attainment of at least 75 percent of the performance goal allocated over the performance period.

(b) *For phantom stock awards:* In an amount equal to 25 percent of the fair market value of an equivalent number of actual shares of the employer at the time of the award.

6. *Replacement stock option plans.* If an employer subject to voluntary compliance adopts a new stock option plan which meets the requirements of § 201.76(b)(1)(i) (*a*) through (*d*) of Pay Board Regulations in effect on January 10, 1973, and the new plan replaces a stock option plan which had met those requirements but which had lapsed—

(a) On account of the operation of time, or

(b) Because all of the authorized shares had been the subject of option grants, or

(c) Because the authorized shares available for award were insufficient to grant options covering the applicable aggregate share limitation; then

for purposes of determining the aggregate share limitation applicable to the new plan, the new plan and the replaced plan should be treated as a single plan. If such an employer adopts a new stock option plan described in § 201.76(e) of Pay Board Regulations in effect on January 10, 1973, which replaces a prior plan that has lapsed or terminated, then the increases in wages and salaries attributable to grants and exercises of stock options under the replacement plan should be apportioned to the appropriate employee units of the plan participants as provided in § 201.76(e)(3) of such Pay Board Regulations.

7. *Modified or revised stock option plans.* If an employer modifies or revises a stock option plan which meets the requirements of § 201.76(b)(1)(i) (*a*) through (*d*) of Pay Board Regulations in effect on January 10, 1973, the aggregate shares to be granted under the modified or revised plan should not exceed the aggregate shares which would have been granted under the plan had it not been modified or revised. If such an employer modifies or revises a stock option plan described in § 201.76(e) of such Pay Board Regulations, any increase in wages and salaries attributable to awards under such plan should be apportioned to the appropriate employee units of the plan participants as provided in § 201.76(e)(3) of such Pay Board Regulations.

8. *New Stock option plans.* If an employer adopts a new stock option plan which is neither a replacement nor a modification or revision and which meets the requirements of § 201.76(b)(1)(i) (*a*) through (*d*) of Pay Board Regulations in effect on January 10, 1973, the aggregate share limitation for the first fiscal year of operation should be 25 percent of the number of shares authorized for stock options at the time the plan was adopted. If such an employer adopts a new stock option plan described in § 201.76(e) of such Pay Board Regulations, the increase in wages and salaries attributable to the options granted or exercised under the new plan should be apportioned to the appropriate employee units of the plan participants as provided in § 201.76(e)(3) of such Pay Board Regulations.

9. *Replacement sales or commission plans or practices and certain incentive programs.* When an employer adopts a new sales or commission plan or practice or a production incentive program (other than a program described in § 201.61 of Pay Board Regulations in effect on January 10, 1973) replacing such a plan, practice, or program, the payments under the new plan, practice, or program are not considered to increase wages and salaries if the aggregate amount of compensation attributable to the new plan, practice, or program (using the new formula or method for determining payments) is not an increase over that which would have been granted (using the old formula or method for determining payment) under the plan, practice, or program had it not been terminated. If the amount of compensation is increased solely due to the change in formula or method for determining payments over that attributable under the replaced plan, practice, or program, the amount in excess should be treated as an increase in wages and salaries in the control year such amounts are paid, should be apportioned to the appropriate employee units of the plan, practice, or program participants as provided in § 201.77 (c) of such Pay Board Regulations, and should be included in the respective units' base compensation for subsequent control years.

10. *Modified or revised sales or commission plans or practices and certain incentive programs.* When an employer modifies or revises a sales or commission plan or practice or a production incentive program (other than a program described in § 201.61 of Pay Board Regulations in effect on January 10, 1973), the payments under the modification or revision are not considered to increase wages and salaries if the aggregate amount of compensation attributable to the modified or revised plan, practice, or program (using the modified formula or method for determining payments) is not an increase over that which would have been granted (using the old formula of method for determining payments) under the plan, practice, or program had it not been modified or revised. If the amount of compensation is increased solely due to the change in formula or method for determining payments over that attributable under the modified or revised plan, practice, or program, the amount in excess should be treated as an increase in wages and salaries in the control year such amounts are paid, should be apportioned to the appropriate employee units of the plan, practice, or program participants as provided in § 201.77(c) of such Pay Board Regulations, and should be included in the respective units' base compensation for subsequent control years.

11. *New sales or commission plans or practices and certain incentive programs.* When an employer adopts a new sales or commission plan or practice or production incentive program (other than a program described in § 201.61 of Pay Board Regulations in effect on January 10, 1973) which is neither a replacement, nor modification or revision, of an existing plan, practice or program, the amount granted with respect to the new plan, practice, or program should be treated as an increase in wages and salaries in the control year such amounts are paid, should be apportioned to the appropriate employee units of the plan, practice, or program participants as provided in § 201.77(c) of such Pay Board Regulations, and should be included in the respective units' base compensation for subsequent control years.

[FR Doc.73-4869 Filed 3-9-73;11:36 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 1121]

[Docket No. AO-364-A6]

MILK IN SOUTH TEXAS MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given of the filing with the hearing clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the South Texas marketing area.

Interested parties may file written exceptions to this decision with the hearing clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 15th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued 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 governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was conducted at Houston, Tex., on January 17, 1973, pursuant to notices thereof which were issued November 20, 1972 (37 FR 24905) and December 12, 1972 (37 FR 26736).

The material issues on the record of the hearing relate to:

1. Adoption of an advertising and promotion program as authorized under Public Law 91-670; and

2. The specific terms and provisions necessary to implement such a program under the South Texas order.

FINDINGS AND CONCLUSIONS

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

1. *Adoption of an advertising and promotion program.* The order should be amended to provide for an advertising and promotion program to be administered by an agency organized by producers and producers' cooperative associations and financed by producer monies deducted from pool proceeds.

The amendments to the Agricultural Marketing Agreement Act under Public Law 91-670 provide that a Federal milk order may, with the approval of producers on the market, include provisions for establishing or providing for the establishment of research and development projects, advertising (excluding brand advertising), sales promotion, and educational and other programs designed to improve or promote the domestic marketing and consumption of milk and its products (hereinafter referred to in this decision as the "advertising and promotion program" or "the program").

The hearing on the matter here under consideration was requested by Associated Milk Producers, Inc., a cooperative association representing a majority of the producers supplying milk for the South Texas market.

Under the proposal supported at the hearing and as herein adopted, the advertising and promotion program will be funded through a 5-cent per hundredweight assessment each month on producer milk pooled during such month. Under this program, the market administrator will deduct the monies from the producer-settlement fund prior to the computation of the uniform price. All of the monies so deducted, except for certain reserves withheld by the market administrator to cover refunds and administrative costs, will be turned over to and administered by an agency organized by producers and producers' cooperative associations under the order. The agency will be responsible for the development and implementation of programs and projects approved by the Secretary and designed to carry out the purposes of the Act as prescribed in the attached amending order.

Any producer not desiring to participate in the program, upon proper application, will be eligible for refund of the assessments made against his proportionate share of total producer marketings of milk, such refunds to be made by the market administrator on a quarterly basis.

The principal reason cited by proponent for the establishment of an advertising and promotion program under the South Texas order was the need for a sound and comprehensive program of promotion, education and research in the use of milk and dairy products to preserve the market against the competition of substitutes. Proponent stated that dairy farmers cannot hope for a continued healthy or growing market in the future if they do not meet the promotional efforts of their competition. It was pointed out that there has been a continuing downward trend nationally in the per capita consumption of milk and milk products.

Proponent testified that in those markets that have had a promotional program of the magnitude being proposed for the South Texas area the consumption trends for dairy products have been more favorable than in other markets. In 15 markets that have milk promotion programs with at least a 5-cent deduction per hundredweight, the daily sales of whole milk, lowfat milk and skim milk items increased nearly 3 percent from 1971 to 1972. In 48 markets with lesser funding, or with no program at all, the average daily sales increased only about 1 percent.

The cooperative also indicated that it has been operating a promotion program in the South Texas market for several years. Because of competitive conditions, it lowered its deduction rate in the spring of 1972 (then 5 cents) to 3 cents per hundredweight of member milk. The cooperative believes, however, that a promotion program funded at the 5-cent rate, and with such rate being applicable to the milk of all producers on the market, is essential to a healthy and growing market for milk in the South Texas area. Proponent urged the adoption of an advertising and promotion program under Public Law 91-670 comparable to the programs recently adopted in 15 other southwestern markets in which proponent operates.

Since the program is totally a producer-financed program and is voluntary in that any producer not wishing to participate has assurance of refund of the assessment made against his milk marketings, there can be no compelling reason for not adopting such a program.

In view of the foregoing, it is concluded that the program adopted should be essentially as proposed.

2. *Terms and provisions.* The rate of 5 cents per hundredweight on producer milk, as proposed by proponent, is a reasonable assessment on the marketings of producers under the order and is adopted.

Based on the volume of milk marketed under the South Texas order in 1972, an assessment rate of 5 cents per hundredweight on producer milk will gross approximately $585,000 annually. (Official notice is taken of the "Market Administrator's Bulletin" for the months of January through December 1972, as issued by the market administrator for the South Texas order, with respect to total receipts of producer milk under the order.) Allowing for refunds to nonparticipating producers and for the necessary administrative costs, it reasonably can be expected that the money that will be available for advertising and promotion will be somewhat more than that presently being expended in this area by proponent.

The enabling legislation specifically provides that the promotion funds deducted from producer proceeds "shall be paid to an agency organized by milk producers and producers' cooperative associations in such form and with such methods of operation as shall be specified in the order."

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

The Agency under the terms prescribed herein is responsible for administration of the terms and provisions of the program within the scope of its authority. Subject to the approval of the Secretary, it also is empowered to enter into contracts and agreements with persons or organizations as deemed necessary to carry out the 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 under the terms herein adopted are of a nature and scope to provide participating producers on the market full and necessary authority through their representatives on the Agency to develop and administer advertising and promotion programs designed to accomplish the purposes of Public Law 91-670.

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.

There was no testimony on the record in opposition to these Agency guidelines, although one cooperative association stated it is not in favor of the program generally.

Agency members are to be selected from producers who actively support the program. Representation on the Agency as it relates to cooperatives may include, however, individuals not directly engaged in the production of milk, e.g., employees of the cooperative.

Under the terms of the program as herein provided, the selection of cooperative representatives for the Agency will be entirely at the discretion of the cooperative(s). Each cooperative association that is authorized one or more representatives on the Agency shall notify the market administrator of the name and address of each representative selected who shall serve at the pleasure of the cooperative.

The composition of the Agency should be such that it insures fair representation for all participating producers. Proponent represents a substantial majority of the producers on the South Texas market. Since its representatives would be selected by the cooperative's board of directors and serve at the pleasure of the cooperative, the position of such representatives with respect to Agency matters no doubt will reflect the position of the cooperative's members. In view of this, there is no apparent reason why proponent's Agency representation need exceed that number necessary to retain for the cooperative a voting majority on the Agency. Proponent held that Agency representation should be as small as possible, consistent with fair and proportionate representation of producers.

Based on market representation at the time of the hearing, proponent indicated that its proposal would provide for a total of nine Agency representatives. This was determined on the basis that proponent would be eligible to have all but four of the Agency's representatives, and that the minimum number of representatives necessary for proponent to have a voting majority would be five.

It cannot be presumed that the composition of producers on the market will remain static. Ideally, the rules adopted with respect to the composition of the Agency should accommodate changes in the market structure under the guidelines set forth by proponent.

To meet these conditions, it is provided that each cooperative will be authorized one Agency representative for each full 5 percent of the participating producers (producers who have not requested refunds [1]) that such cooperative represents. For the purpose of meeting the 5-percent requirement, or multiples thereof, any cooperative association, including a cooperative having less than the required 5 percent of the producers participating in the program, may elect to combine its participating membership with that of one or more other cooperatives.

The participating producer members of any cooperative association having less than the required 5 percent that elects not to combine, as discussed above, and nonmember producers together will be authorized one Agency representative for each full 5 percent that such producers constitute of the total number of participating producers under the order. If such group of producers in total constitutes less than the full 5 percent, the group, nevertheless, will be authorized to select from such group, in total, one Agency representative.

Notwithstanding the above, if any coopertaive association or group of associations that elects to combine for purposes of selecting Agency representation has a majority of the participating producers, representatives from such cooperative or group of cooperatives, as the case may be, shall be limited to the minimum number necessary to constitute a majority of the Agency representatives.

As previously indicated, the selection of cooperative representation will be entirely at the discretion of the cooperative. The market administrator will conduct a referendum annually to determine the representation on the Agency of participating nonmember producers and participating producer members of cooperative associations having less than the required 5 percent of the producers participating in the program and not electing to combine membership for purposes of selecting Agency representation.

Within 30 days after the effective date of the amended order, and annually thereafter, the market administrator shall give notice to all such producers (member and nonmember) of their opportunity to nominate Agency members and shall specify the number of representatives that such nonmember and member 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 individual producer (member or nonmember) shall have one vote.

Since cooperative associations may freely 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 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 representatives.

Election to Agency membership will be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes.

[1] Provision is made in the program adopted herein that for the purposes of the Agency's initial formation all producers under the order will be considered as 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 one 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 provisions herein adopted so provide.

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.

Congress clearly contemplated that producer activities under Public Law 91-670 would be under direct surveillance of the Secretary. It was specifically provided that "all funds collected under this subparagraph (I) shall be separately accounted for and shall be used only for the purposes for which they are collected." 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.

Proponent 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 furtherence 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 attached order prescribes no specific requirement 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 record keeping and bookkeeping functions. It is possible that the Agency may find it desirable to enlist the services of other individuals with special talents who could aid in program and promotion planning by virtue of their particular knowledge, skills, or expertise in the areas of advertising and promotion. Other Agency costs could be expected to involve miscellaneous office costs usually associated with a business office.

It is, of course, 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 meals, lodging, and travel in a private car or by public transportation. It would be unreasonable to require members of the Agency to bear such expenses incurred in the interest of all producers on the market.

It was proposed, and it is here adopted, that the amount of money utilized by the Agency for its expenses in administering the program should not exceed 5 percent of the funds received by the Agency from the market administrator. This establishes a reasonable limitation on Agency costs and assurance to producers that the funds collected under the program will be expended prudently on advertising and promotion activities.

The Agency, of course, is handling funds otherwise payable to producers. 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.

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 advertising and promotion program are terminated in their entirety, any remaining uncommitted funds applicable thereto should revert to producers since such monies are derived

solely from funds otherwise due producers. The 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 advertising and promotion program should be charged against the advertising and promotion fund. Neither the marketing service fund nor the administrative fund should be charged with costs directly related to the administration of the advertising and promotion program. The program is producer originated and should be self sustaining. The expenses attendant to its administration appropriately should be borne by producers.

The statutory authority under Public Law 91-670 supports this position and makes it clear that this is intended to be strictly a producer program. The law provides for "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."

Public Law 91-670 provides that "notwithstanding any other provisions of this Act, as amended, any producer against whose marketings any assessment is withheld or collected under the authority of this subparagraph, and who is not in favor of supporting the research and promotion programs, as provided for herein, shall have the right to demand and receive a refund of such assessment pursuant to the terms and conditions specified in the order."

As adopted herein, a producer desiring a refund on the assessments made against his marketings must submit to the market administrator his signed request in the form 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.

Congress clearly intended that producers not wishing to participate in the promotion program should get their money refunded with no unnecessary impediments. It must be recognized, however, that there is necessarily a significant cost in making refunds and, in addition, that any promotion program could have only limited success unless the moneys to be available for it are known in time to make firm forward plans and commitments. Refunding on a quarterly basis was proposed by proponent and is a reasonable basis for implementing the intent of Congress in that it insures refunds on a timely basis and without undue administrative costs.

Without appropriate safeguards it would be possible for any cooperative or individual not in harmony with the program to impede its effectiveness through the filing of refund requests 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. To deter this result, reasonable procedures must be set up to clearly establish that any refund request received originated with and is the action of the individual producer.

The provisions as herein adopted will permit the market administrator to develop appropriate procedures to this end. It is provided that the application must be filed in the form prescribed by the market administrator and signed by the producer. However, so that there can be no unnecessary demands placed on producers, only that information necessary to identify the producer and the records relevant to the refund may be required.

Proponent recognized that the refund request procedure as proposed (e.g., a request filed with the market administrator during the first 15 days of the month preceding the beginning of each calendar quarter) could not accommodate new producers who might not wish to participate in the program during their first few months on the market. The cooperative proposed, therefore, that until the initial quarter for which a new producer could comply with the regular refund request procedure such producer be granted a refund on his marketings upon proper application filed with the market administrator at any time during the period. This proposed flexibility in the refund procedure is necessary so that new producers will not be denied refunds during their first few months under the order because of their inability to comply with the quarterly refund request procedure.

Proponent proposed that the market administrator be required to advise each producer promptly of the advertising and promotion program when effectuated and thereafter with respect to new producers. To insure that producers have an awareness of the program and of their rights thereunder, it is provided that the market administrator shall make such notification by forwarding each producer a copy of the program provisions.

Proponent recognized that the production units of some producers under the order could be located in a State that has a mandatory checkoff for a similar advertising and promotion program under State law. Proponent held that in such circumstance a double assessment was not intended and that such producers appropriately should be refunded from the program under the Federal order an amount equal to such State assessment but not in excess of the 5-cent assessment under this program. This procedure is provided for in the statute and should be adopted.

The provisions, as herein adopted, provide that all refunds shall be made by the market administrator. Refund moneys have no relationship to the purpose for which the Agency is formed. Also, refunds to individual producers may vary depending on whether there has been a mandatory deduction from such producer's payments under a State program. The Agency could not have the necessary information to make refunds except as it was obtained from the market administrator. By making the market administrator wholly responsible for all refund activities, the overall administrative costs to the program will be minimized and, conversely, the funds available to the Agency for advertising and promotion will be maximized.

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.

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

The procedure for computing the uniform price must be modified by the addition of a new paragraph prescribing the deduction from the aggregate value of an amount computed by multiplying the total hundredweight of producer milk included in the computation by 5 cents. It is through this procedure that the advertising and promotion funds are reserved. This, of course, has the result of reducing the uniform price by approximately 5 cents. The advertising and promotion moneys so reserved would be held in the producer-settlement fund for disposition by the market administrator in accordance with the terms and conditions prescribed under the advertising and promotion program order provisions.

It is also necessary to make appropriate corollary changes 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 uniform price) so that such handlers' pool obligations will not be increased by 5 cents because of the change in the uniform 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, as the case may be. 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 adjustments 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

A brief and proposed findings and conclusions were filed on behalf of a certain interested party. This brief, 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 the interested party are inconsistent with the findings and conclusions set forth herein, the request to make such findings or reach such conclusions is 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 commerical activity specified in a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the South Texas marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In § 1121.61(b), subparagraph (5) is revised as follows:

§ 1121.61 Obligation of handler operating a partially regulated distributing plant.

* * * * *

(b) * * *

(5) From the value of such milk at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) subtract its value at the uniform price applicable at such location plus 5 cents (not to be less than the Class II price) and add for the quantity of reconstituted skim milk specified in subparagraph (3) of this paragraph its value computed at the Class I price applicable at the location of the nonpool plant (not to be less than the Class II price) less the value of such skim milk at the Class II price.

2. Section 1121.63 is revised as follows:

§ 1121.63 Producer-handler.

Sections 1121.40 through 1121.46, 1121.50 through 1121.55, 1121.70 through 1121.72, 1121.80 through 1121.89, and 1121.110 through 1121.122 shall not apply to a producer-handler.

3. In § 1121.71, the word "and" at the end of paragraph (c) is deleted, the period at the end of paragraph (d) is deleted and a semicolon followed by the word "and" is added thereat, and a new paragraph (e) is added as follows:

§ 1121.71 Computation of aggregate value used to determine uniform price.

* * * * *

(e) Subtract an amount computed by multiplying the total hundredweight of producer milk included pursuant to paragraph (a) of this section by 5 cents.

4. In § 1121.84(b), subparagraph (2) is revised as follows:

§ 1121.84 Payments to the producer-settlement fund.

* * * * *

(b) * * *

(2) The value at the uniform price(s) applicable at the location of the plant(s) from which received plus 5 cents (not to be less than the value at the Class II price) with respect to other source milk for which a value is computed pursuant to § 1121.70(e).

5. Immediately following § 1121.88, a new centerhead and new §§ 1121.110 through 1121.122 are added as follows:

ADVERTISING AND PROMOTION PROGRAM

§ 1121.110 Agency.

"Agency" means an agency organized by producers and producers cooperative associations, in such form and with methods of operation specified in this part, which is authorized to expend funds made available pursuant to § 1121.121(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, and 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.

§ 1121.111 Composition of Agency.

Subject to the conditions of paragraph (a) of this section, each cooperative association or combination of cooperative associations, as provided for under § 1121.113(b), is authorized one Agency representative for each full 5 percent of the participating member producers (producers who have not requested refunds for the most recent quarter) it represents. Cooperative associations with less than 5 percent of the total participating producers which have elected not to combine pursuant to § 1121.113(b), and participating producers who are not members of cooperatives, are authorized to select from such group, in total, one Agency representative for each full 5 percent that such producers constitute of the total participating producers. If such group of producers in total constitutes less than 5 percent, it shall nevertheless be authorized to select from such group in total one Agency representative. For the purpose of the Agency's initial organization, all persons defined as producers shall be considered as participating producers.

(a) If any cooperative association or combination of cooperative associations, as provided for under § 1121.113(b), has a majority of the participating producers, representation from such cooperative or group of cooperatives, as the case may be, shall be limited to the minimum number of representatives necessary to constitute a majority of the Agency representatives.

§ 1121.112 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.

§ 1121.113 Selection of Agency members.

The selection of Agency members shall be made pursuant to paragraphs (a), (b), and (c) of 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 authorized one or more representatives to the Agency shall notify the market administrator of the name and address of each representative, who shall serve at the pleasure of the cooperative.

(b) For purposes of this program, cooperative associations may elect to combine their participating memberships and, if the combined total of participating producers of such cooperatives is 5 percent or more of the total participating producers, such cooperatives shall be eligible to select a representative(s) to

the Agency under the rules of § 1121.111 and paragraph (a) of this section.

(c) Selection of Agency members to represent participating nonmember producers and participating producer members of a cooperative association having less than the required 5 percent of the producers participating in the advertising and promotion program and who have not elected to combine memberships as provided in paragraph (b) of this section, shall be supervised by the market administrator in the following manner:

(1) Promptly after the effective date of this amending order and annually thereafter the market administrator shall give notice to participating producer members of such cooperatives and participating nonmember producers of their opportunity to nominate one or more Agency representatives as the case may be, and also shall specify the number of representatives 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 the individual producers eligible to vote. The election to membership shall be determined on the basis of the nominee (or nominees) receiving the largest number of eligible votes. If an elected representative 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.

§ 1121.114 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.

§ 1121.115 Powers of the Agency.

The Agency is empowered to:

(a) Administer the terms and provisions within the scope of Agency authority pursuant to § 1121.110;

(b) Make rules and regulations to effectuate the purposes of Public Law 91-670;

(c) Recommend amendments to the Secretary; and

(d) With 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 §§ 1121.110 and 1121.117.

§ 1121.116 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 §§ 1121.110 and 1121.117;

(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 to be 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.

§ 1121.117 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 producers under this part; and

(c) The establishment, support, and conduct of research and development projects and studies that the Agency finds will benefit all producers under this part.

§ 1121.118 Limitation of expenditures by the Agency.

(a) Not more than 5 percent of the funds received by the Agency pursuant to § 1121.121(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.

§ 1121.119 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 wilful misconduct, gross negligence, or those which are criminal in nature.

§ 1121.120 Procedure for requesting refunds.

Any producer may apply for refund under the procedure set forth under paragraphs (a) through (c) of this section.

(a) Refund shall be accomplished only through application filed with the market administrator in the form 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, as the case may be, and prior to the start of the next refund notification period as specified in paragraph (b) of this section, may, upon application filed with the market administrator pursuant to paragraph (a) of this section, be eligible for refund on all marketings against which an assessment is withheld during such period and including the remainder of the calendar quarter involved. This paragraph also shall be applicable to all producers during the period following the effective date of this amending order to the beginning of the first full calendar quarter for which the opportunity exists for such producers to request refunds pursuant to paragraph (b) of this section.

§ 1121.121 Duties of the market administrator.

Except as specified in § 1121.116, 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 amending order, and annually thereafter, conduct a referendum to determine representation on the Agency pursuant to § 1121.113(c).

(b) Set aside the amounts subtracted under § 1121.71(e) 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 producers the amounts of mandatory checkoff for advertising and promotion programs required under

authority of State law applicable to such producers, but not in amounts that exceed a rate of 5 cents per hundredweight on the volume of milk pooled by any such producer for which deductions were made pursuant to § 1121.71(e).

(3) After the end of each calendar quarter, make a refund to each producer who has made application for such refund pursuant to § 1121.120. Such refund shall be computed at the rate of 5 cents per hundredweight of such producer's milk pooled for which deductions were made pursuant to § 1121.71(e) 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 amending order, and thereafter with respect to new producers, forward to each producer a copy of the provisions of the advertising and promotion program (§§ 1121.110 through 1121.122).

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

§ 1121.122 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 of § 1121.83.

Signed at Washington, D.C., on March 7, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-4706 Filed 3-9-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-WE-8]

CONTROL ZONE

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation regulations that would establish a new control zone at Gen. William J. Fox Airfield, Lancaster, Calif.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 15000 Aviation Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received on or before April 11, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 15000 Aviation Boulevard, Hawthorne, CA 90250.

On or about April 26, 1973, the Federal Aviation Administration (FAA) will commission an air traffic control tower at Fox Field. In order to provide for the control of air traffic the FAA proposes to establish a control zone for Fox Field.

In consideration of the foregoing, the FAA proposes the following airspace action.

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

FOX FIELD, LANCASTER, CALIF.

Within a 5-mile radius of Gen. William J. Fox Airfield (latitude 34°44'26" N., longitude 118°13'04" W.), and within 2 miles each side of the Palmdale VORTAC 311° radial extending from the 5-mile radius zone to the Palmdale, Calif., 5-mile radius zone. This control zone is effective during the specific dates and times established in advance by a notice to airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

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

Issued in Los Angeles, Calif., on February 28, 1973.

ROBERT O. BLANCHARD,
Acting Director, Western Region.

[FR Doc.73-4648 Filed 3-9-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-EA-11]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Danville, Va., control zone (38 FR 369) and transition area (38 FR 471).

A review of the airspace requirements for the Danville, Va., area indicates a need to alter the control zone and transition area to conform to the criteria of the Terminal Instrument Procedures (TERPS).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administrator, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 11, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Danville, Va., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation regulations by deleting the description of the Danville, Va., control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center 36°-34'30" N., 79°20'11" W., of Danville Municipal Airport, Danville, Va.; within 3 miles each side of the Danville, Va., VOR 044° radial, extending from the 5-mile-radius zone to 8.5 miles northeast of the VOR; within 3 miles each side of the Danville, Va., VOR 208° radial, extending from the 5-mile-radius zone to 8.5 miles southwest of the VOR. This control zone is effective from 0600 to 2200 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation regulations by deleting the description of the Danville, Va., transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8-mile radius of the center 36°34'30" N., 79°20'11" W., of Danville Municipal Airport, Danville, Va.; within 3 miles each side of the Danville, Va., VOR 044° radial, extending from the 8-mile-radius area to 8.5 miles northeast of the VOR and within 3 miles each side of the Danville, Va., VOR 208° radial, extending from the 8-mile-radius area to 8.5 miles southwest of the VOR.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 23, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-4647 Filed 3-9-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-EA-12]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation regulations so as to alter the Glens Falls, N.Y., control zone (38 FR 381) and transition area (38 FR 492).

Upon a review of the terminal procedures for Glens Falls, N.Y., and the proposed new ILS instrument procedures for Runway 1 at Warren County Airport, it is determined that the control zone and transition area must be altered to provide controlled airspace for aircraft executing the IFR arrival and departure procedures for the airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administrator, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before April 11, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Glens Falls, N.Y., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71, Federal Aviation regulations, by deleting the description of the Glens Falls, N.Y., control zone and substituting the following in lieu thereof:

GLENS FALLS, NEW YORK

Within a 5-mile radius of the center, latitude 43°20'32" N., longitude 73°36'35" W. of Warren County Airport, Glens Falls, N.Y., extending clockwise from a 357° bearing to a 275° bearing from the airport; within an 11-mile radius of the center of the airport extending clockwise from a 275° bearing to a 307° bearing from the airport; within a 7.5-mile radius of the center of the airport extending clockwise from a 307° bearing to a 357° bearing from the airport; within 2 miles each side of the Glens Falls VORTAC 005° radial extending from the VORTAC to 5.5 miles north of the VORTAC; and within 4 miles each side of the Glens Falls VORTAC 172° radial extending from the VORTAC to 12.5 miles south of the VORTAC.

2. Amend § 71.181 of Part 71, Federal Aviation regulations, by deleting the description of the Glens Falls, N.Y., 700-foot floor transition area and substituting the following in lieu thereof:

GLENS FALLS, NEW YORK

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, latitude 43°20'32" N., longitude 73°36'35" W. of Warren County Airport extending clockwise from 050° bearing to a 220° bearing from the airport; within an 18.5-mile radius of the center of the airport, extending clockwise from 220° bearing to a 050° bearing from the airport; within 7 miles west and 9.5 miles east of the Glens Falls VORTAC 172° radial extending from the VORTAC to 18.5 miles south of the VORTAC.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on February 23, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-4649 Filed 3-9-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 71-GL-16]

TRANSITION AREA

Withdrawal of Proposed Designation

On page 22599 of the FEDERAL REGISTER dated November 25, 1971, the Federal Aviation Administration published a Notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation regulations so as to designate a transition area at Ashland, Ohio.

The proponent is having problems in the construction of the nondirectional beacon upon which the standard instrument approach procedure is based. Consequently, the proposed designation is withdrawn.

Issued in Des Plaines, Ill., on February 14, 1973.

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

[FR Doc.73-4650 Filed 3-9-73;8:45 am]

[14 CFR Part 103]

[Docket No. 12574; Notice No. 73-7]

CARRIAGE OF RADIOACTIVE AND OTHER HAZARDOUS MATERIALS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 103 of the Federal Aviation regulations to specifically set forth the manner in which the distribution of packages of radioactive materials being transported in aircraft may be considered in determining the distance the packages must be kept from a space that is occupied by a person or an animal, to ensure that articles subject to the requirements of Part 103 are adequately secured to prevent their becoming a hazard by shifting and to assure their inaccessibility to anyone but crewmembers.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before June 11, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the rules docket for examination by interested persons.

Part 103 of the Federal Aviation regulations permits limited amounts of certain radioactive materials to be carried in civil aircraft in the United States and in civil aircraft of U.S. registry anywhere in air commerce provided the individual packages of materials are kept a minimum distance from a space which may be continuously occupied by persons or shipments of animals. The minimum separation distance is specified in a table in § 103.23(a) according to the transport index shown on the label of the package. The transport index is equivalent to the radiation dose rate emitted by the package. If more than one package is present, the minimum separation distance is determined from that table by adding together all of the transport index numbers shown on the labels of the individual packages. The table does not currently provide for taking into account separation between individual packages or groups of packages in computing the minimum separation distance required to be maintained between packages and areas that are occupied by a person or an animal.

The FAA has received a number of inquiries as to how the table of minimum separation distances set forth in § 103.23 (a) should be applied when several individual packages of radioactive materials or groups of packages are separated by placing them in different areas of a cargo compartment or in different cargo compartments. The FAA believes, based on Atomic Energy Commission (AEC) statements, that the air transportation of radioactive materials can be safely accomplished utilizing the principle of distribution of the packages to control cumulative radiation levels. In order to assure a uniform application of the table when packages or groups of packages are separated in a cargo compartment or in several cargo compartments, the FAA proposes to redesignate present paragraph (b) as paragraph (c) and to add a new paragraph (b) to § 103.23 that would provide explicit provisions for taking into account the

separation distance between individual packages or groups of packages of radioactive materials in determining the distance the packages must be kept from compartments occupied by persons or shipments of animals.

Under the proposed amendment, the separation distance required to be maintained between packages of radioactive materials and an area occupied by a person or an animal would take into account the fact that packages are separated into groups and each group is separated from each other group in the aircraft by at least the distance determined from the table for the group having the largest total transport index. It should be pointed out, however, that § 103.23 does not currently permit any variation in distance to be made on the basis of exposure time in computing the distance required between packages of radioactive materials and compartments which may be continually occupied by persons or shipments of animals. No such variation would be permitted under this proposed amendment. Moreover, this proposal would in no way change the applicability of the quantity limitations currently prescribed in § 103.19, which limit the quantity of radioactive materials that may be carried aboard any aircraft to the amount that would be represented by a total transport index of 50.

The distance between any package containing radioactive materials and any space occupied by a person or an animal is measured from the surface of the package nearest the compartment occupied by a person or an animal to the inside limiting surface of the occupied compartment. For example, for a package of radioactive materials carried in the cargo compartment directly below the passenger compartment, the distance would be measured from the top of the package to the surface of the passenger compartment upon which the passenger places his feet or to which, under normal circumstances, the passenger seats are attached.

The FAA is also proposing to amend § 103.31 to ensure that all articles subject to Part 103 are adequately secured to prevent shifting and are inaccessible to passengers. Current § 103.31(a) prohibits the carriage of dangerous articles in a cabin of a passenger-carrying aircraft. The proposed regulation would further restrict the placement of articles subject to Part 103 in an aircraft to require that they be secured to prevent the articles from becoming a hazard by shifting. Furthermore, the proposed regulation would prevent the placement of any article carried in an area accessible to unauthorized persons. This proposed amendment would in no way affect § 103.7 which prohibits the carriage of certain articles in passenger-carrying aircraft under any circumstances whatsoever.

In the event of any incident in which there has been breakage, spillage, or contamination involving radioactive materials shipments, the carrier is currently and will continue to be required to report the incident as required by § 103.28 and to notify the shipper. In addition, any such package or materials should be segregated and loose radioactive materials should be left in a segregated area pending disposal instructions from qualified persons.

In summary, the objective of the current proposal is to clearly specify reasonable spacing and distribution of packages in an aircraft. In connection with this objective, it should be noted that the maximum amount of radioactive materials that can be carried aboard any aircraft is still confined to the amount represented by a total transport index of 50, that such articles are not permitted in the cabin of a passenger-carrying aircraft and, when so amended, that such articles must not only be suitably secured to prevent shifting but that they must be inaccessible to passengers. In view of the foregoing, the FAA believes that for packages or groups of packages that are adequately distributed throughout the aircraft, the distance between any packages or group of packages and a space that is occupied by a person or an animal may be determined from the table in § 103.23 on the basis of the transport index of the package or group of packages.

This notice of proposed rule making is issued under the authority of sections 313(a), 601, 604, and 902 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1424, and 1472), and section 6(c) of the Department of Transportation Act (48 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend Part 103 of the Federal Aviation regulations as follows:

1. By amending § 103.23 to read as follows:

§ 103.23 Special requirements for radioactive materials.

(a) No person may place a package labeled "radioactive yellow II" or "radioactive yellow III" in an aircraft closer to a space that is occupied by a person or by an animal or a package containing undeveloped film (if so marked), than the distance specified in the following table. The distance is measured from the package surface nearest the compartment occupied by a person or an animal to the inside limiting surface of the compartment, that is, the surface nearest the space occupied by a person or an animal. If more than one package of radioactive materials is aboard an aircraft, the minimum separation distance for each individual package may be determined either from the following table on the basis of the sum of the transport index numbers shown on the labels of each of the individual packages in the aircraft or in accordance with paragraph (b) of this section.

Total transport index	Minimum distance in feet to area of persons or animals	Minimum separation distances in feet to nearest undeveloped film for various times of transit.				
		Up to 2 hours	2-4 hours	4-8 hours	8-12 hours	Over 12 hours
None	0	0	0	0	0	0
0.1 to 1.0	1	1	2	3	4	5
1.1 to 5.0	2	3	4	6	8	11
5.1 to 10.0	3	4	6	9	11	15
10.1 to 20.0	4	5	8	12	16	22
20.1 to 30.0	5	7	10	15	20	29
30.1 to 40.0	6	8	11	17	22	33
40.1 to 50.0	7	9	12	19	24	36

(b) When an individual package of radioactive material is separated from each other such package by at least the minimum distance prescribed in the table in paragraph (a) of this section for the package having the largest transport index, the minimum distance to a space occupied by persons or animals may be determined from the table in paragraph (a) of this section solely on the basis of the transport index shown on the label of that package. When individual packages of radioactive materials are grouped together, the transport index of the group and the appropriate separation distance of each group may be determined in the same manner as for an individual package.

(c) In addition to the reporting requirements of § 103.28, the carrier shall also notify the shipper at the earliest practicable moment following any incident in which there has been breakage, spillage, or suspected radioactive contamination involving radioactive materials shipments. Aircraft in which radioactive materials have been spilled may not be again placed in service or routinely occupied until the radiation dose rate at any accessible surface is less than 0.5 millirem per hour and there is no significant removable radioactive surface contamination (see 49 CFR 173.397). In these instances, the package or materials should be segregated as far as practicable from personnel contact. If radiological advice or assistance is needed, the U.S. Atomic Energy Commission should also be notified. In case of obvious leakage, or if it appears likely that the inside container may have been damaged, care should be taken to avoid inhalation, ingestion, or contact with the radioactive materials. Any loose radioactive materials should be left in a segregated area pending disposal instructions from qualified persons.

2. By adding new paragraphs (e) and (f) to § 103.31 to read as follows:

§ 103.31 Cargo location.

* * * * *

(e) No person may carry articles subject to the requirements of this part in an aircraft unless they are suitably secured to prevent their becoming a hazard by shifting. For radioactive materials, such

securing must prevent movement that would permit the package to be closer to a space that is occupied by a person or an animal than is permitted by § 103.23.

(f) No person may carry an article subject to the requirements of this part that is acceptable for carriage in a passenger-carrying aircraft unless it is located in the aircraft in a place that is inaccessible to persons other than crewmembers.

Issued in Washington, D.C., on March 2, 1973.

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

[FR Doc.73-4546 Filed 3-9-73;8:45 am]

[14 CFR Part 139]

[Docket No. 12631; Notice 73-8]

CERTIFICATION AND OPERATIONS OF AIRPORTS SERVING CAB-CERTIFICATED AIR CARRIERS

Notice of Proposed Rule Making

The Federal Aviation Administration is considering amending Part 139 of the Federal Aviation Regulations to: (1) Broaden the applicability of Part 139 to make it applicable to all airports serving air carriers certificated by the Civil Aeronautics Board; (2) provide for the issuance of airport operating certificates to the airports that would be required by this proposal to comply with Part 139; and (3) provide separately certain certification and operation rules for heliports that are required by the nature of those airports.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW., Washington, DC 20591. All communications received on or before April 11, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket, for examination by interested persons.

As now in effect, Part 139 is applicable to land airports regularly serving scheduled air carriers that hold certificates of public convenience and necessity issued by the Civil Aeronautics Board (CAB) and operate large aircraft (other than helicopters) into those airports. In order to serve these air carriers after May 20, 1973, the airports must comply with the requirements of Part 139 and be issued an FAA airport operating certificate. The preamble to Part 139, issued June 12, 1972 (37 FR 12278, June 21, 1972) stated that further rules would be developed to comply with the legislative mandate of section 612 of the Federal Aviation Act of 1958, as amended, as to all airports serving air carriers certificated by the CAB. The amendments proposed herein are intended to accomplish that purpose.

Airports that do not regularly serve CAB-certificated scheduled air carriers operating large aircraft but do provide service to CAB-certificated air carriers include airports that serve (1) certificated supplemental air carriers; (2) certificated air carriers operating small aircraft (12,500 pounds or less maximum certificated takeoff weight); (3) certificated air carrier charter operations; (4) operators that conduct operations pursuant to a CAB approved route substitution agreement with a certificated air carrier; or (5) certificated air carriers operating helicopters. The proposal would enlarge the applicability of Part 139 to include these airports in addition to the airports regularly serving scheduled air carriers which are covered by the present rule. Thus, all airports serving certificated air carriers would be required to comply with Part 139 and to have an airport operating certificate in order to serve these air carriers after May 20, 1973. This would include provisional and refueling airports serving certificated air carriers as provided for in Parts 121 and 127.

Part 139 is presently applicable to the approximately 500 airports serving scheduled air carriers that accommodate about 99 percent of the Nation's passenger service. Substantial improvements in safety of airport operations have been and are expected to be achieved by the certification program now in progress for these airports. However, it should be noted that delays in the certification program of many airports have occurred due to delays encountered in the acquisition of some of the safety equipment required by Part 139, as well as funding problems encountered by many airports. Nevertheless, all these airports should be certificated by May 21, 1973.

It is estimated that another 400 airports may be included within the applicability of Part 139 by this proposal. The FAA recognizes that supplemental and charter air carrier operations are typically responsive to short-term or short-notice demands and that the random and unscheduled character of these operations makes accurate forecasting unrealistic. Thus, the number of airports desiring to service these operations may not be as great as anticipated. In any event, in vew of the difficulties that have been encountered by some of the airports presently being certificated, the FAA believes that, for the airports that would be required to comply with Part 139 by virtue of this proposal, it is desirable to provide for the issuance of airport operating certificates to those airports that may not be able to comply with all of the requirements of Part 139 before May 21, 1973. Therefore, it is proposed that the Administrator may issue an airport operating certificate to an applicant for a heliport that serves or is expected to serve certificated air carriers, or an airport that serves or is expected to serve certificated air carriers conducting only unscheduled operations or operations with small aircraft, if the applicant gives assurances satisfactory to the Administrator that it will comply as soon as practicable, but in any event no later than 1 year from the effective date of the certificate, with all the safety standards prescribed in subpart C, D, and E as applicable to airports, or subpart C, F, and G as applicable to heliports, that it may not meet on the date it files its application. These certificates would be effective for a period of 1 year, unless sooner surrendered, suspended, revoked, or otherwise terminated.

