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HIGHLIGHTS OF THIS ISSUE

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

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.)

Rules Going into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

	Page no. and date
FDA—Registration of blood banks and other firms collecting, manufacturing, preparing, or processing human blood	2965; 1–31–73

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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.

Rules and Regulations

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Temporary Ceiling Prices for Sales of Red Meat

Part 130 of the Council's regulations is amended to establish temporary ceiling prices for sales of red meat (beef, veal, pork, lamb, and mutton products) and to require prenotification and prior Council approval of pay adjustments in the food industry.

Part 130 is amended in Subpart E (the Small Business Exemption) to delete the exemption with respect to price adjustments for red meat items. In addition, Subpart E is amended to make the small firm exemption inapplicable with respect to pay adjustments affecting employees in the food industry.

Subpart F is amended in § 130.51 to provide that the mandatory rules of Subpart F apply to all pay adjustments in the food industry. Further, the amendment makes clear the interrelationship between Subpart F and the rules of the new Subpart M which is added by this amendment. The rules of Subpart M set forth ceiling prices for sales of red meat items which override the rules of Subpart F, except in cases where application of the rules of Subpart F, in particular the margin rules applicable to meat processors and packers, would require lower prices than the rules of Subpart M.

Section 130.58(a) is revised to indicate that the Phase II requirements of the Council and the Phase II rules and regulations of the Pay Board which were in effect on January 10, 1973, remain applicable to pay adjustments affecting employees in the food industry which were put into effect prior to 9 p.m., e.s.t., March 29, 1973, but that the prenotification and reporting requirements of the new § 130.58a apply to pay adjustments after March 29, 1973. Section 130.58(b) is revised to clarify that the pay adjustments of all manufacturers, wholesalers, retailers, and service organizations in the food industry which are subject to mandatory price controls, or which would be subject to mandatory price controls except for the effect of the small business exemption, are classified as pay adjustments affecting employees in the food industry.

A new § 130.58a is added to establish new prenotification requirements for pay adjustments affecting employees in the food industry. The new rules state that such pay adjustments may not be put into effect after 9 p.m., e.s.t., March 29, 1973, unless prenotification has been submitted to the Council and the Council has approved the pay adjustment. Paragraph (a)(2) provides that a pay adjustment scheduled under the terms of a contract or pay practice in existence prior to 9 p.m., e.s.t., March 29, 1973, may be put into effect 60 days after receipt of prenotification, unless the Council has issued an order with respect to the pay adjustment. However, this rule applies only when prenotification has been submitted after 9 p.m., e.s.t., March 29, 1973, under the provisions of the new regulation, and does not apply to prenotification previously submitted under other regulations. If the pay adjustment is permitted to be put into effect under this procedure, it remains subject to review by the Council, which may issue an order prescribing wage or salary levels.

Paragraph (a)(3) provides that submissions required under the new regulation must be made on designated forms. Further, prenotification of pay adjustments under a collective bargaining agreement must include copies of the new contract and the prior succeeded contract. Where there is no collective bargaining agreement, the submission must include information as to all pay adjustments for the 2 preceding years.

Paragraph (b) provides that the Pay Board's Phase II rules relating to the computation of pay adjustments remain applicable. Paragraphs (c) and (d) provide that the Pay Board's Phase II rules relating to the timing and content of prenotification of individual (merit) increases and cost of living allowance increases are applicable. Paragraph (e) provides that the Pay Board's Phase II rules with respect to executive and variable compensation remain in effect with respect to the food industry.

In addition, the new regulation specifically incorporates the rule that an employer making a submission under this regulation must serve a copy on the employees' collective bargaining agent, if any, while a collective bargaining agent making a submission must serve a copy on the employer.

A new Subpart M is added to Part 130 setting forth temporary meat ceiling price rules. These meat ceiling price rules apply to all purchases and sales of meat after slaughter by or from a manufacturer, wholesaler, or retailer. They do not apply to sales of meat by food service organizations, such as restaurants and caterers, to ultimate consumers nor do they apply to purchases by ultimate consumers from such food service organizations.

Effective 9 p.m., e.s.t., March 29, 1973, no seller of meat subject to these rules, may charge and no purchaser may pay a price for any meat item above the ceiling price established by the regulations. The ceiling price is established on the basis of the price at or above which the seller had 10 percent of his transactions with particular classes of purchasers, during the 30-day period ended prior to March 28, 1973.

Price increases on imported meat items may be passed on only on a dollar-for-dollar basis.