It should be noted that for the purpose of identifying the firefighting and rescue equipment and service requirements under § 139.49, an airport, including heliports, which serves fewer than five scheduled departures per day of large aircraft by air carriers, would fall in Index A. Thus, Index A would be applicable to airports and heliports serving only unscheduled air carrier operations (supplemental air carriers and charter operations by air carriers), or small aircraft operations (scheduled or unscheduled), or both. Where an index has been established, based on scheduled large aircraft departures, additional unscheduled or small aircraft operations would not increase or affect index selection.

In addition, it should be noted that Part 121 of the Federal Aviation Regulations requires that under certain prevailing weather conditions an alternate airport (alternate to the departure or destination airport) be designated in dispatching an air carrier flight, to be used in the event that weather conditions at the departure or destination airport are below landing minimums. With the improved weather forecasting techniques and radio navigation aids currently available, such airports are very infrequently used, and are therefore not considered as "serving" air carriers. Accordingly, Part 139 is not applicable to an airport based on the designation or use of that airport as an alternate.

Finally, it is proposed to establish in new subparts F and G to Part 139 certification and operating requirements applicable to heliports which would be required to have an airport operating certificate under this proposal. These requirements parallel similar requirements for airports in present subparts D and E, with differences appropriate to helicopter operations.

In consideration of the foregoing, it is proposed to amend Part 139 of the Federal Aviation Regulations as follows:

1. By amending the title to read "Part 139—Certification and Operations: Land Airports Serving CAB-Certificated Air Carriers."

2. By amending § 139.1 to read as follows:

§ 139.1 Applicability.

(a) This part prescribes rules governing the certification and operation of land airports serving air carriers that hold certificates of public convenience and necessity issued by the Civil Aeronautics Board and operate aircraft into those airports.

(b) As used in this part—

(1) "Air operations area" means an area of the airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft;

(2) "Air carrier user" means an air carrier holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board; and

(3) "Certificated airport" means an airport that is certificated under Subpart B of this part.

3. By amending § 139.3 to read as follows:

§ 139.3 Certification: General.

(a) After May 20, 1973, no person may operate a land airport serving any CAB-certificated air carriers operating aircraft into that airport, in any State of the United States, the District of Columbia, or any territory or possession of the United States, without or in violation of an airport operating certificate for that airport, or in violation of this part or the approved airport operations manual for that airport.

4. By amending § 139.11 to read as follows:

§ 139.11 Issue of certificate.

An applicant for the issue of an airport operating certificate under this subpart is entitled to a certificate if—

(a) It serves or is expected to serve scheduled air carrier users; and

(b) The Administrator, after investigation, finds that the applicant is properly and adequately equipped and able to conduct a safe operation in accordance with this part, and approves the airport operations manual submitted with and incorporated in the application.

However, notwithstanding any other provision of this part, the Administrator may issue an airport operating certificate to an applicant for a heliport that serves or is expected to serve air carriers, or an airport that serves or is expected to serve air carriers conducting only unscheduled operations or operations with small aircraft, if the applicant together with its application for the issue of an airport operating certificate gives assurances satisfactory to the Administrator that it will comply as soon as practicable, but no later than 1 year from the effective date of the certificate, with all standards and requirements prescribed in Subparts C, D, and E of this part as applicable to airports, or Subparts C, F, and G of this part as applicable to heliports that it may not meet on the date it files its application. An airport operating certificate issued under this provision shall be effective for a period of 1 year from the date of issue, unless sooner surrendered, suspended, revoked, or otherwise terminated under section 609 of the Federal Aviation Act of 1958 (14 U.S.C. 1429) and the applicable procedures of Part 13 of this chapter for violation of the terms of the certificate.

5. By amending paragraph (a) of § 139.13 to read as follows:

§ 139.13 Application for certificate.

(a) Each applicant for the issue of an airport operating certificate under this subpart must submit its application on a form and in the manner prescribed by the Administrator, accompanied by and incorporating its airport operations manual prescribed by Subpart C of this part, to the appropriate FAA airport field office in whose area the applicant proposes to establish or has established its airport. Each applicant should submit its application at least 120 days before the intended date of operation.

* * * * *

6. By amending paragraphs (a) and (b) of § 139.19 to read as follows:

§ 139.19 Exemptions: safety equipment.

(a) Any person required to apply for an airport operating certificate under this part may petition the Administrator, under § 11.25 of Part 11 of this chapter (General Rule-Making Procedures), for an exemption from the safety equipment requirements of § 139.49, § 139.53, § 139.65, § 139.105, § 139.109, or § 139.111, on the grounds that compliance would be contrary to the public interest.

(b) Each petition filed under paragraph (a) of this section must be submitted in duplicate to the appropriate FAA airport field office in whose area the applicant proposes to establish or has established its airport.

* * * * *

§ 139.21 [Amended]

7. By inserting the phrase "or G" after the phrase "Subpart E" in the first sentence in § 139.21.

§ 139.33 [Amended]

8. By striking out the phrase "Subpart D of this part," in paragraph (a) (1) of § 139.33, and inserting the phrase "Subpart D or F of this part, as applicable," in place thereof.

9. By striking out the phrase "Subpart E of this part" in paragraph (a) (2) of § 139.33, and inserting the phrase "Subpart E or G of this part, as applicable," in place thereof.

10. By amending the heading of Subpart D to read as follows:

Subpart D—Certification Eligibility: Airports Other Than Heliports

11. By amending the lead-in language in § 139.41 to read as follows:

§ 139.41 Eligibility requirements: General.

To be eligible for an airport operating certificate for an airport other than a heliport, an applicant must—

* * * * *

12. By amending the heading of subpart E to read as follows:

Subpart E—Operations: Airport Other Than Heliports

13. By amending the lead-in language in § 139.81 to read as follows:

§ 139.81 Operation rules: General.

Each person operating an airport, other than a heliport, for which an airport operating certificate has been issued under Subpart B of this part shall—

* * * * *

14. By adding new Subparts F and G to read as follows:

Subpart F—Certification Eligibility: Heliports

Sec.

AUTHORITY: Secs. 313(a), 609, 610(a), and 612, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1429, 1430; Public Law 91-258, 84 Stat. 234, 235; Public Law 92-174, 85 Stat. 492.

Subpart F—Certification Eligibility: Heliports

§ 139.101 Eligibility requirements: General.

To be eligible for an airport operating certificate for a heliport, an applicant must—

(a) Comply with the applicable requirements of Subparts A, B, and C of this part;

(b) Comply with each applicable section of this subpart; and

(c) Comply with the requirements of §§ 139.51, 139.55 through 139.63, and 139.67 of Subpart D of this part.

§ 139.103 Marking and lighting.

(a) The applicant for an airport operating certificate must show that any items of airport lighting are in operable condition. An airport lighting item is considered inoperable if, during periods of use, it fails to adequately illuminate its area or creates a lighting effect that misleads or confuses the user.

(b) The applicant must show that all vehicle parking, roadway, and building illumination lighting on its airport is so designed, adjusted, or shielded as not to blind or hinder air traffic control or aircraft operations.

(c) The applicant must show that any markings that it has on its airport are clearly visible and in good condition.

§ 139.105 Heliport firefighting and rescue equipment and service.

Except to the extent that the Administrator determines under § 139.19 that it would be contrary to the public interest, the applicant for an airport operating certificate must show that it has, and will have, available during helicopter operations, at least the airport firefighting and rescue equipment with the vehicle response-time capability and trained personnel prescribed in this section.

(a) The applicant must show that it has at least the required firefighting and rescue equipment assigned for Index A

aircraft by § 139.49(b)(1), with the 3-minute response time prescribed by § 139.49(e)(1). A fixed installation, a wheeled vehicle (other than self-propelled), or off-airport firefighting and rescue equipment may be used if the prescribed 3-minute response time is met.

(b) The applicant must show that it has the capability to—

(1) Operate and maintain all required firefighting and rescue equipment owned by it in operable condition; and

(2) Alert by siren or equivalent alarm the firefighting and other personnel having a need to know of any existing or impending emergency that requires, or might require, their use.

(c) The applicant must show that it has available appropriately clothed and sufficiently qualified firefighting and rescue personnel to insure at least 85 percent of the required maximum agent discharge rate of firefighting equipment.

(d) The applicant must show that the firefighting and rescue personnel are familiar with the operation of the firefighting and rescue equipment and understand the basic principles of firefighting and rescue techniques.

§ 139.107 Traffic and wind direction indicators.

Except to the extent that the Administrator determines under § 139.19 that it would be contrary to the public interest, the applicant for an airport operating certificate must show that it has on its airport a wind direction indicator, installed to provide appropriate wind direction information, and lighted during the conduct of night operations.

§ 139.109 Public protection.

Except to the extent that the Administrator determines under § 139.19 that it would be contrary to the public interest, the applicant for an airport operating certificate must show that it has on its airport appropriate safeguards against inadvertent entry of persons into any air operations area.

§ 139.111 Airport condition assessment and reporting.

(a) The applicant for an airport operating certificate must show that it has appropriate procedures for identifying, assessing, and disseminating information to air carrier users of its airport, by Notices to Airmen or other means acceptable to the Administrator, concerning conditions on and in the vicinity of its airport that affect, or may affect, the safe operation of aircraft.

(b) The procedures prescribed by paragraph (a) of this section must cover the following conditions:

(1) Construction or maintenance work on pavement areas.

(2) The presence and depth of snow on pavement areas.

(3) The presence of parked aircraft or other objects on, or next to, runways, taxiways, or helicopter landing surface.

(4) The failure or irregular operation of all or part of the airport lighting system, including the approach, threshold, and obstruction lights operated by the operator of the airport.

(5) The presence of a large number of birds.

§ 139.113 Identifying, marking, and reporting construction and other unserviceable areas.

(a) The applicant for an airport operating certificate must show that it has appropriate procedures for the following items when on or adjacent to any air operations area:

(1) Conspicuously identifying all construction areas and other unserviceable pavement areas by marking and lighting them.

(2) Identifying and marking the location of all utilities in construction areas that, if interrupted, could cause failure of a facility or navaid.

(b) Identifying and marking any areas adjacent to navaids that, if traversed, could cause emission of false signals or failure of the navaids.

Subpart G—Operations: Heliports

Sec.
139.121 Operational rules: General.
139.123 Pavement areas.
139.125 Snow removal and positioning.
139.127 Airport fire fighting and rescue equipment and service.

AUTHORITY: Secs. 313(a) 609, 610(a), and 612, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1429, 1430; Public Law 91-258, 84 Stat. 234, 235; Public Law 92-174, 85 Stat. 492.

Subpart G—Operations: Heliports

§ 139.121 Operations rules: general.

Each person operating an airport for which an airport operating certificate has been issued under Subpart B of this part shall—

(a) Operate, maintain, and provide facilities, equipment, systems, and procedures at least equal in condition, quality, and quantity to the standards currently required for the issue of the airport operating certificate for that airport;

(b) Have sufficient personnel available, and require that personnel comply with its approved airport operations manual in the performance of their duties;

(c) Comply with the additional rules of this subpart; and

(d) Comply with the requirements of §§ 139.87, 139.91, and 139.93 of Subpart E of this part.

§ 139.123 Pavement areas.

The operator of each certificated airport shall comply with the following requirements:

(a) It shall promptly repair each crack or hole in the landing area that exceeds 3 inches across or 3 inches deep.

(b) It shall promptly, and as completely as practicable, remove from the landing areas, snow, ice, slush, standing water, mud, dust, sand, loose aggregate, or other contaminants as required by operational considerations.

(c) Where sand is used on ice on the pavement areas, it shall use only sand, free of corrosive salts, that adheres to the snow or ice sufficiently to minimize aircraft engine ingestion of the sand.

(d) It shall promptly prevent ponding on any pavement area on the airport caused by inadequate drainage.

(e) It shall promptly prevent ponding on any pavement area on the airport that has a depth or other dimension that would obscure markings.

§ 139.125 Snow removal and positioning.

The operator of each certificated airport shall move any drifted or piled snow off the usable landing pad (except as otherwise authorized in its approved airport operations manual). When unable to comply with this requirement, the operator shall promptly notify the users.

§ 139.127 Airport fire fighting and rescue equipment and service.

The operator of each certificated airport shall at all times comply with the following:

(a) Except as provided in paragraph (b) of this section, it shall provide the required firefighting and rescue equipment and service prescribed in § 139.105 during all periods of scheduled aircraft operations.

(b) When any required firefighting or rescue vehicle becomes inoperable, it shall provide appropriate replacement equipment within 8 hours thereafter. However, if appropriate replacement equipment is not available within that period, it shall promptly issue a Notice to Airmen to that effect. When the equipment is inoperable and the notice has been issued, and the service level is not restored within 10 calendar days, air carrier operations on the airport must be discontinued.

These amendments are proposed under the authority of sections 313(a), 609, 610(a), and 612 of the Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1429, 1430; Public Law 91-258, 84 Stat. 234, 235; Public Law 92-174, 85 Stat. 492.

Issued in Washington, D.C., on March 7, 1973.

NOTE: The reporting and/or recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

CLYDE W. PACE, Jr.,
Director, Airports Service.

[FR Doc.73-4715 Filed 3-9-73;11:00 am]

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

CUSTOMS FIELD ORGANIZATION

Proposed Changes in Customs Region I

FEBRUARY 28, 1973.

A notice was published in the FEDERAL REGISTER on February 1, 1972 (37 FR 2443), of proposed changes in Customs Region I.

In addition to other changes, the notice proposed to designate Island Pond, Vt., and Newport, Vt., as customs stations under the supervision of the port of St. Albans, Vt. It has been determined that present needs do not warrant the designation of Island Pond as a

customs station, and that the station of Newport, Vt., would operate more efficiently under the supervision of the port of Derby Line, Vt.

Therefore, the notice published in the FEDERAL REGISTER dated February 1, 1972 (37 FR 2443), is superseded by this notice of proposed rule making.

By virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623, as amended (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order 10289, September 17, 1951 (3 CFR Ch. II), and pursuant to authority provided by Treasury Department Order No. 190, Rev. 8 (37 FR 18572), it is proposed to make the following changes in the organization of Region I:

1. To designate Norton, Vt., as a port of entry in the St. Albans, Vt., customs district with boundaries coextensive with the corporate limits of the city of Norton, Vt., and revoke its designation as a customs station under the supervision of the Port of Island Pond, Vt.

2. To designate Newport, Vt., as a customs station under the supervision of the Port of Derby Line, Vt., and revoke its designation as a customs port in the St. Albans, Vt., customs district.

3. To revoke the designation of Island Pond, Vt., as a customs port in the St. Albans, Vt., customs district.

Data, views, or arguments with respect to the foregoing proposal may be addressed to the Commissioner of Customs, Washington, D.C. 20229. To insure consideration of such communications, they must be received in the Bureau not later than May 11, 1973.

Written material or suggestions submitted will be available for public inspection in accordance with § 103.3(b) of the Customs Regulations (19 CFR 103.3 (b)), at the Bureau of Customs, Washington, D.C., during regular business hours.

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

[FR Doc.73-4694 Filed 3-9-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 1]

RELEASE OF INFORMATION PROCEDURES

Notice of Proposed Regulatory Development

The Veterans' Administration is considering amending § 1.556, Title 38 of the Code of Federal Regulations to further implement the provisions of 5 U.S.C. 552 concerning the right of the public, subject to certain safeguards, to obtain specified categories of information under Government control upon request. The proposed amendments will insure the availability of data regarding the disposition of such requests, require that requesters denied such information be advised of the basis for the denial, and require coordination of denials at the Central Office level with the Director, Information Service, as well as with the General Counsel. These procedures are proposed as the result of an exchange of communications between the Chairman of the Foreign Operations and Government Information Subcommittee of the House Committee on Government Operations and the Administrator of Veterans' Affairs regarding several recommendations of the subcommittee for further implementation of the cited law.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans' Affairs (232H), Veterans' Administration Central Office, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received before April 11, 1973, will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans' Assistance Unit in Room 132. Such visitors to any VA field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make any amendments that are adopted effective on the date of final approval.

§ 1.556 Requests for other identifiable records.

(a) Each department, staff office, and field station head will designate an employee(s) who will be responsible for initial action on (granting or denying) requests to inspect or obtain information from or copies of records under their jurisdiction and within the purview of § 1.553. This responsibility includes maintaining a uniform listing of such requests. Data logged will consist of: Name and address of requester; date of receipt of request; brief description of request; action taken on request—granted or denied; citation of the specific section when request is denied; and date of reply to the requester. Any legal question arising in a field station concerning the release of information will be referred to the appropriate Chief Attorney for disposition as contemplated by § 13.401 of this chapter. In Central Office such legal questions will be referred to the General Counsel. Any administrative question will be referred through administrative channels to the appropriate department or staff office head. All denials or proposed denials at the Central Office level will be coordinated with the Director, Information Service, as well as the General Counsel.

(b) Upon denial of a request, the responsible Veterans Administration official or designated employee will inform the requester in writing of the denial, cite the specific exemption in § 1.554 upon which the denial is based, and advise him that he may appeal the denial. The requester will also be furnished the title and address of the Veterans Administration official to whom the appeal should be addressed. (See § 1.557.)

Approved: March 6, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-4680 Filed 3-9-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19698; RM-1941; FCC 73-237]

[47 CFR Part 73]

FM BROADCAST STATIONS (YORKTOWN, VA.)

Proposed Table of Assignments

1. The Commission has before it (a) a petition for rule making filed by William H. Eacho, Jr., and William Swartz (E&S) seeking the assignment of Class B Channel 231 to Yorktown, Va., (b) an opposition to the petition filed by Hampton Roads Broadcasting Corp. (Roads), licensee of Stations WGH(AM) and WGH-FM, Newport News, Va., (c) a reply to opposition to petition for rule making filed by E&S and (d) two supplements to their petition filed by E&S.

2. Yorktown, a location famous in American history, is not listed in the census as an incorporated or unincorporated community. The principal dispute between the parties centers on whether Yorktown has the status of a community, and if so, whether it is of such size as to warrant the proposed Class B assignment. At present no commercial stations are licensed to Yorktown but a noncommercial educational FM station is so licensed.

3. According to E&S, Yorktown has a population of 14,593 persons (the sum of two census districts, Nelson and Grafton) and notwithstanding the lack of exact boundaries [1] is said to be a community.[2] E&S have provided information to support the view that local residents consider Yorktown a community and have created various organizations reflecting this conception. It has a post office which in turn has a branch office. Roads asserts that Yorktown is not an incorporated community and lacking boundaries, its population cannot be ascertained with any accuracy. It urges us to perpetuate what it says is our continuing unwillingness to assign channels to unincorporated communities. In Roads' opinion, Yorktown has not been shown to be a viable community to which to assign the channel—citing FM Channel Assignment at Batavia, New York, 16 R.R. 2d 1654 (1969).

4. While most of our assignments are to incorporated communities, we have not refused to make assignments to unincorporated communities where warranted. See, e.g., assignments of Bethesda, Md., and Cathedral City, Calif. The

[1] No question has been raised about the ability to provide a city grade signal to the community regardless of its exact size.

[2] The census districts of Nelson and Grafton abut the city of Newport News.

use of the word community is no accident for the key ingredients is that there be a community of interest associated with an identifiable population grouping. A mere geographical location is not enough, there must be a population having needs that the station can address—see Sierra-Pacific Radio Corp. (KOSO), 7 FCC 2d 61 (1967). While status as a community is harder to establish in cases where municipal corporation boundaries are not present, it is not an impossible burden. The principal test is whether the residents function as and conceive of themselves as residents of a community, around which their interests coalesce. In this case we believe that the test has been met. The Batavia case mentioned by Roads is not apt for there the "community" (West Batavia) was at best minute (population 25) and was proposed when the proponent was rebuffed in seeking an asignment for Batavia. On the basis of the information before us we view Yorktown as a community.

5. Roads questions use of a Class B channel, considering it unsuitable even if, as the parties apparently agree, a Class A channel is unavailable. E&S stress Yorktown's needs and those of the surrounding area for a first local service. Although assignments do not always match the theory of assigning Class A channels to smaller communities and Class B or C channels to larger ones, this is not a matter of happenstance. Rather, these assignments have reflected our consideration of the entire situation before us in each case. Here, we are unable to yet determine with any precision the population of Yorktown. While in the absence of a Class A channel to use as a substitute we are willing to proceed with consideration of a Class B channel, we cannot make a final judgment absent a further showing of the size of Yorktown. We need to know the approximate boundaries as well as the population residing in this area.[3] In addition, we need to know whether establishment of a station on the proposed channel would lead to providing a first or second FM service. For this purpose the procedure outlined in Roanoke Rapids and Goldsboro, N.C., 9 FCC 2d 672 (1967), should be followed. Only with this additional information can we be in a position to determine whether the proposed use of a Class B channel has merit. E&S should provide this information in its comments.

6. E&S have indicated that the only significant preclusionary effect would be co-channel and would occur only in the Cape Hatteras area. They state that substitute channels would be available there, and we note that much of the Cape is a National Seashore preserve rather than being densely populated even in the height of the tourist season. In sum, we consider this proposal worth pursuing and seek comments on it, in particular dealing with the questions raised in the preceding paragraph.

7. *Showings required.* Comments are invited upon the proposal discussed above. As indicated, the Commission has questions concerning the proposal, and the proponent of the proposed assignment will be expected to answer them. In addition, it should reaffirm its intention to apply for the channel if assigned, and, if authorized, to promptly build the station. Failure to make these showings may result in denial of the proposal.

8. *Cut-off procedures.* The following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply coments. 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 herein.

9. In view of the foregoing, subject to the conditions and reservations set forth hereinabove in certain respects, and pursuant to authority found in sections 4(i), 303 (g) and (r) of the Communications Act of 1934, as amended, it is proposed to amend § 73.202(b) of the Commission's rules, the FM Table of Assignments, as follows:

City	Channel No.	
	Present	Proposed
Yorktown, Va		28

10. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested parties may file comments on or before April 16, 1973, and reply comments on or before April 26, 1973. All submissions by parties to this proceeding, or persons acting in 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 rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: March 2, 1973.

Released: March 7, 1973.

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

[FR Doc.73-4701 Filed 3-9-73;8:45 am]

[3] This should not be interpreted as indicating that if Yorktown is not a certain size the proposal must be denied. Rather, it reflects our need, as in all cases, to make a judgment based on a full rather than partial knowledge of the pertinent factual situation.

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 DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Notice of Meetings

Notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee has scheduled closed meetings on March 15 and 16, 1973, at the Program Evaluation Center, Room 4D710, the Pentagon, Washington, D.C. The meetings will commence at 0915 daily and are scheduled to terminate at 1700. Items to be discussed will include: Navy strategic policy and plans; future Navy force levels, and recent developments in the Soviet Navy.

Dated: March 6, 1973.

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

[FR Doc.73-4627 Filed 3-9-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Colorado 17528]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

MARCH 8, 1973.

The U.S. Atomic Energy Commission has filed an application, Serial No. Colorado 17528, for the withdrawal of the public lands and the reserved minerals in the patented lands as described below from all forms of disposition, and from the leasing under the mineral leasing laws.

The applicant desires to use the lands as a site for phase one of its Project Rio Blanco Phase I experiment in connection with the detonation of nuclear explosives to stimulate natural gas production.

Until April 11, 1973; all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the Director, Bureau of Land Management, Washington, D.C. 20240.

The Director, Bureau of Land Management, will prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary of the Interior on the application will be published in the FEDERAL REGISTER.

If the circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The application is for the withdrawal, subject to valid existing rights, of:

A. The following described public lands from all forms of disposition under the public land laws, including the U.S. mining laws, and from leasing under the mineral leasing laws:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 98 W.,
Sec. 10, SE¼SE¼;
Sec. 11, SW¼SW¼;
Sec. 14, NW¼NW¼;
Sec. 15, E½NE¼.

The areas described aggregate 200 acres.

B. All minerals reserved to the United States in the following described patented lands from disposition under the mining laws, and from leasing under the mineral leasing laws:

SIXTH PRINCIPAL MERIDIAN

T. 3 S., R. 98 W.,
Sec. 11, SE¼SW¼;
Sec. 14, E½NW¼, SW¼NW¼.

The areas described aggregate 160 acres.

The total of the areas described aggregates 360 acres in Rio Blanco County.

GEORGE L. TURCOTT,
Acting Director.

[FR Doc.73-4803 Filed 3-9-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 73-28]

DIXON RUN COAL CO.

Petition for Modification of Application of Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), notice is given that Dixon Run Coal Co. has filed a petition for modification of section 307(a) of the Federal Coal Mine Health and Safety Act and 30 CFR 75.701-4 of the Secretary's implementing regulations in the operation of Dixon Run Coal Co.'s Dixon Run No. 3 mine. The petition for modification was filed with the Office of Hearings and Appeals on January 30, 1973.

Section 307(a) of the Federal Coal Mine Health and Safety Act provides as follows:

All metallic sheaths, armors, and conduits enclosing power conductors shall be electrically continuous throughout and shall be grounded by methods approved by an authorized representative of the Secretary. Metallic frames, casings, and other enclosures of electric equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded by methods approved by an authorized representative of the Secretary. Methods other than grounding which provide no less effective protection may be permitted by the Secretary or his authorized representative.

This statutory standard has been supplemented by 30 CFR 75.701-4 of the regulations which provides in part:

Where grounding wires are used to ground metallic sheaths, armors, conduits, frames, casings, and other metallic enclosures, such grounding wires will be approved if: (a) The cross sectional area (size) of the grounding wire is at least one-half the cross sectional area (size) of the power conductor where the power conductor used is No. 6 A.W.G. or larger.

Petitioner requests approval of a grounding system which uses a number 4 A.W.G. grounding wire approximately one-quarter the cross sectional area of the power conductor. It is contended that the alternate method for which approval is requested will at all times guarantee no less than the same measure of protection afforded the miners at the subject mine by the mandatory standard.

Petitioner sets out several arguments in support of its application for modification. In addition, petitioner has submitted a detailed sketch of the proposed electrical system.

Parties interested in this petition should, on or before April 11, 1973, file their answers or comments with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, VA 22203. Copies of the petition are available for inspection at that address.

Dated: March 2, 1973.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

[FR Doc.73-4656 Filed 3-9-73;8:45 am]

Office of the Secretary

NEWLANDS RECLAMATION PROJECT, NEV.

Operating Criteria and Procedures; Truckee and Carson Rivers

The following Judgment and Order and accompanying Operating Criteria and Procedures for Coordinated Operation and Control of the Truckee and Carson Rivers for Service to Newlands Project (Nevada), are published pursuant to order of the U.S. district court in the case

entitled "Pyramid Lake Paiute Tribe of Indians v. Rogers C. B. Morton, Secretary of the Interior," U.S.D.C., D.C., Civil Action No. 2506–70. The explanatory Memorandum which was issued with the Judgment and Order is also published.

Dated: March 2, 1973.

JOHN C. WHITAKER,
Acting Secretary of the Interior.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Civil Action No. 2506–70]

PYRAMID LAKE PAIUTE TRIBE OF INDIANS, PLAINTIFF

v.

ROGERS C. B. MORTON, SECRETARY OF THE INTERIOR, DEFENDANT

MEMORANDUM

During the pendency of this litigation, the Secretary placed into effect operating criteria to govern the water year ending October 31, 1973, it being understood that these criteria would be subject to possible revision and change based on the determinations of the court. The court has today entered a judgment and order approving different operating criteria which the court finds more consistent with the Secretary's legal and fiduciary obligations to the tribe. The parties are in accord with respect to many aspects of the approved operating criteria, but the court has had to resolve controversies over other substantial portions.

This judgment and order is entered midway in the water year. It will not be practical to implement fully all of its provisions by October 31, 1973. Accordingly, the court has been obliged to recognize the need for certain interim adjustments. It has directed that the approved operating criteria shall be placed in full force and effect commencing with the next water year, November 1, 1973.

For the current water year the approved operating criteria will be generally applicable and the Secretary must take immediate steps to put them into effect. Since some aspects will require time to implement, the court is authorizing the Secretary to divert more water to aid transition.

In selecting 350,000 acre-feet for diversion during the present water year, rather than the 288,120 acre-feet specified for the following water year, the court has acceded to the Secretary's representations that this amount will enable a more gradual transition and in view of current weather conditions will not substantially deprive the tribe of water for Pyramid Lake. The tribe has not accepted the figure of 350,000 acre-feet, but did agree that more diversion than 288,129 acre-feet should be permitted for the current year. The judgment and order also makes certain additional changes in the approved criteria for the immediate period ahead in recognition of this larger diversion.

The court's role in these proceedings has focused on the operating criteria in effect since November 1, 1971. The proof showed, however, that the Secretary has followed the practice of more or less renewing similar or identical criteria from year-to-year. As these proceedings have gone forward, the Secretary has indicated an increasing willingness to take actions in aid of Pyramid Lake. While some adjustments in operating criteria may be necessary after October 31, 1974, to accommodate changing conditions, there is no reason to believe from the record before the court that the general standards established by the court's judgment and order should otherwise change. The Secretary's fiduciary obligations will not alter and his continuing duty actively to supervise and upgrade the Newlands project and to provide maximum water for Pyramid Lake will not change. It is to be hoped that new litigation can be avoided by the Secretary's assiduous attention to his responsibilities in this regard.

GERHARD A. GESELL,
U.S. District Judge.

FEBRUARY 20, 1973.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Civil Action No. 2506–70]

PYRAMID LAKE PAIUTE TRIBE OF INDIANS, PLAINTIFF

v.

ROGERS C. B. MORTON, SECRETARY OF THE INTERIOR, DEFENDANT

JUDGMENT AND ORDERS

The Court having filed its memorandum opinion of November 8, 1972, after giving full opportunity to the parties to fashion appropriate relief and having considered the proposed relief of each party, it is hereby

Ordered, Adjudged and Decreed That:

(1) The Secretary's operating criteria setting forth procedures for coordinating operation and control of the Truckee and Carson Rivers to provide service to the Newlands Project now in effect are arbitrary and an abuse of his discretion.

(2) The Court declares that operating criteria in the form attached to this Judgment and Order are necessary and appropriate to fulfill the Secretary's fiduciary and legal obligations to the tribe.

(3) The Secretary shall immediately publish this Judgment and Order, and publish and implement and enforce the attached operating criteria for the water year commencing November 1, 1973, and for the current water year ending October 31, 1973: *Provided, however,* For the current water year only, he may divert up to 350,000 acre-feet for the 12 months ending October 31, 1973, and he shall disregard the detailed provisions of sections A and B and in lieu thereof comply with the following requirements:

A(1) 50,000 acre-feet of water presently stored in Stampede Reservoir will be credited to the Truckee-Carson Irrigation District to be used by it in the event the water stored in Lahontan Reservoir shall fall below 80,000 acre-feet and it appears that it is necessary to draw upon this water to meet the needs within the allowable maximum total diversion of the Truckee-Carson Irrigation District for this water year.

(2) Subject to the provisions of section A(1), diversions from the Truckee River for the Truckee-Carson Irrigation District shall be limited to the needs of the Truckee division.

(3) Maximum storage of water in Stampede Reservoir shall be required. Releases shall be limited insofar as possible consistent with existing decrees, flood control requirements and for the purposes of assisting fishery experiments as approved by the Secretary after consultation with the tribe and the Bureau of Sport Fisheries and Wildlife.

(4) Nothing in this Judgment and Order shall constitute an interpretation or modification of either the Alpine or Orr Water Ditch decrees, nor shall it be deemed to affect the rights of any person under either of such decrees, so long as they remain in effect.

(5) Nothing in this Judgment and Order shall be deemed to prevent any change in the operating criteria that may be agreed between the parties, in writing, or ordered by the Court, after notice.

GERHARD A. GESELL,
U.S. District Judge.

FEBRUARY 20, 1973.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

[Civil Action No. 2506–70]

PYRAMID LAKE PAIUTE TRIBE OF INDIANS, PLAINTIFF

v.

ROGERS C. B. MORTON, SECRETARY OF THE INTERIOR, DEFENDANT

OPERATING CRITERIA AND PROCEDURES FOR COORDINATED OPERATION AND CONTROL OF THE TRUCKEE AND CARSON RIVERS FOR SERVICE TO NEWLANDS PROJECT

The water supply diversions to the Truckee-Carson Irrigation District from both the Truckee and Carson Rivers shall be limited to the amount needed for agricultural purposes, not exceeding 288,129 acre-feet, if available, for the 12 months ending October 31, 1974. The water supply diversions shall be measured at the gaging station below Lahontan Dam and at diversion points along the Truckee Canal.

All use of water for power generation shall be incidental to either agricultural use or precautionary drawdown or spill.

In satisfying the diversion for agricultural purposes, maximum use will be made of Carson River water and diversions through the Truckee Canal will be minimized.

Stampede Reservoir shall be operated by the United States to provide flood control, fish and wildlife, and recreation benefits and to store water for possible agricultural use by the Truckee-Carson Irrigation District. The operation of Stampede Reservoir will be coordinated with the operation of Lake Tahoe, Prosser Creek Reservoir, and Boca Reservoir to avoid infringing upon the Floristan Rates or water rights established by existing degrees and agreements.

In all of the operations, Truckee Canal will be operated to the maximum extent practical with the objective of maintaining minimum terminal flow to Lahontan Reservoir or Carson River during all periods except when criteria herein specifically permits such deliveries. In order to minimize the rates of fluctuation in the Truckee River below Derby Dam the change of flow in Truckee Canal within any 24-hour period shall not exceed 50 cubic feet per second or 20 percent of the flow in the Truckee River below Derby, whichever is greater.

During periods of spill or precautionary drawdown of Lahontan Reservoir, the District will be charged only with the predetermined schedule of irrigation releases to be passed at the gaging station below Lahontan Reservoir plus measured diversions from the Truckee Canal and Rock Dam Ditch.

The operation of Stampede Reservoir, Derby Diversion Dam, Truckee Canal, and Lahontan Reservoir will be conducted in accordance with the following criteria in order to minimize diversions from the Truckee River through the Truckee Canal.

SECTION A—*Truckee Diversion Criteria.* Subject to conditions specified in section B (Storage Credit at Stampede), the diversions of water from the Truckee River into and through the Truckee Canal will be governed by the following criteria:

(1) If available, sufficient water will be diverted into Truckee Canal to meet direct agricultural requirements along the Truckee Canal.

(2) Diversions through the Truckee Canal into Lahontan Reservoir will be made in accordance with the following tabulation:

Operating month	If accumulated precipitation from Oct. 1 to date at Tahoe City, Calif.	Continue truckee canal diversion to Lahontan Reservoir if storage is less than upper limit			
		Lower limit [1]		Upper limit	
	Inches	*Elevation*	*Acre-feet*	*Elevation*	*Acre-feet*
February 1	Less than 16.80	4,145.8	160,000	4146.3	163,000
	Between 16.80 and 22.10	4,138.5	120,000	4139.1	123,000
	Greater than 22.10	4,129.3	80,000	4130.1	83,000
March 1	Less than 22.10	4,151.8	200,000	4152.2	203,000
	Between 22.10 and 26.10	4,144.1	150,000	4144.6	153,000
	Greater than 26.10	4,134.2	100,000	4134.9	103,000
	If forecasted runoff plus existing storage on Apr. 1 is—	Continue truckee canal diversion to Lahontan Reservoir if storage is less than upper limit			
	Acre-feet	*Elevation*	*Acre-feet*	*Elevation*	*Acre-feet*
April 1	Greater than 350,000	No diversion to Lahonton thru October			
	Between 250,000 and 350,000	4,154.3	220,000	4154.7	223,000
	Less than 250,000	4,159.8	270,000	4160.1	273,000
May 1	Between 250,000 and 350,000	4,151.8	200,000	4152.2	203,000
	Less than 250,000	4,162.6	300,000	4162.8	303,000
June 1	Between 250,000 and 350,000	4,144.1	150,000	4144.6	153,000
	Less than 250,000	4,157.7	250,000	4158.1	253,000
July 1	Between 250,000 and 350,000	4,134.2	100,000	4134.9	103,000
	Less than 250,000	4,145.8	160,000	4146.3	163,000
August 1	Between 250,000 and 350,000	4,129.3	80,000	4130.1	83,000
	Less than 250,000	4,131.8	90,000	4132.6	93,000
Sept. 1	Less than 350,000	4,119.7	50,000	4120.8	53,000
October 1	Less than 350,000	4,115.4	40,000	4116.8	43,000

[1] Truckee canal diversion to Lahontan Reservoir should be started only when storage recedes below lower limit.

SEC. B—*Storage credit at stampede.* As a means of minimizing the diversions of Truckee River water for use on the Carson Division of the Truckee-Carson Irrigation District or for storage in Lahontan Reservoir and at the same time insuring that the district shall receive exactly the same total amount of water for its beneficial use as otherwise, the following modifications shall be applied to the criteria in section A (Truckee Diversion Criteria):

(1) The storage levels in Lahontan Reservoir specified as limits for starting and stopping diversions of water for storage in Lahontan or use on the Carson Division shall be converted to acre-feet and applied to the sum of water in storage at Lahontan Reservoir and water in Stampede Reservoir credited to the Truckee-Carson Irrigation District using the most up-to-date area-capacity curve for each reservoir.

(2) The combined storage facilities on the upper Truckee River will be operated in a manner consistent with the applicable decrees and so as to maintain the Floristan Rates with the objective of maximizing the accumulation of storage in Stampede Reservoir.

(3) Whenever there is an adequate amount of uncommitted water in Stampede Reservoir the Truckee-Carson Irrigation District shall forego the diversion of water into the Truckee Canal for storage in Lahontan Reservoir or for use on the Carson Division and shall accept credit in Stampede Reservoir for the amount of water it otherwise would have diverted. For the purposes of this subsection, an adequate amount of uncommitted water (consisting of not less than 50,000 acre-feet) will be deemed to have accumulated in Stampede Reservoir no later than February 1, 1974.

(4) The sum of the amount of water stored in Lahontan Reservoir plus the amount of water stored in Stampede Reservoir and credited to the Truckee-Carson Irrigation District shall not be allowed to exceed the storage capacity of Lahontan Reservoir below elevation 4,163.67 feet above mean sea level (317,300 acre-feet), and this limit shall be preserved, if necessary, by the reduction of credit in Stampede Reservoir. When the amount of water credited to the Truckee-Carson Irrigation District is so reduced, the amount of that reduction shall be credited for the purpose of maintaining the minimum rates of flow below Derby Dam provided in section B(7) of these operating criteria and procedures.

(5) Whenever the water surface elevation of Lahontan Reservoir is at or below elevation 4,139.28 feet (80,000 acre-feet) above mean sea level during the irrigation season, water will be released from Stampede Reservoir to be diverted into and through the Truckee Canal for agricultural use by the Truckee-Carson Irrigation District in either or both the Truckee and Carson Divisions. The total amount of the release shall be limited to the lesser of the amount credited to the Truckee-Carson Irrigation District or the amount needed to supplement the 80,000 acre-feet of water in Lahontan Reservoir to meet the remaining seasonal agricultural requirements of this Truckee-Carson Irrigation District.

(6) From February 1, 1974, the District will be credited with an initial 50,000 acre-feet of water in Stampede. In addition to this amount, the District will be credited with the accumulated storage in excess of 5,915 feet above mean sea level (127,600 acre-feet) in accordance with B(3) above.

(7) Insofar as possible consistent with existing decrees and with maintaining the Floristan Rates and with Operating Criteria and Procedures sections B(1) through B(6), Stampede Reservoir (as well as the other storage facilities on the upper Truckee River) shall be operated with the objective of maintaining the following minimum rates of flow for fish, wildlife, and recreation purposes in the Truckee River below Derby Dam measured at the Nixon gauge:

	Cubic feet per second
Mar. 1 to May 15	600
May 16 to Sept. 15	300
Sept. 16 to Feb. 28	150

(8) At the conclusion of the water year, October 31, 1973, the District shall retain as minimum carryover credit in Stampede Reservoir for the 1974 water year the quantity of Truckee River water that it would have been able to divert to Lahontan Reservoir in the absence of its storage credit at Stampede. In addition, the Secretary of the Interior, in consultation with the Pyramid Lake Paiute Tribe of Indians and the Bureau of Sport Fisheries and Wildlife with respect to the requirements of the Pyramid Lake fishery, will determine: (1) The portion of the remaining storage in Stampede Lake allocted for releases to Pyramid Lake, and (2) the portion of the remaining storage in Stampede Reservoir to be allocated to the District as additional carryover storage credit for the 1974 water year.

(9) Nothing in sections B(1) through B(8) of these Operating Criteria and Procedures shall in any way infringe on or interfere with the flood control function of Stampede Reservoir.

SEC. C. As a means of insuring that the amount of water diverted is limited to that prescribed for beneficial agricultural use, the Truckee-Carson Irrigation District shall:

(1) Deliver water only to lands for which the District has in advance established to the satisfaction of the Secretary or his designee that a current valid water right exists.

(2) Establish a single water operations center which will coordinate all orders for delivery of water to individual turnouts and which then will dispatch flows in the distribution systems so as to meet the water orders with minimum spill from the distribution system.

(3) Permit only authorized District employees to open and close individual turnouts and operate the distribution system facilities.