Sellers of meat subject to these temporary ceiling price rules are required to compute and maintain records, along with supporting data, of their base prices by not later than April 9, 1973. In addition, retailers must prominently post at their places of sale, lists of their meat ceiling prices beginning on April 9, 1973.

Because the purpose of this amendment is to provide immediate guidance for compliance with the Economic Stabilization Program during Phase III, I find that publication in accordance with normal rulemaking procedures is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may submit comments regarding this amendment. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C., 20508.

This amendment is effective 9 p.m., e.s.t., March 29, 1973.

(Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-588, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210, 85 Stat. 743; E.O. 11695, 38 FR 1473; Cost of Living Council Order No. 14, 38 FR 1489, Jan. 11, 1973)

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

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

PAR. 1. Subpart E is amended in paragraph (a)(2) of § 130.40 by adding subdivisions (vi) and (vii) and in paragraph (b)(2) by adding subdivisions (vii) and (viii), as follows:

§ 130.40 Exemption of firms with 60 or fewer employees.

(a) • • •

(2) *Exemption not applicable.* • • •

• • • • •

(vi) Price adjustments for meat subject to Subpart M.

(vii) Pay adjustments affecting employees in the food industry subject to the provisions of subpart F.

* * * * *

(b) * * *

(2) *Exemption not applicable.* * * *

(vii) Price adjustments for meat subject to subpart M.

(viii) Pay adjustments affecting employees in the food industry subject to the provisions of subpart F.

* * * * *

PAR. 2. Subpart F is amended by revising § 130.51 to read:

§ 130.51 Scope.

This subpart establishes special mandatory rules applicable to price adjustments for sales of food by manufacturers, service organizations, wholesalers, and retailers unless exempted under the provisions of subparts D or E of this part and pay adjustments affecting employees in the food industry. This subpart does not apply to the price adjustments or pay adjustments of any manufacturer, service organization, wholesaler or retailer which both derives less than 20 percent of its annual sales or revenues from sales of food and less than $50 million of annual sales or revenues from sales of food. To the extent that the provisions of Subpart M and this subpart are in conflict, the provisions of Subpart M control, except that the provisions of Subpart M shall not operate to permit prices higher than permissible under the provisions of this subpart.

PAR. 3. Subpart F is amended by revising § 130.58 to read as follows:

§ 130.58 Pay adjustments.

(a) Pay adjustments affecting employees in the food industry remain subject to the classification, prenotification, and reporting requirements of the Council and the rules and regulations of the Pay Board in effect on January 10, 1973, with respect to such pay adjustments put into effect prior to 9 p.m., e.s.t., March 29, 1973. After such time, the classification, prenotification, and reporting requirements set forth in § 130.58a, together with such rules and regulations of the Pay Board not inconsistent therewith, shall apply to such pay adjustments. The Council shall succeed to and assume all applicable rights, duties, and obligations of the Pay Board contained in the regulations of the Pay Board in effect on January 10, 1973. Whenever authorizations from or reports to the Pay Board or the Council, as appropriate, are required under the appropriate rules and regulations, such authorizations shall be obtained from and reports made to the Council in the form and within the time required under such appropriate rules and regulations.

(b) For purposes of paragraph (a) of this section, "Pay adjustments affecting employees in the food industry" means pay adjustments by any manufacturer, service organization, wholesaler, or retailer which is subject to the mandatory price controls of this Subpart F, or which would be subject to such price controls except for the operation of Subpart E, with respect to:

(1) Employees who are members of an appropriate employee unit in which 50 percent or more of the employees are engaged on a regular and continuing basis in food operations; and

(2) Employees engaged on a regular and continuing basis in food operations and who are members of an appropriate employee unit in which 60 or more of such employees are engaged in food operations.

PAR. 4. Subpart F is amended by adding a new § 130.58a immediately following § 130.58 and before § 130.59 to read as follows:

§ 130.58a Prenotification requirements for pay adjustments made after 9 p.m., e.s.t., March 29, 1973.

(a) *General rule*—(1) *Prenotification required.* Subject to the provisions of this section, a pay adjustment affecting employees in the food industry shall not be put into effect after 9 p.m., e.s.t., March 29, 1973, unless prenotification of such proposed pay adjustment has been submitted to the Council and the Council has approved such proposed pay adjustment, or such pay adjustment has been permitted to be put into effect pursuant to the provisions of paragraph (a)(2) of this section. Generally, prenotification shall be submitted not less than 60 days prior to the effective date of such proposed pay adjustment or as soon thereafter as the amount and timing of such proposed pay adjustment have been determined.

(2) *Contracts or pay practices in effect prior to 9 p.m., e.s.t., March 29, 1973.* If a proposed pay adjustment is scheduled pursuant to a contract or pay practice in effect prior to 9 p.m., e.s.t., March 29, 1973, and—

(i) Prenotification of such pay adjustment has been submitted after 9 p.m., e.s.t., March 29, 1973, under the provisions of this section, and

(ii) The Council has not issued an order with respect to such pay adjustment,

then such pay adjustment may be put into effect 60 days after receipt of such prenotification. Such pay adjustment, however, remains subject to review by the Council, which may by order prescribe specific wages or salaries and impose any other requirements which are reasonable and appropriate to accomplish the purposes of the Economic Stabilization Program.

(3) *Content of prenotification.* Prenotification shall be submitted on forms prescribed by and pursuant to instructions issued by the Council. In addition—

(i) *Collective bargaining agreements.* Prenotification of proposed pay adjustments pursuant to a collective bargaining agreement shall include copies of such agreement and the prior succeeded agreement, if any, and a summary of such pay adjustments.

(ii) *Pay practices.* Prenotification of proposed pay adjustments pursuant to a pay practice shall include a summary of such pay adjustments and information as to all pay adjustments with respect to the appropriate employee unit during the 2 years prior to the control year in which such proposed pay adjustments are to be put into effect.

(b) *Computation rules.* For purposes of this subpart the Computation Rules in Subpart E of Part 201 of this title shall apply.

(c) *Individual increases.* Prenotification of proposed pay adjustments affecting employees in the food industry shall be submitted to the Council in the manner set forth in this paragraph if such pay adjustments apply to individual employees within an appropriate employee unit during a control year, e.g., through operation of a merit plan which provides individual increases on a random or variable timing basis:

(1) *Budgeted pay adjustments.* If the pay adjustments for a control year are budgeted in advance of such control year, prenotification shall be submitted to the Council not less than 60 days prior to the first day of such control year, or as soon thereafter as the amount and timing of such proposed pay adjustments have been determined.

(2) *Nonbudgeted pay adjustments*—(i) *Initial prenotification.* If such pay adjustments are not budgeted in advance of a control year, prenotification shall be submitted to the Council not less than 60 days prior to the first day of such control year, or as soon thereafter as reasonable and supportable estimates of the amount and timing of pay adjustments anticipated or planned for during such control year can be provided. Such prenotification shall include such estimates and the grounds therefor.

(ii) *Second prenotification.* If initial prenotification has been submitted under the provisions of this subdivision, further prenotification shall be submitted to the Council not later than 60 days prior to the midpoint of the control year, or as soon thereafter as reasonable and supportable estimates of the amount and timing of all pay adjustments anticipated or planned for in such control year can be provided. Such further prenotification shall include such estimates and the grounds therefor and shall also include information as to all pay adjustments previously put into effect during the control year.

(3) *Limitation on pay adjustments.* The total of wage and salary increases put into effect during a control year in a unit for which prenotification has been submitted under the provisions of this paragraph shall at no time exceed the maximum permissible annual aggregate wage and salary increase which has been approved by the Council following such prenotification, or which has been permitted to be put into effect pursuant to the provisions of paragraph (a)(2) of this section.

(d) *Cost of living allowance increases.* Where pay adjustments affecting employees in the food industry are cost of

living allowance increases (e.g., pursuant to an escalator formula), prenotification of such proposed pay adjustments shall be submitted to the Council in the following manner:

(1) *Initial prenotification.* The initial prenotification of pay adjustments for such control year shall include reasonable and supportable estimates of such cost of living allowance increases, if the precise amounts of such increases are not known when such prenotification is submitted.

(2) *Further prenotification.* If, when the precise amounts of such cost of living allowance increases become known, such amounts do not exceed the amounts prenotified under paragraph (d)(1) of this section and approved by the Council pursuant to such prenotification, such increases may be put into effect as scheduled. However, if the precise amounts exceed amounts previously prenotified and approved or permitted to be put into effect, the portion of such increases in excess of the amounts previously prenotified and approved or permitted to be put into effect may not be put into effect unless such increases are specifically prenotified to and are approved by the Council or permitted to be put into effect pursuant to the provisions of paragraph (a)(2) of this section. Such further prenotification shall be submitted to the Council as soon as practicable after the precise amounts of such increases are determined.

(e) *Exclusion for executive and variable compensation.* The rules with respect to prenotification of pay adjustments affecting employees in the food industry shall not apply to executive and variable compensation of the type described in Subpart F of Part 201 of this title, except to the extent such compensation is treated as a wage and salary increase.