(4) Establish and operate sufficient stations for the measurement of all surface waters flowing out of the Truckee, North Carson, and South Carson Divisions.

(5) Initiate immediately a program for improving the measurement of the amounts of water delivered to individual turnouts. The program shall include the installation of measuring devices on at least 10 percent of the total turnouts in 1973; the program shall concentrate first on the combinations of large users and currently poor measurements; and the installed devices must be approved by the U.S. Geological Survey and the Bureau of Reclamation.

(6) Submit to the Project Office of the Bureau of Reclamation a monthly report by the 15th of the following month for each of the three divisions showing the total water delivery in acre-feet and the maximum, minimum, and mean daily outflow in cubic feet per second. Reports showing the amount of water in acre-feet delivered to each farm each month during the water year shall be made at least twice during the calendar year. These reports shall be circulated to the Tribe and the members of the Truckee-Carson Operating Criteria and Procedures Committee.

(7) By June 30, 1973, establish a system, to become effective November 1, 1973, for charging water users for the quantity of water delivered to their turnouts. The system shall be designed: (a) To provide a reasonable financial incentive for economical and efficient use of water; and (b) to produce revenue against the District's operation and maintenance expenses and to assist the discharge of its debt to the United States.

SEC. D. (1) Article 32 of the December 18, 1926, contract between the United States and the District will be invoked by the Secretary for substantial violations of these Operating Criteria and Procedures and the Secretary reserves all other rights and options to enforce these criteria.

(2) If the Secretary determines that waste has occurred through negligence or inattention, after written notice the amount of such waste shall be deducted from the District's allowable maximum total diversion.

(3) The District shall not deliver water to users who do not comply with all of the terms and provisions of these Operating Criteria and Procedures. Such deliveries shall not resume without the prior approval of the Secretary or his designee.

(4) The Secretary shall not approve any applications for transfers of water rights

within the Newlands Project pursuant to 43 U.S.C. 389 unless he finds that the District is in compliance with all of the terms and provisions of these Operating Criteria and Procedures and that the applicants for such transfers are in compliance with these Operating Criteria and Procedures and with the applicable decrees. Transfers of water rights shall be restricted to the extent that there shall be no enlarged consumptive use of water within the lands of the Newlands Project.

(5) All of the water delivery operations of the Truckee-Carson Irrigation District shall be monitored closely by the Bureau of Reclamation. Any and all violations of the terms and provisions of these Operating Criteria and Procedures shall be reported immediately by the District to the Project Office of the Bureau of Reclamation.

[FR Doc.73-4512 Filed 3-8-73;8:45 am]

Bureau of Indian Affairs

NEW YORK FIELD OFFICE, NEW YORK

Notice of Change in Location

Notice is hereby given that the location of the New York Field Office is changed from Post Office Box 500, Salamanca, NY, to Midtown Plaza, 700 East Water Street, Syracuse, NY 13210. The New York Field Office is responsible for providing services to federally recognized groups of Indians in New York State.

WILLIAM L ROGERS,
Deputy Assistant Secretary of the Interior.

MARCH 5, 1973.

[FR Doc.73-4659 Filed 3-9-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

SHIPPERS ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of section 10(a)(2) of Public Law 92-463, notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of committee will meet in the auditorium of South Massachusetts Avenue, Lakeland, FL, at 10:30 a.m., local time, on March 20, 1973.

The meeting will be open to the public and a brief period will be set aside for public comments and questions. The agenda of the committee includes the receipt and review of market supply and demand information incidental to consideration of the need for regulation of shipments of any grade or size of the named fruits, including export shipments, and the size, capacity, weight, dimensions, or pack of the containers used in export shipments other than to Canada or Mexico.

Dated: March 7, 1973.

JOHN C. BLUM,
Deputy Administrator Regulatory Programs.

[FR Doc.73-4663 Filed 3-9-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

CONTINENTAL ILLINOIS NATIONAL BANK AND TRUST COMPANY OF CHICAGO

Notice of Approval of Applicant as Trustee

Notice is hereby given that Continental Illinois National Bank and Trust Company of Chicago, with offices at 231 South La Salle Street, Chicago, IL, has been approved as Trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated: February 28, 1973.

BURT KYLE,
Chief, Office of Domestic Shipping.

[FR Doc.73-4705 Filed 3-9-73;8:45 am]

ECONOMIC VIABILITY ANALYSIS (EVA)

Revised Notice of Announcement of Publication

Revised notice is hereby given that the Maritime Subsidy Board/Maritime Administration announced on March 7, 1973, publication, prior to final adoption, of an Economic Viability Analysis (EVA) pursuant to the terms of the stipulation agreement in "Environmental Defense Fund, Inc. et al. v. Peter G. Peterson, et al.," Civil Action No. 2164-72 in the U.S. District Court for the District of Columbia.

Copies of the EVA may be obtained by interested persons from the Secretary, Maritime Subsidy Board, Maritime Administration, Department of Commerce, 14th and E Streets NW., Washington, D.C. 20235. Comments on the EVA by any interested persons must be received by the Secretary, Maritime Subsidy Board by close of business on March 22, 1973.

Dated: March 7, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.73-4704 Filed 3-9-73;8:45 am]

Office of the Secretary

CHILDREN'S SLEEPWEAR SIZES 7 THROUGH 14

Notice of Proposed Flammability Standard

On June 15, 1972, there was published in the FEDERAL REGISTER (37 FR 11896) a notice of finding that a new or amended flammability standard or other regulation, including labeling, may be needed for sleepwear sizes 7 through 14, normally worn by children of ages 6 through 12, and for fabrics or related materials intended or promoted for use in such sleepwear. The finding informed the public that such standard or other regulation may be needed to protect the public against unreasonable risk of the occurrence of fire leading to death, or personal injury, or significant property damage. The notice also advises of the institution of proceedings for the development of a new or amended flammability standard or other regulation for children's sleepwear sizes 7 through 14.

After review and analysis of the comments received, and after review of information including that previously cited in the June 15, 1972, FEDERAL REGISTER (37 FR 11896) and more recent additions thereto, it is hereby found that a flammability standard for sleepwear sizes 7 through 14, normally worn by children ages 6 through 12, is needed to protect the public against unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage.

Proposed standard. It is preliminarily found that the proposed flammability standard (DOC PFF 5-73) as set out in full at the end hereof:

(a) Is needed for children's sleepwear sizes 7 through 14 to protect the public against unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage;

(b) Is reasonable, technologically practicable, and appropriate, and is stated in objective terms; and

(c) Is limited to children's sleepwear sizes 7 through 14, and fabrics or related materials which are intended or promoted for use in such children's sleepwear, and which have been determined to present such unreasonable risk.

Basis for proposed flammability standard. The Standard for the Flammability of Children's Sleepwear, DOC FF 3-71 (36 FR 14062) provides for coverage of sleepwear sizes 0 through 6X normally worn by young children 5 years and under. However, review and analysis of the accident data available at the National Bureau of Standards show that 44 percent of all sleepwear cases involve children between ages 0 through 12 and of these about 45 percent of the victims are between ages 6 through 12. On the basis of these data and research conducted on children's sleepwear, it has been determined that children's sleepwear in the size range 7 through 14 normally worn by children of ages 6 through 12 present a special hazard, over and above that presented by those same items of wearing apparel for the population as a whole.

The finding that a flammability standard or other regulation is needed for children's sleepwear sizes 7 through 14 is based on the analysis of data developed by investigations of deaths and injuries resulting from wearing apparel fires and on results of laboratory research involving garments and fabrics for children's sleepwear. The analysis of accident data indicates that children are injured at high frequencies from ignition and burning of sleepwear. Laboratory research indicates that children's sleepwear garments, and fabrics for such garments, present a significant burn hazard to children.

In the course of the development of this finding, the Department of Commerce has analyzed data from 1,964 cases investigated by HEW and contained in the Flammable Fabrics Accident Case and Testing System (FFACTS) data base. Of these cases, 413 involved sleepwear. Twenty-two of the 413

sleepwear cases involved flammable liquid contamination. The ages of the victims are known for 389 of the noncontaminated incidents.

In 316 of these 389 incidents, sleepwear was the first fabric item ignited. Children 6 through 12, which account for only 14 percent of the U.S. population, were involved in 77 or 24 percent of these first-to-ignite sleepwear incidents. Thus, they were involved 1.8 times more frequently than would be expected from their representation in the U.S. population.

An analysis of the 77 first-to-ignite sleepwear item incidents involving children in the 6 through 12 age bracket showed that all but three garments were made of cellulosic fibers. While the remains of many of these garments were unavailable for testing, prior experience with these types of garments permit us to state that none of these garments would pass the proposed standard. Therefore, the proposed standard is appropriate in that, had it been in effect during the past several years, it would have protected the public by keeping off the market the garments involved in those particular children's burn cases.

Research indicated that purchased items of children's sleepwear in sizes 7 through 14 were readily ignited by a small ignition source. Exposure to a 1½-inch natural gas flame for 3 seconds resulted in ignition and burning of many such items. Burning of such items in their usual, vertical configuration was rapid.

Simulation of real-life accident conditions was accomplished by dressing child-size mannequins in purchased items of children's sleepwear. Brief exposure of these assemblies to small flames resulted in extensive damage to the mannequins. These experiments indicate that children wearing such garments would have been seriously injured.

The proposed standard is reasonable and technologically practicable. In the course of the development of the proposed standard, NBS purchased garments on the open market that comply with the proposed standard. These garments are being marketed nationally by major distributors, both through their retail outlets and through catalog sales.

The proposed standard, which the Department of Commerce finds is needed to protect the public against unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage, is limited to children's sleepwear sizes 7 through 14.

Participation in proceedings. All interested persons are invited to submit written comments relative to the proposed flammability standard on or before April 11, 1973. Written comments should be submitted in at least four (4) copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, and may include any data or other information pertinent to the subject.

Inspection of relevant documents. The written comments received pursuant to this notice will be available for public inspection at the central reference and records inspection facility of the Department of Commerce, Room 7043, Main Commerce Building, 14th Street between E Street and Constitution Avenue, NW., Washington, D.C. 20230. Supporting documents are available for inspection in the above facility. The documents contain in more detail the data which are summarized in the preceding portions of this notice.

Issued: March 6, 1973.

RICHARD O. SIMPSON,
Acting Assistant Secretary for Science and Technology.

CHILDREN'S SLEEPWEAR SIZES 7 THROUGH 14

PROPOSED STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR; SIZES 7 THROUGH 14

DOC PFF 5-73

.1 *Definitions.* In addition to the definitions given in section 2 of the Flammable Fabrics Act, as amended (sec. 1, 81 Stat. 568; 15 U.S.C. 1191), and section 7.2 of the procedures (33 FR 14642, Oct. 1, 1968), the following definitions apply for the purposes of this Standard:

(a) "Children's Sleepwear" means any product of wearing apparel from size 7 through size 14 such nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for sleeping or activities related to sleeping. Underwear and diapers are excluded from this definition.

(b) "Sizes 7 through 14" means the sizes defined as 7 through 14 in Department of Commerce voluntary product standards, PS 54–72 and PS 36–70, previously identified as commercial standards, CS 153–48, "Body Measurements for the Sizing of Girls' Apparel", and CS 155–50, "Body Measurements for the Sizing of Boys' Apparel", respectively.[1]

(c) "Item" means any product of children's sleepwear or any fabric or related material intended or promoted for use in children's sleepwear.

(d) "Trim" means decorative materials, such as ribbons, laces, embroidery, or ornaments. This definition does not include (1) individual pieces less than 2 inches in their longest dimension, provided that such pieces do not constitute or cover in aggregate a total of more than 20 square inches of the item, or (2) functional materials (findings), such as zippers, buttons, or elastic bands, used in the construction of garments.

(e) "Test Criteria" means the average char length and the maximum char length which a sample or specimen may exhibit in order to pass an individual test.

(f) "Char Length" means the distance from the original lower edge of the specimen exposed to the flame in accordance with the procedure specified in .5 test procedure to the end of the tear or void in the charred, burned, or damaged area, the tear being made in accordance with the procedure specified in .5(c)(2), speciment burning and evaluation.

(g) "Afterglow" means the continuation of glowing of parts of a specimen after flaming has ceased.

(h) "Fabric Piece" (Piece) means a continuous, unseamed length of fabric, one or more of which make up a Unit.

(i) "Fabric Production Unit" (Unit) means any quantity of finished fabric up to 4,600 linear meters (5,000 linear yards) for normal sampling or 9,200 linear meters (10,000 linear yards) for reduced sampling which has a specific identity that remains unchanged throughout the Unit except for color or print pattern as specified in .4(a). For purposes of this definition, finished fabric means fabric in its final form after completing its last processing step as a fabric except for slitting.

(j) "Garment Production Unit" (Unit) means any quantity of finished garments up to 500 dozen which have a specific identity that remains unchanged throughout the Unit except for size, trim, findings, color, and print patterns as specified in .4(a).

(k) "Sample" means five test specimens.

(l) "Specimen" means an $8.9 \pm 0.5 \times 25.4 \pm 0.5$ cm. ($3.5 \pm 0.2 \times 10 \pm 0.2$ in.) section of fabric. For garment testing, the specimen will include a seam or trim.

.2 *Scope and application.* (a) This standard provides a test method to determine the flammability of items as defined in .1(c).

(b) All items as defined in .1(c), are subject to the requirements of this standard.

.3 *General requirements*—(a) *Summary of test method.* Conditioned specimens, $8.9 \pm 0.5 \times 25.4 \pm 0.5$ cm. ($3.5 \pm 0.2 \times 10 \pm 0.2$ in.), are suspended one at a time vertically in holders in a prescribed cabinet and subjected to a standard flame along their bottom edges for a specified time under controlled conditions. The char lengths are recorded.

(b) *Test criteria.* The test criteria when the testing is done in accordance with .4 sampling and acceptance procedures and .5 test procedure are:

(1) *Average char length.* The average char length of five specimens shall not exceed 17.8 cm. (7.0 in.).

(2) *Full specimen burn.* No individual specimen shall have a char length of 25.4 cm. (10 in.).

.4 *Sampling and acceptance procedures*—(a) *General.* The test criteria of .3(b) shall be used in conjunction with the following fabric and garment sampling plan, or any others approved by the Department of Commerce that provide at least the equivalent level of fire safety to the consumer. Alternate sampling plans submitted for approval shall have operating characteristics such that the probability of Unit acceptance at any percentage defective does not exceed the corresponding probability of Unit acceptance of the following sampling plan in the region of the latter's operating characteristic curves that lies between 5 and 95 percent acceptance probability.

Different colors or different print patterns of the same fabric may be included in a single fabric or garment production unit, provided such colors or print patterns demonstrate char lengths that are not significantly different from each other as determined by previous testing of at least three samples from each color or print pattern to be included in the Unit.

Garments with different trim and findings may be included in a single garment production unit provided the other garment characteristics are identical except for size, color, and print pattern.

For fabrics whose flammability characteristics are not dependent on chemical additives or chemical reactants to fiber, yarns, or fabrics, the laundering requirement of 5(c)(4) is met on subsequent fabric production units if results of testing an initial fabric production unit demonstrate acceptability according to the requirements of .4(b), normal sampling, both before and after the appropriate laundering.

[1] Copies available from the National Technical Information Service, 5285 Port Royal Street, Springfield, VA 22151.

If the fabric has been shown to meet the laundering requirement, .5(c)(4), the garments produced from that fabric are not required to be laundered.

Each sample (five specimens) for all fabric sampling shall be selected so that two specimens are in one fabric direction (machine or cross machine) and three specimens are in the other fabric direction, except for the additional sample selected after a failure, in which case, all five specimens shall be selected in the same fabric direction in which the specimen failure occurred.

Fabric samples may be selected from fabric as outlined in .4(b) fabric sampling or, for verification purposes, from randomly selected garments.

Multi-layer fabrics shall be tested with a hem of approximately 2.5 cm. (1 in.) sewn at the bottom edge of the specimen with a suitable threat and stitch. The specimen shall include each of the components over its entire length. Garments manufactured from multilayer fabrics shall be tested with the edge finish which is used in the garment at the bottom edge of the specimen.

(b) *Fabric sampling.* A fabric production unit (Unit) is either accepted or rejected in accordance with the following plan:

Normal sampling. Select one sample from the beginning of the first fabric piece (piece) in the Unit and one sample from the end of the last piece in the Unit, or select a sample from each end of the piece if the Unit is made up of only one piece. Test the two selected samples. If both samples meet all the test criteria of .3(b), accept the Unit. If either or both of the samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), reject the Unit. If two or more of the individual specimens, from the 10 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), reject the Unit. If only one individual specimen, from the 10 selected specimens, fails the 25.4 cm. (10 in.) char length criterion, .3(b)(2), select five additional specimens from the same end of the piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional sample passes all the test criteria, accept the Unit. If this additional sample fails any part of the test criteria, reject the Unit.

Reduced sampling. The level of sampling required for fabric acceptance may be reduced provided the preceding 15 Units of the fabric have all been accepted using the normal sampling plan.

The reduced sampling plan shall be the same as for normal sampling except that the quantity of fabric in the Unit may be increased to 9,200 linear meters (10,000 linear yards).

Select and test two samples in the same manner as in normal sampling. Accept or reject the Unit on the same basis as with normal sampling.

Reduced sampling shall be discontinued and normal sampling resumed if a Unit is rejected.

Tightened sampling. The level of sampling required for acceptance shall be increased when a Unit is rejected under the normal sampling plan. The tightened sampling shall be the same as normal sampling except that one additional sample shall be selected and cut from a middle piece in the Unit. If the Unit is made up of less than two pieces, the Unit shall be divided into at least two pieces. The division shall be such that the pieces produced by the division shall not be smaller than 92 linear meters (100 linear yards) or greater than 2,300 linear meters (2,500 linear yards). If the Unit is made up of two pieces, the additional sample shall be selected from the interior end of one of the pieces. Test the three selected samples. If all three selected samples meet all the test criteria of .3(b), accept the Unit. If one or more of the three selected samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), reject the Unit. If two or more of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), reject the Unit. If only one individual specimen, from the 15 selected specimens, fails the 25.4 cm. (10 in.) char length criterion, .3(b)(2), select five additional specimens from the same end of the same piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional sample passes all the test criteria, accept the Unit. If this additional sample fails any part of the test criteria, reject the Unit. Tightened sampling may be discontinued and normal sampling resumed after five consecutive Units have all been accepted using tightened sampling. If tightened sampling remains in effect for 15 consecutive Units, production of the specific fabric in tightened sampling must be discontinued until that part of the process or component which is causing failure has been identified and the quality of the end product has been improved.

Disposition of rejected units. The piece or pieces which have failed and resulted in the initial rejection of the Unit may not be retested, used, or promoted for use in children's sleepwear as defined in .1(a) of this standard and DOC FF 3–71 except after reworking to improve the flammability characteristics and subsequent retesting in accordance with the procedures in tightened sampling.

The remainder of a rejected Unit, after removing the piece or pieces, the failure of which resulted in Unit rejection, may be accepted if the following test plan is successfully concluded at all required locations. The required locations are those adjacent to each such failed piece. (Required locations exist on both sides of the "Middle Piece" tested in tightened sampling if failure of that piece resulted in Unit rejection). Failure of a piece shall be deemed to have resulted in Unit rejection if Unit rejection occurred and a sample or specimen from the piece failed any test criterion of .3(b).

The Unit should contain at least 15 pieces for disposition testing after removing the failing pieces. If necessary for this purpose, the Unit shall be demarcated into at least 15 approximately equal length pieces unless such division results in pieces shorter than 92 linear meters (100 linear yards). In this latter case, the Unit shall be demarcated into roughly equal length pieces of approximately 92 linear meters (100 linear yards) each. If such a division results in five pieces or less in the Unit for each failing piece after removing the failing pieces, only the individual piece retest procedure (described subsequently) may be used.

Select and cut a sample from each end of each adjoining piece beginning adjacent to the piece which failed. Test the two samples from the piece. If both samples meet all the test criteria of .3(b), the piece is acceptable. If one or both of the two selected samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), the piece is unacceptable. If two or more of the individual specimens, from the 10 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), the piece is unacceptable. If only one individual specimen, from the 10 selected specimens, fails the 25.4 cm. (10 in.) char length criterion, .3(b)(2), select five additional specimens from the same end of the piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional sample passes all the test criteria, the piece is acceptable. If this additional sample fails any part of the test criteria, the piece is unacceptable.

Continue testing adjoining pieces until a piece has been found acceptable. Then continue testing adjoining pieces until three successive adjoining pieces, not including the first acceptable piece, have been found acceptable or until five such pieces, not including the first acceptable piece, have been tested, whichever occurs sooner. Unless three successive adjoining pieces have been found acceptable among five such pieces, testing shall be stopped and the entire Unit rejected without further testing. If three successive pieces have been found acceptable among five such pieces, accept the three successive acceptable pieces and the remaining pieces in the Unit.

Alternatively, individual pieces from a rejected Unit containing three or more pieces may be tested and accepted or rejected on a piece by piece basis according to the following plan, after removing the piece or pieces, the failure of which resulted in Unit rejection:

Select four samples (two from each end) from the piece. Test the four selected samples. If all four samples meet all the test criteria of .3(b), accept the piece. If one or more of the samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), reject the piece. If two or more of the individual specimens, from the 20 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), reject the piece. If only one individual specimen, from the 20 selected specimens, fails the 25.4 cm. (10 in.) char length criterion, .3(b)(2), select two additional samples from the same end of the piece in which the failure occurred. If these additional two samples meet all the test criteria of .3(b), accept the piece. If one or both of the two additional samples fail any part of the test criteria, reject the piece.

The pieces of a Unit rejected after retesting may not be retested, used, or promoted for use in children's sleepwear as defined in .1(a) of this standard and DOC FF 3–71 except after reworking to improve the flammability characteristics, and subsequent retesting in accordance with the procedures set forth in tightened sampling.

Records. Records of all Unit sizes, test results, and the disposition of rejected pieces and Units must be maintained by the manufacturer beginning upon the effective date of this standard. Rules and regulations may be established by the Federal Trade Commission.

(c) *Garment sampling.* The garment sampling plan is made up of two parts: (1) Prototype testing and (2) Production testing. Prior to production, prototypes must be tested to assure that the design characteristics of the garment are acceptable. Garment production units (Units) are then accepted or rejected on an individual Unit basis.

Edge finishes such as hems, except in multilayer fabrics, and binding are excluded from testing except that when trim is used on an edge the trim must be subjected to prototype testing. Seams attaching findings are excluded from testing.

Prototype testing. Preproduction prototypes of a garment style or type shall be tested to assure that satisfactory garment specifications in terms of flammability are set up prior to production.

Seams. Make three samples (15 specimens) using the longest seam type and three samples using each other seam type 10 inches or longer that is to be included in the garment. Prior to testing, assign each specimen to one of the three samples. Test each set of three samples and accept or reject each seam design in accordance with the following plan:

If all three samples meet all the test criteria of .3(b), accept the seam design. If one or more of the three samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), reject the seam design. If three or more of the individual specimens from the 15 selected specimens fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), reject the seam design. If only one of the individual specimens from the 15 selected specimens fails the 25.4 cm. (10 in.) char length criterion, .3(b)(2), accept the seam design.

If two of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), select three more samples (15 specimens) and retest. If all three additional samples meet all the test criteria of .3(b), accept the seam design. If one or more of the three additional samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), reject the seam design.

If two or more of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), reject the seam design. If only one of the individual specimens, from the 15 selected specimens, fails the 25.4 cm. (10 in.) char length criterion, .3(b)(2), accept the seam design.

Trim. Make three samples (15 specimens) from each type of trim to be included in the garment. Specimens shall be prepared by sewing or attaching the trim to the center of the vertical axis of an appropriate section of untrimmed fabric, beginning the sewing or attachment at the lower edge of each specimen. The sewing or attachment shall be made in the manner in which the trim is to be attached in the garment.

Sewing or otherwise attaching the trim shall be done with thread or fastening material of the same composition and size to be used for this purpose in the garment and using the same stitching or seam type. The trim shall be sewn or fastened the entire length of the specimen. Prior to testing, assign each specimen to one of the three samples. Test the sets of three samples and accept or reject the type of trim and design on the same basis as seam design.

Production testing. A Unit is either accepted or rejected according to the following plan:

From each Unit, select at random sufficient garments and cut three samples (15 specimens) from the longest seam type. No more than five specimens may be cut from a single garment. Prior to testing, assign each specimen to one of the three samples. All specimens cut from a single garment must be included in the same sample. Test the three selected samples. If all three samples meet all the test criteria of .3(b), accept the Unit. If one or more of the three samples fail the 17.8 cm. (7 inches) average char length criterion, .3(b)(1), reject the Unit. If four or more of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 inches) char length criterion, .3(b)(2), reject the Unit. If three or less of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 inches) char length criterion .3(b)(2), accept the Unit.

If the garment under test does not have a 10 inch seam in the largest size in which it is produced, the following selection and testing procedure shall be followed:

Select and cut specimens 8.9 cm. (3.5 inches) wide by the maximum available seam length, with the seam in the center of the specimen and extending the entire specimen length. Cut three samples (15 specimens). These specimens shall be placed in specimen holders so that the bottom edge is even with the top of the shoe on the guide plate of the specimen holder and the seam begins in the center of the bottom edge. Prior to testing, assign each specimen to one of the three samples. All specimens cut from a single garment must be included in the same sample.

Test the three samples. If all three samples pass the 17.8 cm. (7 inches) average char length criterion, .3(b)(1), and if three or less individual specimens fail by charring the entire specimen length, accept the Unit. If the Unit is not accepted in the above test, three samples (15 specimens) of the longest seam type shall be made using fabric and thread from production inventory and sewn on production machines by production operators. The individual fabric sections prior to sewing must be no larger than 20.3 by 63.3 cm. (8 by 25 inches) and must be selected from more than one area of the base fabric. Test the three prepared samples. Accept or reject the Unit as described previously in this subsection.

Disposition of rejected units. Rejected Units shall not be retested, used, or promoted for use in children's sleepwear as defined in .1(a) except after reworking to improve the flammability characteristics and subsequent retesting in accordance with the procedures set forth in garment production testing.

Records. Records of all Unit sizes, test results, and the disposition of rejected Units must be maintained by the manufacturer beginning upon the effective date of this standard. Rules and regulations may be established by the Federal Trade Commission.

(d) *Compliance market sampling plan by FTC.* The FTC may submit, for approval by the Secretary of Commerce, fabric and/or garment sampling plans for use in market testing of items covered by this standard. For approval, such plans shall define noncompliance of a production Unit to exist only when it is shown, with a high level of statistical confidence, those production Units represented by tested items which fail such FTC plans will, in fact, fail this standard.

Production Units found to be noncomplying under these provisions shall be deemed not to conform to this standard.

.5 *Test procedure*—(a) *Apparatus*—(1) *Test chamber.* The test chamber shall be a steel cabinet with inside dimensions of 32.9 cm. (12 15/16 in.) wide, 32.9 cm. (12 15/16 in.) deep, and 76.2 cm. (30 in.) high. It shall have a frame which permits the suspension of the specimen holder over the center of the base of the cabinet at such a height that the bottom of the specimen is 1.7 cm. (¾ in.) above the highest point of the barrel of the gas burner specified in .5(a)(3), burner, and perpendicular to the front of the cabinet. The front of the cabinet shall be a close-fitting door with a transparent insert to permit observation of the entire test. The cabinet floor may be covered with a piece of asbestos paper, whose length and width are approximately 2.5 cm. (1 in.) less than the cabinet floor dimensions. The cabinet to be used in this test method is illustrated in Figure 1 and detailed in engineering drawings, Nos. 1 to 7.

(2) *Specimen holder.* The specimen holder to be used in this test method is detailed in Engineering Drawing No. 7. It is designed to permit suspension of the specimen in a fixed vertical position and to prevent curling of the specimen when the flame is applied.

The specimen shall be fixed between the plates, which shall be held together with side clamps.

(3) *Burner.* The burner shall be substantially the same as that illustrated in Figure 1 and detailed in Engineering Drawing No. 6. It shall have a tube of 1.1 cm. (0.43 in.) inside diameter. The input line to the burner shall be equipped with a needle valve. It shall have a variable orifice to adjust the height of the flame. The barrel of the burner shall be at an angle of 25 degrees from the vertical. The burner may be equipped with an adjustable stop collar so that it may be positioned quickly under the test specimen. The burner shall be connected to the gas source by rubber or other flexible tubing.

(4) *Gas supply system.* There shall be a pressure regulator to furnish gas to the burner under a pressure of 103–259 mm. Hg. (2–5 lbs./sq. in.) at the burner inlet.

(5) *Gas.* The gas shall be at least 97 percent pure methane.

(6) *Hooks and weights.* Metal hooks and weights shall be used to produce a series of loads for char length determinations. Suitable metal hooks consist of No. 19 gauge steel wire, or equivalent, made from 7.6 cm. (3 in.) lengths of the wire, bent 1.3 cm. (0.5 in.) from one end to a 45° angle hook. The longer end of the wire is fastened around the neck of the weight to be used and the other in the lower end of each burned specimen to one side of the burned area. The requisite loads are given in Table 1.

TABLE 1

ORIGINAL FABRIC WEIGHT[1]

Grams per square meter	Ounces per square yard	Loads	
		Gram	Pound
Less than 101	Less than 3	54.5	0.12
101–207	3–6	113.4	.25
207–338	6–10	226.8	.50
Greater than 338	Greater than 10.0	340.2	.75

[1] Weight of the original fabric, containing no seams or trim, is calculated from the weight of a specimen which has been conditioned for at least 8 hours at 21±1° C. (70±2° F.) and 65±5 percent relative humidity. Shorter conditioning times may be used if the change in weight of a specimen in successive weighings made at intervals of not less than 2 hours does not exceed 0.2 percent of the weight of the specimen.

(7) *Stopwatch.* A stopwatch or similar timing device shall be used to measure time to 0.1 second.

(8) *Scale.* A linear scale graduated in millimeters or 0.1 inch divisions shall be used to measure char length.

(9) *Conditioning facility.* A facility capable of maintaining the specimens at 21±1° C. (70±2° F.) and 65±5 percent relative humidity (percent RH) shall be used to condition the specimens.

(10) *Hood.* A hood or other suitable enclosure shall be used to provide a draft-free environment surrounding the test chamber without restricting the availability of air. This enclosure shall have a fan or other suitable means for exhausting smoke and/or toxic gases produced by testing.

(b) *Conditioning and mounting of specimens.* The specimens shall be placed in the conditioning facility in a manner that will permit free circulation of air at 21±1° C. (70±2° F.) and 65±5 percent RH around them for a minimum of 8 hours.[2] Prior to conditioning or before removing the specimens from the conditioned atmosphere, the specimens shall be placed in specimen holders so that the bottom edge of each specimen is even with the top of the shoe on the guide plate shown in Engineering Drawing No. 7. Mount the specimen in as close to a flat configuration as possible. The sides of the specimen holder shall cover 1.9 cm. (¾ in.) of the specimen width along each long edge of the specimen, and thus shall expose 5.1 cm. (2 in.) of the specimen width. The sides of the specimen holder shall be clamped with a sufficient number of clamps or shall be taped to prevent the specimen from being displaced during handling and testing. The specimens

[2] Shorter conditioning times may be used if the change in weight of a specimen in successive weighings made at intervals of not less than 2 hours does not exceed 0.2 percent of the weight of the specimen.

may be taped in the holders if the clamps fail to hold them. If the atmosphere of the conditioning facility varies more than ±5 percent RH, the specimen shall be reconditioned for a minimum of 8 hours.

(c) *Testing*—(1) *Burner adjustment.* With the hood fan turned off, use the needle valve to adjust the flame height of the burner to 3.8 cm. (1½ in.) above the highest point of the barrel of the burner. A suitable height indicator is shown in Engineering Drawing No. 6 and Figure 1.

(2) *Specimen burning and evaluation.* One at a time, the mounted specimens shall be suspended in the cabinet for testing. The cabinet door shall be closed and the burner flame impinged on the bottom edge of the specimen for 3.0±0.2 seconds.[4] Flame impingement is accomplished by moving the burner under the specimen for this length of time, and then removing it.

When afterglow has ceased, remove the specimen from the cabinet and holder, and place it on a clean flat surface. Fold the specimen lengthwise along a line through the highest peak of the charred or melted area; crease the specimen firmly by hand. Unfold the specimen and insert the hook with the correct weight as shown in Table 1 in the specimen on one side of the charred area 6.4 mm. (¼ in.) from the lower edge. Tear the specimen by grasping the other lower corner of the fabric and gently raising the specimen and weight clear of the supporting surface.[5] Measure the char length as the distance from the end of the tear to the original lower edge of the specimen exposed to the flame. After testing each specimen, vent the hood and cabinet to remove the smoke and/or toxic gases.

(3) *Report.* Report the value of char length, in centimeters (inches), for each specimen, as well as the average char length for each set of five specimens.

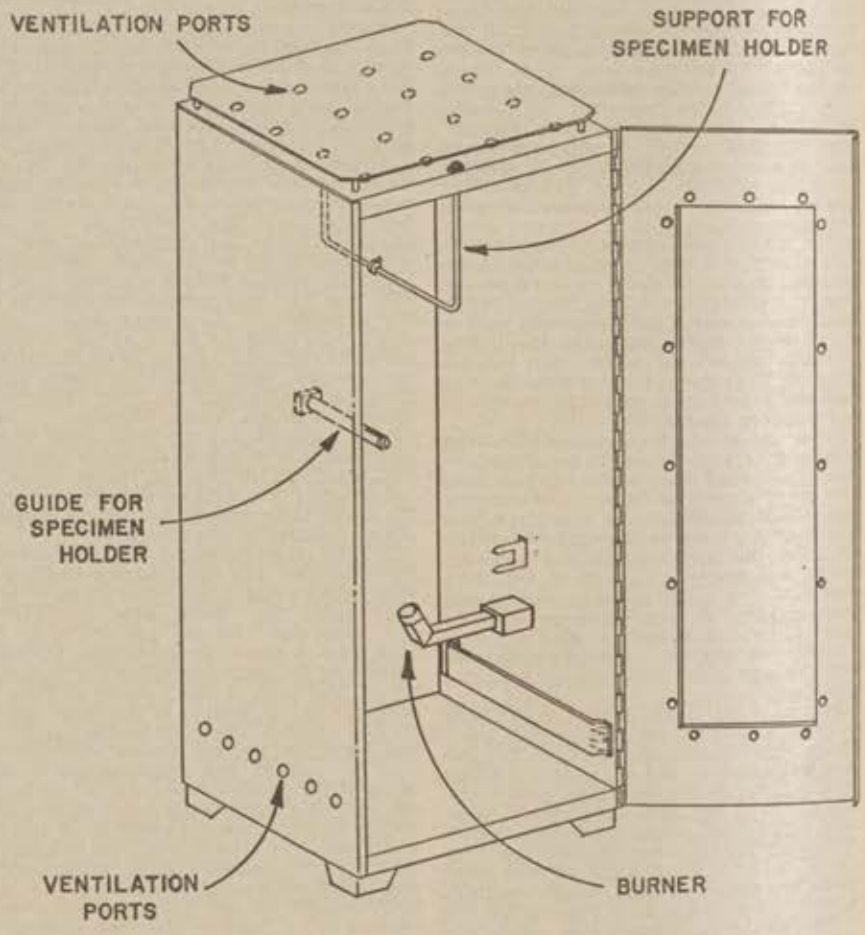
(4) *Laundering.* The procedures described under .4, Sampling and Acceptance Procedures, .5(b), Conditioning and Mounting of Specimens, and .5(c), Testing, shall be carried out on finished items (as produced or after one washing and drying) and after they have been washed and dried 50 times according to the laundering procedure in AATCC Test Method 124–1969.[6] Items which do not withstand 50 launderings shall be tested at the end of their useful life.

Washing procedure 6.2(III), with a water temperature of 60± 2.8° C. (140± 5° F.), and drying procedure 6.3.2(B), shall be used. Maximum load shall be 3.64 kg. (8 pounds) and may consist of any combination of test samples and dummy pieces. Alternatively, a different number of times under another washing and drying procedure may be specified and used, if that procedure has previously been found to be equivalent by the Federal Trade Commission. Such laundering is not required of items which are not intended to be laundered, as determined by the Federal Trade Commission.

Items which are not susceptible to being laundered and are labeled "dry-clean only" shall be dry-cleaned by a procedure which has previously been found to be acceptable by the Federal Trade Commission.

For the purpose of the issuance of a guarantee under section 8 of the Act, finished sleepwear garments to be tested according to .4(b), fabric sampling, need not be laundered or dry-cleaned provided all fabrics used in making the garments (except trim) have been guaranteed by the fabric producer to be acceptable when tested according to .4(b), fabric sampling.

.6 *Labeling requirements.* All items of children's sleepwear shall be labeled with precautionary instructions to protect the items from agents or treatments which are known to cause significant deterioration of their flame resistance. If the item has been initially tested under .5(c)(4), laundering, after one washing and drying, it shall be labeled with instructions to wash before wearing. Such labels shall be permanent and otherwise in accordance with rules and regulations established by the Federal Trade Commission.

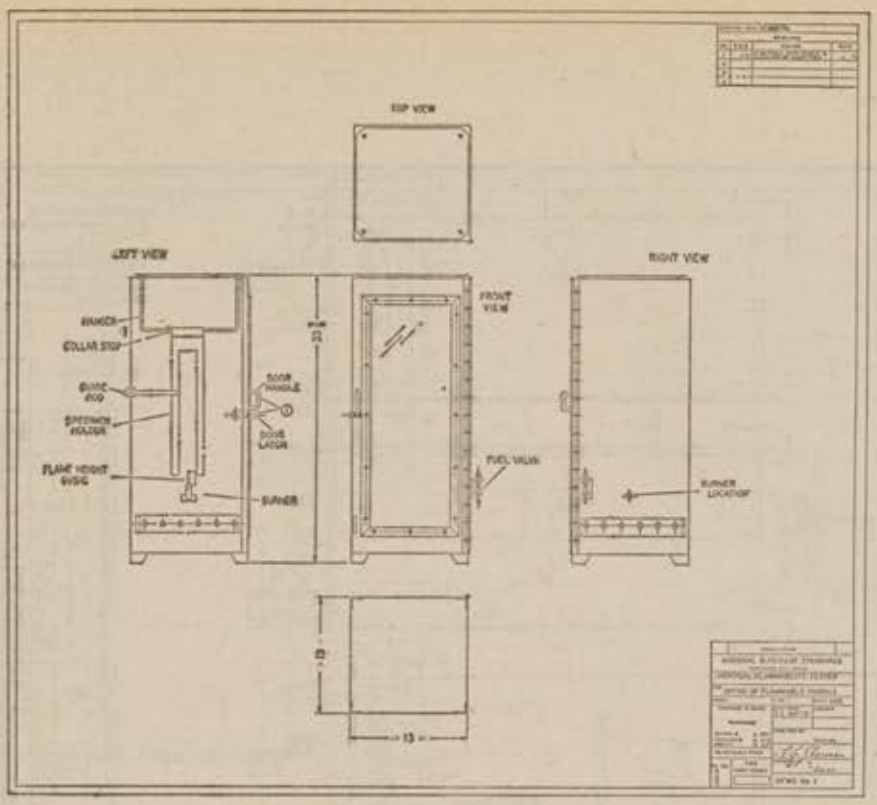


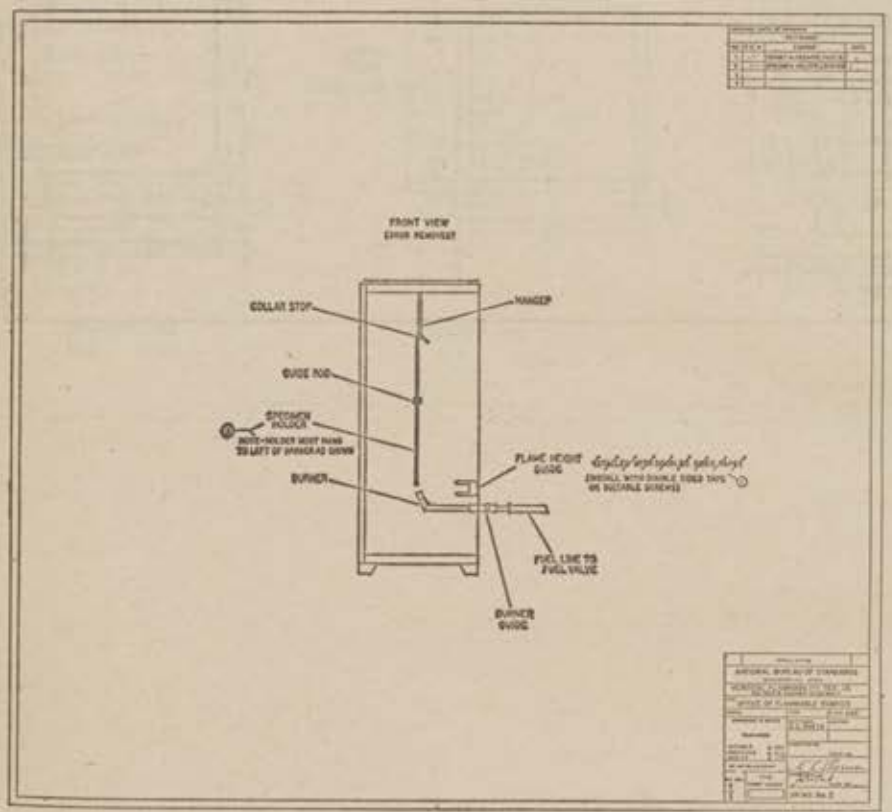
VERTICAL TEST CABINET
FIGURE I

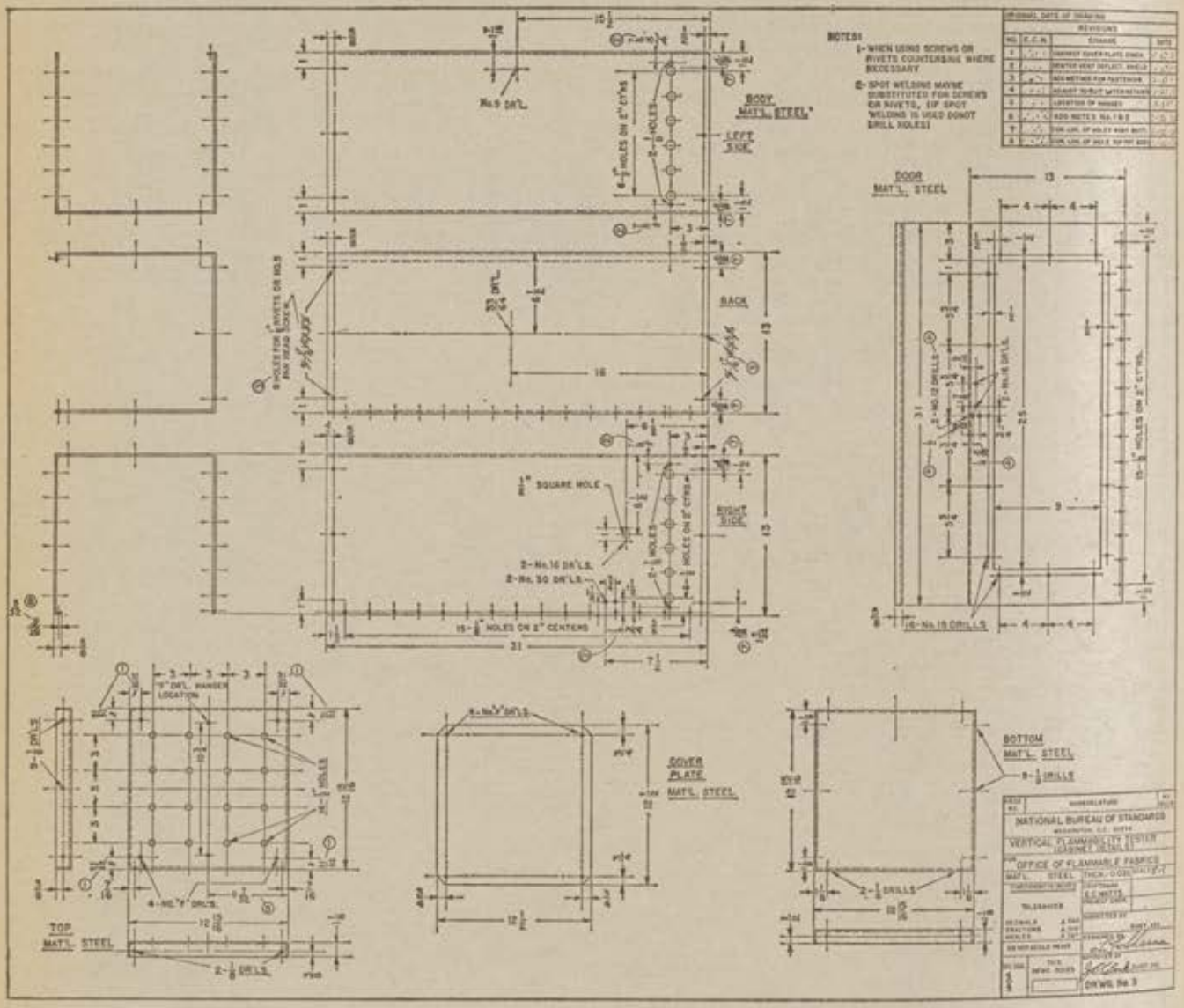
[4] If more than 30 seconds elapse between removal of a specimen from the conditioning facility and the initial flame impingement, that specimen shall be reconditioned prior to testing.

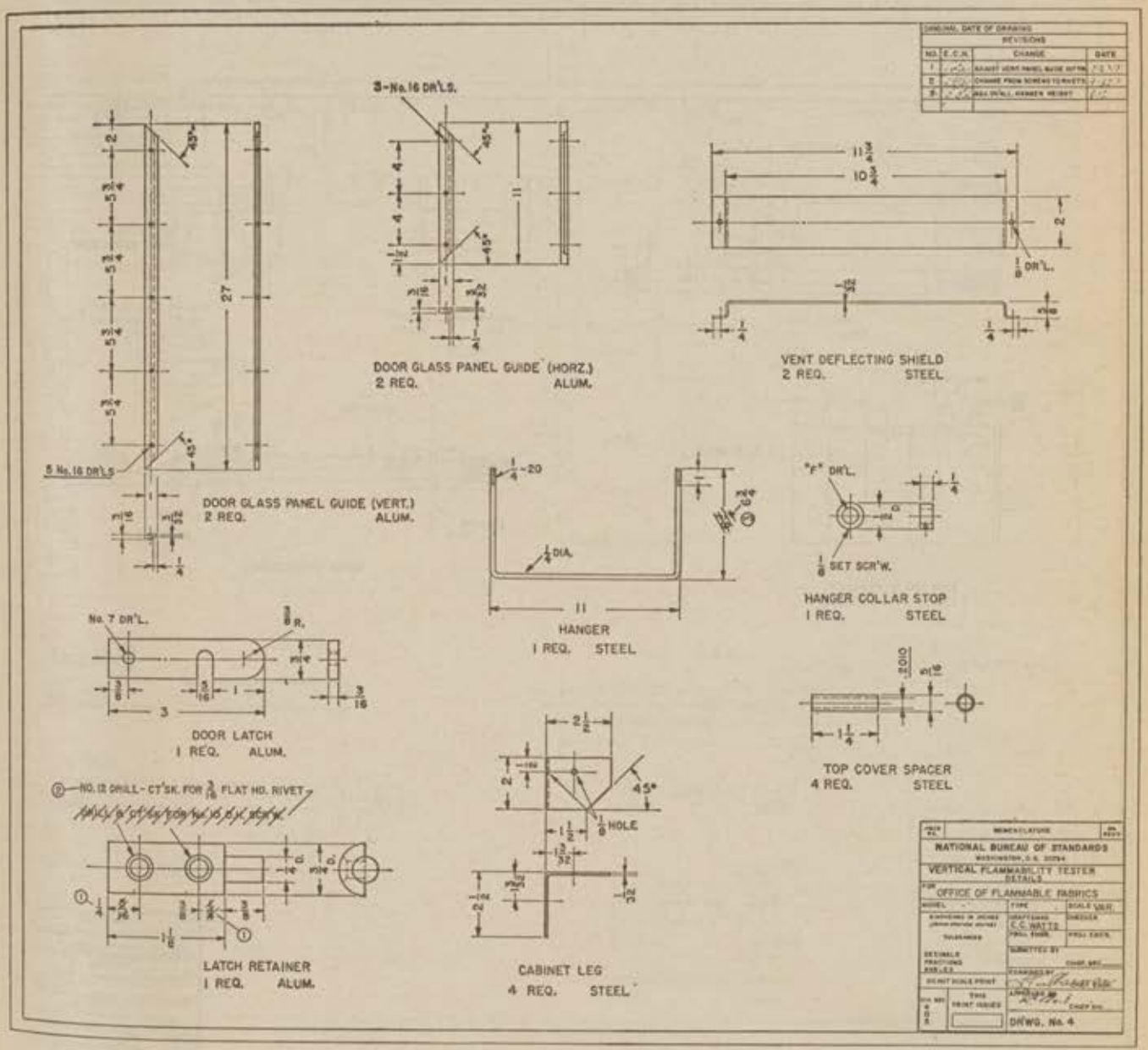
[5] A figure showing how this is done is given in AATCC 34–1969, Technical Manual of the American Association of Textile Chemists and Colorists, vol. 46, 1970, published by AATCC, Post Office Box 12215, Research Triangle Park, N.C. 27709.

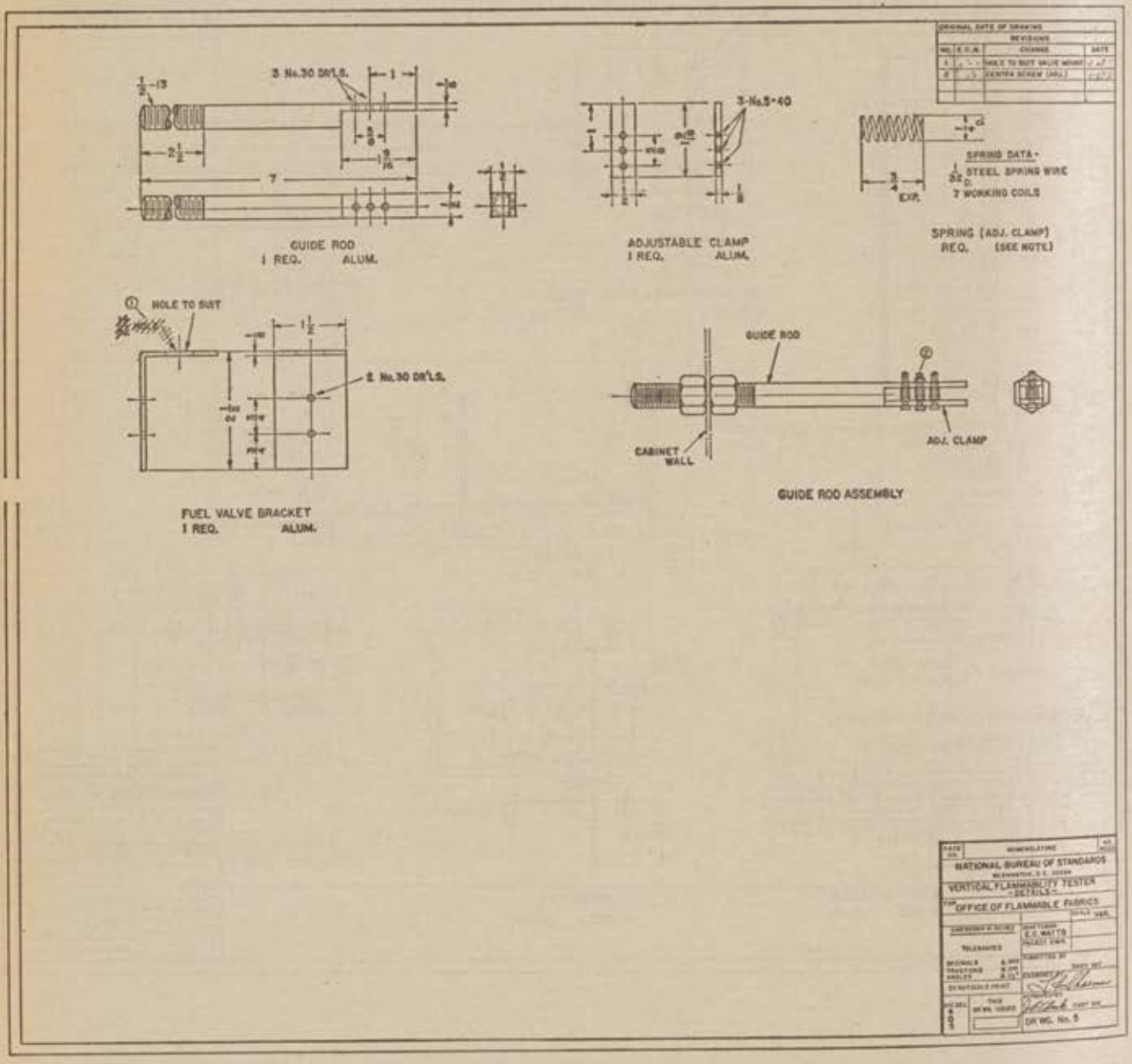
[6] Technical Manual of the American Association of Textile Chemists and Colorists vol. 46 1970 published by AATC Post Office Box 12215 Research Triangle Park, NC 27709.

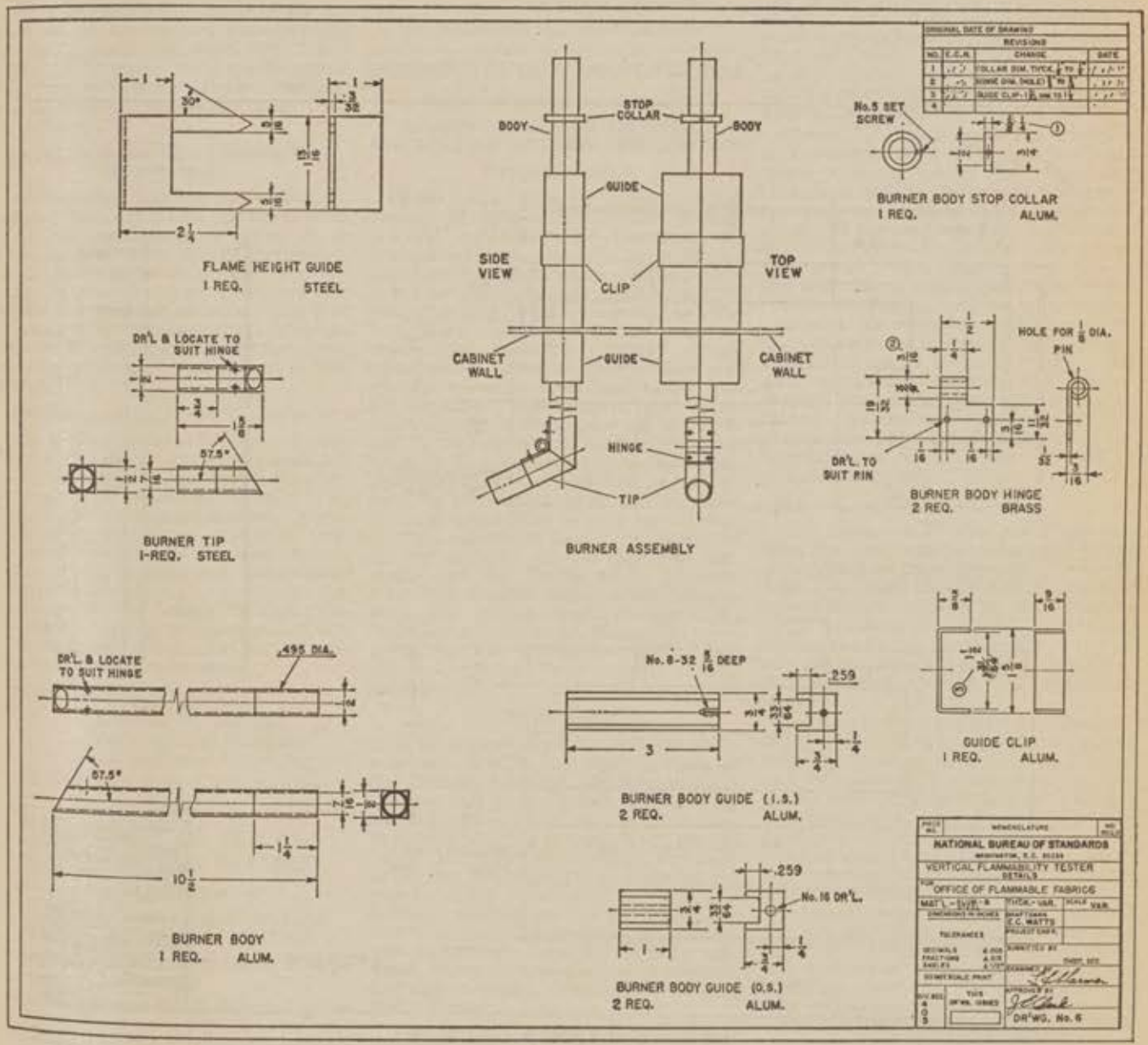

TOP VIEW
LEFT VIEW
RIGHT VIEW
FRONT VIEW
HANGER
COLLAR STOP
GUIDE ROD
SPECIMEN HOLDER
FLAME HEIGHT GUIDE
BURNER
DOOR HANDLE
DOOR LATCH
FUEL VALVE
BURNER LOCATION
23
13

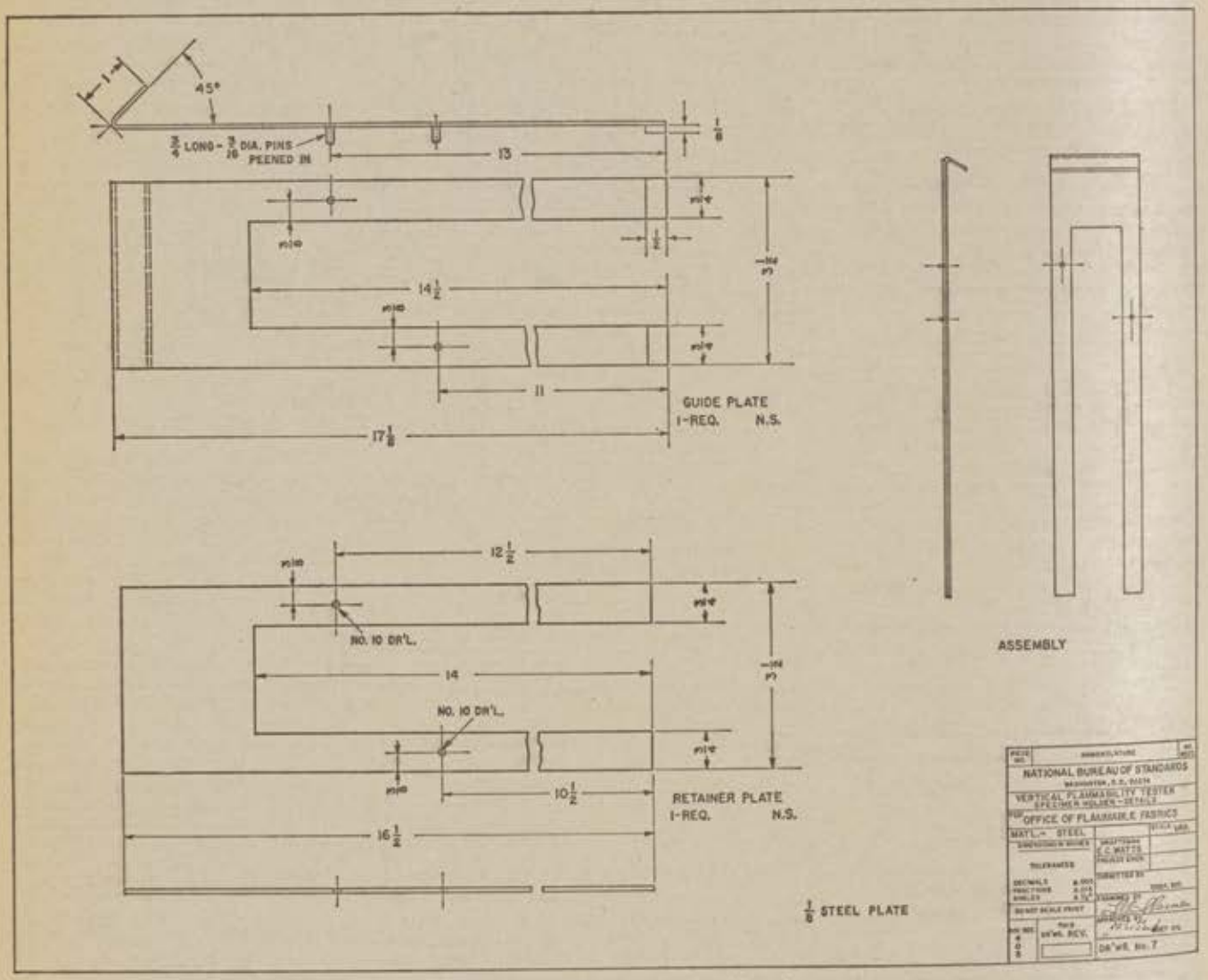

FRONT VIEW
COLLAR STOP
HANGER
GUIDE ROD
SPECIMEN HOLDER
FLAME HEIGHT GUIDE
BURNER
FUEL LINE TO FUEL VALVE
BURNER GUIDE


NOTES:
1- WHEN USING SCREWS OR RIVETS COUNTERSINK WHERE NECESSARY
2- SPOT WELDING MAYBE SUBSTITUTED FOR SCREWS OR RIVETS, IF SPOT WELDING IS USED DONOT DRILL HOLES!
BODY MAT'L. STEEL
LEFT SIDE
BACK
RIGHT SIDE
DOOR MAT'L. STEEL
COVER PLATE MAT'L. STEEL
BOTTOM MAT'L. STEEL
TOP MAT'L. STEEL
NATIONAL BUREAU OF STANDARDS
VERTICAL FLAMMABILITY TESTER (CABINET DESIGN)
OFFICE OF FLAMMABLE FABRICS


ORIGINAL DATE OF DRAWING
REVISIONS
NO. E.C.N. CHANGE DATE
3-No.16 DR'L.S.
DOOR GLASS PANEL GUIDE (HORZ.)
2 REQ. ALUM.
VENT DEFLECTING SHIELD
2 REQ. STEEL
5 No.16 DR'L.S
DOOR GLASS PANEL GUIDE (VERT.)
2 REQ. ALUM.
HANGER
1 REQ. STEEL
"F" DR'L.
SET SCR'W.
HANGER COLLAR STOP
1 REQ. STEEL
No. 7 DR'L.
DOOR LATCH
1 REQ. ALUM.
TOP COVER SPACER
4 REQ. STEEL
NO. 12 DRILL - CT'SK. FOR FLAT HD. RIVET
LATCH RETAINER
1 REQ. ALUM.
CABINET LEG
4 REQ. STEEL
NATIONAL BUREAU OF STANDARDS
WASHINGTON, D.C. 20234
VERTICAL FLAMMABILITY TESTER
DETAILS
FOR OFFICE OF FLAMMABLE FABRICS
C.C. WATTS
DRWG. No. 4


3 No.30 DR'L.S.
GUIDE ROD
1 REQ. ALUM.
3-No.5-40
ADJUSTABLE CLAMP
1 REQ. ALUM.
SPRING DATA -
STEEL SPRING WIRE
7 WORKING COILS
SPRING (ADJ. CLAMP)
REQ. (SEE NOTE)
HOLE TO SUIT
2 No.30 DR'L.S.
FUEL VALVE BRACKET
1 REQ. ALUM.
GUIDE ROD
ADJ. CLAMP
CABINET WALL
GUIDE ROD ASSEMBLY
NATIONAL BUREAU OF STANDARDS
VERTICAL FLAMMABILITY TESTER
- DETAILS -
OFFICE OF FLAMMABLE FABRICS
DR WG. No. 5


FLAME HEIGHT GUIDE
1 REQ. STEEL
BODY
STOP COLLAR
BODY
GUIDE
SIDE VIEW
CLIP
TOP VIEW
CABINET WALL
GUIDE
CABINET WALL
HINGE
TIP
BURNER ASSEMBLY
No.5 SET SCREW
BURNER BODY STOP COLLAR
1 REQ. ALUM.
DR'L & LOCATE TO SUIT HINGE
57.5°
BURNER TIP
1-REQ. STEEL
HOLE FOR 1/8 DIA. PIN
DR'L. TO SUIT PIN
BURNER BODY HINGE
2 REQ. BRASS
DR'L & LOCATE TO SUIT HINGE
.495 DIA.
57.5°
BURNER BODY
1 REQ. ALUM.
No.8-32 5/16 DEEP
.259
3
BURNER BODY GUIDE (I.S.)
2 REQ. ALUM.
GUIDE CLIP
1 REQ. ALUM.
.259
No.16 DR'L.
BURNER BODY GUIDE (O.S.)
2 REQ. ALUM.
NATIONAL BUREAU OF STANDARDS
VERTICAL FLAMMABILITY TESTER
DETAILS
OFFICE OF FLAMMABLE FABRICS
DR'WG. No. 6



[FR Doc.73-4615 Filed 3-6-73;4:35 pm]

SMALL CARPETS AND RUGS

Supplementary Notice Regarding Proposed Sampling Plan

On March 7, 1973, there was published in the FEDERAL REGISTER (38 FR 6207, FR Doc. 73-4270) (38 FR 6210, FR Doc. 73-4269), a proposed Sampling Plan for the Standard for the Surface Flammability of Small Carpets and Rugs (Pill Test) DOC FF 2-70 and a proposed Sampling Plan for the Standard for the Surface Flammability of Carpets and Rugs DOC FF 1-70:

PARTICIPATION IN ABOVE-REFERENCED PROCEEDINGS

All interested persons are invited to submit written comments relative to each of the proposed sampling plans on or before April 11, 1973. Written comments should be submitted in at least four (4) copies to the Assistant Secretary for Science and Technology, Room 3862, U.S. Department of Commerce, Washington, D.C. 20230, and may include any data or other information pertinent to the subject.

INSPECTION OF RELEVANT DOCUMENTS

The written comments received pursuant to this notice will be available for public inspection at the Central Reference and Records Inspection Facility of the Department of Commerce, Room 7043, Main Commerce Building, 14th Street between E Street and Constitution Avenue NW., Washington, D.C. 20230. Supporting documents are available for inspection in the above facility. The documents contain in more detail the data which are summarized in the preceding portions of this notice.

Issued: March 8, 1973.

RICHARD O. SIMPSON,
Acting Assistant Secretary for Science and Technology.

[FR Doc.73-4781 Filed 3-8-73;3:01 pm]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

CHILD AND FAMILY DEVELOPMENT RESEARCH REVIEW COMMITTEE

Notice of Family and Youth Study Section Meeting

The Family and Youth Study Section of the Child and Family Development Research Review Committee will meet on March 14, 15, and 16, 1973. Each day the study section will meet from 9 a.m. until 5:30 p.m. in Club Room B of the Shoreham Hotel, 2500 Calvert Street NW., Washington, DC. The meetings will be closed to the public. The purpose of the Child and Family Development Research Review Committee is to review applications of research and demonstration projects and to make recommendations to the Director of the Office of Child Development as to which projects should be funded.

A list of Committee members and a summary of the meeting may be obtained from:

Barbara Rosengard, Research and Evaluation Division, Office of Child Development, Post Office Box 1182, Washington, DC 20013, 202—755-7758.

Dated: March 7, 1973.

BARBARA ROSENGARD,
Executive Secretary.

[FR Doc.73-4811 Filed 3-9-73;8:40 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

ADVISORY CIRCULAR 70/7460-1, OBSTRUCTION MARKING AND LIGHTING

Proposed Change

Public notice is hereby given that the Federal Aviation Administration is considering amending its standards to recommend the use of high intensity (strobe) obstruction lighting systems on tall skeletal structures. In addition, the FAA proposes to delete the recommended practices of obstruction marking skeletal structures with aviation surface orange and white paint when strobe lighting systems are employed. It is believed that interested parties should have an opportunity to comment on the proposed changes before it is put into effect. Accordingly, interested parties are invited to participate by submitting such written data, views or arguments as they may desire. Written comments should be submitted prior to April 15, 1973, to the Chief, Airspace and Air Traffic Rules Division, AAT-200, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591. Receipt of comments will not be acknowledged; however, all comments will be given careful consideration.

BACKGROUND

In accordance with the Federal Aviation Act of 1958, the Administrator of the Federal Aviation Administration is charged with the statutory responsibility for promoting safety in air commerce. In the light of this responsibility, the Director, Air Traffic Service, has been delegated the responsibility to describe the standards for obstruction marking and lighting obstructions to air navigation and to establish the methods, procedures, and equipment types as advisory material. These are promulgated in Advisory Circular 70/7460-1, Obstruction Marking and Lighting.

The FAA in its continuing efforts to improve the conspicuity of tall structures initiated several projects toward this goal in the early 1960's. These efforts culminated in a report dated January 1963; the installation and evaluation of a high intensity incandescent lighting system on a 1,449-foot above ground level television antenna tower in Oklahoma City, Okla. (1966-68), and the evaluation of a high intensity strobe lighting system installed on the supporting structures of an overhead transmission line across the Mississippi River in New Orleans, La., between December 1969 and early 1970. Data obtained from the January 1963 report and gleaned from the subsequent evaluations, formed the basis for the FAA's recommended specifications and standards for high intensity lighting systems.

The FAA's demand for an effective and highly reliable strobe system coupled with close coordination with industry and the advent of new and improved technologies, resulted in the development of acceptable hardware. This enabled the FAA to specify an improved high intensity lighting system for obstruction lighting objects determined to be obstructions to air navigation.

Strobe lighting systems are installed and operating on 11 chimneys, three television antenna towers, the supporting structures of four overhead transmission line crossings and one building. Approximately 34 more installations are in varying stages of planning and installation. As a result of field experience gained on the early installations and flight evaluations of several structures, amendments are being incorporated in the specifications leading to improved lighting systems. The use of these systems on tall solid structures negates the recommended practice of applying and maintaining aviation surface orange and white obstruction painting. The FAA is contemplating applying similar criteria to skeletal structures.

JUSTIFICATION

An evaluation of strobe lighting systems has been underway since the initial installation of these types of systems in 1969. One phase consisted of distributing questionnaire cards to be completed by pilots observing the systems. In excess of 89 percent of the comments received on all systems stated that the lights effectively warned them of the structure's presence.

During 1972 two existing television antenna towers were equipped with strobe systems. These structures were marked and lighted with the standard aviation orange and white paint and red obstruction lighting system. An evaluation team composed of representatives of several aviation organizations, a State aeronautics commission, the Federal Communications Commission, a television station, and various services of the FAA observed the two television antennas under both day and night conditions. In summary, the comments stated that the strobe lights are most effective during daylight hours; they are often seen long before the outline of the skeletal structure can be seen; the paint is only effective on sunny days with the sun behind the observer, the lights should remain on high intensity later in the day; at night the flash rate should be increased or have a longer flash duration; painting appears unnecessary when stroke lights are used; color bands are not distinguishable under most flight conditions and certainly not at night; leave red lights on at night, where they exist, along with strobes and if not possible, strobes are preferred; use at least one steady burning light to decrease chance of vertigo; flash rate was satisfactory; use intermediate intensity step when switching from day to night operation and vice versa.

As a result, the specification for the lighting system is being amended to provide for a scintillating or burst mode when operating at night. This will make the light appear to be on for approximately 0.25 seconds rather than a very rapid single flick. This results in the pilot being able to get a better fix on the location of the structure at night when he cannot see the outline of the strucure; it will decrease the possibility of getting vertigo; it will assist in determining the distance to the structure and it is significantly unique to provide distinction from an aircraft strobe light. The switch over from day to night intensity was also recognized as a problem in that the day intensity is much too bright against a late evening sky and the night intensity is not bright enough if the switch over is made too early. As a result, the new specifications will require an intermediate step during the switch over period at dusk and dawn.

Reliability

During 1972 several manufacturers' systems were approved as meeting current FAA specifications. A request was made to users of all systems to determine problem areas and system reliability. The reports received indicated that the systems manufactured in accordance with the FAA specifications have encountered only minor malfunctions after the initial installation problems are overcome. Since these systems are new to most electrical contractors, installation problems can be anticipated until greater experience is gained by the various electrical installation contractors.

Specification

The following are the basic recommended specifications for high intensity obstruction lighting systems applied to tall structures (excluding the supporting structures of overhead transmission lines):

1. *Intensity*—200,000 candelas, day; 1,000 candelas, night.
2. *Flash rate*—All lamps flash simultaneously at 40 flashes per minute.
3. *Beam spread*—A narrow vertical beam spread is specified in order to provide the full light intensity at possible collision altitudes with the structure, while persons on the ground or at altitudes above the structure will only receive residual light.

Industry Acceptance

All indications are that the strobe lighting systems are being readily accepted by electric utility companies. Several independent studies have been conducted by these companies to determine if any savings could be incurred if strobe lighting were used in lieu of the red obstruction lighting systems and painting every 4 or 5 years. It has been determined that for a chimney 500 feet and above, it is more economical to employ strobe lights. Inquiries regarding the application of strobe light systems to skeletal structures has resulted in responses similar to those mentioned above from members of the radio and television industry.

Coordination

The high intensity obstruction lighting standard as proposed for application on skeletal structures has been coordinated with the Federal Communications Commission and is being coordinated with aviation interests and organizations, and the public, through the media of this notice.

Proposed High Intensity Obstruction Lighting Standards

1. *Purpose.* The purpose of lighting an object is to warn airmen of its presence during daytime, nighttime, and periods of limited daytime light intensity and meteorological visibility. To accomplish this objective, it is necessary to display lighting on the obstruction of sufficient intensity and in such a manner that it will attract the attention of the pilot of any airplane that is approaching the obstruction from any angle while at any altitude up to 1,500 feet above the uppermost point on the obstruction.

1.1 *Scope.* The standards described herein describe day and night high intensity obstruction lighting recommended for obstructions to air navigation. The standard applies to tall skeletal type structures and is not applicable to the supporting structures of overhead wires which are described under another section of Advisory Circular 70/7460-1.

2. *Light distribution.* The vertical and horizontal light distribution of the high intensity lights should meet the requirements specified in Advisory Circular 150/5345-43, FAA/DOD Specification L-856, High Intensity Obstruction Lighting Systems.

3. *Inspection of obstruction lighting.* Obstruction lighting should be visually observed at least once each 24 hours or checked by observing an automatic and properly maintained indicator designed to register any failure of such lights to insure that all such lights are functioning properly as required. An automatic alarm system to denote such malfunction may be used.

4. *Notification of light failure.* Any observed or otherwise known extinguishment or improper functioning of an obstruction light which will last more than 30 minutes, regardless of its position on a natural or man-made obstruction, should be immediately reported. Such reports should be made by telephone or telegraph to the nearest flight service station or office of the FAA and should set forth the condition of the light or lights, the circumstances which caused the failure and the probable date that normal operation will be resumed. Further notification by telephone or telegraph should be given immediately upon resumption of normal operation by the light or lights.

5. *Obstruction marking and lighting.*

5.1 *Variables.* It is recommended that marking and lighting be displayed on skeletal structures in any of the following combinations:

5.1.1 *Paint and red obstruction lights.* Aviation surface orange and white paint, daytime; flashing aviation red beacons and steady burning aviation red lights, nighttime. (Standards are specified in Advisory Circular Number 70/7460-1, Obstruction Marking and Lighting.)

5.1.2 *High intensity lighting system.* Flashing high intensity white obstruction lights at full intensity, daytime; lights at reduced intensity, nighttime. Aviation surface orange and white paint for daytime marking may be omitted.

5.1.3 *Combination aviation red and high intensity white obstruction lights.* A combination of flashing high intensity white lights, daytime; flashing aviation red beacons and steady burning aviation red lights, nighttime operation. Aviation surface orange and white paint for daytime marking may be omitted.

6. *Interference.* Where any obstruction lights displayed on an obstruction may present a problem to the safe operation of railway trains, boats, or motor vehicles, or may be a source of irritation to any person or persons in the vicinity of the lights, action should be taken to properly adjust the angular elevation of the light beam and/or install louvers to eliminate the adverse effects. Neither of these adjustments should affect the effectiveness of the lights as an obstruction marking system.

7. *High intensity white obstruction lighting system.*

7.1 *Specification.* The high intensity white lighting system referred to in the standards set forth in this publication should conform with the applicable provisions of FAA/DOD Specification L-856, High Intensity Obstruction Lighting System.

7.2 *Availability of specifications.* FAA/DOD Specification L-856 is contained in the Federal Aviation Administration Advisory Circular No. 150/5345-43. Copies of this advisory circular may be obtained free of charge from the Department of Transportation, Distribution Unit, TAD-484.3, Washington, D.C. 20590.

7.3 *Manufacturers.* The names of qualified manufacturers and a description of their equipment will be included in the next revision to Federal Aviation Administration Advisory Circular No. 150/5345-1C, Approved Airport Lighting Equipment. Copies may be obtained free of charge from the Department of Transportation, Distribution Unit, TAD-484.3, Washington, D.C. 20590.

8. *Standards for lighting obstructions to air navigation with high intensity white obstruction lights.*

8.1 *Application.* The following standard applies only to skeletal structures, excluding supporting structures for overhead wires:

8.1.1 There should be installed on the highest portion of the obstruction a light or lights in a manner to insure unobstructed visibility of at least one light from aircraft at any normal angle of approach.

8.1.2 Skeletal structures having a rod, antenna or similar appurtenance thereto, 20 feet or greater above the main structural frame should have a white strobe beacon installed at the highest point. This light should be similar in appearance to a 300 MM code beacon, operate 24 hours a day at 1,000 candelas and flash in unison with the high intensity lighting system.

8.1.3 Skeletal structures and solid structures such as chimneys and flare stacks having a diameter of 20 feet or less should not need more than three light heads per level.[1] (This is based on lighting systems built in accordance with L-856 specifications.)

8.1.4 The main structural frame, excluding appurtenances thereto, determines the number of vertical levels[2] of lights to be applied in addition to the strobe light under Item 8.1.2 above, if applicable.

8.1.4.1 For skeletal structures having an overall height of 300 feet above ground level (AGL) or less, one level of lights should be installed at the top of the main skeletal structure.

8.1.4.2 For skeletal structures having an overall height of 301 to 600 feet AGL, two levels of lights should be installed. These should be installed at the top and at the approximate midpoint of the main skeletal frame.

8.1.4.3 For skeletal structures having an overall height of 601 to 1,000 feet AGL, three levels of lights should be installed. These should be installed at the top and approximate two-thirds and one-third levels of the main skeletal frame.

8.1.4.4 For skeletal structures having an overall height of more than 1,000 feet AGL, there should be installed an additional level of lights (excluding the white strobe beacon atop any appurtenance, if applicable) for each additional 400 feet, or fraction thereof, of the height of the main skeletal frame.

8.1.5 Where dual lighting systems are employed (i.e., high intensity white obstruction lights for daytime marking and red beacon and red steady burning lights for nighttime lighting) the top level should be installed at the top of the main skeletal frame (in addition to the 300 MM red flashing code beacon on top of any appurtenance). The succeeding light levels should be installed as close as possible to levels described above in Items 8.1.4.1 through 8.1.4.4, depending on the height of the structure and may be installed on the same level as the next closest red flashing beacon or red steady burning obstruction light. This is permitted in order that additional servicing catwalks need not be installed.

[1] Chimneys greater than 20 feet in diameter should have four light heads per level. Consideration is being given to increasing the number of lights per level for structures in excess of 100 feet in diameter.

[2] The standard for the vertical placement of high intensity obstruction lights on tall skeletal structures prescribed herein and under item 8.1.5 is identical to those presently recommended for tall solid structures such as chimneys.

9. *Angular elevation of light beam.* Each light head installed at the same level on a structure should be installed such that the angular elevation of the light beam for each light on that level is set at the identical elevation above the horizontal. This elevation is determined by the beam pattern of the particular manufacturer's equipment used and should be such that the beam to 20 percent of its effective intensity shall not strike the ground within 3 miles of the structure.

Issued in Washington, D.C., on March 1, 1973.

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

[FR Doc.73-4644 Filed 3-9-73;8:45 am]

AIRPORTS FIELD OFFICE AT BECKLEY, W. VA.

Notice of Change of Jurisdiction and Establishment

On or about April 2, 1973, the Airports District Office at Falls Church, Va., will no longer service the State of West Virginia.

In lieu thereof, an Airports Field Office will be established at Beckley, W. Va., on or about April 2, 1973. It will provide airport services to communities, airport sponsors, and public agencies, and conduct associated activities including the Airport Development Aid Program for the State of West Virginia. Communications to the Airports Field Office should be addressed as follows:

Airports Field Office, Department of Transportation, Federal Aviation Administration, Beckley National Plaza Building, 600 Neville Street, Beckley, WV 25801.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in New York, N.Y., on March 2, 1973.

GEORGE M. GARY,
Director, Eastern Region.

[FR Doc.73-4645 Filed 3-9-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-312]

RANCHO SECO NUCLEAR GENERATING STATION

Notice of Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that the Final Environmental Statement, prepared by the Commission's Directorate of Licensing, related to Rancho Seco Nuclear Generating Station for the proposed continuation of Construction Permit No. CPPR-56 and the proposed issuance of an operating license by Sacramento Municipal Utility District in Sacramento County, Calif., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Sacramento City County Library, Sacramento, Calif. The Final Environmental Statement is also being made available at the State of California, Office of Intergovernmental Management, 1400 10th Street, Room 121, Sacramento, CA.

The notice of availability of the Draft Environmental Statement for the Rancho Seco Nuclear Generating Station, and requests for comments from interested persons was published in the FEDERAL REGISTER on October 20, 1972 (37 FR 22638). The comments received from Federal, State, and local officials and interested members of the public have been included as appendices to the Final Environmental Statement.

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

Dated at Bethesda, Md., this 7th day of March 1973.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch No. 2, Directorate of Licensing.

[FR Doc.73-4693 Filed 3-9-73;8:45 am]

[Docket No. 50-407]

UNIVERSITY OF UTAH

Notice of Proposed Issuance of Construction Permit and Facility License

The Atomic Energy Commission (herein "the Commission") is considering the issuance of a construction permit and subsequently a facility license to the University of Utah which would authorize the construction and operation of a TRIGA Mark I nuclear reactor for research purposes on the university's campus at Salt Lake City, Utah. The proposed reactor will be operated at steady-state power levels up to 100 kilowatts (thermal).

Upon completion of the construction of the TRIGA Mark I nuclear reactor in accordance with the terms and conditions of the construction permit, and in the absence of good cause to the contrary, the Commission will issue to the University of Utah without further notice, a facility license authorizing the operation of the TRIGA since the application is complete enough to permit evaluation of the safety of the proposed operation of the reactor.

The Commission has found that the application for the construction permit and facility license complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations published in 10 CFR Chapter I. Prior to issuance of the proposed issuances, the Commission will have made the remainder of the findings required by the Act, and the Commission's regulations which are set forth in the proposed permit and facility license.