(f) *Service.* An employer or employer association filing any document pursuant to the provisions of this section shall at the same time serve copies of each such document on the collective bargaining agent, if any, of the affected employee unit. If any such document is filed by a collective bargaining agent, such collective bargaining agent shall at the same time serve copies of each such document on the affected employer or employer association. A certification of service shall accompany all documents submitted to the Council under the provisions of this section.

PAR. 6. A new subpart M is added as follows:

Subpart M—Temporary Meat Ceiling Prices

Sec.
130.120 Scope.
130.121 Price rules.
130.122 Duration.
130.123 Definitions.
130.124 Ceiling price information.

AUTHORITY: Economic Stabilization Act of 1970, as amended, Public Law 91-379, 84 Stat. 799; Public Law 91-588, 84 Stat. 1468; Public Law 92-8, 85 Stat. 13; Public Law 92-15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92-210, 85 Stat. 743; E.O. 11695, 38 FR 1473; Cost of Living Council Order No. 14, 38 FR 1489, Jan. 11, 1973.

Subpart M—Temporary Meat Ceiling Prices

§ 130.120 Scope.

This subpart sets forth temporary meat ceiling price rules applicable to all purchases and sales of meat after slaughter by or from a manufacturer, wholesaler, or retailer as defined in Price Commission regulations in effect on January 10, 1973. It does not apply to sales of meat by food service organizations to ultimate consumers and purchases of meat from food service organizations by ultimate consumers. These rules are in addition to the rules otherwise applicable under subpart F, and shall not operate to abrogate any requirements imposed under subpart F.

§ 130.121 Price rules.

(a) *Ceiling prices.* Effective 9 p.m. e.s.t. March 29, 1973, no seller of meat subject to this subpart may charge to any class of purchaser, and no purchaser of meat subject to this subpart may pay, a price for any meat item which exceeds the ceiling price charged for that item in transactions with the same class of purchaser during the meat ceiling base period. Any decrease in quantity or quality of a meat item without a commensurate reduction in the price of that item constitutes a price increase for that item.

(b) *Imported meat items.* Notwithstanding the provisions of paragraph (a) of this section, any person who imports and sells meat items from outside the several States and the District of Columbia and each reseller of such items may pass on price increases for such imported meat items incurred after March 29, 1973, on a dollar-for-dollar basis. However, this subsection shall not apply to meat items which were originally purchased in the United States but exported and subsequently imported in any form.

§ 130.122 Duration.

This subpart shall remain in effect for an indefinite period.

§ 130.123 Definitions.

"Ceiling Price" means the highest price at or above which at least 10 percent of the particular meat items concerned were priced by the seller in transactions with the class of purchaser concerned during the meat ceiling base period. However, in computing the ceiling price of a meat item, a seller may exclude any temporary special deal or temporary special allowance on that item, if that deal or special allowance was announced before March 28, 1973, and was intended to be in effect for less than 4 days. For the purposes of this section, "temporary special deal" includes an offer of free goods, a combination sale, increased quantities, an introductory offer, and a "cents-off" or "price-pack" offer; and "temporary special allowance" includes early shipping, advertising, display buying, and promotional or other similar arrangements.

"Class of purchaser" means all of those purchasers to whom a seller has charged a comparable price for comparable meat items during the meat ceiling base period pursuant to customary price differentials between those purchasers and other purchasers.

"Customary price differential" includes a price distinction based on a discount, allowance, add-on, premium, and an extra based on a difference in volume, grade, quality, or location or type of purchaser, or a term or condition of sale or delivery.

"Meat" means all beef, veal, pork, sheep, and lamb products within Standard Industrial Classification Codes No. 2011 or No. 2013 which have entered into a processing stage where they are intended for use as or in a product for human ingestion.

"Meat ceiling base period" means—

(a) The 30 days prior to March 28, 1973; or

(b) In the case of a seller who had no transactions during that period the nearest preceding 30-day period in which he had a transaction.

"Sale" means any exchange, transfer, or other disposition in return for a valuable consideration.

"Transaction" means an arms-length sale between unrelated persons and is considered to occur at the time and place a binding contract is entered into between the parties.

§ 130.124 Ceiling price information.

(a) Each seller subject to the provisions of this subpart shall, no later than April 9, 1973, prepare a list of ceiling prices of all meat items which he sells and shall maintain a copy of that list, and the calculations and supporting data upon which it is based, at each place where those meat items are offered for sale. Each purchaser of a meat item shall be informed at the time and place of sale of any meat item that the list is available and that he may compare those ceiling prices to prices of his current purchase.