On or before April 11, 1973, the applicant may file a request for a hearing,

and any person whose interest may be affected by the issuance of the construction permit and facility license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to these proposed issuances, see (1) the application dated October 1971 and supplements dated August 4 and October 10, 1972, (2) a related safety evaluation prepared by Reactor Projects, (3) the proposed construction permit, and (4) the proposed facility license all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, DC. A copy of each of items (2), (3), and (4) may be obtained upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director of Licensing.

Dated at Bethesda, Md., this 2d day of March 1973.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
Acting Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc.73-4792 Filed 3-9-73;8:45 am]

[WASH-1519]

RIO BLANCO GAS STIMULATION PROJECT

Notice of Availability of Addendum to Final Environmental Statement

Notice is hereby given that an addendum to a document entitled, "Rio Blanco Gas Stimulation Project, Rio Blanco County, Colorado" issued in April 1972 pursuant to the Atomic Energy Commission's implementation of section 102(2)(c) of the National Environmental Policy Act of 1969 is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC 20545, and in the Commission's Albuquerque Operations Office, Post Office Box 5400, Albuquerque, NM 87115; Chicago Operations Office, 9800 South Cass Avenue, Argonne, IL 60439; Grand Junction Office, Post Office Box 2567, Grand Junction, CO 81501; Idaho Operations Office, Post Office Box 2108, Idaho Falls, ID 83401; Health and Safety Laboratory, 376 Hudson Street, New York, NY 10014; Oak Ridge Operations Office, Post Office Box E, Oak Ridge, TN 37830; San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704. This addendum has been prepared to supplement the environmental statement in order to reflect the consideration of comments received too late to be incorporated in the environmental statement and to present additional information. The plans for and the evaluation of the potential environmental impact of the proposed project have not been significantly altered.

This addendum to the environmental statement is being furnished to recipients of the statement and will be furnished upon request addressed to the Director, Division of Environmental Affairs, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 8th day of March 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-4802 Filed 3-9-73;8:45 am]

[Docket 25287; Order 73-3-11]

CIVIL AERONAUTICS BOARD

BRANIFF AIRWAYS, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 6th day of March, 1973.

By tariff revision [1] marked to become effective March 7, 1973, Braniff Airways, Inc. (Braniff) proposes to amend its group-fare structure between points in the southern portion of its system and Hawaii by canceling its fares for groups of 88, 105, and 154 or more passengers, and substituting a single fare for groups of 100 or more at the level of the present fare for groups of 154.

In support of its proposal, Braniff alleges that as a result of the increasing number of travel agents engaged in developing tour groups to Hawaii, it has become more difficult for one agent to gather the minimum number required for travel at the advertised price.[2] The smaller required group size is intended to alleviate this problem. It is alleged that the increase in revenue flowing from the fact that groups of less than 100 would be required to pay a higher individual fare will be offset by the lower fare which would become available for groups of 105–153 passengers, and that the net effect on revenues will be a wash.

Continental Air Lines, Inc. (Continental) has filed a complaint alleging that Braniff is incorrect in stating that the proposal will result in neither an increase nor decrease in its revenues; that in fact the change in minimum group size will result in a dilution of revenue; that Braniff's proposal is inconsistent with the Board's view of the overall fare situation in the Hawaiian market; and that Braniff is now seeking to establish a new 100-passenger fare which is actually lower than the comparable fare last fall.

Braniff answers that the 100-passenger group size is essential to induce agents to promote group fares on off-peak days, and that the absence of a weekend surcharge on these days has not proved sufficient. It alleges that its weekend flights for the coming summer are already almost completely blocked for large groups, but agents are still not promoting weekday departures because they are fearful that they cannot generate the 154 passengers required to be eligible for the lowest available fare.

Braniff further alleges that tour operators are willing to solicit group passengers for a given flight only on Braniff's commitment to block more than the minimum number of seats per group and that the practical result is that 200 seats are usually blocked in advance. It asserts that the reduction in group size will permit it to limit normal block booking to 150 seats and thus free more capacity for individual sales.

Upon consideration of the proposal, the complaint and answer thereto, and all relevant matters, the Board finds that the proposed revisions may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board has also concluded to suspend the proposal pending investigation.

In our opinion, this proposal represents a liberalization of the existing group-fare structure which could result in a net revenue reduction. In light of the Board's stated concern with the discount fare/regular fare relationship in the Hawaiian market, we believe Braniff's proposal reflects a regressive step at a time when carriers should be moving to achieve yield improvement.

While we can appreciate that Braniff would like to accommodate its group-fare structure to the tour operators' selling programs, we are not convinced that its approach is economically sound. We believe it would be far more reasonable to apply the existing fare level for groups of 105 passengers, rather than the lower 154-passenger group fare, and note that the proposed fare would be below the minimum for a comparable group established in the Group Inclusive Tour Basing Fares to Hawaii case, Docket 20850.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof, *It is ordered that:*

1. An investigation be instituted to determine whether the fares and provisions described in Appendix A [3] attached hereto, and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including June

---

[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariffs CAB Nos. 136 and 142.

[2] Braniff alleges that an agent normally bases his tour package on the lowest group fare available, in this case, for groups of 154 or more persons.

[3] Appendix A filed as part of the original document.

4, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint in Docket 25225 is dismissed;

4. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order be served on Braniff Airways, Inc., and Continental Air Lines, Inc., which are made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.73-4699 Filed 3-9-73;8:45 am]

[Docket No. 25262]

LUFTHANSA GERMAN AIRLINES

Notice of Prehearing Conference and Hearing

Amendment of Foreign Air Carrier Permit Addition of Toronto, Canada, as an intermediate point.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on April 10, 1973, at 10 a.m., local time, in Room 1031, North Universal Building, 1875 Connecticut Avenue NW., Washington, DC, before Administrative Law Judge Arthur S. Present.

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 April 3, 1973.

Dated at Washington, D.C., March 6, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-4700 Filed 3-9-73;8:45 am]

CIVIL SERVICE COMMISSION

DENTAL HYGIENIST, COLUMBIA, MO.

Notice of Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates and rate ranges as follows:

GS-682 DENTAL HYGIENIST SERIES

Geographic coverage: Columbia, Mo.
Effective date: First day of the first pay period beginning on or after March 18, 1973

(PER ANNUM RATES)

Grade	1	2	3	4	5	6	7	8	9	10
GS-4	$8,236	$8,485	$8,714	$8,943	$9,172	$9,401	$9,630	$9,859	$10,088	$10,317
GS-5	8,722	8,979	9,236	9,493	9,750	10,007	10,264	10,521	10,778	11,035
GS-6	9,430	9,716	10,002	10,288	10,574	10,860	11,146	11,432	11,718	12,004

All new employees in the specified occupational level will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the roles in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after each date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723, of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-4583 Filed 3-9-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 638]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MARCH 5, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below in the appendix if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

MARCH 5, 1973.

6246-C2-P-73—Northwestern Bell Telephone Co. (KFL887), C.P. to change antenna system and additional facilities to operate at 2.7 miles west-southwest of center of Grand Island, Grand Island, Nebr. on frequency 152.78 MHz.

6248-C2-P-73—Tele-Page, Inc. (New), C.P. for a new two-way station to operate on 152.21 MHz at Road 1258 between Highways 21 and 178, Orangeburg, S.C.

6302-C2-P-73—Nashville Mobilphone, Inc. (KIY750), C.P. to add frequency 152.09 MHz at 1.75 miles west of Junction U.S. 70 South and 100, Nashville, Tenn.

6303-C2-P-73—Massachusetts-Connecticut Mobile Telephone Co. (KCC803), C.P. to add antenna site, control point and transmitter, operating on 152.12 MHz at Brushy Hill Road, Danbury, Conn.

6304-C2-P-73—Cincinnati Radiotelephone Systems, Inc. (KLF476), C.P. to add antenna location No. 4, to operate on 43.22 MHz at 4164 Halfacre, Afton, OH.

6305-C2-P-73—Dial-A-Page, Inc. (New), C.P. for a new one-way signaling station, to operate on 158.70 MHz at 3600 Oakland Avenue, Elkhart, IN.

6306-C2-P-73—Anserfone of St. Lucie County, Inc. (KUC847), C.P. to change antenna location, operating on 158.70 MHz at 200 South Seventh Street, Fort Pierce, FL (one-way signaling).

6307-C2-P-73—Mobilfone Corp. (KSV992), C.P. to add location No. 2, operating on 158.70 MHz at 80 South Eighth Street, Minneapolis, MN (one-way signaling).

6309-C2-P-73—Calumet Radio Dispatch (KSB589), C.P. to change antenna system, and to replace transmitter. Operating on frequency 152.09 MHz at 504 Broadway, Gary, IN.

6310-C2-P-73—North Alabama Paging Co., doing business as Walter Britt Smith (New), C.P. for a new one-way signaling station to operate on 158.70 MHz at 703 Band Street NE., Decatur, AL.

6311-C2-P-(3)-73—Marianas Telephone Co. (WWA347), C.P. to change antenna system and to replace transmitter operating on 152.21 MHz at Libugan Hill, Asan, Agana, Guam, and to add a repeater station operating on 459.100 MHz at the same location. Also adding a control station to operate on 454.100 MHz at 1.9 miles southeast of Agana, Guam.

6314-C2-P-73—General Communications Co. (KUC849), C.P. to add location No. 2 to operate on 35.22 MHz at Westover Reservoir Park, Morgantown, W. Va. and location No. 3 to operate on 35.22 MHz at Route 50, 2 miles east of Clarksburg, W. Va.

Major Amendments

1765-C2-P-73—Industrial Communications Systems, Inc. (KSV926), Los Angeles, Calif. Amend to add base facilities operating on 158.70 MHz at a location described as 1709 West Eighth Street, Los Angeles, CA. All other particulars of operation remain as reported in Public Notice No. 165 dated September 25, 1972.

4018-C2-P-72—Robert S. Ditton (KOA605), change base frequency from 152.21 MHz to 152.06 MHz. All other particulars remain as reported in Public Notice No. 578 dated January 10, 1972.

RURAL RADIO SERVICE

6247-C1-P/L-73—The Pacific Telephone & Telegraph Co. (New), C.P. for a new rural subscriber station to operate on 157.77 and 157.89 MHz at 7.5 miles east-southeast of Holtville, Calif.

6249-C1-P/L-73—Industrial Communications, Inc. doing business as Port Arthur Mobile Phone (New), C.P. for a new rural subscriber station to operate at a temporary fixed location on frequency 158.58 MHz.

6308-C1-P-73—Illinois Bell Telephone Co. (KSH92), C.P. to change frequencies, power and to replace transmitter. Operating on 459.400, 459.425, 459.450, 459.475, 459.500, 459.550, 459.600, and 459.650 MHz at 4913 West Belmont Street, Chicago, IL.

6312-C1-P-73—South Central Bell Telephone Co. (New), C.P. for a new rural subscriber station to operate on 157.95 and 158.01 MHz at approximately 8.3 miles southwest of Houma, La.

RURAL RADIO SERVICE—continued

6315-C1-P-73—General Communications Service, Inc. (New), C.P. for a new rural subscriber station to operate at Office of Borderland Trading Post on AZ Highway 87N, 16 miles northeast of Junction with U.S. Highway 66, Arizona on frequency 158.49 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE

6235-C1-P-73—South Central Bell Telephone Co. (KIV66), approximately 1.5 miles southeast of Paintsville, Ky. Latitude 37°47'45" N., longitude 82°48'05" W. C.P. to change antenna system and power; replace transmitter on frequencies 4050V and 4130V MHz toward White Oak, Ky.

6236-C1-P-73—Same (KYS48), 232 West Lexington Avenue, Winchester, KY. Latitude 37°59'35" N., longitude 84°11'02" W. C.P. to change power and replace transmitter on frequencies 3730H and 3810H MHz toward Stanton, Ky.

6237-C1-P-73—Same (KYC46), approximately 0.4 miles north of Centerville, Ky. Latitude 38°13'43" N., longitude 84°23'20" W. C.P. to add frequency 3910V MHz toward Claysville, Ky.; frequencies 10,875V and 11,115H MHz toward Lexington, Ky.

6238-C1-P-73—Same (WAY83), approximately 4.3 miles southeast of Claysville, Ky. Latitude 38°27'43" N., longitude 84°09'11" W. C.P. to add frequency 3370H MHz toward Williamstown, Ky.; frequency 3870V MHz toward Centerville, Ky.

6239-C1-P-73—The Mountain States Telephone & Telegraph Co. (KPS31), approximately 1.7 miles east of McCammon, Idaho. Latitude 42°37'48" N., longitude 112°09'56" W. C.P. to change points of communication on frequencies 10,715H and 10,955V MHz toward Lava Hot Springs, Idaho via passive reflector.

6240-C1-P-73—Same (KPS32), approximately 5 miles east of Lava Hot Springs, Idaho. Latitude 42°36'53" N., longitude 111°55'10" W. C.P. to change antenna system and location on frequencies 11,405V and 11,645H MHz toward McCammon, Idaho via passive reflector; frequencies 11,685V and 11,445H MHz toward Soda Springs, Idaho via passive reflector.

6241-C1-P-73—Same (KPS33), 210 North Main Street, Soda Springs, ID. Latitude 42°39'50" N., longitude 111°36'09" W. C.P. to change antenna system, points of communication and add lighting rod on frequencies 10,775V and 10,955H MHz toward Lava Hot Springs, Idaho via passive reflector; frequencies 10,715V and 10,955H MHz toward Georgetown, Idaho.

6242-C1-P-73—Same (KPS34), approximately 4 miles north-northwest of Georgetown, Idaho. Latitude 42°31'41" N., longitude 111°24'14" W. C.P. to change antenna system and antenna location on frequencies 11,405H and 11,645V MHz toward Soda Springs, Idaho; frequencies 11,685H and 11,445V MHz toward Montpelier, Idaho.

6243-C1-P-73—Same (KPS35), 802 Monroe Avenue, Montpelier, ID. Latitude 42°19'18" N., longitude 111°18'24" W. C.P. to change points of communication on frequencies 10,755H and 10,995V MHz toward Georgetown, Idaho.

6250-C1-P-73—General Telephone Company of the Southeast (WBO56), 3.6 miles southeast of intersection of Routes 84 and 70 North in Monterey, Tenn. Latitude 36°06'11" N., longitude 85°14'03" W. C.P. to add frequency 10,875V MHz toward Monterey, Tenn.

6245-C1-MP-73—United Telephone Company of the Carolinas, Inc. (KIC29), Saveall Street at Highway 22, Greenwood, S.C. Latitude 34°10'19" N., longitude 82°08'32" W. Modify C.P. to add frequency 6286.19V MHz toward Ware Shoals, S.C.

6251-C1-P-73—General Telephone Company of the Southeast (New), 104 South Popular Street, Monterey, TN. Latitude 36°08'56" N., longitude 85°16'05" W. C.P. for a new station on frequency 11,335V MHz toward Putnam, Tenn.

6279-C1-P-73—Peninsula Telephone & Telegraph Co. (KPG70), 1.7 miles west of Neah Bay, Bahokus Peak, Wash. Latitude 48°22'08" N., longitude 124°39'54" W. C.P. to add frequency 5967.4V MHz toward Mount Ellis Lookout, Wash.

6280-C1-P-73—Same (KPG69), 4.2 miles north-northwest of Sappho, Mount Ellis Lookout, Wash. Latitude 48°07'58" N., longitude 124°18'20" W. C.P. to change frequency to 6219.5V MHz toward Neah Bay, Wash.

6281-C1-ML-73—Bell Telephone Company of Nevada (KPF92), Montezuma, 8 miles west of Goldfield, Nev. Latitude 37°42'06" N., longitude 117°22'57" W. Modification of license to delete frequencies 6004.5V and 6123.1V and two Lenkurt Electric Co. Type 74 transmitters toward Booker Mountain, Nev. (KPF93).

6282-C1-P-73—Southwestern Bell Telephone Co. (New), Arlington Stadium, Arlington, Tex. Latitude 32°45'19" N., longitude 97°05'07" W. C.P. for a new station on frequency 11,035H MHz toward Dallas, Tex.

6283–C1–P–73—Southern Bell Telephone & Telegraph Co. (KTP45), 937 Greene Street, Augusta, GA. Latitude 33°28'30" N., longitude 81°58'10" W. C.P. to add frequency 6152.8V MHz toward Clarks Hill, S.C.

6284–C1–P–73—Same (KJK92), 0.8 mile south-southwest of Clarks Hill, S.C. Latitude 33°39'39" N., longitude 82°10'47" W. C.P. to add frequency 6375.2V MHz toward Thomson, Ga.; frequency 6375.2V MHz toward Augusta, Ga.

6285–C1–P–73—Same (KJK93), 2.7 miles northeast of Thomson, Ga. Latitude 33°29'53" N., longitude 82°28'34" W. C.P. to add frequency 6152.8V MHz toward Mitchell, Ga.; frequency 6152.8V MHz toward Clarks Hill, S.C.

6286–C1–P–73—Same (KJK94), 1.6 miles north-northeast of Mitchell, Ga. Latitude 33°14'29" N., longitude 82°41'46" W. C.P. to add frequency 6375.2V MHz toward Tenniville, Ga.; frequency 6375.2V MHz toward Thomson, Ga.

6287–C1–P–73—Southern Bell Telephone & Telegraph Co. (KJK95), 1.9 miles east of Tennille, Ga. Latitude 32°56'10" N., longitude 82°46'44" W. C.P. to add frequency 6152.8V MHz toward Nickelsville, Ga.; frequency 6152.8V MHz toward Mitchell, Ga.; frequency 5945.2H MHz toward Mitchell, Ga.

6288–C1–P–73—Same (KJL23), 4.2 miles southeast of Nickelsville, Ga. Latitude 32°39'15" N., longitude 83°01'48" W. C.P. to add frequencies 6375.2V and 6226.9H MHz toward Tennille, Ga.

6289–C1–P–73—Southwestern Bell Telephone Co. (KYJ47), 715 Louisiana Street, Little Rock, AR. Latitude 34°44'30" N., longitude 92°16'20" W. C.P. to add frequency 6226.9H MHz toward Belfast, Ark.

6290–C1–P–73—Same (New), 2.5 miles northeast of Belfast, Ark. Latitude 34°26'35" N., longitude 92°26'03" W. C.P. for a new station on frequency 5974.8V MHz toward Little Rock, Ark.; frequency 5974.8H MHz toward Cove Creek, Ark.

6291–C1–P–73—Same (New), 0.11 mile northwest of Hot Springs, Ark. Latitude 34°30'18" N., longitude 93°04'40" W. C.P. for a new station on frequency 5974.8V MHz toward Cove Creek, Ark.

6292–C1–P–73—Same (New), Cove Creek, 3 miles south-southwest of Lonsdale, Ark. Latitude 34°30'03" N., longitude 92°49'18" W. C.P. for a new station on frequency 6226.9V MHz toward Belfast, Ark.; frequency 6226.9H MHz toward Hot Springs, Ark.

6293–C1–P–73—The Mountain States Telephone & Telegraph Co. (New), southeast corner of Main and Second Street, Humboldt, Ariz. Latitude 34°30'03" N., longitude 112°14'19" W. C.P. for a new station on frequencies 11,405V and 11,645H MHz toward Cordes Junction, Ariz. via passive reflector.

6294–C1–P–73—Same (New), Cordes Junction, 8 miles southeast of Mayer, Ariz. Latitude 34°20'02" N., longitude 112°07'09" W. C.P. for a new station on frequencies 10,715H and 10,995V MHz toward Humboldt, Ariz. via passive reflector.

6295–C1–P–73—Public Service Telephone Co. (KVU90), 18 miles east of Knoxville, Ga. Latitude 32°43'06" N., longitude 83°58'11" W. Resubmitted C.P. to add frequency 6301.0H MHz toward Culloden, Ga.

6296–C1–P–73—Same (New), Old Post Road, Culloden, Ga. Latitude 32°51'44" N., longitude 84°05'37" W. Resubmitted C.P. for a new station on frequency 6019.3H MHz toward Knoxville, Ga.

6300–C1–P–73—Midwestern Relay Co. (WLJ68), 5 miles northwest of Fort Atkinson, Jefferson, Wis. Latitude 42°59'38" N., longitude 88°53'49" W. C.P. to add frequency 6034.2V MHz toward Stoughton, Wis.

6301–C1–P–73—Midwestern Relay Co. (WJL50), Stockbridge, Wis. Latitude 44°04'20" N., longitude 88°15'27" W. C.P. to add frequencies 6256.5H and 6315.9H MHz toward Neenah CATV, Wis. (INFORMATIVE: Midwestern proposes to provide the television signal of WGN (Chicago) to a CATV system serving Stoughton, Wis., and the television signals of stations WGN (Chicago) and WVTV (Milwaukee) to a CATV system serving Neenah and Menasha, Wis.)

6297–C1–P–73—Southern Bell Telephone & Telegraph Co. (KIY59), 1645 Hampton Street, Columbia, SC. Latitude 34°00'29" N., longitude 81°01'42" W. C.P. to add frequency 6034.2V MHz toward Blaney, S.C.

6298–C1–P–73—Same (KJB47), two blocks southeast of U.S. Highway 1 (Kershaw), S.C. Latitude 34°10'10" N., longitude 80°47'15" W. C.P. to add frequency 6286.2H MHz toward Columbia, S.C.; frequency 6286.2V MHz toward Camden, S.C.

6299–C1–P–73—Same (KJA71), 1209 Broad Street, Camden, SC. Latitude 34°14'57" N., longitude 80°36'26" W. C.P. to add frequency 6034.2H MHz toward Blaney, S.C.

6328–C1–P–73—KHC Microwave Corp., doing business as United Video/Louisiana (New), just southwest of city, Bayou Sorrel, La. Latitude 30°09'45" N., longitude 91°19'58" W. C.P. for a new station on frequency 5945.2H MHz toward Donaldsonville, La.; 6034.2H MHz toward Catahoula, La.; 5945.2H MHz toward Baton Rouge, La.

6329–C1–P–73—Same (New), within Jennings Incorporated city boundaries, Jennings, La. Latitude 30°14'06" N., longitude 92°38'13" W. C.P. for a new station on frequency 5974.8H MHz toward Lacassine, La.; frequency 6093.5V MHz toward Crowley, La.

6330–C1–P–73—Same (New), 2 miles south of Catahoula, La. Latitude 30°11'09" N., longitude 91°42'38" W. C.P. for a new station on frequency 6226.9V MHz toward Bayou Sorrel, La.; 6226.9V MHz toward Lafayette, La.

Corrections

5415–C1–P–73—The Mountain States Telephone & Telegraph Co. (New), Correct to read: C.P. for a new station on frequencies 11,405V and 11,645H MHz toward Marana, Ariz., via passive reflector.

5416–C1–P–73—Same (New), Correct to read: C.P. to add frequencies 10,755H and 10,995V MHz toward Tumamoc, Ariz., via passive reflector.

(Major Amendments)

6496–C1–P–70—KHC Microwave Corp., doing business as United Video/Louisiana (New), New Orleans, La. Change proposed station location to Marais and Canal Street, New Orleans, La., at latitude 29°57'24" N., longitude 90°04'34" W. Correct polarization on frequency 5989.7 MHz from H to V toward Dufresne, La. Delete frequency 6078.6H MHz on azimuth 268°44' toward Dufresne, La.

6497–C1–P–70—Same (New), Dufresne, La. Change station location to 0.8 mile northwest of Dufresne, La., at latitude 29°56'48" N., longitude 90°24'09" W. Correct frequencies and azimuths to 6241.7H on azimuth 87°54' toward New Orleans, La., and 6301.0V MHz on azimuth 284°04' toward Vacherie, La. Delete frequencies 6271.4H and 6390.0V MHz on azimuth 281°34' toward Vacherie, La., and 6271.4H and 6390.0H MHz on azimuth 88°35' toward New Orleans, La.

6498–C1–P–70—Same (New), Vacherie, La. Change station location to 0.1 mile southeast of Vacherie, La., at latitude 30°00'49" N., longitude 90°42'40" W. Correct polarization and azimuth on frequency 5989.7 MHz to H on azimuth 103°55' toward Dufresne, La., Correct frequency and azimuth to 6152.8H MHz on azimuth 289°11' toward Donaldsonville, La. Delete frequencies 6078.6V MHz on azimuth 101°24' toward Dufresne, La., and 5989.7H MHz on azimuth 289°45' toward Donaldsonville, La.

6499–C1–P–70—Same (New), Donaldsonville, La. Change station location to 0.6 mile west of Donaldsonville, La., at latitude 30°06'27" N., longitude 91°01'22" W. Correct frequency and azimuth to 6197.2H MHz on azimuth 109°01' toward Vacherie, La. Add Bayou Sorrel, La., as a point of communication on frequency 6286.2H MHz on azimuth 339°31' toward Baton Rouge, La.

6500–C1–P–70—Same (New), Baton Rouge, La. Change station location to within Baton Rouge Incorporated area at latitude 30°26'56" N., longitude 91°11'20" W. Correct frequency and azimuth to 6286.2V MHz on azimuth 203°36' toward Bayou Sorrel, La. Delete frequencies 6049.0V MHz and 6108.3V MHz on azimuth 291°30' toward Blanks, La., and 5989.7V MHz and 6078.6V MHz on azimuth 159°28' toward Donaldsonville, La.

6504–C1–P–70—Same (New), Lafayette, La. Station location 4.5 miles southwest of Lafayette at latitude 30°09'51" N., longitude 92°05'16" W. Correct frequencies and azimuths to new points of communication to 5974.8V MHz on azimuth 86°07' toward Catahoula, La., and 6123.1V MHz on azimuth 280°09' toward Crowley, La. Delete frequencies 5989.7V MHz and 6049.9V MHz toward Rayne, La., on azimuth 300°29'.

6505–C1–P–70—Same (New), Crowley, La. Station location 1.5 miles west of Crowley at latitude 30°12'46" N., longitude 92°24'10" W. Correct frequencies and azimuths to 6345.5V MHz on azimuth 276°17' toward Jennings, La., and 6404.8V MHz on azimuths 99°59' toward Lafayette, La. Delete frequencies 5960.0H and 6049.0V MHz on azimuth 79°51' toward Rayne, La., and 5989.7H and 6049.0H MHz on azimuth 272°22' toward Roanoke, La.

6506–C1–P–70—KHC Microwave Corp., doing business as United Video/Louisiana (New), Lacassine, La. Change station location to 3 miles west of Lacassine at latitude 30°13'40"

Major Amendments—Continued

N., longitude 92°57'40" W. Correct frequencies and azimuths to 6226.9V MHz on azimuth 256°16' toward Lake Charles, La., and 6404.8V MHz on azimuth 88°27' toward Jennings, La. Delete frequencies 6241.7V and 6404.8V MHz on azimuth 274°17' toward Mossville, La., and 6271.4H and 6212.0H MHz on azimuth 92°11' toward Crowley, La.

6507–C1–P–70—Same (New), Vinton, La. Change proposed station location to 7 miles south-southeast of Vinton, La., at latitude 30°05'07" N., longitude 93°31'40" W. Correct frequencies and azimuths to 6404.8V MHz on azimuth 253°16' toward Port Neches, Tex., and 6226.9H MHz on azimuth 71°21' toward Lake Charles, La. Delete frequencies 6078.6H and 6152.8H MHz on azimuth 336°20' toward Oretta, La.; 6137.9V and 5989.7V MHz on azimuth 94°01' toward Roanoke, La.; 5960.0V MHz and 6049.0V MHz on azimuth 160°44' toward Lake Charles, La.; and 5989.7H and 6137.9H MHz on azimuth 245°13' toward Orange, Tex.

6508–C1–P–70—Same (New), Lake Charles, La. Station location 0.5 mile southwest of Lake Charles at latitude 30°09'54" N., longitude 93°15'18" W. Correct frequency and azimuth to 5974.8H MHz on azimuth 251°29' toward Vinton, La., and add 6093.5H MHz on azimuth 76°07' toward new point of communication at Lacassine, La. Delete frequencies 6271.4V and 6360.3V MHz on azimuth 340°45' toward Mossville, La.

6509–C1–P–70—Same (New), Port Neches, Tex. Change proposed station location to 2 miles east of Port Neches at latitude 29°58'45" N., longitude 93°55'50" W. Correct frequencies and azimuths to 6093.5H MHz on azimuth 235°26' toward La Belle, Tex., and 6093.5V MHz on azimuth 73°03' toward Vinton, La. Delete frequencies 6241.7H and 6404.8H MHz on azimuth 64°59' toward Mossville, La., and 6301.0H and 6360.3H MHz on azimuth 270°54' toward Beaumont, Tex.

6510–C1–P–70—Same (New), La Belle, Tex. Change proposed station location 2.5 miles south of La Belle at latitude 29°50'25" N., longitude 94°09'41" W. Correct frequencies and azimuths to 6197.2H MHz on azimuth 271°23' toward West Winnie, Tex., and 6197.2V MHz on azimuth 55°19' toward Port Neches, Tex. Delete frequencies 6019.3H and 6078.6H MHz on azimuth 90°43' toward Orange, Tex., and 5960.0V and 6049.0V MHz on azimuth 278°49' toward Grayburg, Tex.

6511–C1–P–70—Same (New), West Winnie, Tex. Change proposed station location to 6 miles west of Winnie at latitude 29°50'48" N., longitude 94°29'05" W. Correct frequencies and azimuths to 5974.8H MHz on azimuth 265°30' toward Mont Belview, Tex., and 5974.8V MHz on azimuth 91°13' toward La Belle, Tex. Delete frequencies 6271.4V and 6330.7V MHz on azimuith 259°09' toward Liberty, Tex.

6512–C1–P–70—Same (New), Mont Belview, Tex. Change proposed station location to 5 miles east of Mont Belview at latitude 29°49'27" N., longitude 94°48'25" W. Correct frequencies and azimuths to 6345.5H MHz on azimuth 254°24' toward Channelview, Tex., and 6286.2V MHz on azimuth 85°21' toward West Winnie, Tex. Delete frequencies 5989.7V and 6078.6V MHz on azimuth 78°59' toward Grayburg, Tex., and 5960.0H and 6019.3H MHz on azimuth 234°04' toward Barrett, Tex.

6513–C1–P–70—KHC Microwave Corp., doing business as United Video/Louisiana (New), Channelview, Tex. Change proposed station location to 1.5 miles south of Channelview at latitude 29°45'02" N., longitude 95°06'25" W. Correct frequencies and azimuths to 6093.5V MHz on azimuth 272°15' toward Houston, Tex., and 6152.8H MHz on azimuth 74°15' toward Mont Belview, Tex. Delete frequencies 6271.4H and 6330.7H MHz on azimuth 53°55' toward Liberty, Tex., and 6241.7H and 6375.2H MHz on azimuth 248°17' toward Houston, Tex.

3889–C1–P–73—CPI Microwave, Inc. (WPE45), change station location to 4.2 miles southeast of Driftwood, Tex. Latitude 30°04'07" N., longitude 98°04'39" W. and change frequency to 6241.7V MHz on azimuth 205°30' toward new point of communication at New Braunfels.

3890–C1–P–73—Same (WPE46), change station location to 8.5 miles west of New Braunfels, Tex. Latitude 29°46'04" N., longitude 98°14'35" W. Change frequency to 6108.3V MHz on azimuth 214°04' toward new point of communication at San Antonio.

3892–C1–P–73—Same (WPE48), change station location to corner of Hilderbrand and Devine, San Antonio, Tex., and change frequency to 10,895H on azimuth 196°34' toward station WOAI–TV, San Antonio. (All other particulars same as reported on public notice dated December 4, 1972.)

SATELLITE COMMUNICATIONS SERVICE

Major Amendment

84–CSG–P–70—Communications Satellite Corp. (New), location: Kwajalein, Marshall Islands. Amendment proposes use of 32-foot diameter with G/T of 31.7 db/°K, in lieu of 90–100 foot diameter antenna originally proposed, with new power output of 300 watts, maximum e.i.r.p. of 78 dBw in main beam and 32.5 dBw/4 kHz in horizontal plane. Transmissions will be in 5925–6425 MHz band and reception in 3700–4200 MHz band. Operational range of azimuths changed to 140–160° with minimum elevation of 10°. Applicant also proposes a slight change in coordinates to 8°43'50" N., and 167°44'30" E. All other particulars same as reported public notice dated March 2, 1970.

[FR Doc.73–4605 Filed 3–9–73;8:45 am]

[Mexican List 269]

MEXICAN STANDARD BROADCAST STATIONS
Notification List

JANUARY 20, 1973.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Mexican standard broadcast stations modifying the assignments of Mexican broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

Call letters	Location	Power watts	Antenna radiation mv./m./kw.	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of change or commencement of operation
		700 kHz							
XERA	San Cristobal, las Casas, Chis.	5000	ND-190	D	II	324	120	324	5-1-73 (probable).
		830 kHz							
XELA (PO 10000-D/5000-N, DA-1).	Mexico, D.F., N. 19°20'02", W. 99°07'58".	1000	DA-1	U	II				
		860 kHz							
XERN (PO 1000 W, ND, D)	Montemorelos, N.L., N. 25°11'24", W. 99°51'15".	5000-D/175-N	ND-175	U	III	246	90	393	5-1-73 (probable).
		880 kHz							
XEQO (provisional operation—500 W, ND, D).	Cosamaloapan, Ver., N. 18°20'27", W. 95°47'49".	5000	DA-N ND-197	U	III	*315*	*120*	*388*	11-11-72
		1140 kHz							
XETE (operation suspended)	Tehuacan, Pue.	1000	ND	D	II				3-1-72.
		1160 kHz							
XEBE (PO 250 W, ND-D)	Perote, Ver., N. 19°37'12", W. 97°14'24".	*1000*	ND-190	D	II	212	120	212	5-1-73 (probable).
		1180 kHz							
XEACN (change in call letters—previously XEXS).	San Francisco del Rincon, Gto., N. 21°00'00", W. 101°45'00".	500	ND-187	D	II	232	90	207	
		1250 kHz							
XEZT (PO 250 W-D, ND)	Puebla, Pue., *N. 19°02'30", W. 98°11'42".*	*500*	ND-175	D	III	*177*	*90*	*177*	5-1-73 (probable).
		1360 kHz							
XELS	Armeria, Col., *N. 18°55'00", W. 103°57'35".*	1000-D/100-N	ND-175	U	III	*165*	*90*	*165*	5-1-73 (probable).
		1390 kHz							
XEQC (correction to call letters).	Puerto Penasco, Son.	500	ND-170	D	III	148	90	148	
		1350 kHz							
XESX (New)	Tuxtla Gutierrez, Chis.	5000	ND	D	III				5-1-73 (probable).
		1430 kHz							
XEIR (New)	Cd. Valles, S.L.P.	1000	ND	D	III				5-1-73 (probable).
		1450 kHz							
XESS (PO 250-D/200-N) (requires coordination).	Ensenada, B.C.	*1000-D/200-N*	ND	U	IV				6-1-73.
		1490 kHz							
XECJC (In operation since 1.18.72 with 250 W, U).	Cd. Juarez, Chih. *N. 31°44'18.88", W. 106°28'41.07".*	1000-D/250-N	ND-150	U	IV	*118*	*90*	*98*	5-1-73 (probable).
		1490 kHz							
XEAR (assignment of call letters and correction to nighttime operation).	Tampico, Tams.	250-D/*150-N*	ND	U	IV				5-1-73 (probable).
		1490 kHz							
XEME (change in location—previously Merida, Yuc.).	Valladolid, Yuc. *N. 20°41'46", W. 88°12'24".*	500	ND-175	U	IV	*148*	*90*	*148*	1-1-73 (probable).
		1500 kHz							
XEGN (New)	Piedras Negras Ver.	250	ND	D	II				5-1-73 (probable).
		1500 kHz							
XEFL (PO 250 W-D, ND)	Guanajuato, Gto.	*1000*	ND	D	II				5-1-73 (probable).
		1580 kHz							
XEQL (PO 1000-D/100-N, ND).	Zamora, Mich. N. 19°59'14", W. 102°16'12".	1000-D/*250-N*	ND-192	U	II	167	120	164	2-1-73 (probable).

[SEAL]

WALLACE E. JOHNSON,
FEDERAL COMMUNICATIONS COMMISSION,
Chief, Broadcast Bureau.

[FR Doc.73-4606 Filed 3-9-73;8:45 am]

FEDERAL MARITIME COMMISSION

ARGENTINA/UNITED STATES GULF NORTHBOUND AND SOUTHBOUND POOLING AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thos. E. Stakem, Esquire, Macleay, Lynch, Bernhard & Gregg, 1625 K Street NW., Washington, DC 20006.

Agreement No. 10039, between Empresa Lineas Maritimas Argentinas (E.L.M.A.) and Delta Steamship Lines, Inc., provides for the establishment of a pooling arrangement for the apportionment of freight revenue on all cargo (with certain differing exceptions northbound and southbound, respectively), transported by the parties on owned or chartered vessels from Argentine ports within the La Plata/Rosario range, both inclusive, to U.S. Gulf of Mexico ports within the Brownsville, Tex./Key West, Fla. range, both inclusive (Annex I), and from U.S. Gulf of Mexico ports within the Brownsville, Tex./Key West, Fla. range, both inclusive, to Argentine ports within the La Plata/Rosario range, both inclusive (Annex II). The intent is that the lines will equally participate in the cargo revenue generated by both of them when operating within the scope of the agreement.

The parties will each maintain both northbound and southbound a minimum of 18 sailings during each pool period (12 months) subject to conditions of force majeure. Sailings for a period of less than 12 months will be on a pro rata basis.

Provisions with respect to (1) adjustments in the event of a sailing deficiency, (2) calculation of revenues from pooled cargo, (3) pool accounting and settlement, and (4) arbitration, are set forth in the agreement. The agreement will become effective upon approval by the respective governmental authorities, and will remain in effect for three (3) years thereafter, unless earlier canceled as provided therein.

By order of the Federal Maritime Commission.

Dated: March 7, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4690 Filed 3-9-73;8:45 am]

ARGENTINA/UNITED STATES ATLANTIC NORTHBOUND AND SOUTHBOUND POOLING AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Thos. E. Stakem, Esquire, Macleay, Lynch, Bernhard & Gregg, 1625 K Street NW., Washington, DC 20006.

Agreement No. 10038, between Empresa Lineas Maritimas Argentinas (E.L.M.A.) and Moore-McCormack Lines, Inc., provides for the establishment of a pooling arrangement for the apportionment of freight revenue on all cargo (with certain differing exceptions northbound and southbound, respectively), transported by the parties on owned or chartered vessels from Argentine ports within the La Plata/Rosario range, both inclusive, to U.S. Atlantic Coast ports within the Jacksonville/New York range, both inclusive (Annex I), and from U.S. Atlantic Coast ports within the Jacksonville/New York range, both inclusive, to Argentine ports within the La Plata/Rosario range, both inclusive (Annex II). The intent is that the lines will equally participate in the cargo revenue generated by both of them when operating within the scope of the agreement.

The parties will each maintain both northbound and southbound a minimum of 24 sailings during each pool period (12 months) subject to conditions of force majeure. Sailings for a period of less than 12 months will be on a pro rata basis.

Provisions with respect to (1) adjustments in the event of a sailing deficiency, (2) calculation of revenues from pooled cargo, (3) pool accounting and settlement, and (4) arbitration, are set forth in the agreement. The agreement will become effective upon approval by the respective governmental authorities, and will remain in effect for three (3) years thereafter, unless earlier canceled as provided therein.

By order of the Federal Maritime Commission.

Dated: March 7, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4689 Filed 3-9-73;8:45 am]

CITY OF LONG BEACH AND UNITED STATES LINES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 22, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

Mr. Leonard Putnam, City Attorney, City of Long Beach, Suite 600 City Hall, Long Beach, Calif. 90802.

Agreement No. T-2750, between the City of Long Beach (City) and United States Lines (U.S.L.), is a preferential assignment of a marine container terminal at Berth 230, Pier G, and water area adjacent thereto in the Port of Long Beach, Calif. U.S.L. is authorized to use the assigned premises and improvements thereon to conduct a marine terminal. U.S.L. will pay $51,471 per each 3-month period for the premises, including land and water areas, but excluding the wharf structure and all other improvements. Also, U.S.L. will pay a sum equal to 2.5575 percent per each 3-month period of the total actual cost of construction of the wharf structure on the assigned premises. Finally, U.S.L. shall pay a sum equal to 2.9375 percent per each 3-month period of the total actual cost of construction of the marine terminal and related appurtenances and improvements, excluding land and water areas and the wharf structure. Rates, charges, regulations, and practices of U.S.L. shall be subject to review and control by the City.

Agreement No. T-2750-A, between the City and U.S.L., is a container freight station lease (CFS) located at Pier A in the Harbor District of the City of Long Beach, containing approximately 159,947 square feet, together with the container freight station, garage and offices located thereon. The leased premises will be used for a container freight station; a truck terminal; for the parking, storage, repair, and maintenance of its trucks, trailers, and containers; for the loading and unloading of containers, as general offices; and for uses incidental thereto. U.S.L. shall pay to the City for the use of the leased premises and all improvements located thereon, a quarterly rental in the sum of $13,035.75. The term of this lease shall expire on June 30, 1978, or on the date the Preferential Assignment Agreement (T-2750) entered into by and between the parties, shall terminate, whichever shall occur later.