(b) In addition to the requirements of paragraph (a) of this section, each retailer of meat items shall, no later than April 9, 1973, prominently display a list of ceiling prices with respect to each of its meat items, except those offered for sale for the first time after the list is posted. Ceiling prices must be prominently posted and clearly legible on posters within the department or departments in which the majority of the meat items are sold. Each such poster shall be designed so that a purchaser may, at the point of sale, conveniently determine the name of each individual meat item and its ceiling price.

[FR Doc.73-6427 Filed 3-30-73;1:09 pm]

Title 7—Agriculture

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

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 722—COTTON

Subpart—1973 Crop of Upland Cotton; Base Acreage Allotments

COUNTY RESERVES

Correction

In FR Doc. 73-2469 appearing at page 3951 in the issue for Friday, February 9, 1973, and corrected on page 7393 in the issue for Wednesday, March 21, 1973, in the portion of the table for Louisiana appearing in the third column on page 3952, the 11th entry in the "Parish" portion of the right-hand column, now reading "West" should be transferred to appear with the penultimate entry, which should thus read "West Feliciana."

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

[Grapefruit Reg. 38, Amdt. 1]

PART 909—GRAPEFRUIT GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Shipments

This amendment to Grapefruit Regulation 38 relaxes the minimum size requirement for grapefruit handled to destinations in Florida, Texas, Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah, effective during the period April 2 through August 31, 1973. The present minimum size, 3$^{9}/_{16}$ inches in diameter (size 48's in cartons), is retained for grapefruit handled to destinations within California and Arizona, and the new minimum size for those States indicated would be 3$^{5}/_{16}$ inches (size 56's in cartons). There is no minimum size requirement for grapefruit shipped to other States and to export markets. The amended regulation is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 909.

Findings. (1) Pursuant to marketing Order No. 909, as amended (7 CFR Part 909), regulating the handling of grapefruit 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 of the Administrative Committee (established under the aforesaid amended marketing order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) This amendment is based upon an appraisal of the current grapefruit crop and the current and prospective market conditions. It relaxes the minimum size requirement for grapefruit handled to destinations in Marketing Zones 2 (Florida), 3 (Texas), and 4 (Washington, Oregon, Montana, Idaho, Wyoming, Nevada, and Utah) so as to provide access to a larger market. The Administrative Committee reported that there is strong competition from grapefruit from other areas, but there is a demand in the specified zones for grapefruit of the smaller sizes. Therefore, on March 26, 1973, the Committee, with all members or alternates voting, unanimously recommended relaxing the minimum size requirement as is indicated above, in order to allow desert grapefruit handlers to supply the demand for grapefruit of smaller sizes in Zones 2, 3, and 4.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking 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 a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held a meeting on March 26, 1973, to consider recommendation for regulation; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting; necessary supplemental economic and statistical information upon which this recommended amendment is based were received March 26, 1973; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid; this amendment is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective on the date hereinafter set forth; and, compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed on or before the effective date hereof, and this amendment relieves restrictions on the handling of grapefruit.

Order. In § 909.338 (Grapefruit Regulation 38; 37 FR 28409), the provisions of paragraph (a)(1) which precede subdivision (i) and of paragraph (a)(2) are amended to read as follows:

§ 909.338 Grapefruit Regulation 38.

(a) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period April 2, 1973, through August 31, 1973, no handler shall handle from the State of California or the State of Arizona to any point outside thereof: * * *

(2) Subject to the requirements of subparagraph (1)(i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than 3$^{9}/_{16}$ inches in diameter directly to a destination in any Zone other than Zone 1; and if the grapefruit is so handled directly to Zone 2, Zone 3, or Zone 4, the grapefruit does not measure less than 3$^{5}/_{16}$ inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than 3$^{5}/_{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised United States Standards for Grapefruit (California-Arizona), 7 CFR 51.925-51.955: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than 3$^{5}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{1}/_{16}$ inches in diameter and smaller.

* * * * *

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

Dated: March 29, 1973.

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

[FR Doc.73-6346 Filed 4-2-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-EA-2; Amdt. 39-1618]

PART 39—AIRWORTHINESS DIRECTIVE

Boeing-Vertol Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Boeing-Vertol 107-II type helicopters.

There has been a report of a cracked quill shaft which appears to have resulted from either an overhaul processing or original manufacture defect. Subsequent research has established the existence of additional defective shafts. Since the foregoing deficiency can exist or develop in other helicopters of similar type design, an airworthiness directive is being issued requiring an inspection and replacement where necessary of the shaft. Because of the apparent air safety problems, expeditious adoption of this amendment is required and thus notice and public procedure hereon are impractical and cause exists for making it effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

BOEING-VERTOL. Applies to all 107-II type helicopters.

Compliance required as indicated unless already accomplished. In order to detect surface defects which can cause complete failure of the P/N 107D2067 aft transmission quill shaft, accomplish the following:

1. Within 25 flight hours after the effective date of this AD inspect, in accordance with paragraph 3, all P/N 107D2067–1 or –3 quill shafts which are identified by serial prefix letters TA and have more than 600 hours' total time. Any TA quill shafts with unknown time shall be inspected within 25 hours.

2. All P/N 107D2067–1 or –3 quill shafts identified by serial prefix P shall be inspected in accordance with paragraph 3 at the next transmission overhaul or prior to the accumulation of 800 hours after the effective date of this AD, whichever occurs first.

3. Strip quill shaft at the 0.375-inch diameter pin hole and inspect under microscope magnification as described in Boeing-Vertol Telex 8–1420–1–291 dated November 16, 1972, or an equivalent procedure approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region. Inspect for surface pits, arc burns, and cracks. Replace any quill shaft which has surface pits, arc burns, or cracks with a shaft which has been inspected in accordance with this paragraph.

4. Vibro etch suffix letter R following serial number on all acceptable quill shafts and coat with preservation oil to prevent corrosion.

5. Touch up surfaces which had the silver plate and black oxide coating removed during the stripping procedure with "Gun Bluing" as described in the 107–5 Overhaul Manual. (Vertol Telex Nos. 8–1420–1–291, 8–1420–1–268, and 8–1420–1–254 and available specimen photographs pertain to this subject.)

This amendment is effective April 9, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on March 26, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73–6318 Filed 4–2–73;8:45 am]

[Airworthiness Docket No. 73–SW–21; Amdt. 39–1615]

PART 39—AIRWORTHINESS DIRECTIVE

Swearingen Models SA226T and SA226AT

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on March 21, 1973, and made effective immediately as to all known U.S. operators of Swearingen Models SA226T and SA226AT airplanes. The directive requires an inspection prior to further flight to determine if an unapproved oil cooler scoop is installed, and installation of a placard in applicable aircraft prohibiting flight into known icing conditions.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to public interest, and good cause existed for making the airworthiness directive effective immediately as to all known U.S. operators of Swearingen Models SA226T and SA226AT aircraft by individual messages dated March 21, 1973. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective to all persons.

SWEARINGEN: Applies to Swearingen Models SA226T and SA226AT aircraft, Serials Nos. T201 through 224, and Serials Nos. AT001 through 009 respectively, certificated in all categories.

Compliance required as indicated.

To prevent operation in icing conditions with an unapproved oil cooler inlet scoop which may not provide adequate ice protection, prior to further flight after receipt of this message, accomplish the following:

1. Inspect the Oil Cooler Air Inlet Assembly to determine if the Assembly, P/N 27–63019–1, is installed. The 27–63019–1 Assembly can be identified externally since the leading edge of the oil cooler scoop will be wrapped around the oil tube on such units.

2. If the 27–63019–1 Assembly is installed, modify the "Approved Type of Operation" placard as follows:

a. Obscure from view the words "AND KNOWN ICING."

b. Install a permanent type placard in full view of the pilot as near as possible to the Approved Type of Operation placard, worded as follows: "FLIGHT INTO KNOWN ICING CONDITIONS IS PROHIBITED." The owner or operator may make and use a placard containing the above words or contact Swearingen Aviation Corp., P.O. Box 32486, San Antonio, TX 78284, to obtain a placard containing the appropriate wording. Letters must be at least one-eighth inch in height.

3. No action need be taken on aircraft not having the oil cooler assembly, P/N 27–63019–1.

4. Information to remove the placard required by 2b will be forthcoming as soon as possible.

This amendment is effective April 5, 1973, and was effective upon receipt for all recipients of the message dated March 21, 1973, which contained this amendment.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

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

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

[FR Doc.73–6317 Filed 4–2–73;8:45 am]

[Airspace Docket No. 73–WE–4]

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

Designation of Control Zone

On February 2, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 3201) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would establish a new control zone at Livermore Municipal Airport, Livermore, Calif.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted subject to the following change.

In the FEDERAL REGISTER citation delete "§ 71.181" and substitute "§ 71.171" therefor.