Agreement No. T-2750-B, between the City and U.S.L., is a preferential assignment for the use of two container cranes for use by U.S.L. for the handling of cargo containers at premises to be assigned to U.S.L. pursuant to the wharf assignment contained in Agreement No. T-2750. More specifically, the City agrees to grant to U.S.L. nonexclusive assignments of those certain items of personal property referred to as Paceco container cranes. The term of this agreement shall commence as of the first day of the calendar month immediately following approval of this agreement and Agreements Nos. T-2750 and T-2750-A. U.S.L. shall pay to the City for the use of the secondarily assigned crane, the sum of $125 per hour or any portion thereof, of use, with a minimum use of 4 hours at a time, payable within 10 days from date of receipt by U.S.L. of a billing for such use. In addition, U.S.L. shall pay to the City, for the use of the preferentially assigned cranes, a sum equal to 11.75 percent per annum of the total cost of construction of each of said cranes, payable in quarterly payments in advance, on the first day of each quarter while this assignment agreement is in effect with respect to each of the cranes and while the crane, or cranes, are available for use on a preferential basis. In the event the Wharf Agreement (T-2750) or the CFS Lease (T-2750-A) shall, for any reason expire or terminate prior to the expiration of this agreement (June 30, 1978), either party hereto shall have the option to terminate the agreement upon thirty (30) days' written notice to the other.

By order of the Federal Maritime Commission.

Dated: March 7, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4688 Filed 3-9-73;8:45 am]

AIR-SEA FORWARDERS, INC., AND SAN DIEGO INTERNATIONAL SERVICES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Erwin Rautenberg, President, Air-Sea Forwarders, Inc., 10425 La Cienega Boulevard, Los Angeles, CA 90045.

Agreement No. FF 73-1 between Air-Sea Forwarders, Inc. (FMC No. 903) and San Diego International Services (FMC No. 668) was filed for the purpose of obtaining Commission approval pursuant to section 15, Shipping Act, 1916, of the sale of all the stock and assets of San Diego International Services to Air-Sea Forwarders, Inc.

San Diego International Services will operate as a fully owned subsidiary of Air-Sea Forwarders, Inc., under the name and FMC license of Air-Sea Forwarders, Inc.

By order of the Fedreal Maritime Commission.

Dated: March 5, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4685 Filed 3-9-73;8:45 am]

FLOTA MERCANTE GRAN CENTROAMERICANA, S.A. AND PAN AMERICAN MAIL LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edwin Longcope, Attorney, Hill, Betts & Nash, 26 Broadway, New York, NY 10004.

Agreement No. 10040, a cooperative working arrangement between Flota Mercante Gran Centroamericana, S.A. (Flomerca) and Pan American Mail Line, Inc. (PAM), provides for the establishment of a specialized roll-on/roll-off transportation service to be initially operated between the port of Santo Tomas de Castilla, Guatemala and ports in the State of Florida. Under the agreement the following pertinent aspects are:

(1) Flomerca shall lease a specialized vessel that it shall place at the disposal of the service;

(2) Flomerca shall provide the specialized administrative personnel necessary for the

handling of the operations of the service in Guatemala;

(3) PAM shall provide the rest of the equipment necessary for the handling and operation of the service. It shall also provide all financing for the entire operation both initially and subsequently in order to establish the service permanently other than an initial monetary contribution to be made by Flomerca for the installation and operation of the service;

(4) PAM shall also provide all skilled personnel for handling the service in the United States as well as those that may be necessary on the high seas;

(5) Flomerca shall receive a stated percentage of the profits of the service during the first year of the agreement, which percentage may be increased provided conditions permit and the parties agree;

(6) The service shall operate under the name of "Flomerca Trailer Service," which name must be used in the identification of the vessel or vessels employed in the service, as well as in the bills of lading and other documents utilized.

(7) Chester, Blackburn & Roder, Inc., shall be the parties' agent in Florida. Flomerca shall be the agent in Guatemala. The commission percentages for the handling of the agency in each country are specified in the agreement.

(8) The agreement shall have a duration of 2 years and may be extended for a like period.

By order of the Federal Maritime Commission.

Dated: March 7, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4686 Filed 3-9-73;8:45 am]

ORIENT OVERSEAS LINES, INC. AND ORIENT OVERSEAS CONTAINER LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliot B. Nixon, Esq., Burlingham Underwood & Lord, 25 Broadway, New York, NY 10004

Agreement No. 10037, entered into by Orient Overseas Line, Inc. (OOLI) and Orient Overseas Container Line, Inc. (OOCLI) is a "joint service" arrangement whereby (1) OOCLI will assume and continue the existing all-water container service of OOLI under the trade name "Orient Overseas Container Line," in the eastbound and westbound trades between U.S. East Coast and Gulf ports and ports in the Far East (Japan, Korea, Taiwan, Hong Kong, and the Philippines); (2) OOLI will continue to operate as the "Orient Overseas Container Line" in (a) its all-water container service in the eastbound and westbound trades between U.S. West Coast ports and Far East ports and (b) any future combined rail/water "mini-bridge" service which may be instituted by OOLI in the eastbound and westbound trades between U.S. East Coast and Gulf ports involving through transportation of containers by rail across the United States and by sea across the Pacific Ocean on vessels which load or discharge at U.S. Pacific Coast ports; (3) OOCLI will charter space to OOLI on the former's vessels, which call at U.S. Pacific coast ports en route to or from the Far East, for the movement of containerized cargo under bills of lading issued by the latter which is shipped from or consigned to said Pacific Coast ports; and (4) the parties will participate as a single member or party in any conference or pooling agreement to which OOLI is or may become a participant, under terms and conditions set forth in the agreement.

By order of the Federal Maritime Commission.

Dated: March 5, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4684 Filed 3-9-73;8:45 am]

LYKES BROS. STEAMSHIP CO., INC. AND PORT OF NEW ORLEANS

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, on or before April 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Cyrus C. Guidry, Port Counsel, Board of Commissioners of the Port of New Orleans, Post Office Box 60046, New Orleans, LA 70160.

Agreement No. T-2749, between Lykes Bros. Steamship Co., Inc. (Lykes) and the Port of New Orleans (Port), is an agreement whereby the Port grants Lykes a permit to install, maintain, and operate at its own risk and expense a high density container storage system, including a 40 ton Clyde container gantry crane, the estimated cost of which will exceed $400,000, provided that Port will not exercise its right under Dock Department Tariff, FMC-T No. 1 to cancel Lykes' First Call on Berth Privilege Agreement covering Henry Clay Avenue Wharf Marshalling Area prior to the expiration of 20 years from the date of the completion of the installation of the crane, or from the date of the first commercial use of the crane, whichever first occurs; and, provided further that Port will continue to grant Lykes a First Call on Berth Privilege upon such portions of the Nashville Avenue Wharf and/or Henry Clay Avenue Wharf, during the 20-year period as will meet Lykes' needs. Port retains the right to assign to others the use of the Henry Clay Avenue Wharf Marshalling Area when Lykes is not making full use thereof, and Lykes agrees to make available the crane facilities, at such charges which Lykes may establish from time to time, provided such rates and charges shall be reasonable and competitive with charges for similar facilities and services at the Port of New Orleans and other ports in the U.S. Gulf.

By order of the Federal Maritime Commission.

Dated: March 7, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4692 Filed 3-9-73;8:45 am]

MOORE-McCORMACK LINES, INC. AND UNICORN SHIPPING LINES (PTY) LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violations or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

A. C. Hidalgo, Assistant Traffic Manager, Moore-McCormack Lines, Inc., 2 Broadway, New York, NY 10004.

Agreement No. 9820–1, between Robin Line, a service of Moore-McCormack Lines, Inc., and Unicorn Shipping Lines (Pty) Ltd., modifies the approved basic transshipment agreement between the parties by (1) broadening the geographic scope to include ports on the islands of Madagascar, Mauritius and Reunion with transshipment at a port in South or East Africa, in the Cape Town/Nacala range, (2) amends the ports of transfer to permit transshipment at Tamatave or other Madagascar ports, and (3) amends the division of the through ocean freight and transfer costs in accordance with the terms and conditions set forth in the agreement. Presently, the agreement covers a through billing arrangement for the movement of general cargo between U.S. Atlantic ports and ports in the Seychelles Islands/Comores Islands range with transshipment at a South African port in the Cape Town/Beira range.

By order of the Federal Maritime Commission.

Dated: March 7, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4691 Filed 3-9-73;8:45 am]

PACIFIC COAST AUSTRALASIAN TARIFF BUREAU

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before March 22, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

F. Conger Fawcett, Esq., Graham & James, 310 Sansome Street, San Francisco, CA 94104.

Agreement No. 50–25 is an updated compilation of the presently approved agreement of the member lines of the Pacific Coast Australasian Tariff Bureau, which covers the establishment and maintenance of rates for the movement of cargo in the trades from Pacific Coast ports of the United States and Canada (not including Alaska), and Hawaii, to ports in Australia and various South Seas Islands specifically named therein, including cargo moving under intermodal conditions from, to or between inland points via ports within the scope of the conference agreement. Agreement No. 50–25 has been submitted in conjunction with the application on behalf of the member lines for consideration and approval under section 15 of an extension of the presently approved intermodal authority, as set forth in Articles II and III(c) of the conference agreement, for a period of 1 year beyond the present expiration date on March 28, 1973.

By order of the Federal Maritime Commission.

Dated: March 5, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4683 Filed 3-9-73;8:45 am]

PORT OF SEATTLE AND WESTERN PIONEER

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington Office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before April 2, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Alvin L. Sklow, Director, Real Estate, Port of Seattle, Post Office Box 1209, Seattle, WA 98111.

Agreement No. T–2748, between the Port of Seattle (Port) and Western Pioneer, Division of Swiftsure, Inc. (WP), provides for the lease of certain property which WP will use for the operation of a steamship business, including loading and unloading of vessels and related terminal and business operations. WP will pay the Port $1,132.50 per month for rental of approximately 15,400 square feet of space located in Building No. 6, plus 300 square feet of ground area, plus berthage at Berth 6, all at Pier 90 situated at Seattle, Wash. The rental is in lieu of all applicable Port tariff charges. The monthly rental charge pertaining to berthage, however, is open for renegotiation if the usage of the facility by WP and/or other vessels controlled or chartered by the WP should increase by an amount in excess of 15 percent of 164 days.

By order of the Federal Maritime Commission.

Dated: March 7, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-4687 Filed 3-9-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-7925]

CINCINNATI GAS & ELECTRIC CO.

Order Accepting for Filing and Suspending Proposed Tariff Sheets

MARCH 1, 1973.

On December 19, 1972, Cincinnati Gas & Electric Co. (CG&E) tendered for filing a revised rate applicable to the Union Light Heat & Power Co.[1] (Union), a wholly owned subsidiary. The amount of the proposed rate increase is $1,460,302 based on test year 1971 data. The proposed filing supersedes the present agreement[2] as supplemented. CG&E has proposed an effective date of March 1, 1973.

The proposed rate increase raises both demand and energy monthly charges from $1.80 per kilowatt to $2.726 per kilowatt and 4.28 mills per kilowatt-hour to 5.012 mills per kilowatt-hour, respectively. In addition, the proposed filing introduces a tax clause and revises the fuel clause to increase the basing point and reflect current system efficiency. The fuel clause revision results in updating the base cost of fuel and reducing the size of adjustment from $0.5 to $0.1 per MBTO. Also, CG&E requests a rate of return of 8 percent.

A copy of the filing was served on Union. The filing was noticed on January 23, 1973, with comments due on February 16, 1973. Union filed a petition to intervene on the grounds that Union's customers will ultimately bear the impact of the proposed increased rates, and therefore it should be a party to the proceedings to assure its customers adequate representation.

Our review of CG&E's filing indicates that certain issues are raised which may require development in an evidentiary proceeding. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

Finally, so that the Commission will have a full, complete, and up-to-date record on all of the issues presented we shall require CG&E to submit cost and revenue data for calendar year 1972. In this connection we would point out that our caveat on page 7 in Duke Power Co., Opinion No. 641 in Docket No. E-7557, is particularly appropriate, wherein we stated:

> * * * our filing requirements are not to be construed as a limitation on evidence which may be proferred as an aid to us in determining just and reasonable rates. All evidentiary material relevant to a fair determination of cost and revenue expectations may be appropriately presented in filings before us.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in CG&E's Rate Schedule FPC No. 35, as proposed in this docket, and that the tendered tariff sheets be suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(3) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness, is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

(4) Participation of the above-named petitioner for intervention in this proceeding may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Federal Power Act particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Ch. I), a public hearing shall be held, commencing with a prehearing conference on July 24, 1973, at 10 a.m., e.d.t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in CG&E's Rate Schedule FPC No. 35 as proposed herein.

(B) At the prehearing conference on July 24, 1973, CGSE's prepared testimony (Statement P) together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to the conference prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice.

(C) On or before April 16, 1973, CG&E shall file cost and revenue data for the 1972 calendar year. On or before July 16, 1973, the Commission staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before July 30, 1973. Any rebuttal evidence by CG&E shall be served on or before August 13, 1973. The public hearing herein ordered shall convene on August 28, 1973, at 10 a.m., e.d.t.

(D) Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see delegation of authority, 18 CFR 3.5 (d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(E) Pending hearing and a final decision thereon, CG&E's proposed tariff sheets are suspended for 5 months and the use thereof deferred until August 1, 1973.

(F) The above-named petitioner is hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenor shall be limited to matters affecting rights and interests specifically set forth in the petition to intervene: *And provided, further,* That the admission of such intervenor shall not be construed as recognition that it might be aggrieved because of any order or orders issued by the Commission in these proceedings.

(G) Pursuant to § 2.59(c) of the Commission's rules of practice and procedure, CG&E shall promptly serve a copy of all filings upon the above-mentioned intervenor.

(H) The Secretary shall cause prompt publication in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.73-4640 Filed 3-9-73;8:45 am]

[1] Designated Rate Schedule FPC No. 35.

[2] Designated Rate Schedule FPC No. 2 as supplemented.

[Docket No. CP72-15]

CITIES SERVICE GAS CO.

Notice of Petition To Amend

MARCH 5, 1973.

Take notice that on January 16, 1973, Cities Service Gas Co. (Petitioner), Post Office Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP72-15 a petition to amend the order of the Commission issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act on November 1, 1971 (46 FPC 1110), as amended on July 17, 1972 (48 FPC ——), by authorizing Petitioner to construct and operate facilities as an additional point of receipt of natural gas from Arkansas Louisiana Gas Co. (Arkla) for exchange, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner is authorized in the subject docket to receive gas from Arkla at various specified delivery points for exchange. Petitioner proposes to establish a fourth point of receipt of gas from Arkla to receive gas produced from the AEC-Coastal States' Baird No. 1 well. The additional delivery point will be near Petitioner's Pampa 20-inch pipeline in Woodward County, Okla. (Baird Exchange Point), where Petitioner proposes to construct and operate measuring and appurtenant facilities to receive exchange volumes of gas from Arkla.

It is stated that the total cost of the facilities proposed herein is $4,160, and will be paid from treasury cash. It is also stated the proposed additional point of receipt will augment the exchange of natural gas between Petitioner and Arkla and will result in the delivery of available gas to the consuming public at locations where it is needed at minimal costs.

Petitioner states that on December 22, 1972, Arkla filed with the Commission a petition to amend the Commission's order in Docket No. CP72-9 by author-

ting Arkla to exchange gas with Petitioner at a fourth point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before March 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4638 Filed 3-9-73;8:45 am]

[Docket No. RP73-86]

COLUMBIA GAS TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

MARCH 5, 1973.

Take notice that Columbia Gas Transmission Corp. (Columbia) on February 28, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed changes would increase Columbia's revenues from jurisdictional sales and service by $57,985,000 for the 12-month period ending October 31, 1972, as adjusted for known and measurable changes through July 31, 1973. The proposed effective date is April 14, 1973. Copies of the filing were served upon Columbia's jurisdictional customers and the State public service commissions of the States in which Columbia conducts its business.

The filing is made pursuant to the Commission's order issued March 10, 1971, 45 FPC 398, in Docket No. CP71-132, wherein the Commission approved the final step in the realinement of the seven jurisdictional Appalachian companies of the Columbia Gas System into a single transmission company. Ordering paragraph E of that order provided that the instant rate filing should be either in support of * * * then existing rates and rate zones or in support of any new rates or rate zones which Columbia may propose at that time. Columbia does not propose any changes in its rate zones in this filing.

Columbia states that the increased revenues to be derived from the new rates will be due to an increase in rate of return from 8.15 percent to 9 percent, increased depreciation rates and increases in cost of gas transported by others for Columbia. Columbia states that these additional revenues are needed to increase the internal generation of capital to attract more outside capital to aid Columbia in its search for new gas.

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 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4633 Filed 3-9-73;8:45 am]

[Docket No. RP73-85]

COLUMBIA GULF TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

MARCH 5, 1973.

Take notice that Columbia Gulf Transmission Co. (Columbia Gulf) on February 28, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by $16,462,000 annually for the 12-month period ending October 31, 1972, as adjusted for known and measurable changes through July 31, 1973. The proposed effective date is April 14, 1973. Copies of the filing were served upon Columbia Gas Transmission Corp.

The increased rates reflect increases in Columbia Gulf's depreciation rates, rate of return from 8.15 percent to 9 percent, and in the method of computing Federal income taxes. Columbia Gulf alleges that the increased revenues to be derived from such changes are needed to increase internally generated funds in order to attract additional outside capital to develop new sources of gas supply having far greater costs than historically experienced by the industry.

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 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4639 Filed 3-9-73;8:45 am]

[Dockets Nos. E-7971, E-7972]

COMISION FEDERAL DE ELECTRICIDAD, DIVISION NORTE, ET AL.

Notice of Applications

FEBRUARY 28, 1973.

Take notice that Comision Federal de Electricidad, Division Norte (CFE) filed with the Federal Power Commission on January 5, 1973, the following applications: (1) An application in Docket No. E-7971 for a permit, pursuant to Executive Order No. 10485, dated September 3, 1953, authorizing the operation and maintenance at the international border between the United States and Mexico of certain constructed facilities for the transmission of electric energy between the United States and Mexico; and (2) an application in Docket No. E-7972 for an order, pursuant to section 202(e) of the Federal Power Act, authorizing the transmission of electric energy from the United States to Mexico by means of the aforementioned facilities. Central Power & Light Co. (Central), filed a joinder on January 5, 1973, in CFE's application in Docket No. E-7972.

CFE is an agency of the Republic of Mexico. Central is incorporated under the laws of the State of Texas with its principal place of business at Corpus Christi, Tex.

CFE proposes to transmit electric energy from the United States to Mexico over an existing three phase, 60 hertz, 12,000 volt transmission line which extends overhead from a point in Texas near the international Amistad Dam on the Rio Grande River, northwest of Del Rio, Val Verde County, Tex., across the Rio Grande and international border to a point in Mexico. Accordingly, CFE seeks an order (Docket No. E-7972) authorizing the exportation of energy to Mexico in an amount not to exceed 3 million kw.-hr. per year at a maximum rate of transmission of 500 kw., and a permit (Docket No. E-7971) authorizing the operation and maintenance of the 12,000 volt line at the United States-Mexican Border.

The electric energy proposed to be exported by CFE will be sold by Central to CFE in accordance with the terms and conditions and at the rates set forth and included in the Electric Service Contract, dated September 25, 1969, between Central and CFE, copies of which were submitted as exhibits to the aforementioned applications. Such energy will be delivered by Central to CFE in Texas at the point near Amistad Dam described above. The energy purchased from Central by CFE will be utilized in Mexico to provide electric service in an area which was formerly used as a work camp in connection with the construction of Amistad Dam and vicinity.

The source of the electric energy to be supplied by Central to CFE for exportation will be Central's interconnected electric generating plants. Central represents that it has generating, transmission, and transformer capacity in excess of that required to supply demands on it from within the United States in an

amount sufficient to furnish the electric energy at the rate of supply sought by Purchaser (CFE).

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4641 Filed 3-9-73;8:45 am]

EASTERN SHORE NATURAL GAS CO. ET AL.

Notice of Filings in Compliance With Commission Orders

MARCH 2, 1973.

Take notice that each of the parties listed herein has made a filing pursuant to sections 4 and 5 of the Natural Gas Act and Part 154 of the regulations promulgated thereunder.

Any person desiring to be heard or to make any protest with reference to said filing should on or before March 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

Date filed and company	Action
Feb. 5, 1973: Eastern Shore Natural Gas Co.	5 superseding service agreements increasing service under R/S GSS-1. Certificate authorization by order issued 1-9-73, in Docket No. CP73-80, requested effective date 30 days after filing.
Feb. 1, 1973: Transcontinental Gas Pipe Line Corp.	Cancellation X-53 a limited term exchange agreement with United Gas Pipe Line Co. The term of the agreement was for a period of 1 year from the date of certificate authorization. Certificate authorization was issued 1-11-72, in Docket No. CP72-72, requested effective date 12-24-72.
Feb. 2, 1973: United Gas Pipe Line Co.	Revised tariff sheets providing for an optional delivery point under Rate Schedule X-47 a transportation agreement with Trunkline Gas Co. Certificate authorization was issued 1-19-73 in Docket No. CP72-192 et al., requested effective date 1-19-72.
Feb. 6, 1973: Transcontinental Gas Pipe Line Corp.	Tariff sheets comprising initial Rate Schedules X-58 and X-59 with Mid-Louisiana Gas Co. for the exchange, transportation, and storage of gas. Certificate authorization was issued 1-12-73 in Docket No. CP73-82, requested effective date 1-12-73.
Jan. 26, 1973: Southern Natural Gas Co.	Rate schedule, rate change quality statement pursuant to ordering paragraph of the Commission's Opinion Nos. 508 and 508-A.
Jan. 30, 1973: Trunkline Gas Co.	Revised tariff sheet for FPC Gas Tariff, Original Volume 1 in compliance with the Commission's order of 12-8-72 in RP73-35 to modify its PGA, requested effective date of 8-1-72, request of waiver of provisions of § 154.22 of Commission's regulations.
Jan. 30, 1972: Panhandle Eastern Pipe Line Co.	Substitute First Revised Sheet No. 43-1 to its FPC Gas Tariff, original Volume No. 1 pursuant to Commission's order of 12-8-72 in RP73-36 to modify its PGA, company requests effective date of 8-1-72 and requests waiver of 154.22 of Commission's regulations.
Jan. 2, 1973: Pennsylvania Gas Co.	Refund of $3,625.30 to its sole jurisdictional customer, N.E. Heat and Light Co., pursuant to orders of 11-30-62 in Docket Nos. G-18475 and RP60-10 and order of 1-8-71 in Docket No. RP71-45, Refund to flow through applicable jurisdictional portion received in supplier refunds.
Dec. 14, 1972: United Natural Gas Co.	Refund to its jurisdictional customers in accordance with the settlement agreement of 4-3-70 approved by order of 5-4-70 in RP70-24 and 10-15-71 in RP72-12.
Feb. 6, 1973: United Gas Pipe Line Co.	Cancellation of Rate Schedule X-46, a short term agreement dated 8-6-71 with Transcontinental Gas Pipe Line Corp. authorized by order of 1-11-72 in Docket No. CP72-72, requested effective date is 12-24-72.
Jan. 29, 1973: Texas Gas Transmission Corp.	Revised Exhibit A to service agreement under Rate Schedule G-3 which relocates the Sebrice Meter Station in Webster County, Ky., and adds a new delivery point for an existing market area in Henderson County, Ky. The relocation is authorized by order issued 4-24-72 in Docket No. CP72-205. Requested effective date is 3-2-73.
Jan. 30, 1973: Transcontinental Gas Pipe Line Corp.	Tariff sheets comprising Rate Schedule X-57, an exchange agreement of 5-30-72 with North Pennsylvania Gas Co., requested effective date is 3-1-73.
Jan 30, 1973: Transcontinental Gas Pipe Line Corp.	Tariff sheets establishing an additional delivery point in Morris County, N.J., under an exchange agreement dated 11-1-60 with Tex. East. Tran. Corp. on file as Transco's Rate Schedule X-4. Requested effective date of 3-1-73.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4568 Filed 3-9-73;8:45 am]

[Dockets Nos. RP72-150 and RP72-155]

EL PASO NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

MARCH 5, 1973.

Take notice that on February 14, 1973, El Paso Natural Gas Co. (El Paso) tendered for filing proposed changes respecting all Southern Division System rate schedules contained in its FPC Gas Tariff, Original Volume No. 1, and as well, Rate Schedules X-7, X-14, and X-25 contained in its Third Revised Volume No. 2 and Rate Schedules FS-25, FS-26, FS-27, FS-28, FS-29, FS-30, FS-34, FS-35, and FS-45 contained in its Original Volume No. 2A, and that on February 26, 1973, El Paso tendered for filing corrections to the proposed change which are incorporated in this notice. The change would effect a uniform increase of 1.19 cents per Mcf to each of the rate schedules, and El Paso proposed an effective date of April 1, 1973, requesting waiver of the 45-day notice requirement of § 154.38(d)(v) of the regulations.

El Paso states that the increase was filed in accordance with the provisions of Article 19, Purchased Gas Adjustment Provision (PGAC), contained in the general terms and conditions of FPC Gas Tariff, Original Volume No. 1. The proposed increase was comprised of the changes in El Paso's annualized purchased gas cost which occurred during the period August 13, 1972, through March 31, 1973 ($0.57 per Mcf), and a surcharge amount attributable to unrecovered purchased gas cost increased accrued in Account 191 during the period August 13 through December 31, 1972 ($0.62 per Mcf).

Copies of these filings have been mailed to all parties of record, all Southern Division System customers, and interested State regulatory commissions.

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 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4636 Filed 3-9-73;8:45 am]

[Dockets Nos. RI73-81, etc.]

EXXON CORP. ET AL.

Order Providing for Hearing and Suspension of Proposed Changes in Rates, Allowing Rate Changes To Become Effective Subject to Refund [1]

MARCH 2, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under

[1] Does not consolidate for hearing or dispose of the several matters herein.

the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining there to (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket No.
RI73-81	Exxon Corp.	210	14	El Paso Natural Gas Co. (East LaBarge Field, Lincoln and Sublette Counties, Wyo.).	$42	1-31-73		[8] 6-1-73	[15] 20.6538	[16] 20.6613	RI73-81.
RI70-469	do	218	8	Mountain Fuel Supply Co. (Dry Piney Unit, Sublette County, Wyo.).	[1] 34	1-31-73		1-31-73	[3] [15] 17.0850	[3] [16] 17.090	RI70-469.
RI73-85	do			do	[1] 16	1-31-73		[8] 4-19-73	[3] [15] 23.86875	[3] [16] 23.8737	RI73-85.
RI70-469	do	226	4	Montana Dakota Utilities Co. (Elk Basin Field, Park County, Wyo.).	21	1-31-73		1-31-73	[16] 13.065	[16] 13.070	RI70-469.
RI73-81	do	249	13	El Paso Natural Gas Co. (Green River Bend Unit, Lincoln and Sublette Counties, Wyo.).	9	1-31-73		[8] 6-1-73	[15] 20.6538	[16] 20.6613	RI73-81.
RI73-81	do	345	7	Colorado Interstate Gas Co. (Wamsutter Field, Sweetwater County, Wyo.).	21	1-31-73		1-31-73	17.1275	17.1350	RI73-81.
RI70-364	do	359	5	Kansas-Nebraska Natural Gas Co., Inc. (Frenchie Draw Field, Fremont and Natrona Counties, Wyo.).	59	1-31-73		1-31-73	16.160	16.165	RI70-364.
RI73-121	do	360	6	Colorado Interstate Gas Co. (Patrick Draw Field, Sweetwater County, Wyo.).	1	1-31-73		1-31-73	18.270	18.2775	RI73-121.
RI73-81	do	362	4	Colorado Interstate Gas Co. (Desert Springs Field, Sweetwater County, Wyo.).	6	1-31-73		1-31-73	16.62375	16.63125	RI73-81.
RI70-469	do	363	[4] 3	Montana-Dakota Utilities Co. (Elk Basin Field, Park County, Wyo.).	3	1-31-73		1-31-73	[16] 13.130	[16] 13.135	RI70-469.
RI71-695	do	383	5	Mountain Fuel Supply Co. (West Side Canal Area, Carbon County, Wyo.).	12	1-31-73		1-31-73	[16] 16.160	[16] 16.165	RI71-695.
RI73-81	do	403	17	Colorado Interstate Gas Co. (Desert Springs Area, Sweetwater County Wyo.).	22	1-31-73		1-31-73	[8] 17.1275	[8] 17.1350	RI73-81.
RI73-216	Pubco Petroleum Corp.	4	[4] 38	El Paso Natural Gas Co. (Pictured Cliffs and Chacra Fields, San Juan and Rio Arriba Counties, N. Mex. (San Juan Basin)).	112,000	2-5-73		8-8-73	[8] [14] 24.0	[8] [16] 28.0	
RI73-217	Northwest Production Corp.	4	12	El Paso Natural Gas Co. (Dakota Field, San Juan County, N. Mex. (San Juan Basin)).	[1] 1	2-5-73		8-8-73	[6] [16] 21.33	[8] [16] 22.0	RI73-55.
	do			do		2-5-73		8-8-73	[6] [16] 21.33	[8] [16] 28.0	
	do	5	12	do	[7] 9	2-5-73		8-8-73	[6] [16] 21.33	[7] [16] 22.0	RI73-55.
	do			do	(9)	2-5-73		8-8-73	[6] [16] 21.33	[8] [16] 28.0	RI73-55.
	do	6	12	do	[7] 8	2-5-73		8-8-73	[6] [16] 21.33	[7] [16] 22.0	RI73-55.
	do			do	(9)	2-5-73		8-8-73	[6] [16] 21.33	[8] [16] 28.0	RI73-55.
RI73-218	Caroline Hunt Trust Estate.	2	[10] 7	El Paso Natural Gas Co. (Buckhorn Field, Schleicher County, Tex., Permian Basin).		2-5-73	3-8-73	[13] Accepted			
	do	8		do	4,899	2-5-73		8-8-73	16.2760	[11] 23.2747	RI69-555.
RI73-219	Hassie Hunt Trust	40	3	El Paso Natural Gas Co. (North Puckett (Wolfcamp) Field, Pecos County, Tex., Permian Basin).	21	2-5-73		8-8-73	[8] 30.0	[8] 30.35	RI72-192.
RI73-220	Skelly Oil Co.	265	2	El Paso Natural Gas Co. (Cedar Canyon Unit, Eddy County, N. Mex., Permian Basin).	28,800	2-5-73		9-24-73	[8] 35.0	[8] 36.0	RI73-99.
RI73-221	Sun Oil Co.	94	9	Northern Natural Gas Co. (Emperor Field, Winkler County, Tex., Permian Basin).	40,150	1-31-73		4-3-73	18.0675	19.0713	RI69-13.
RI73-222	Amoco Production Co.	220	8	West Texas Gathering Co. (Emperor Field, Winkler County, Tex., Permian Basin).		2-6-73	3-9-73	[13] Accepted			
RI73-222	Amoco Production Co.	220	9	West Texas Gathering Co. (Emperor Field, Winkler County, Tex., Permian Basin).	864,650	2-6-73		8-9-73	19.07	28.105	RI73-146.
	do	463	[12] 7	do		2-6-73	3-9-73	[13] Accepted			
	do		8	do	353,260	2-6-73		8-9-73	19.07	28.105	RI73-146.
RI73-223	Chevron Oil Co., Western Division.	20	8	El Paso Natural Gas Co. (Puckett Field, Pecos County, Tex., Permian Basin).	597,760	2-6-73		8-9-73	21.0	24.09	RI73-147.
RI73-224	Texaco Inc.	179	[12] 7	West Texas Gathering Co. (Emperor and South Kermit Fields, Winkler County, Tex.) (Permian Basin).		2-1-73	3-4-73	[13] Accepted			
	do		8	do	211,932	[11] 2-1-73		4-4-73	18.0675	21.0	RI68-459.
RI73-225	Mobil Oil Corp.	17	25	Northern Natural Gas Co. (Bilnebry and Tubb Fields, Lea County, N. Mex.).	12,854	2-6-73		4-9-73	16.3856	16.9170	RI72-180.

See footnotes on next page.

[4] Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[5] Gas from wells completed prior to June 7, 1972.
[6] Gas from wells completed after June 7, 1972.
[7] Date the underlying rate becomes effective.
[8] Applicable to Wyoming sales only.
[9] For acreage added by Supplement No. 37 dated October 27, 1972.
[10] Subject to B.t.u. adjustment.
[11] Applicable to gas from wells completed prior to June 1, 1970.
[12] Applicable to gas from wells completed on or after June 1, 1970.
[13] No current production.
[14] Amends pricing provisions and extends contract term.
[15] Includes quality adjustment.
[16] Amends pricing provisions.
[17] Amended filing made on February 12, 1973.
[18] Not used.
[19] Accepted for filing to be effective on the date shown in the "Effective Date" column.
[20] The pressure base is 15.025 p.s.i.a.

The proposed increases of Pubco Petroleum Corp., Northwest Production Corp., Caroline Hunt Trust Estate under Supplement No. 8, Hassie Hunt Trust, Skelly Oil Co., Amoco Production Co. under Supplements Nos. 9 and 8 to its FPC Gas Rate Schedules Nos. 220 and 463, respectively, and Chevron Oil Co., Western Division, exceed the rate limit for a 1-day suspension and are therefore suspended for 5 months.

The proposed increases of Sun Oil Co., Texaco, Inc., and Mobil Oil Corp., do not exceed the rate limit for a 1-day suspension and therefore are suspended for 1 day from the expiration of the 60-day notice period or the contractual effective date, whichever is later.

The proposed increases of Exxon Corp. reflect the increase in the Wyoming conservation tax which became effective January 1, 1973. Consistent with prior Commission action on similar tax increase filings, the proposed increases are permitted to become effective subject to existing suspension proceedings.

The producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Ch. I, Part 2, § 2.56).

The rate increases granted in these cases have been reviewed in the light of and are consistent with the Economic Stabilization Act of 1970 as amended, Executive Order No. 11695, and the rules and regulations issued thereunder.

[FR Doc.73-4569 Filed 3-9-73;8:45 am]

[Docket No. G-3079, etc.]

EXXON CORP.

Order Amending Orders Issuing Certificates of Public Convenience and Necessity, Substituting Applicant and Respondent, Accepting Notices of Succession for Filing, and Redesignating FPC Gas Rate Schedules

FEBRUARY 27, 1973.

On November 14, 1972, Exxon Corp. (Petitioner) filed in Docket No. G-3079, et al., a petition to amend the orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act to Humble Oil & Refining Co. (Humble) by substituting Petitioner as certificate holder, all as more fully set forth in the petition to amend and in the appendix below.

Effective January 1, 1973, Petitioner merged Humble and proposes to continue all sales of natural gas in interstate commerce theretofore authorized to be made by Humble.

Petitioner has filed notices of succession to the FPC gas rate schedules of Humble. On December 26, 1972, Exxon filed an agreement and undertaking in which it assumes all refund obligations of Humble under section 4 of the Natural Gas Act and § 154.102 of the regulations under the Natural Gas Act.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention, or protest to the granting of the petition to amend has been filed.

The Commission finds:

It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and the public convenience and necessity require that the orders issuing certificates of public convenience and necessity to Humble be amended by substituting Petitioner as certificate holder, that Petitioner should be substituted in lieu of Humble in pending proceedings, that the notices of succession and agreement and undertaking submitted by Petitioner should be accepted for filing, and that the related FPC gas rate schedules should be redesignated accordingly.

The Commission orders:

(A) The orders issuing permanent and temporary certificates[1] to Humble are amended by substituting Petitioner as certificate holder, and in all other respects said orders remain in full force and effect.

(B) Petitioner is substituted in lieu of Humble as party applicant, respondent, or intervener in all pending proceedings.

(C) The notices of succession submitted by Petitioner are accepted for filing effective as of January 1, 1973, and Humble's FPC gas rate schedules are redesignated as those of Petitioner and shall bear the same numerial designations.[1]

(D) The agreement and undertaking submitted by Petitioner is accepted for filing. Petitioner shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

By the Commission.

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

[1] Humble's outstanding certificates and rate schedules are set forth in the appendix to this order.

Rate schedule No.	Certificate docket No.	Purchaser
1	G-3079	Trunkline Gas Co.
2	G-3085	Phillips Petroleum Co.
3	G-5146	El Paso Natural Gas Co.
4	G-3066	United Gas Pipe Line Co.
5	G-5145	El Paso Natural Gas Co.
6	G-3067	Tennessee Gas Pipeline Co.
9	G-3070	El Paso Natural Gas Co.
10	G-3071	Texas Eastern Transmission Corp.
11	G-3072	Tennessee Gas Pipeline Co.
12	G-3073	Texas Eastern Transmission Corp.
14	G-3075	Do.
15	G-3076	Do.
16	G-3077	El Paso Natural Gas Co.
17	G-3078	Tennessee Gas Pipeline Co.
18	G-3080	Phillips Petroleum Co.
19	G-3081	Texas Eastern Transmission Corp.
20	G-3082	Phillips Petroleum Co.
21	G-3083	Mississippi River Transmission Corp.
23	G-3109	Columbia Gas Transmission Corp.
24	G-3108	Do.
28	G-3118	El Paso Natural Gas Co.
31	G-3113	Do.
32	G-3114	Do.
33	G-3119	Do.
34	G-3116	United Gas Pipe Line Co.
35	G-3112	Do.
36	G-3117	Tennessee Gas Pipeline Co.
38	G-3100	Arkansas Louisiana Gas Co.
39	G-3132	Southern Natural Gas Co.
77	G-6780	El Paso Natural Gas Co.
92	G-6796	Do.
93	G-6798	Do.
108	G-8523	Lone Star Gas Co.
110	G-8816	United Gas Pipe Line Co.
111	G-8835	Mississippi River Transmission Corp.
113	G-9616	Coastal States Gas Producing Co.
116	G-10367	El Paso Natural Gas Co.
118	G-11033	Do.
120	G-11857	Gas Gathering Corp.
121	G-12175	Northern Natural Gas Co.
123	G-12422	United Gas Pipe Line Co.
124	G-13009	Do.
126	G-3105	Southern Natural Gas Co.
127	G-14154	Texas Gas Transmission Corp.
128	G-14606	Transcontinental Gas Pipe Line Corp.
129	G-14605	Do.
130	G-14607	Do.
131	G-14604	Do.
132	G-14603	West Texas Gathering Co.
134	G-14840	El Paso Natural Gas Co.
135	G-14967	Columbia Gas Transmission Corp.
136	G-15227	United Gas Pipe Line Co.
137	G-15254	Natural Gas Pipeline Co. of America.
138	G-15249	El Paso Natural Gas Co.
139	G-15272	Coastal States Gas Producing Co.
140	G-15365	Michigan Wisconsin Pipe Line Co.
141	G-15512	West Lake Natural Gasoline Co.
143	G-3101	Texas Gas Transmission Corp.
144	G-17008	El Paso Natural Gas Co.
146	G-17200	Do.
148	G-17349	United Gas Pipe Line Co.
149	G-17570	Do.
152	G-17772	Transcontinental Gas Pipe Line Corp.
153	G-18123	Colorado Interstate Gas Co.
154	G-3103	United Gas Pipe Line Co.
155	G-3104	Do.
157	G-18924	Coastal States Gas Producing Co.
158	G-18547	United Gas Pipe Line Co.
159	G-18993	El Paso Natural Gas Co.
160	G-19071	Do.
163	G-18714	Tennessee Gas Pipeline Co.
164	G-18715	Do.
165	G-18716	Do.
166	G-19416	Columbia Gas Transmission Corp.
167	G-17391	Texas Gas Transmission Corp.
169	G-20019	Tennessee Gas Pipeline Co.
170	G-20136	Transcontinental Gas Pipe Line Corp.
171	G-4992	Lone Star Gas Co.
173	G-4554	United Gas Pipe Line Corp.
174	G-4803	Kansas-Nebraska Natural Gas Co.
175	G-4801	Lone Star Gas Co.
176	G-4551	Mississippi River Transmission Corp.
181	G-4987	Michigan Wisconsin Pipe Line Co.
183	G-4986	Lone Star Gas Co.
184	G-4999	Montana Dakota Utilities Co.
185	G-4555	Arkansas Louisiana Gas Co.
187	G-4988	Montana Dakota Utilities Co.

Rate schedule No.	Certificate docket No.	Purchaser
188	G-5143	Northern Natural Gas Co.
191	G-9765	Natural Gas Pipeline Co. of America.
192	G-10073	Cities Service Gas Co.
193	G-10131	Colorado Interstate Gas Co.
194	G-10166	Kansas Nebraska Natural Gas Co.
195	G-10230	Louisiana Nevada Transit Co.
196	G-10322	Panhandle Eastern Pipe Line Co.
197	G-10383	Colorado Interstate Gas Co.
200	G-11109	Natural Gas Pipeline Co. of America.
201	G-11224	Texas Eastern Transmission Corp.
202	G-11608	Panhandle Eastern Pipe Line Co.
203	G-11739	Northern Natural Gas Co.
204	G-11922	Panhandle Eastern Pipe Line Co.
205	G-12026	Do.
207	G-12869	Colorado Interstate Gas Co.
208	G-13278	Northern Natural Gas Co.
210	G-13679	El Paso Natural Gas Co.
211	G-14292	Panhandle Eastern Pipe Line Co.
212	G-14369	El Paso Natural Gas Co.
215	G-15095	Natural Gas Pipeline Co. of America.
217	G-15913	Northern Natural Gas Co.
218	G-16430	Mountain Fuel Supply.
219	G-17046	Lone Star Gas Co.
220	G-16073	Natural Gas Pipeline Co. of America.
221	G-15900	Northern Natural Gas Co.
222	G-17472	United Gas Pipe Line Co.
223	G-18289	Texas Gas Transmission Corp.
224	G-18290	Do.
225	G-18291	Do.
226	G-18486	Montana Dakota Utilities Co.
227	G-18882	Natural Gas Pipeline Co. of America.
228	G-19048	Horner & Smith.
230	G-19597	Arkansas Louisiana Gas Co.
231	G-20036	Texas Gas Transmission Corp.
232	G-20293	Natural Gas Pipeline Co. of America.
234	CI60-177	Tennessee Gas Pipeline Co.
235	G G9726	United Gas Pipe Line Co.
236	G-19200	Southern Natural Gas Co.
238	CI60-623	United Gas Pipe Line Co.
239	G-15714	Transwestern Pipeline Co.
240	G-4861	Colorado Interstate Gas Co.
241	CI60-96	Tennessee Gas Pipeline Co.
242	CI60-828	Natural Gas Pipeline Co. of America.
244	CI61-158	Tennessee Gas Pipeline Co.
245	G-3111	United Gas Pipe Line Co.
246	CI61-397	Tennessee Gas Pipeline Co.
247	CI61-425	Southern Natural Gas Co.
248	CI60-578	Panhandle Eastern Pipe Line Co.
249	CI60-65	El Paso Natural Gas Co.
252	CI61-697	Panhandle Eastern Pipe Line Co.
253	CI61-723	Natural Gas Pipeline Co. of America.
254	CI61-771	Panhandle Eastern Pipe Line Co.
255	CI61-794	Colorado Interstate Gas Co.
256	CI61-1050	Natural Gas Pipeline Co. of America.
257	G-4287	Texas Eastern Transmission Corp.
258	G-4286	Do.
259	G-6253	El Paso Natural Gas Co.
260	G-8347	Do.
262	G-11469	Do.
263	G-14256	Transcontinental Gas Pipe Line Corp.
267	CI61-1068	United Gas Pipe Line Co.
268	CI61-1177	Arkansas Louisiana Gas Co.
269	CI61-1176	Tennessee Gas Pipeline Co.
272	CI61-1306	Trunkline Gas Co.
273	CI61-1360	United Gas Pipe Line Co.
274	CI60-531	Tennessee Gas Pipeline Co.
276	CI61-1561	Transwestern Pipeline Co.
278	CI61-1796	Natural Gas Pipeline Co. of America.
279	CI62-566	Northern Natural Gas Co.
280	CI62-70	Trunkline Gas Co.
281	CI60-259	Do.
282	CI62-129	Southern Natural Gas Co.
283	CI62-130	Do.
286	CI62-243	Arkansas Louisiana Gas Co.
287	CI62-244	Do.
288	G-6253	El Paso Natural Gas Co.
289	CI62-329	Do.
290	CI62-331	Do.
291	CI62-330	Do.
292	CI62-328	Do.
293	CI62-323	Do.
294	CI62-327	Do.
295	CI62-539	Do.
295	CI62-542	United Gas Pipe Line Co.
296	CI62-620	El Paso Natural Gas Co.
297	CI62-619	Western Gas Interstate Co.
300	CI62-704	Tennessee Gas Pipeline Co.
302	CI62-847	El Paso Natural Gas Co.
303	CI62-1094	Panhandle Eastern Pipe Line Co.
304	CI62-69	Transcontinental Gas Pipeline Corp.
305	CI62-1236	Texas Gas Transmission Corp.
306	G-15893	Arkansas Louisiana Gas Co.
307	CI62-1278	Natural Gas Pipeline Co. of America.
308	CI62-1351	El Paso Natural Gas Co.
309	CI63-30	Arkansas Louisiana Gas Co.
310	CI61-307	Michigan Wisconsin Pipe Line Co.
312	CI63-287	Valley Gas Transmission Co.
314	CI63-455	United Gas Pipe Line Co.
315	CI63-501	Arkansas Louisiana Gas Co.
316	CI63-575	Michigan Wisconsin Pipe Line Co.
317	CI63-635	Southern Natural Gas Co.
318	CI63-621	Natural Gas Pipeline Co. of America.
320	CI63-680	El Paso Natural Gas Co.
321	CI63-681	Natural Gas Pipeline Co. of America.
322	CI63-731	Panhandle Eastern Pipe Line Co.
325	CI63-1057	Trunkline Gas Co.
326	CI63-1120	Natural Gas Pipeline Co. of America.
327	CI63-1162	Northern Natural Gas Co.
329	G-4991	Kansas-Nebraska Natural Gas Co.
330	CI63-1344	El Paso Natural Gas Co.
331	CI63-996	Arkansas Louisiana Gas Co.
332	CI63-1000	Do.
333	CI64-86	Natural Gas Pipeline Co. of America.
334	CI64-164	Northern Natural Gas Co.
336	CI64-340	El Paso Natural Gas Co.
337	CI63-20	Arkansas Louisiana Gas Co.
338	CI61-157	Natural Gas Pipeline Co. of America.
339	CI63-1453	Do.
340	CI64-626	Colorado Interstate Gas Co.
341	CI64-208	Tennessee Gas Pipeline Co.
342	CI64-677	Natural Gas Pipeline Co. of America.
343	G-4111	Texas Eastern Transmission Corp.
344	CI64-791	El Paso Natural Gas Co.
345	CI64-349	Colorado Interstate Gas Co.
346	CI64-1102	Transwestern Pipeline Co.
347	CI64-1119	Trunkline Gas Co.
348	CI64-1140	Michigan Wisconsin Pipe Line Co.
349	CI64-297	Natural Gas Pipeline Co. of America.
350	CI64-299	Do.
351	CI64-1338	Do.
352	CI64-1244	Do.
353	CI65-51	El Paso Natural Gas Co.
355	CI63-129	Southern Natural Gas Co.
356	CI65-68	Panhandle Eastern Pipe Line Co.
357	CI64-5	Columbia Gas Transmission Corp.
358	CI64-403	El Paso Natural Gas Co.
359	CI65-197	Kansas Nebraska Natural Gas Co.
360	CI65-210	Colorado Interstate Gas Co.
361	CI65-351	El Paso Natural Gas Co.
362	CI64-872	Colorado Interstate Gas Co.
363	G-4862	Montana Dakota Utilities Co.
364	CI65-389	Panhandle Eastern Pipe Line Co.
365	CI64-1406	Northern Natural Gas Co.
367	CI65-618	Arkansas Louisiana Gas Co.
368	CI65-626	El Paso Natural Gas Co.
369	CI65-483	The Nueces Co.
370	CI65-725	Cities Service Gas Co.
371	CI65-771	Natural Gas Pipeline Co. of America.
372	CI65-606	Northern Natural Gas Co.
373	CI65-842	Trunkline Gas Co.
374	CI65-1158	El Paso Natural Gas Co.
375	CI65-1216	Northern Natural Gas Co.
377	CI65-1363	Natural Gas Pipeline Co. of America.
379	CI66-4	Do.
380	CI65-1369	Do.
383	CI66-502	Mountain Fuel Supply Co.
385	CI66-591	Tennessee Gas Pipeline Co.
386	CI66-606	El Paso Natural Gas Co.
388	G-11378	Arkansas Louisiana Gas Co.
390	G-9465	Texas Eastern Transmission Corp.
391	G-11944	Do.
392	CI66-416	Michigan Wisconsin Pipe Line Co.
393	CI66-900	El Paso Natural Gas Co.
395	CI66-1142	Tennessee Gas Pipeline Co.
396	CI66-1268	El Paso Natural Gas Co.
397	CI66-1269	Do.
398	CI67-2	Cities Service Gas Co.
399	CI67-3	Michigan Wisconsin Pipe Line Co.
401	CI66-1302	Texas Eastern Transmission Corp.
402	CI67-76	Panhandle Eastern Pipe Line Co.
403	CI67-203	Colorado Interstate Gas Co.
406	CI67-316	Natural Gas Pipeline Co. of America.
407	CI67-386	Do.
408	CI67-461	Transwestern Pipeline Co.
409	CI67-667	Florida Gas Transmission Co.
410	CI67-517	Northern Natural Gas Co.
411	CI67-548	El Paso Natural Gas Co.
413	CI67-596	Oklahoma Natural Gas Gathering Corp.
414	CI67-659	United Gas Pipe Line Co.
415	CI67-49	El Paso Natural Gas Co.
417	CI67-952	United Gas Pipe Line Co.
418	CI67-1014	Plaquemines Oil & Gas Co.
420	CI67-1104	Arkansss Louisana Gas Co.
421	CI67-1635	Pecos Co.
423	CI67-1325	El Paso Natural Gas Co.
424	G-6365	Natural Gas Pipeline Co. of America.
425	CI67-1687	Panhandle Eastern Pipe Line Co.
426	CI67-1689	Northern Natural Gas Co.
429	CI67-1636	Natural Gas Pipeline Co. of America.
430	CI67-1780	Michigan Wisconsin Pipe Line Co.
431	CI6s-62	Panhandle Eastern Pipe Line Co.
432	CI67-1762	Columbia Gas Transmission Corp.
433	CI68-134	Texas Eastern Transmission Corp.
435	CI68-285	Arkansas Louisana Gas Co.
436	CI68-536	Michigan Wisconsin Pipe Line Co.
437	CI68-575	Northern Natural Gas Co.
438	CI68-632	Do.
439	CI68-694	Panhandle Eastern Pipe Line Co.
440	CI68-969	El Paso Natural Gas Co.
441	CI68-996	Texas Gas Transmission Corp.
442	CI68-1135	Southern Natural Gas Co.
443	CI68-1133	El Paso Natural Gas Co.
444	CI68-1149	United Gas Pipe Line Co.
445	CI68-1222	Northern Natural Gas Co.
446	CI68-1256	Arkansas Louisiana Gas Co.
447	CI68-1261	West Texas Gathering Co.
448	CI68-1357	Southern Natural Gas Co.
449	CI68-1368	Arkansas Louisiana Gas Co.
450	CI68-1394	Natural Gas Pipeline Co. of America.
451	CI69-147	Tennessee Gas Pipeline Co.
452	CI69-153	Natural Gas Pipeline Co. of America.
453	CI68-1358	Arkansas Louisiana Gas Co.
454	CI69-262	Northern Natural Gas Co.
455	CI69-304	Transwestern Pipeline Co.
456	CI69-312	Do.
457	CI69-502	Tennessee Gas Pipeline Co.
458	CI69-505	Natural Gas Pipeline Co. of America.
459	CI69-504	Arkansas Louisiana Gas Co.
460	CI69-588	South Texas Natural Gas Gathering Co.
461	CI69-888	Transcontinental Gas Pipe Line Corp.
463	CI69-947	Tennessee Gas Pipeline Co.
464	CI69-1062	Southern Natural Gas Co.
465	CI69-1133	Do.
466	CI69-1146	Transwestern Pipeline Co.
467	CI70-96	Natural Gas Pipeline Co. of America.
468	CI70-63	Trunkline Gas Co.
469	CI70-267	Transwestern Pipeline Co.
470	CI70-392	Tennessee Gas Pipeline Co.
471	CI70-469	Northern Natural Gas Co.
473	CI70-874	Michigan Wisconsin Pipe Line Co.
474	CI70-530	Do.
475	CI70-841	El Paso Natural Gas Co.
476	CI70-1111	Columbia Gas Transmission Corp.
477	CI71-219	Florida Gas Transmission Corp.
478	CI71-466	Natural Gas Pipeline Co. of America.
479	CI71-183	Transwestern Pipeline Co.
480	CI71-158	Columbia Gas Transmission Corp.
481	CI71-263	Southern Natural Gas Co.
482	CI71-853	Arkansas Louisana Gas Co.
483	CI71-883	Tennessee Gas Pipeline Co.

Rate schedule No.	Certificate docket No.	Purchaser
484	CI72-1	United Gas Pipe Line Co.
485	CI72-12	Texas Gas Transmission Corp.
487	CI72-24	Colorado Interstate Gas Co.
488	CI72-138	Columbia Gas Transmission Corp.
489	CI71-547	Do.
490	CI71-876	Texas Eastern Transmission Corp.
491	CI72-190	Columbia Gas Transmission Corp.
492	CI72-191	Do.
493	CI72-287	Transwestern Pipeline Co.
494	CI72-259	United Gas Pipe Line Co.
495	CI72-298	Mississippi River Transmission Corp.
496	CI72-326	United Gas Pipe Line Co.
497	CI72-294	Northern Natural Gas Co.
498	CI72-344	Tennessee Gas Pipeline Co.
499	CI72-305	Arkansas Louisiana Gas Co.
502	CI72-509	Cities Service Gas Co.
503	CI72-508	Michigan Wisconsin Pipe Line Co.
504	CI72-25	Florida Gas Transmission Co.
505	CI72-532	Texas Eastern Transmission Corp.
506	CI72-728	Columbia Gas Transmission Corp.
507	CI72-392	Sea Robin Pipeline Co.
508	CI72-393	Do.
509	CI72-841	El Paso Natural Gas Co.
510	CI73-1	Transwestern Pipeline Co.
511	CI73-42	Southern Natural Gas Co.
512	CI73-116	United Gas Pipe Line Co.
513	CI73-140	Northern Natural Gas Co.
514	CI73-219	Columbia Gas Transmission Corp.
515	CI73-240	Transwestern Pipeline Co.
516	CI73-155	Transcontinental Gas Pipe Line Corp.
261	G-8896	Tennessee Gas Pipeline Co.
26	G-3106	Columbia Gas Transmission Corp.

AREA RATE PROCEEDINGS

AR61-1	AR61-2	AR64-1
AR64-2	AR67-1	AR69-1
AR70-1		

OTHER PROCEEDINGS

Applicant	Docket No.
Trunkline Gas Co	CP73-58.
Sea Robin Pipeline Co	RP73-47.
Algonquin SNG, Inc. et al	CP72-35 et al.
Columbia LNG Corp	CP72-8.
Transco Energy Co	CP73-20.
Natural Gas Pipeline Co. of America	CP72-47 et al.
Tecon Gasification Co	CP72-100.
Texas Eastern Transmission Corp	CP72-101.
United Gas Pipe Line Co	CP71-89.
Tennessee Gas Pipeline Co	CP72-6 et al.
United Gas Pipe Line Co	RP71-29, RP71-120.
Columbia LNG Corp	CP71-68.

[FR Doc.73-4534 Filed 3-8-73;8:45 am]

[Docket No. CI73-569]

GEORGE MITCHELL & ASSOCIATES, INC.

Notice of Application

MARCH 6, 1973.

Take notice that on February 26, 1973, George Mitchell & Associates, Inc. (Applicant), 3900 1 Shell Plaza, Houston, TX 77002, filed in Docket No. CI73-569 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of publi cconvenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Company of America from the Northeast Provident City Field Area, Colorado and Lavaca Counties, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 150,000 Mcf of gas per month at 45 cents per Mcf at 14.65 p.s.i.a. for 2 years within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before March 22,, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4564 Filed 3-9-73;8:45 am]

[Docket No. E-8003]

GULF STATES UTILITIES CO.

Order Accepting Rate Schedules for Filing, Suspending Rates, Granting Intervention, and Consolidating Proceedings

MARCH 1, 1973.

On January 26, 1973, Gulf States Utilities Co. (Gulf States) tendered for filing an incomplete application, pursuant to Part 35 of the Commission's regulations, for approval of rate schedules[1] under an agreement dated December 12, 1972, between Gulf States and Cajun Electric Cooperative, Inc. (CEPCO), (formerly Louisiana Electric Cooperative, Inc.). Notice of such filing was published on February 5, 1973, and February 15, 1973 was given as the last day on which to file protests and petitions to intervene.

The filing was completed by submission of additional data on February 20, 1973.

CEPCO, a generating cooperative, recently completed construction of its 200 mw. Big Cajun station. An interim agreement dated August 3, 1971, between Gulf States, Louisiana Electric Cooperative, Inc. (now CEPCO), Central Louisiana Electric Co., Inc. (CLECO), and Louisiana Power and Light Co. (L.P. & L.), was accepted for filing by the Commission by order dated August 7, 1972.[2] Under that agreement, Gulf States, L.P. & L., and CLECO were to provide startup power and energy to the new station, and, until acceptance of the rates filed herein, were to purchase the output of the new station.

Dow Chemical Co. (Dow) and the Cities of Lafayette and Plaquemine, La. (Cities) filed petitions to intervene in response to the notice of filing of the interim agreement in Docket No. E-7696. These petitions alleged general anticompetitive aspects of the interim agreement. At the time of such protests petitioners were already involved in the proceedings of Docket No. E-7676, an application to issue securities, in which similar allegations of anticompetitive behavior on the part of Gulf States, L.P. & L. and CLECO were made. Therefore, the interim agreement was accepted for filing effective September 13, 1971, but set for hearing in consolidation with the proceedings in Docket No. E-7676 by the Commission's order of August 7, 1972, in Docket Nos. E-7676 and E-7696.

Under the terms of the proposed Power Interconnection Agreement filed in this docket, and set forth in the notice, Gulf States will provide transmission service for power and energy generated at Big Cajun Station to four distribution member cooperatives of CEPCO who now purchase energy from Gulf States under individual service agreements.[3]

[1] See Attachment A.

[2] Order Accepting Rate Schedules for Filing, Waiving Notice Requirements, Granting Intervention, Granting Late Petition to Intervene, and Consolidating Proceedings, Dockets Nos. E-7696 and E-7676.

[3] The Agreement will supersede the following Federal Power Commission Rate Schedules, and Gulf States has requested that they be terminated concurrently with the initiation of service under the agreement:

(1) FPC Schedule 70—Jefferson Davis Electric Cooperative, Inc.

(2) FPC Schedule 73—Beauregard Electric Cooperative, Inc.

(3) FPC Schedule 74—Dixie Electric Membership Corp.

(4) FPC Schedule 75—Pointe Coupee Electric Membership, Corp.

(5) Agreement dated Aug. 3, 1971, between Louisiana Electric Cooperative, Inc., Central Louisiana Electric Co., Inc., Louisiana Power & Light Co. which was accepted for filing by FPC correspondence issued Aug. 7, 1972.

In addition, Gulf States will provide emergency and replacement energy and, when the member cooperatives' demand has grown equal to Big Cajun's assured capability, such additional power as is necessary to meet member cooperatives' requirements.[4] Gulf States will also purchase energy generated at Big Cajun in excess of member cooperatives' requirements.

PROPOSED RATE SCHEDULES

The monthly charges specified for transmission service at the voltage levels indicated are as follows:

	Per kw. demand
Under 69 kv	$0.60
69 and 138 kv	0.45
230 kv	0.40

An allowance for losses of 0.15 mill per kw.-hr. is added.

Billing demand is defined as the highest maximum 30-minute demand established during the 12 months preceding the billing month.

During the period 1973 through 1975, Gulf States will purchase that part of the capacity of Big Cajun Station in excess of member cooperatives' requirements at a rate of $1.25 per kw. per month. For energy associated with excess capacity and for surplus energy (available through the term of the contract) Gulf States will pay a charge equal to CEPCO's incremental gas fuel cost plus 0.5 mill per kw.-hr. Sales of excess capacity and energy are subject to availability of gas at the prices stated in Cajun's contract with Texaco, Inc., as shown in Attachment B below.

The charges specified for emergency and replacement energy are the same as those now on file in Gulf States' Interconnection Agreement with CLECO and LP&L. The charges specified for additional power are the same as those now on file for service to the four member cooperatives who will now be supplied under the terms of the instant submittal. CEPCO's charges for sales of excess and surplus capacity and energy to Gulf States are not subject to Commission jurisdiction.

PROTESTS AND PETITIONS TO INTERVENE

In general, the petitions to intervene which have been filed allege that Gulf States is involved in a conspiracy to suppress and defeat an interconnection and pooling agreement between the Cities, Dow, and CEPCO.

Dow filed on February 15, 1973, a protest and petition to intervene, in which it stated that Dow, CEPCO, and the Cities are parties to an interconnection and pooling agreement dated August 16, 1968. This agreement was attached as Appendix B to the protest and petition to intervene by the Cities in Docket No. E-7663 and is incorporated by reference in Dow's petition.

[4] Gulf States' charges for emergency energy, replacement energy, and additional power are set forth in service schedules supplementing the agreement and are summarized in Attachment B.

Dow alleges that the agreement of December 12, 1972, in this docket is inconsistent with its rights under the agreement of August 16, 1968, and that Gulf States, "acting unlawfully and in concert with Louisiana Power & Light Co. and Central Louisiana Electric Co." has prevented the effective operation of the 1968 agreement. Dow alleges that CEPCO is willing to carry out its obligations under the 1968 agreement but has been forced "because of economic duress" to enter into the December 12 agreement.

Dow requests that, in the event Gulf States' application is granted, it be conditioned to protect the rights of the parties to the 1968 agreement.

The Cities have filed a protest and petition in which they raise antitrust issues similar to those raised by the same parties in Dockets Nos. E-7663, E-7676, E-7682, E-7696, and E-7805.

Cities incorporate by reference their pleadings in the foregoing dockets.

Cities move for rejection of the rate schedules or in the alternative for suspension of the rate for at least 1 day and to consolidate this docket into Docket No. E-7676.

Gulf States filed its answers to the protests and petitions to intervene on February 26, 1973.

The convoluted procedural history surrounding these proceedings has been set forth in the order issued by the Commission August 7, 1972, in Dockets Nos. E-7676 and E-7696.[5] Little purpose would be served in repeating this history and it is hereby incorporated by reference.

The Commission has reviewed the contentions which are set forth in the petitions of Dow and Cities in the light of its overall responsibility in the administration of its functions under the Federal Power Act. The Commission is aware of its responsibilities with regard to interconnection and coordination of facilities in order to assure an adequate and reliable supply of electric energy throughout the United States at the lowest practical rate consonant with the maximum utilization and conservation of natural resources.

The Commission is further aware of its responsibilities for enhancement of ultimate interconnection and interchange of electric energy as well as other activities in furtherance of electric energy capability. All these Commission responsibilities are directed toward safeguarding costs, rates, and reliability.

Based upon similar allegations by Dow and Cities in Dockets Nos. E-7663 and E-7682, the Commission found itself unable to determine either the merits of the contentions or the authority of the Commission to grant relief without further proceedings. The Commission therefore instituted a separate proceeding in Docket No. E-7676 for purposes of providing a hearing in which evidence would be presented and authority to grant relief would be cited.

The allegations put forth in the petitions of Dow and Cities in this docket present issues substantially similar to those to be considered by the Commission in Docket No. E-7676. Consequently, it is appropriate to consolidate the issues here presented with those in the previous docket.

The Commission is aware, however, that to the extent the filing in this docket proposes changes in presently existing rate schedules it is a superseding rate. Such a rate is subject to suspension under the Federal Power Act. It is clear that this filing proposes such changes.[6]

The Commission finds:

(1) The public interest would not be served by rejection of the tendered filing pending final determination of the issues set forth here in Docket No. E-7676.

(2) Interventions by the Cities of Lafayette and Plaquemine, La., and Dow Chemical Co. may be in the public interest for purposes of Commission consideration of the issues raised in the petitions.

(3) Petitioner's contentions do not address themselves directly to unreasonable rates or charges, but to the possibility of unduly discriminatory practices in the services contemplated by the filed rate schedules. However, such discrimination, if it exists, may have an effect on the filed rates. Therefore, in order to protect the possibility of refund, the Commission will order a 1-day suspension in the effectiveness of the filed rate.

(4) The matters asserted and the activities alleged in the petitions of Dow and Cities raise issues which should be heard in a proceeding separate from this docket.

(5) The petitions filed by Dow and Cities should be considered as complaints under section 306 of the Federal Power Act.

(6) The petitions filed in this docket by Cities and Dow raise issues which are substantially similar to those being considered in Docket No. E-7676, a proceeding now before the Commission, and it is therefore appropriate that the complaints filed in this docket should be consolidated with Docket No. E-7676 for purposes of hearing and decision.

(7) The period of public notice given in this matter is reasonable.

The Commission orders:

(A) Dow Chemical Co. and the Cities of Lafayette and Plaquemine, La., are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* The admission of the aforementioned petitioners shall not be construed as recognition by the Commission that the petitioners might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) Pursuant to the authority of the Federal Power Act, particularly sections 202, 205, 206, 306, and 307 thereof and the Commission's rules of practice and procedure, an investigation is hereby instituted to determine the justification of the protests and petitions to intervene by the Cities of Lafayette and Plaquemine, La., and Dow Chemical Co., and

[5] See footnote 2, supra.

[6] See footnote 3, supra.

if necessary to prescribe such relief as is appropriate within the boundary of the Federal Power Act.

(C) All further proceedings in this docket shall be consolidated with the complaint proceeding previously instituted in Docket No. E–7676.

(D) Pending hearing and decision thereon, Gulf States' proposed rate schedule and the rates and charges contained therein, as tendered on January 26, 1973, and completed on February 20, 1973, are accepted for filing and hereby suspended and the use thereof deferred until March 23, 1973. (One-day suspension from March 22, 1973, 30 days after filing was completed February 20, 1973, in accordance with § 35.13).

(E) Inasmuch as Central Louisiana Electric Co., Inc., and Louisiana Power & Light Co. were named as parties in Docket No. E–7676, with which this proceeding will be consolidated, a copy of the Cities' and Dow's complaints shall be served on them and their response thereto shall be filed with the Commission within 15 days of the date of issuance of this order.

By the Commission.

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

ATTACHMENT A

RATE SCHEDULE DESIGNATIONS AND DESCRIPTIONS, GULF STATES UTILITIES COMPANY

Filed: January 26, 1973
Other Party: Cajun Electric Power Cooperative, Inc.
Instrument Dates: (1) through (5) December 12, 1972, (6) None, (7) November 7, 1968

Rate schedule designation	Description	Effective date
(1) FPC No. 104	Power interconnection agreement	Initiation of service but not sooner than Feb. 26, 1973, nor later than Apr. 27, 1973.
(2) Supp. No. 1, FPC No. 104	Service schedule X, emergency energy	Do.
(3) Supp. No. 2, FPC No. 104	Service schedule Y, replacement energy	Do.
(4) Supp. No. 3, FPC No. 104	Service schedule REA, additional power	Do.
(5) Supp. No. 4, FPC No. 104	Letter agreement, excess capacity purchase	Do.
(6) Exhibit A, FPC No. 104	Delivery points	None.
(7) Exhibit B, FPC No. 104	Gas sales and purchase contract. Texaco, Inc. and Louisiana Electric Cooperative, Inc.	Do.

CURRENT RATE SCHEDULES TO BE SUPERSEDED BY GULF STATES UTILITIES CO., RATE SCHEDULE FPC No. 104 AS SUPPLEMENTED

GULF STATES UTILITIES CO.

Designation	*Other parties*
FPC No. 102	Central Louisiana Electric Co., Inc., Louisiana Power and Light Co., Louisiana Electric Cooperative, Inc.
FPC No. 70 as supplemented.	Jefferson Davis Electric Cooperative, Inc.
FPC No. 73 as supplemented.	Beauregard Electric Cooperative, Inc.
FPC No. 74 as supplemented.	Dixie Electric Membership Corp.
FPC No. 75 as supplemented.	Pointe Coupee Electric Membership Corp.

ATTACHMENT B

GULF STATES—CAJUN ELECTRIC POWER COOPERATIVE, INC., POWER INTERCONNECTION AGREEMENT

Summary of Service Schedules

Schedule X—Emergency Service. Applicable for first 48 hours of unscheduled outage.

Charge: Greater of—(a) 12.5 mills per kw.-hr., (b) Cost to produce or purchase, including any standby costs, plus 1 mill per kw.-hr.

Schedule Y—Replacement energy. Applicable to scheduled outage; curtailment or deferred use of fuel supply; unscheduled outage after initial 48 hours.

Charge: Incremental production cost plus 2 mills per kw.-hr. in on-peak hours (3 mills per kw.-hr. in off-peak hours). Peak hours defined as 6 a.m. to 10 p.m. of the same day except Sundays and six specified holidays.

Schedule REA—Additional power.

Charges and billing determinants:

Demand: $1.55 per kw. per month, includes first 200 kw.-hr. per kw. demand.

Energy: 4.75 mills per kw.-hr., usage in excess of demand allowance.

Fuel adjustment: A corresponding adjustment in the energy charge for variations in average fuel cost above or below 2.1 mills per kw.-hr.

Billing demand: Maximum monthly 30-minute integrated demand.

Voltage adjustment: 5 percent discount for delivery above 34.5 kv.

Tax adjustment: Adjustment to reflect new or increased taxes after the effective date of the rate schedule.

[FR Doc.73–4531 Filed 3–8–73;8:45 am]

[Docket No. E–7690]

NEPEX MANAGEMENT COMMITTEE, NEW ENGLAND POWER POOL

Notice of Application

MARCH 5, 1973.

Take notice that on February 5, 1973, the NEPOOL Management Committee (Applicant), filed a supplement to the NEPOOL Power Pool Agreement, dated as of September 1, 1971. The supplement adopts uniform rules for calculating EHV PTF costs of NEPOOL participants, including rules for calculating charges and depreciation percentages pursuant to § 13.9(c) of the NEPOOL Agreement. The Applicant requests the recommended rules for calculating costs of EHV PTF under the NEPOOL Agreement take effect on November 1, 1971.

Any person desiring to be heard or to make any protest with reference to such application should, on or before March 19, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–4630 Filed 3–9–73;8:45 am]

[Project 13]

NIAGARA MOHAWK POWER CORP.

Notice of Issuance of Annual License

MARCH 5, 1973.

On March 2, 1970, Niagara Mohawk Power Corp., Licensee for Green Island Project No. 13 located in the vicinity of the town of Green Island, Albany County, N.Y., on the Hudson River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 28, 1970.

The license for Project No. 13 was issued effective March 3, 1921, for a period ending March 2, 1971. An annual license was issued from the original date of expiration until March 2, 1972. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Niagara Mohawk Power Corp., for continued operation and maintenance of Project No. 13.

Take notice that an annual license is issued to Niagara Mohawk Power Corp. (Licensee), under Section 15 of the Federal Power Act for the period March 3, 1973, to March 2, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Green Island Project No. 13, subject to the terms and conditions of its license.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73–4635 Filed 3–9–73;8:45 am]

ADVANCE PAYMENTS AGREEMENTS

Notice of Filing

MARCH 5, 1973.

Take notice that each of the parties listed herein has made a filing pursuant to sections 4 and 5 of the Natural Gas Act and Part 154 of the regulations promulgated thereunder.

Any person desiring to be heard or to make any protest with reference to said

filing should on or before March 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

Date filed and company	Action
Feb. 22, 1973: Michigan Wisconsin Pipe Line Co.	Agreement dated 12-27-72 with Champlin Exploration, Inc., 1972 Oil & Gas Partnership; Agreement dated 12-27-72 with Dyco Petroleum Corp.; agreement dated 12-27-72 with Ferguson Oil Co.
Feb. 5, 1973: Cities Service Gas Co.	Amendment dated 12-29-72, to the agreement dated 3-10-71, between The Rodman Corp., Basin Petroleum Corp., and Jack H. Choate, an individual, as Sellers, and Cities Service Gas Co.
Jan. 26, 1973: Columbia Gas Transmission Corp.	Agreement between Mobreal Ohio Producers Adams-Six and Columbia Gas Transmission Corp., dated 12-21-72, concerning an advance payment for the development and production of certain gas reserves.
Feb. 8, 1973: Cities Service Gas Co.	Agreement dated 12-30-72, between Cities Service Gas Resources Co., and Cities Service Gas Co., pursuant to the provisions of Paragraph H of Account No. 166 of the Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies, as amended in Order No. 465 issued 12-29-72, in Docket No. R-411.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4637 Filed 3-9-73;8:45 am]

[Docket No. E-8056]

OTTER TAIL POWER CO.

Notice of Application

MARCH 5, 1973.

Take notice that on March 1, 1973, Otter Tail Power Co. (Applicant), of Fergus Falls, Minn., filed an application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to negotiate privately for the underwriting of 300,000 common shares, $5 par value, of the company.

The company asserts that a portion of its cash requirements in 1973 should be financed through the issuance of additional common shares to be publicly offered. To be authorized to select the investment bankers for the underwriting of the common shares through private negotiations rather than through competitive bidding will be to the advantage of company shareholders and customers. The Applicant requests authority to negotiate privately for the underwriting of common shares so that the company will not be precluded by § 34.2 (f) (2) and § 34.1(a) (4) of the Commission's rules and regulations requiring public invitation of proposals for the underwriting of shares.

Any person desiring to be heard or to make any protest with reference to such application should, on or before March 13, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4634 Filed 3-9-73;8:45 am]

[Project 67]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Issuance of Annual License

MARCH 5, 1973.

On February 12, 1970, Southern California Edison Co., Licensee for Big Creek No. 2A and No. 8 Project No. 67 located in Fresno County, Calif., on the San Joaquin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on August 21, 1970.

The license for Project No. 67 was issued effective March 3, 1921, for a period ending March 2, 1971. An annual license was issued from the original date of expiration until March 2, 1972. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of the licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Southern California Edison Co., for continued operation and maintenance of Project No. 67.

Take notice that an annual license is issued to Southern California Edison Co. (Licensee), under section 15 of the Federal Power Act for the period March 3, 1973, to March 2, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Big Creek No. 2A and No. 8 Project No. 67, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4631 Filed 3-9-73;8:45 am]

[Project 120]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Issuance of Annual License

MARCH 5, 1973.

On February 11, 1970, Southern California Edison Co., Licensee for Big Creek No. 3 Project No. 120 located in Fresno, Kern, Madera, Los Angeles, and Tulare Counties, Calif., on the San Joaquin River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1–16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on August 20, 1970.

The license for Project No. 120 was issued effective June 8, 1922, for a period ending March 3, 1971. An annual license was issued from the original date of expiration until March 3, 1972. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Southern California Edison Co. for continued operation and maintenance of Project No. 120.

Take notice that an annual license is issued to Southern California Edison Co. (Licensee), under section 15 of the Federal Power Act for the period March 4, 1973, to March 3, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Big Creek No. 3 Project No. 120, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4632 Filed 3-9-73;8:45 am]

[Docket No. CP73-226]

SOUTHERN NATURAL GAS CO.

Notice of Application

MARCH 5, 1973.

Take notice that on February 26, 1973, Southern Natural Gas Co. (Applicant), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP73-226 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of certain natural gas facilities from Gulf Oil Corp. (Gulf), in Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to acquire from Gulf for $20,466 and operate approximately 11,600 feet of 4½-inch pipe, together with the rights-of-way incident thereto, all located in St. Martin Parish, La. Applicant states that this pipe has been used to deliver natural gas into Applicant's system pursuant to gas purchase contracts with Gulf, Union Texas Petroleum, Amoco Production Co.,

and Freeport Oil Co. Applicant further states that it has contracted with Gulf to acquire the aforesaid pipe because Gulf advised it that Gulf could no longer operate economically the pipeline to transport gas for others and that Gulf presently has no gas available for sale to Applicant. Applicant indicates that it will utilize the pipe to transport gas delivered to it under present gas purchase contracts and any future contracts for the sale of gas from section 28 field in St. Martin Parish.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4629 Filed 3-9-73;8:45 am]

[Docket No. CP72-181]

PANHANDLE EASTERN PIPELINE CO.

Notice of Availability of Staff Final Environmental Impact Statement

MARCH 9, 1973.

Notice is hereby given in the captioned docket that on March 9, 1973, as required by § 2.82(b) of Commission Order No. 415-C, a final environmental statement prepared by the staff of the Federal Power Commission; was made available This statement deals with the environmental impact in the proceeding under Docket No. CP72-181, Panhandle Eastern Pipeline Co. for certificate of public convenience and necessity under section 7(c) of the Natural Gas Act for construction of 89 miles of 20-inch gas transmission line, approximately 300 miles of small diameter gathering pipeline, 25; 800 compressor horsepower; and other appurtenant facilities. These facilities would be located in Weld, Adams, and Arapahoe Counties in Colorado, and Seward, Haskell, Grant, and Kearney Counties in Kansas.

This statement has been sent to the Council on Environmental Quality and to Federal, State, and local agencies, has been placed in the public files of the Commission's Office of Public Information, Room 2523, General Accounting Office Building, 441 G Street NW., Washington, DC, and at its regional office located at 819 Taylor Street, Fort Worth, TX. Copies may be ordered from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

A staff draft environmental impact statement was circulated for comments on February 5, 1973. The Commission found that it was necessary and appropriate in the public interest to dispense with the 45-day time period for review and comment and shortened the period to 30 days to afford the Commission the opportunity to decide within the gas contract deadline period if the merits of this application serve the public convenience and necessity.

The 30-day period for comment expired on March 7, 1973. All comments received are attached to the final environmental impact statement in accordance with § 2.82(b) of Commission Order No. 415-C.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-4824 Filed 3-9-73;10:47 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations; Temp. Reg. F-171]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to enter into a multi-year contract for procurement of refuse disposal utility services from the North Davis Refuse Disposal Board, Farmington, Utah, for the benefit of Hill Air Force Base, Utah.

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

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(3) and 205(d) (40 U.S.C. 481(a)(3) and 486(d)), authority is delegated to the Secretary of Defense to enter into a contract for a period not to exceed 10 years for the purchase of refuse disposal utility services from the North Davis Refuse Disposal Board, Farmington, Utah, for the benefit of Hill Air Force Base, Utah.

b. The delegation of authority shall be subject to all provisions of law with respect to such a contract.

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

d. A copy of said contract, and any amendments thereto, shall be furnished to the General Services Administration as soon as practicable after the execution thereof.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

MARCH 6, 1973.

[FR Doc.73-4696 Filed 3-9-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

DOVER SHOE MANUFACTURING CO.

Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

The Department of Labor has received a Tariff Commission report containing an affirmative finding under section 301(c)(2) of the Trade Expansion Act of 1962 with respect to its investigation of a petition for determination of eligibility to apply for adjustment assistance filed on behalf of workers of the Dover Shoe Manufacturing Co., Somersworth, N.H. (TEA-W-171). In view of the report and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C., on or before March 23, 1973.

Signed at Washington, D.C., this 5th day of March 1973.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.73-4654 Filed 3-9-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 195]

ASSIGNMENT OF HEARINGS

MARCH 7, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only

once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 71459 Sub 31, O. N. C. Freight Systems, now being assigned April 23, 1973 (2 weeks), at Salt Lake City, Utah, in a hearing room to be later designated.

AB 5 Sub 112, George P. Baker, Richard C. Bond, Jervis Langdon, Jr., and Willard Wirtz, trustees of the property of Penn Central Transportation Co., debtor, abandonment portion northern branch between Ackerson Lake, Mich., and Bryan, Ohio, in Jackson, Lenawee, and Hillsdale Counties, Mich., and Williams County, Ohio, now being assigned April 30, 1973, (3 days), at Bryan, Ohio, in a hearing room to be later designated.

MC 124606 Sub 3, Ford Truck Line, Inc., continued to April 10, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 107515 Sub 804, Refrigerated Transport Co., Inc., now being assigned continued hearing April 17, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FD 27078 and FD 27079, Carolina and Northwestern Railway Co. Merger-Norfolk Southern Railway Co. and Southern Railway Co. control, now assigned April 2, 1973, at Washington, D.C., postponed to April 9, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

FPC-50, Sunshine State Shippers and Receivers Association, Inc., Harry De Montmollin, and Florida All State Consolidators, Inc., Jacksonville, Fla.—Investigation of operations—now being assigned April 16, 1973 (1 day), at Jacksonville, Fla., in a hearing room to be later designated.

MCC-7966, Citrusales, Inc., and Southern Gold Citrus Products, Inc., investigation of operations, now being assigned April 17, 1973 (2 days), at Jacksonville, Fla., in a hearing room to be later designated.

MC 108811 Sub 6, Thomas Motor Tours, Inc., continued to April 9, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MCC 7879, A-1 Corporation Investigation and Revocation of Certificate of Registration, now assigned March 13, 1973, at Boston, Mass., is postponed indefinitely.

MC 107295 Sub 631, Pre-Fab Transit Co., now being assigned continued hearing April 17, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4711 Filed 3-9-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 7, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42639—*Resin plasticizers from specified points in Texas.* Filed by Southwestern Freight Bureau, agent (No. B-396), for interested rail carriers. Rates on resin plasticizers, in tank carloads, as described in the application, from specified points in Texas, to specified points in Florida.

Grounds for relief—Market competition.

Tariff—Supplement 49 to Southwestern Freight Bureau, agent, tariff ICC 5019. Rates are published to become effective on April 4, 1973.

FSA No. 42640—*Lumber and related articles from points in southwestern territory.* Filed by Southewestern Freight Bureau, agent (No. B-386), for interested rail carriers. Rates on lumber and related articles, in carloads, as described in the application, from points in southwestern territory, to points in Michigan on the ELS.

Grounds for relief—Rate relationship.

Tariff—Supplement 16 to Southwestern Freight Bureau, agent, tariff ICC 5056. Rates are published to become effective on April 10, 1973.

FSA No. 42641—*Volcanic scoria or slag from points in New Mexico and Texas.* Filed by Southwestern Freight Bureau, agent (No. B-394), for interested rail carriers. Rates on volcanic scoria or slag, not pumice stone, in carloads, as described in the application, from specified points in New Mexico, also Planeport, Tex., to points in Illinois, Michigan, and Wisconsin on the CNW.

Grounds for relief—Market and carrier competition, short-line distance formula and grouping.