Effective date. This amendment shall be effective 0901 G.m.t., April 16, 1973.

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

Issued in Los Angeles, Calif., on March 22, 1973.

ROBERT C. BLANCHARD,
Acting Director, Western Region.

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

LIVERMORE, CALIF.

Within a 3-mile radius of Livermore Municipal Airport (latitude 37°41'38" N., longitude 121°49'02" W.). 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 continually published in the Airman's Information Manual.

[FR Doc.73–6319 Filed 4–2–73;8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER E—DEFENSE CONTRACTING

PART 164—CONTRACT COST PERFORMANCE AND FUNDS STATUS REPORT

The Assistant Secretary of Defense (Comptroller) approved the following revision to Part 164. This part provides standard reporting formats for the collection of contract cost and schedule status and funding requirements. The Cost Performance Report displays actual contract cost positions on a monthly basis and projects manpower requirements and cost estimates to contract completion. The Contract Funds Status Report is a quarterly report which provides contractors' estimates of funds requirements by fiscal year and forecasts of funding needs to contract completion. Both reports are used principally at the program/project management level. Issuance of standard formats is intended to preclude the need for project offices to develop program-unique reports to collect similar data.

Sec.
164.1 Purpose.
164.2 Applicability.
164.3 Scope.
164.4 Responsibilities.

AUTHORITY: 5 U.S.C. section 301 and Armed Services Procurement Regulation section 7–104.50.

§ 164.1 Purpose.

(a) This part assigns responsibilities and provides uniform guidance for implementation of the Cost Performance Report (CPR) and the Contract Funds Status Report (CFSR).

(b) The CPR and CFSR provide means to collect summary level cost and schedule performance data and funding data from contractors for program management purposes pursuant to DOD Directive 7000.1, "Resources Management

Systems of the Department of Defense," August 22, 1966,[1] and Part 213 of Subchapter M of this title and for responding to requests for program status information on major defense systems, primarily by means of the Selected Acquisitions Report, DOD Instruction 7000.3, "Selected Acquisition Reports (SAR), September 13, 1971.[2] Specifically:

(1) The CPR is intended to provide early identification of problems having significant cost impact, effects of management actions taken to resolve existing problems, and program status information for use in making and validating management decisions.

(2) The CFSR is intended to supply funding data that, with other performance measurement inputs, provides DOD management with information in: (i) Updating and forecasting contract fund requirements, (ii) planning and decisionmaking on funding changes, (iii) developing fund requirements and budget estimates in support of approved programs, and (iv) determining funds in excess of contract needs and available for deobligation.

§ 164.2 Applicability.

The provisions of this part apply to all all DOD Components (Military Departments, Defense Agencies, Unified and Specified Commands) responsible for (a) managing major defense systems falling within the scope of § 164.3(a); and (b) determining fund requirements for contracts and managing the flow of such funds.

§ 164.3 Scope.

The Cost Performance Report (CPR) will be applied to selected contracts within programs designated as major defense systems in accordance with Part 213 of Subchapter M of this title. The Contract Funds Status Report is normally applicable to all contracts of over $500,000 in value.

(a) *Cost Performance Report.* (1) CPR will not be required on firm fixed-price contracts unless those contracts represent the development or production of a major defense system, a major component thereof, or programs of special interest to the DOD or the Congress.

(2) The CPR is applicable to on-going contracts only in those cases where the procuring agencies consider it necessary to support program management needs and DOD requirements for information. Some of the factors which may affect applications to on-going contracts are anticipated time to contract completion, anticipated program deferrals, and the relative importance of subcontracts.

(b) *Contract Funds Status Report.* (1) CFSR may be implemented at a reduced level of reporting for: (i) Those contracts with a dollar value between $100,000 and $500,000, (ii) time and material contracts, and (iii) contractual effort for which the entire CFSR report is not required by the procuring activity, but limited funding requirements information is needed.

(2) CFSR will not be required on: (i) Firm fixed-priced contracts as defined in section 3-404.2 of the Armed Services Procurement Regulation (32 CFR 1-39), except for unpriced portions of such contracts (e.g., spares, support equipment, publications, engineering change orders, etc.) that individually or collectively are estimated by the Government to be in excess of twenty (20) percent of the initial contract value, (ii) contracts with a total value of less than $100,000, (iii) contracts expected to be completed within 6 months, and (iv) facilities contracts. With respect to paragraph (b)(2)(i), of this section, the contract will delineate the specific CFSR requirements, if any, to be imposed on the contractor to fit the circumstances of each particular case.