Tariff—Supplement 16 to Southwestern Freight Bureau, agent, tariff ICC 5056. Rates are published to become effective on April 10, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4713 Filed 3-9-73;8:45 am]

[Notice 229]

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 April 2, 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-74073. By order of February 26, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to Atlantic Coast Express, Inc., Elizabeth, N.J., of the operating rights in certificate No. MC-133264 issued March 9, 1971, to Apollo Warehousing Corp., Avenel, N.J., authorizing the transportation of general commodities, with exceptions, between points in Union County, N.J., on the one hand, and, on the other, New York, N.Y. Robert B. Pepper, registered practitioner, 168 Woodbridge Avenue, Highland Park, N.J., representative for transferor. Arthur D. Bernstein, 1054 31st Street NW., Washington, DC, attorney for transferee.

No. MC-FC-74075. By order of February 26, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to Atlantic Coast Express, Inc., Elizabeth, N.J., of the operating rights in certificate No. MC-32967 issued May 13, 1941, to Klasten Bros., Inc., Closter, N.J., authorizing the transportation of general commodities, with exceptions, between points in Hudson, Bergen, Passaic, Union, Middlesex, Somerset, and Essex Counties, N.J., on the one hand, and, on the other, New York, N.Y. Robert B. Pepper, registered practitioner, 168 Woodbridge Avenue, Highland Park, N.J., representative for transferor, Arthur D. Bernstein, 1054 31st Street NW., Washington, DC, attorney for transferee.

No. MC-FC-74201. By order entered February 20, 1973, the Motor Carrier Board approved the transfer to Lee & Backes, Inc., Glenburn, N. Dak., of the operating rights set forth in certificate of registration No. MC-96736 (Sub-No. 1), issued February 26, 1969, to Marvin A. Baska and Ruth Baska, doing business as M & R Transfer, Mohall, N. Dak., evidencing a right to engage in operations in interstate or foreign commerce in motor freight service between Minot and Sherwood, N. Dak., via U.S. Highway No. 83 serving all intermediate points, State Highways Nos. 5 and 28, as well as portions of county roads covering the intermediate points of Glenburn, Lansford, Mohall, and Loraine, N. Dak., restricted against service from Minot to Minot Air Force Base and from the Air Force Base to Minot, N. Dak. Orline W. Backes, Post Office Box 998, Minot, ND 58701, attorney for applicants.

No. MC-FC-74210. By order entered February 15, 1973, the Motor Carrier Board approved the transfer to Julius R.

Taylor, Jr., Ned R. Taylor, and Alex Taylor, a partnership, doing business as Taylor Truck Line, Charleston, Miss., of the operating rights set forth in certificates Nos. MC-106565 (Sub-No. 2), MC-106565 (Sub-No. 7), and MC-106565 (Sub-No. 10), issued August 1, 1966, August 27, 1956, and June 3, 1971, respectively, to Julius R. Taylor, doing business as Taylor Truck Line, Charleston, Miss., authorizing the transportation of general commodities, with the usual exceptions, between specified points in Mississippi, and between specified points in Tennessee and Mississippi. Donald B. Morrison, 717 Deposit Guaranty National Bank Building, Post Office Box 22628, Jackson, MS 39205, attorney for applicants.

No. MC-FC-74224. By order of February 16, 1973, the Motor Carrier Board approved the transfer to Kennelly Moving & Storage Co., Inc., Jacksonville, Fla., of the operating rights in certificate No. MC-133417 (Sub-No. 1) issued June 3, 1970 to Joseph G. Kennelly, Jr., doing business as Kennelly Moving & Storage, Jacksonville, Fla., authorizing the transportation of household goods between specified areas in Florida and Georgia, subject to certain restrictions. Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207, attorney for applicants.

No. MC-FC-74261. By order of February 20, 1973, the Motor Carrier Board approved the transfer to Beaverson Trucking, Inc., Wooster, Ohio, of the operating rights in permits No. MC-88621 (Sub-No. 4), MC-88621 (Sub-No. 6), MC-88621 (sub-No. 7), and MC-88621 (Sub-No. 13) issued June 2, 1947, March 1, 1954, June 17, 1949, and July 25, 1962 respectively to H. G. Stauffer Trucking Co., Inc., Cleveland, Ohio, authorizing the transportation of various commodities from, to, and between points in Connecticut, Delaware, Illinois, Iowa, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. A. Charles Tell, 100 East Broad Street, Columbus, OH 43215, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4712 Filed 3-9-73;8:45 am]

[Notice 228]

MOTOR CARRIER TRANSFER PROCEEDINGS

MARCH 7, 1973.

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

No. MC-FC-74327. TILLMAN TRANSFER, INC., 904 City National Bank Building, Omaha, Nebr. 68102, seeks temporary authority to lease the operating rights of KAY C. SCHWEDHELM, doing business as SCHWEDHELM FREIGHT, Pender, Nebr. 68047, under section 210a(b). The transfer to TILLMAN TRANSFER, INC., of the operating rights of KAY C. SCHWEDHELM, doing business as SCHWEDHELM FREIGHT, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-4714 Filed 3-9-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—MARCH

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during March.

FEDERAL REGISTER PAGES AND DATES—MARCH

Pages	*Date*
5449–5609	Mar. 1
5611–5829	2
5831–5985	5
5987–6125	6
6127–6267	7
6269–6360	8
6361–6654	9
6655–6753	10

federal register

MONDAY, MARCH 12, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 47

PART II

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

■

Procurement List 1973

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST 1973

Notice of Establishment

The Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped was established by Public Law 92–28, June 23, 1971 (85 Stat. 77, 41 U.S.C. 46–48) (hereinafter the Act) for the purpose of directing the procurement of selected commodities and services by the Federal Government to qualified workshops serving blind and other severely handicapped individuals with the objective of increasing the employment opportunities for these individuals. The Committee is required to establish and publish in the FEDERAL REGISTER a procurement list of:

(1) The commodities produced by any qualified nonprofit agency for the blind or by any qualified nonprofit agency for other severely handicapped, and

(2) The services provided by any such agency, which the Committee determines are suitable for procurement by the Government pursuant to the Act.

The Act further provides that any entity of the Government which intends to procure any commodity or service on the procurement list, shall procure such commodity or service, at the price established by the Committee, from a qualified nonprofit agency for the blind or such agency for the other severely handicapped if the commodity or service is available within the normal period required by that Government entity. However, this requirement shall not apply to the procurement of any commodity or service which is available from Federal Prison Industries, Inc.

A Government entity is defined as any entity of the legislative branch or judicial branch, any executive agency or military department (as such agency and department are respectively defined by sections 102 and 105 of title 5, United States Code), the U.S. Postal Service, and any nonappropriated fund instrumentality under the jurisdiction of the Armed Forces.

Notice is hereby given pursuant to section 2 of the Act that Procurement List 1973 is established as set forth below. Procurement List 1973 supersedes the Initial Procurement List, August 26, 1971 (36 FR 16982) and subsequent changes thereto through February 10, 1973.

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

ASSIGNMENT CODES

Central Nonprofit Agency	*Code*
Goodwill Industries of America	GI
International Association of Rehabilitation Facilities.	RF
Jewish Occupational Council	JO
National Association for Retarded Children.	RC
National Easter Seal Society for Crippled Children and Adults.	ES
National Industries for the Blind	IB
United Cerebral Palsy Association	CP

COMMODITIES

CLASS 1005
Sling, Gun, M1 (Nylon) (IB)

		Each
1005-654-4058	Stock Issue Pack	$0.596
	Basic Issue Pack	0.650

CLASS 1095
Scabbard, Bayonet-Knife (IB)

	Each
1095-508-0339	$ 1.60

CLASS 1730
Chock Assembly, Wheel (IB)

	Each		
	Unpainted	Painted	Codit reflecting
1730-294-3694	$4.43	$4.95	$ 6.25
1730-063-4095	5.73	6.25	7.29
1730-294-3696	9.17	9.95	12.08
1730-294-3695	3.13	3.39	4.32
1730-945-8450	2.08	2.50	3.02

CLASS 2540
Belt, Automobile Safety (IB)

	Each
2540-894-1273	$ 3.13
2540-894-1274	2.99
2540-894-1275	2.54
2540-894-1276	2.49

CLASS 3510
Net, Laundry (IB)

	Each
3510-273-9738	$ 0.39
3510-273-9739	0.93

CLASS 5140
Bag Tool (IB)

	Each
5140-772-4142	$ 1.41

CLASS 5330
Packing, Preformed (Grommets) (IB)

	Box
5330-543-7172	$15.70
5330-543-7173	15.99
5330-242-3676	16.33
5330-543-7174	16.68
5330-242-3679	16.96
5330-543-7175	17.25
5330-242-3675	17.60
5330-543-7176	17.88
5330-543-7177	18.23
5330-543-7178	18.52
5330-543-7179	18.86

CLASS 5440
Stepladder (IB)

	Each
5440-514-4483	$10.67
5440-514-4485	15.60
5440-514-4487	21.28

Note: IB will furnish requirements for GSA Regions 8, 9, and 10 only

CLASS 6515
Tourniquet, Non-Pneumatic (IB)

	Each
6515-383-0565	$0.55

CLASS 6530
Cover, Litter (IB)

	Each
6530-784-1035	$3.8097
6530-784-1250	$ 5.45

Drape, Surgical (IB)

	Dozen	
	East	West
6530-299-9608	$17.42	$17.55
	Each	
6530-299-9607	$ 3.71	$ 3.77
6530-715-9310	3.37	3.43
6530-299-9605	11.60	11.60
6530-715-9340	9.42	9.42
6530-299-9604	15.58	15.58

Strap, Webbing, Patient Securing (IB)

	Each
6530-784-4205	$ 1.63

Wrapper, Sterilization (IB)

	Dozen	
	East	West
6530-299-9603	$ 8.24	$ 8.32
6530-719-0000	7.52	7.59
6530-299-9602	4.74	4.79
6530-719-0030	4.46	4.51
6530-299-9601	7.52	7.61
6530-719-0035	6.96	7.05
6530-299-9600	11.27	11.39
6530-719-0040	10.22	10.34
6530-299-9599	21.80	22.18
6530-719-0045	19.77	20.15
6530-850-8613	44.02	44.02
6530-850-8612	31.61	32.15
6530-926-4912	35.88	36.42
6530-850-8614	50.98	51.88
6530-926-4902	4.24	4.27
6530-926-4903	6.73	6.83
6530-926-4904	10.05	10.17
6530-926-4905	18.77	19.14

CLASS 6532
Cap, Operating, Surgical (IB)

	Dozen
6532-299-9614	$ 2.32
6532-299-9613	2.35
6532-299-9612	2.40
6532-543-7378	8.88
6532-634-6262	7.21
6532-634-6263	7.21
6532-634-6264	7.21

Pillowcase (IB)

	Each
6532-634-9828	$ 0.22

CLASS 6540
Case, Spectacle (IB)

	Each
6540-735-5157	$ 0.145

CLASS 6625
Test Set, Lead (RF)

	Set
6625-553-1442	$ 2.20

CLASS 6695
Kit, Spectro Oil Analysis (IB)

	Box
6695-925-2982	$ 3.16

Sampler-Spectro, Analysis Oil Kit (IB)

	Box
6695-758-1355	$ 4.03

CLASS 7195
Bulletin Board (IB)

		Each
7195-989-2370	7195-844-9036	$10.57
7195-989-2371	7195-844-9037	13.28
7195-989-2372	7195-844-9038	15.29
7195-990-0615	7195-843-7938	28.50

CLASS 7210
Bedspread (IB)

	Each
7210-728-0188	$5.092
7210-728-0186	5.092
7210-728-0189	5.092
7210-728-0190	5.092
7210-728-0191	5.092
7210-728-0187	5.092
7210-728-0176	5.58
7210-728-0173	5.58
7210-728-0177	5.58
7210-728-0178	5.58
7210-728-0179	5.58
7210-728-0175	5.58

Bedspring (IB)

	Each	
	East	West
7210-582-7540	$22.58	$23.33
7210-582-0984	23.20	24.09
7210-110-8104	23.90	24.76
7210-582-7541	26.40	27.40
7210-110-8105	27.56	28.75
7210-559-5085	26.60	27.40
7210-559-6025	30.70	31.81

Cover, Mattress (IB)

	Each
7210-291-8419	$ 3.65
7210-205-3083	3.58
7210-205-3082	3.62
7210-067-7969	4.82
7210-998-7745	2.06
7210-883-8492	2.53
7210-171-1091	2.41
7210-935-6619	2.48

Note: When Government furnished material is utilized on FSN 7210-883-8492 price is $0.98 each

7210-230-1041	2.45
7210-241-9718	2.84

Mattress (IB)
Cotton-Felt

		Each	
		East	West
7210-531-6476	7210-531-6479	$10.78	$11.34
7210-205-3574	7210-205-3893	9.75	10.26
7210-205-3575	7210-680-0938	11.68	12.29
7210-205-3576	7210-205-3894	12.62	13.28
7210-205-3577	7210-205-3891	13.04	13.72
7210-205-3579	7210-205-3889	17.94	18.87

CLASS 7210 cont'd
Mattress (IB)

		Each	
		East	West
7210-252-9628	7210-716-0500	$14.91	$15.69
7210-274-3780	7210-274-7001	16.50	17.36
7210-205-3581	7210-205-3485	20.30	21.36
7210-531-6477	7210-531-6480	11.68	12.29
7210-205-3906	7210-205-3532	10.48	11.02
7210-205-3907	7210-205-3454	12.66	13.32
7210-253-4649	7210-205-3455	13.75	14.47
7210-253-4648	7210-269-9198	14.44	15.19
7210-205-3904	7210-205-3915	19.72	20.72
7210-205-3905	7210-205-3916	16.16	17.00
7210-205-3902	7210-205-3913	18.00	18.94
7210-205-3900	7210-205-3896	22.32	23.48

Innerspring

7210-205-3585		$25.65	$26.51
7210-205-3535		27.89	28.83
7210-682-6505		28.79	29.81
7210-716-0706		29.69	30.77
7210-551-5497		31.63	32.78
7210-682-6507		30.38	31.48
7210-205-3534		31.08	32.29
7210-205-3488		33.17	34.47
7210-205-3489		37.01	38.47
7210-205-3490		38.56	40.08
7210-682-6506		39.45	41.01
7210-582-2354		30.28	31.38
7210-110-8102		31.38	32.51
7210-110-8103		41.59	43.24

Innerspring, Plastic-Coated

	Each
7210-995-1093	$29.09
7210-682-7146	30.51

Foam Rubber

	Order Quantity	Each
7210-682-6503	1 to 20	$34.28
	21 to 99	32.00
	100 or over	29.46
7210-682-6504	1 to 20	51.72
	21 to 99	48.46
	100 or over	44.95

Mattress and Bedspring Set (IB)
Innerspring

Mattress	Bedspring	Set East	Set West
7210-582-2354	7210-582-0984	$53.58	$55.47
7210-682-6507	7210-559-5085	56.98	58.88
7210-682-6507	7210-582-7540	52.96	54.81
7210-682-6506	7210-559-6025	70.15	72.82
7210-682-6506	7210-582-7541	65.85	68.41

Renovated Mattresses (IB)

	Berth	Each
C.P.O. Mattress. 28 x 77 x 4-1/2"		$ 8.76
7210-M-1050	Class 1	9.30
7210-M-1050	Class 2	
Crew Mattress. 26 x 72-1/2 x 4"		7.81
7210-M-1050	Class 1	8.12
7210-M-1050	Class 2	

Grade B	Regular Bed Size, Inches	Each
7210-M-1050	26 x 72-1/2	$ 6.08
	26 x 76	5.61
	27 x 73	6.50
	30 x 76	6.92
	31 x 78	7.10

CLASS 7210 cont'd
Renovated Mattresses (IB) cont'd

Regular Bed

Grade B	Size, Inches	Each
7210-M-1050	33 x 75	$ 9.33
	34 x 76	7.98
	36 x 78	8.63
	38 x 75	10.31
Grade C		
7210-M-1050	26 x 72-1/2	6.50
	26 x 76	5.95
	27 x 73	6.95
	30 x 76	7.44
	31 x 78	7.73
	33 x 75	10.13
	34 x 76	8.55
	36 x 78	9.30
	38 x 75	11.21

Innerspring

Size, Inches	Each With Used Spring Unit	Each With New Spring Unit
29 x 76	$14.50	$19.40
33 x 78	15.00	20.00
36 x 75	15.35	20.65
36 x 78	15.68	21.18
36 x 80	15.64	21.90
36 x 84	15.93	22.86
38 x 75	15.59	21.00
38 x 80	15.98	22.89
39 x 78	15.92	22.72
41-1/2 x 78	16.45	23.70
47 x 78	16.62	25.07
53 x 73	16.87	25.19
53 x 75	17.00	25.60
53 x 80	18.35	27.32

Prices for sizes not indicated must be negotiated with IB.

Pad, Mattress (IB)

	Each
7210-227-1526	$ 3.79
7210-753-3042	5.42

Pillow, Bed (IB)

	Each
7210-619-8262	$ 2.94
7210-894-1144	1.96

Pillowcase (IB)

	Dozen	
	East	West
7210-299-9609	$ 9.44	$ 9.56
7210-170-5478	7.45	7.57
7210-171-1100	8.65	8.77
7210-205-3101	8.80	8.92
7210-716-9000	8.82	8.94
7210-761-1472	9.36	9.48
7210-054-7910	9.34	9.46
7210-231-2373	7.74	7.86

Protector, Hospital Bed, Pillow (IB)

	Box
7210-958-9118	$ 5.55

Sheet, Bed (Crib) (IB)

	Bundle
7210-634-1288	$10.12

CLASS 7210 cont'd
Sheet, Crib (IB)

	Each
7210-717-0000	$ 1.12

Towel, Dish (IB)

	Dozen
7210-171-1144	$ 1.12

Washcloth (IB)

	Box
7210-060-6008	$14.94
7210-082-2065	18.87

CLASS 7220
Mat, Floor (IB)

	Dozen
7220-205-3099	$49.93
7220-224-6491	67.45
7220-205-3100	115.42

Standard Size

	Dozen
7220-224-6489	$22.73
7220-205-2807	26.16
7220-205-2808	30.01
7220-224-6490	33.54
7220-238-8852	38.73
7220-224-6487	47.56
7220-224-6488	64.09
7220-224-6486	86.73

Special size made to order
48 x 96" is largest size made in one piece.
Larger sizes are made in sections.

	Square Foot
7220-205-2805	$ 1.57

Standard Size

	Dozen
7220-238-8854	$34.72

Special size made to order
48 x 96" is largest size made in one piece.
Larger sizes are made in sections.

	Square Foot
7220-205-2806	$ 1.56

Door Mat

	Each
7220-165-7020	$ 4.25

CLASS 7230
Curtain, Shower (IB)

	Each
7230-205-1762	$ 0.93

CLASS 7290
Cover, Ironing Board (IB)

	Dozen
7290-130-3271	$ 9.24

CLASS 7330
Pad, Bakery (IB)

	Each
7330-379-4439	$ 0.54

CLASS 7360
Dining Packet (IB)

	Box
7360-935-6407	$10.80

CLASS 7360 cont'd
Dining Packet, Inflight (IB)

	Box	
	East	West
7360-660-0526	$21.32	$21.50

CLASS 7510
Binder, Looseleaf (IB)

	Box
7510-281-4309	$ 3.53
7510-281-4314	4.69
7510-582-4201	3.73
7510-281-4310	5.77
7510-281-4311	5.06
7510-281-4313	4.18
7510-281-4315	5.29
7510-286-7792	2.87
7510-286-7794	2.95
7510-582-5488	5.59
7510-286-7791	4.70
7510-582-3807	5.18
7510-582-4200	4.48
7510-582-4199	2.49
7510-582-3801	4.70
7510-582-3809	4.76

Binder, Note Pad (IB)

	Each
7510-286-6954	$ 3.00
7510-145-0296	0.359
7510-728-8060	0.438

Eraser, Mechanical (IB)

	Each
7510-865-5292	$ 0.15
	Dozen
7510-082-2665	$ 2.35

Pencil (IB)

	Dozen
7510-286-5757	$0.195
7510-281-5234	0.188
7510-281-5235	0.186

Note: Procurement from IB is limited to 60% of the Government's annual requirement

Portfolio (IB)

	Dozen
7510-558-1572	$ 5.73
7510-616-7241	5.73
7510-551-9813	5.73
7510-558-1573	6.77
7510-616-7239	6.77
7510-558-1571	6.77
7510-995-4856	5.96
7510-995-4857	5.96
7510-995-4854	5.96
7510-995-4852	7.00
7510-995-4853	7.00
7510-995-4850	7.00

Refill, Ballpoint Pen (IB)

	Dozen
7510-543-6792	$0.414
7510-543-6793	0.407
7510-754-2687	0.415
7510-543-6795	0.420
7510-754-2688	0.423
7510-754-2689	0.416
7510-754-2690	0.424
7510-754-2691	0.429

CLASS 7520
Arch Board File (IB)

	Each
7520-281-4848	$1.344
7520-240-5498	1.368
7520-191-1074	0.947
7520-191-1075	0.960
7520-281-4845	0.515
7520-255-7081	0.528

Ballpoint Pen (IB)

	Dozen
7520-935-7136	$0.855
7520-935-7135	0.865
7520-664-5198	0.756
7520-664-5200	0.748
7520-663-0059	0.757
7520-664-5197	0.761
7520-298-7045	0.746
7520-754-2516	0.739
7520-298-7046	0.747
7520-754-2517	0.752
7520-543-7149	1.50

Book Ends (IB)

	Pair
7520-264-5479	$ 0.25

Case, Maintenance and Operational Manuals (IB)

	Each
7520-559-9618	$ 2.04

Clipboard, File (IB)

	Each
7520-281-5918	$0.234
7520-254-4610	0.249
7520-240-5503	0.257
7520-274-5496	0.231
7520-281-5892	0.258

Marker, Tube Type (IB)

	Each
7520-973-1059	$ 0.07
7520-973-1060	0.07
7520-079-0285	0.07
7520-973-1061	0.07
7520-079-0286	0.07
7520-079-0287	0.07
7520-973-1062	0.07
7520-079-0288	0.07
7520-558-1501	0.215
	Dozen
7520-904-1265	$0.521
7520-904-1268	0.521
7520-935-0979	0.521
7520-904-1267	0.521
7520-935-0981	0.521
7520-935-0982	0.521
7520-904-1266	0.521
7520-935-0980	0.521
	Each
7520-051-5031	$0.067
7520-051-5035	0.067
7520-116-2888	0.067
7520-051-5036	0.067
7520-116-2886	0.067
7520-116-2889	0.067
7520-051-5033	0.067
7520-116-2887	0.067

CLASS 7520 cont'd
Pencil, Mechanical (IB)

	Dozen
7520-223-6672	$ 0.97
7520-223-6673	0.97
7520-223-6674	0.97
7520-268-9913	0.97
7520-223-6675	0.97
7520-223-6676	0.97
7520-268-9912	0.97
7520-577-4570	0.94
	Each
7520-285-5826	$0.4065
7520-285-5822	0.4065
7520-285-5823	0.4065
7520-205-1645	0.170
	Dozen
7520-724-5606	$ 1.28
	Each
7520-285-5817	$0.1599
7520-161-5664	0.24
	Dozen
7520-164-8950	$ 1.23
7520-268-9915	1.23
7520-285-5818	1.23
7520-268-9916	1.23
7520-634-3475	1.23

Pen Set, Desk (IB)

	Set
7520-106-9840	$ 0.29

Stand, Calendar Pad (IB)

	Each
7520-162-6153	$ 0.23

Trimmer, Paper (IB)

	Each
7520-224-7621	$23.95
7520-282-2137	35.99

CLASS 7530
Card, Guide, File (IB)

	Hundred
7530-989-0184	$ 9.20
7530-989-2425	9.40
7530-988-6541	5.29
7530-988-6542	5.29
7530-988-6543	5.29
7530-988-6549	5.69
7530-988-6550	5.69
7530-988-6551	5.69
7530-988-6544	4.75
7530-988-6545	4.75
7530-988-6546	4.75
7530-988-6547	4.75
7530-988-6548	4.75
7530-988-6515	2.09
7530-988-6516	2.09
7530-988-6520	2.52
7530-988-6521	2.52
7530-988-6517	2.09
7530-988-6518	2.09
7530-988-6522	2.52

CLASS 7530 cont'd
Card Set, Guide, File (IB)

	Set
7530-989-0698	$0.625
7530-989-0697	0.755
	Hundred
7530-989-0683	$ 2.30
7530-082-2635	2.78
7530-989-0684	2.30
7530-989-0686	2.78
7530-989-0692	5.32
7530-989-0694	5.68
7530-989-0693	4.84
7530-989-0695	5.30

Pad, Writing Paper (IB)
IB will provide requirements for GSA regions shown in parentheses.

		Package
7530-285-3090	(1,6)	$0.665
7530-239-8479	(1,4,5,6,7,8)	0.78
7530-285-3088	(1,2,3,4,6,7,8)	1.57
7530-285-3083	(1,5,6)	1.635

CLASS 7920
Broom, Push (IB)

	Dozen
7920-267-2967	$16.55

Broom, Upright (IB)

	Dozen
7920-292-4371	$ 8.04
7920-292-4375	18.09
7920-292-4372	19.73
7920-291-8305	22.02
7920-292-2368	16.58
7920-292-2369	17.51
7920-292-4370	19.34

Broom, Whisk (IB)

	Dozen
7920-240-6350	$ 6.10

Brush, Chassis and Running Gear (IB)

	Dozen
7920-255-7536	$11.32

Brush, Cleaning (IB)

	Dozen
7920-281-7009	$15.28

Brush, Dusting (IB)

	Dozen
7920-178-8315	$19.96

Brush, Floor Sweeping (IB)

	Dozen
7920-238-2442	$39.70
7920-243-3407	50.83
7920-238-2443	70.00
7920-292-2363	100.57
7920-263-9848	121.22
7920-292-2365	25.19
7920-292-2367	31.84
7920-292-2366	43.76
7920-264-4638	71.99
7920-292-2362	86.32

CLASS 7920 cont'd
Brush, Sanitary (IB)

	Dozen
7920-141-5450	$ 6.74
7920-772-5800	8.50
7920-234-9317	7.04

Brush, Scrub (IB)

	Dozen
7920-240-7174	$ 5.94
7920-951-8795	5.14
	Each
7920-282-2470	$ 0.43
	Dozen
7920-324-2746	$ 2.26
7920-297-1511	4.97
7920-619-9162	4.48

Brush, Shoe and Stove (IB)

	Dozen
7920-852-8170	$ 7.55

Brush, Wire, Scratch (IB)

	Dozen
7920-291-5815	$ 4.42
7920-282-9246	4.34
7920-246-8501	5.25
7920-223-7649	7.40

Brush, Wire, Stainless Steel (IB)

	Dozen
7920-958-1157	$ 5.40

Brush, Set, Shoe and Stove (IB)

	Dozen
7920-205-0200	$11.13

Cloth, Polishing (IB)

	Each
7920-205-1656	$ 0.18
7920-205-3170	$0.3140
7920-664-0103	0.2812

Handle, Mop (IB)

	Dozen
7920-205-1168	$13.71
7920-267-1218	14.05
7920-205-1167	14.61
7920-550-9902	18.06
7920-550-9911	18.64
7920-550-9912	19.44
7920-246-0930	6.58
7920-205-1170	6.91
7920-998-2485	23.78
7920-998-2486	27.10
7920-851-0140	34.97
7920-851-0142	44.22

Handle, Wood (IB)

	Each
7920-177-5106	$0.246
7920-141-5452	0.302
7920-263-0328	0.265

Mop, Dusting, Cotton (IB)

	Dozen
7920-205-0481	$22.91
7920-205-0483	29.71
7920-205-0484	38.95
7920-245-8289	17.40

CLASS 7920 cont'd
Mop, Wet

	Bundle	
	East	West
7920-224-8726	$15.61	$15.78

Mop, Wet, Cellulose (IB)

Mop complete	Each
7920-432-7117	$ 1.48
7920-728-1167	1.48
Sponge refill	**Each**
7920-471-2876	$ 0.52

Mophead, Dusting, Cotton (IB)

	Dozen
7920-634-0201	$11.34
7920-267-4921	11.95
7920-998-2482	25.82
7920-998-2483	33.97
7920-998-2484	43.52
7920-851-0141	55.45
7920-205-0485	13.59
7920-205-0487	19.83
7920-205-0488	28.96

Mophead, Wet (IB)

	Dozen	
	East	West
7920-205-0425	$ 9.15	$ 9.30
7920-205-0426	13.88	14.12
7920-141-5549	6.28	6.58
7920-171-1148	7.91	8.28
7920-141-5550	9.47	9.93
7920-141-5547	11.06	11.58
7920-141-5548	12.15	12.72
7920-141-5544	14.32	15.00
7920-141-5542	8.38	8.76
7920-245-8290	10.01	10.46
7920-141-5543	11.55	12.09
7920-923-0448	12.65	13.23
7920-141-5541	14.82	15.50
7920-926-5492		$10.30
7920-926-5493		13.32
7920-926-5494		16.00
7920-926-5495		18.34
7920-926-5496		20.17
7920-926-5497		22.04
7920-926-5498		10.51
7920-926-5499		13.61
7920-926-5500		16.32
7920-926-5501		18.66
7920-926-5502		20.50
7920-926-5503		22.39

	Dozen	
	East	West
7920-634-0202	$14.96	$15.60
7920-634-0203	27.94	29.20

CLASS 8105
Bag, Cloth (IB)

	Each
8105-282-8183	$ 1.07

Bag, Cotton (IB)

	Hundred	
	East	West
8105-183-6981	$ 4.51	$ 4.56
8105-281-3924	4.80	4.85
8105-183-6982	6.89	6.97
8105-179-0089	6.89	6.97
8105-271-1511	8.11	8.22

CLASS 8105 cont'd
Bag, Cotton (IB) cont'd

	Hundred	
	East	West
8105-183-6985	$ 9.83	$ 9.94
8105-174-0836	9.48	9.59
8105-183-6989	14.43	14.67
8105-290-3360	10.35	10.51

Bag, Motion Sickness (IB)

	Thousand
8105-835-7212	$23.50

CLASS 8115
Box, Set-Up, Mailing, Dental (IB)

	Each
8115-511-5750	$ 0.27

CLASS 8120
Cap, Compressed Gas Cylinder (IB)

	Each
8120-178-9814	$1.740
8120-179-0076	1.740

CLASS 8345
Flag, Signal (IB)

	Each
8345-935-0588	$10.64
8345-935-0589	10.43
8345-935-0590	10.89
8345-935-0591	10.64
8345-935-0592	10.43
8345-935-0594	10.89
8345-935-0595	10.43
8345-935-0597	10.64
8345-935-0598	10.43
8345-935-0599	10.77
8345-935-0602	10.43
8345-935-0604	10.06
8345-935-0607	10.64
8345-935-0608	10.77
8345-935-0633	10.19
8345-935-1840	10.19
8345-935-0634	10.19
8345-935-0638	10.23
8345-935-0639	10.23
8345-935-0640	10.23
8345-926-9977	6.23
8345-926-9216	5.79
8345-926-9978	6.12
8345-926-6804	5.96
8345-926-6806	6.23
8345-926-9979	6.46
8345-926-6807	5.83
8345-926-6809	6.35
8345-926-9980	6.23
8345-926-9219	6.30
8345-935-0582	6.38
8345-926-9984	6.09
8345-926-6003	6.35
8345-926-9985	6.30
8345-935-0619	6.18
8345-935-1839	6.18
8345-935-0620	6.18
8345-935-0623	6.18
8345-935-0409	6.18
8345-935-0624	6.18
8345-935-0445	4.52
8345-926-6803	4.51
8345-935-0446	4.84
8345-926-6805	4.52
8345-935-0447	4.51

CLASS 8345 cont'd
Flag, Signal (IB) cont'd

	Each
8345-926-9987	$ 4.84
8345-935-0448	4.51
8345-926-6810	4.52
8345-926-9988	4.51
8345-935-0450	4.71
8345-935-0451	4.51
8345-935-0453	4.11
8345-926-6002	4.52
8345-926-6814	4.71
8345-935-0436	4.15
8345-935-0437	4.15
8345-935-0438	4.15
8345-935-0408	4.23
8345-935-0441	4.23
8345-935-0442	4.23
8345-935-0464	4.00
8345-935-0465	3.82
8345-935-0466	4.23
8345-935-0467	4.01
8345-935-0468	3.82
8345-935-0470	4.23
8345-935-0471	3.82
8345-935-0473	4.01
8345-935-0474	3.82
8345-935-0475	4.14
8345-935-0478	3.82
8345-935-0480	3.45
8345-935-0483	4.01
8345-935-0484	4.14
8345-935-0626	3.85
8345-935-1838	3.85
8345-935-0627	3.85
8345-935-0407	3.89
8345-935-0630	3.89
8345-935-0631	3.89

CLASS 8415
Apron (IB)

	Construction Worker's	Each
8415-205-3895		$ 1.37
8415-257-4290		1.62

	Food Handling	Each	
		East	West
8415-255-8577		$1.097	$1.114

	Each
8415-634-0205	$1.094
8415-051-1173	0.914

Food serving

	Dozen
8415-899-3027	$ 5.87

Band, Helmet, Camouflage (IB)

	Each
8415-576-2873	
When elastic cotton webbing furnished by ordering office	$0.0184
When elastic cotton webbing furnished by IB	0.0950

Cap, Food Handler's (IB)

Cloth furnished by ordering agency	Dozen
8415-234-7677	$ 4.83
8415-234-7678	4.83
8415-234-7679	4.83

Cover, Helmet (IB)

	Each
8415-261-6833	$0.295

CLASS 8415 cont'd	
Headband, Food Serving (IB)	
	Dozen
8415-634-4939	$ 1.76
Strap, Chin (IB)	
	Each
8415-360-0232	$ 0.21
Traffic Safety Clothing (IB)	
	Pair
8415-177-4977	$ 2.17
	Dozen
8415-177-4978	$ 4.57
	Pair
8415-177-4975	$ 2.50
8415-177-4976	2.00
	Each
8415-177-4974	$ 6.60
CLASS 8430	
Slide Fastener Unit, Laced Boot (IB)	
	Pair
8430-465-1888	$ 1.35
8430-465-1889	1.35
8430-465-1890	1.35
CLASS 8440	
Belt, Trousers (IB)	
	Hundred
8440-000-000	$ 4.04
Neckerchief (IB)	
	Each
8440-240-4922	$ 1.41
Necktie (IB)	
	Each
8440-926-6604	$ 0.64
8440-926-4933	0.64
8440-426-1999	0.64
CLASS 8455	
Backing Plates, Plastic (IB)	
	Pair
8455-421-7475	$0.018
8455-421-7476	0.018
8455-421-7477	0.018
8455-421-7478	0.018
8455-421-7479	0.018
8455-421-7480	0.018
8455-421-7481	0.018
8455-421-7482	0.018
8455-421-7483	0.018
8455-421-7484	0.018
8455-421-7485	0.018
CLASS 8460	
Kit Bag, Flyer's (IB)	
	Each
8460-606-8366	$ 2.47
CLASS 8465	
Bag, Barrack (IB)	
	Each
8465-530-3692	$0.753
Bag, Duffel (IB)	
	Each
8465-265-4928	$1.168
CLASS 8465 cont'd	
Bag, Sleeping (IB)	
	Each
8465-338-5415	$ 1.83
Bag, Soiled Clothes (IB)	
	Each
8465-286-5455	$ 3.20
Belt, MP (IB)	
	Each
8465-527-8843	$ 2.49
Clothes Stop (IB)	
	Hank
8465-377-5701	$0.321
Cover, Water Canteen, Nylon (IB)	
	Each
8465-860-0256	$ 1.18
Suspenders, Field Pack (IB)	
	Each
8465-577-4922	$ 2.57
8465-577-4923	2.57
8465-823-7231	2.57
CLASS 8940	
Condiment Packet (Dietetic) (IB)	
	Box
8940-177-4958	$14.80
8940-177-4959	17.05
8940-177-4960	16.30
8940-177-4961	18.55
8940-177-4962	13.80
8940-177-4963	16.05
8940-935-6416	15.10
8940-935-6417	16.25
8940-935-6420	14.15
8940-935-6421	15.25
CLASS 8950	
Condiment Packet (IB)	
	Box
8950-935-6408	$13.65
8950-935-6409	14.75
8950-935-6410	12.65
8950-935-6411	13.75
8950-935-6412	12.00
8950-935-6413	13.00
CLASS 9920	
Ash Receiver, Tobacco (IB)	
	Each
9920-682-6757	$0.352

SERVICES

Services are arranged alphabetically according to type.

Food Packet, Final Assembly # Survival, General Purpose, Individual (FSN 8970-082-5665) (IB)	Box $ 6.71
Furniture Rehabilitation Lackland Air Force Base and Randolph Air Force Base, San Antonio, Texas (GI)	Price list available from PMDS, GSA, Region 8
Mailing U.S. Coast Guard Academy, New London, Connecticut (ES)	Price list available from U.S. Coast Guard Academy.

All Government Requirements.

MILITARY RESALE COMMODITIES

Procedures for ordering military resale commodities are contained in Section 51-5.6 Code of Federal Regulations, Title 41.

CLASS 3740	
Swatter, Fly (IB)	
3740-B510-994	Each $ 0.12
CLASS 7210	
Cloth, All Purpose (IB)	
7210-B510-981	Each $ 0.36
Cloth, Dish (IB)	
7210-B510-942	Each $ 0.32
Cloth, Polishing and Dusting (IB)	
7210-B510-982	Each $ 0.34
Cloth, Wash (IB)	
7210-B510-984	Each $ 0.38
Towel, Kitchen (IB)	
7210-B510-945	Each $ 0.69
CLASS 7220	
Mat, Floor (IB)	
7220-B510-992	Each $ 1.69
CLASS 7290	
Bag, Dampening (IB)	
7290-B510-968	Each $ 0.56
Bag, Washing Machine (IB)	
7290-B510-970	Each $ 0.71
Clothesline, Plastic (IB)	
7290-B510-974	Each $ 0.73
Cover, Ironing Board (IB)	
7290-B510-964	Each $ 0.87
7290-B510-969	1.19
Cover and Pad Set, Ironing Board (IB)	
7290-B510-962	Each $ 1.44
CLASS 7320	
Brush, Bottle (IB)	
7320-B510-956	Each $ 0.31
Brush, Pastry and Basting (IB)	
7320-B510-959	Each $ 0.32
Brush, Percolator (IB)	
7320-B510-952	Each $ 0.29
CLASS 7320 cont'd	
Cloth, Dishwashing (IB)	
7320-B510-943	Each $ 0.21
Scrubber, Nylon (IB)	
7320-B510-954	Each $ 0.12
CLASS 7330	
Can Opener, Liquipour (IB)	
7330-B510-988	Each $ 0.98
Mit, Oven (IB)	
7330-B510-949	Each $ 0.36
Mop, Dish and Bottle (IB)	
7330-B510-950	Each $ 0.32
Mop, Glassware and Dishware (IB)	
7330-B510-951	Each $ 0.19
Potholder (IB)	
7330-B510-946	Each $ 0.19
Scrubber (IB)	
7330-B510-944	Each $ 0.29
7330-B510-953	0.29
CLASS 7920	
Applicator, Wax (IB)	
7920-B510-930	Each $ 0.89
7920-B510-922	0.68
Bag, Laundry (IB)	
7920-B510-967	Each $ 1.67
Broom, Corn (IB)	
7920-B510-904	Each $ 1.38
7920-B510-906	1.28
Broom, Parlor (IB)	
7920-B510-903	Each $ 1.66
Broom, Plastic Filament (IB)	
7920-B510-905	Each $ 1.36
Broom, Whisk (IB)	
7920-B510-909	Each $ 0.64
7920-B510-910	0.66
Brush, Counter (IB)	
7920-B510-915	Each $ 0.63
Brush, Dish and Pan (IB)	
7920-B510-957	Each $ 0.59

CLASS 7920 cont'd
Brush, Floor with Handle (IB)

	Each
7920-B510-911	$ 1.49

Brush, Lint (IB)

	Each
7920-B510-913	$ 0.51

Brush, Sanitary (IB)

	Each
7920-B510-916	$ 0.56

Brush, Scrubbing (IB)

	Each
7920-B510-918	$ 0.33
7920-B510-919	0.66

Brush, Vegetable (IB)

	Each
7920-B510-955	$ 0.29

Duster, All Purpose (IB)

	Each
7920-B510-997	$ 0.65

Dust Pan (IB)

	Each
7920-B510-995	$ 0.49

Handle, Spring Lever (IB)

	Each
7920-B510-920	$ 0.38

Mop, Block Sponge (IB)

	Each
7920-B510-924	$ 0.88

Mop, Cotton, Wet (IB)

	Each
7920-B510-928	$ 0.68

Mop, Dusting (IB)

	Each
7920-B510-925	$ 1.69
7920-B510-929	1.19

Mop, Self Wringing (IB)

	Each
7920-B510-921	$ 2.98

Mop, Stick or Yacht, Wet (IB)

	Each
7920-B510-926	$ 0.79

Mophead, Cotton, Wet (IB)

	Each
7920-B510-937	$ 0.41

Mophead, Viscose and Rayon (IB)

	Each
7920-B510-936	$ 0.51

Refill, Mophead, Dusting (IB)

	Each
7920-B510-939	$ 1.28

Refill, Sponge (IB)

	Each
7920-B510-934	$ 0.62

CLASS 7920 cont'd
Refill, Wax Applicator (IB)

	Each
7920-B510-932	$ 0.24
7920-B510-938	0.39

Refill, Wring Easy Mop (IB)

	Each
7920-B510-931	$ 0.99

Sponge, Body (IB)

	Each
7920-B510-993	$ 0.27

CLASS 8450
Bib, Terrycloth (IB)

	Each
8450-B510-985	$ 0.48

CLASS 8530
Brush, Grooming (IB)

	Each
8530-B510-958	$ 0.25