(c) *CPR and CFSR.* (1) In concert with the policies established in Part 213 of Subchapter M of this title, utilization of the CPR and CFSR shall be exercised by program managers to achieve essential management control.

(i) Contractors are encouraged to substitute internal reports for CPR and CFSR provided that data elements and definitions used in the reports are synonymous with CPR and CFSR requirements and that the reports are in a form suitable for management use.

(ii) As applicable, provisions of DOD Instruction 7000.6, "Acquisition Management Systems Control," March 15, 1971,[1] concerning the tailoring of a management system may be employed by program managers in the implementation of CPR and CFSR.

(2) Instructions regarding the level of detail and the frequency of reporting for the CPR and CFSR are contained in Data Item Descriptions (DD Form 1664) DI-F-6000A, Cost Performance Report (CPR) and DI-F-6004A, Contract Funds Status Report (CFSR).[2] Local reproduction of formats[2] is authorized.

§ 164.4 Responsibilities.

(a) DOD Components will assure that:

(1) Contractor reports are timely and submitted in accordance with the instructions contained in Data Item Descriptions (DD Form 1664) DI-F-6000A, Cost Performance Report (CPR) and DI-F-6004A, Contract Funds Status Report (CFSR).[2]

(2) Submitted data are checked for discrepancies and necessary corrections are furnished by contractors.

(3) Application of the CPR to on-going programs or firm fixed-price contracts is held to the minimum essential to support program management needs and DOD requirements for information.

(4) Controls are established to insure, upon contractual application of the CPR and CFSR, that "program-peculiar" reports used to collect similar cost and schedule performance and funding information are superseded by the CPR and CFSR.

(5) Requirements for data to be collected from contractors will at all times be held to the minimum essential to support necessary and specific management requirements.

(b) The appropriate Defense Contract Audit Agency (DCAA) office will:

(1) At the request of a DOD Component, provide advice as to whether the contractor's procedures are adequate and reliable for CPR and CFSR purposes at the time of evaluation of the contractor's accounting system on the preaward survey. DCAA will also make reviews of selected CPR and CFSR reports when they consider it necessary to assure the continuing adequency and reliability of procedures and the validity of reported data.

(2) Review selected individual CPR and CFSR reports when requested by the Procuring Contracting Officer (PCO) or Administrative Contracting Officer (ACO) and submit a report thereon.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division OASD (Comptroller).

[FR Doc.73-6339 Filed 4-2-73;8:45 am]

[1] Filed as part of original. Copies available from U.S. Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA, 19120, Code 300.

[2] Filed as part of the original document.

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101-32—GOVERNMENT-WIDE AUTOMATED DATA MANAGEMENT SERVICES

This revision corrects references previously published in this part and changes points of contact resulting from the reorganization of the General Services Administration's automatic data processing and communications functions into the new Automated Data and Telecommunications Service (ADTS) effective June 30, 1972.

The table of contents for Part 101-32 is amended to change the titles of §§ 101-32.001, 101-32.407, and 101-32.1105 as follows:

101-32.001	Review of proposed determinations by the Office of Management and Budget.
101-32.407	Use of ADP Schedule for ADPE, software, and maintenance services.
101-32.1105	Data communications study assistance.

Section 101-32.001 is revised to read as follows:

§ 101-32.001 Review of proposed determinations by the Office of Management and Budget.

The authority conferred upon the Administrator of General Services and the Secretary of Commerce by Public Law 89-306 will be exercised subject to direction by the President and to fiscal and policy control exercised by the Office of Management and Budget. Authority so conferred upon the Administrator shall not be construed as to impair or interfere with the determination by agencies

of their individual automatic data processing equipment requirements, including the development of specifications for and the selection of the types and configurations of equipment needed. The Administrator will not interfere with, nor attempt to control in any way, the use made of automatic data processing equipment or components thereof by any agency. The Administrator will provide adequate notice to all agencies and other users concerned with respect to each proposed determination specifically affecting them or the automatic data processing equipment or components used by them. In the absence of mutual agreement between the Administrator and the agency or user concerned, such proposed determination will be subject to review and decision by the Office of Management and Budget unless the President otherwise directs. When an agency submits these matters to the Office of Management and Budget for resolution, copies of the submission and all relevant data and information (other than that previously furnished by the agency) shall be furnished the Commissioner, Automated Data and Telecommunications Service (C), General Services Administration, Washington, D.C. 20405. Copies of data or information submitted to the Office of Management and Budget by GSA in this connection will be furnished the agency concerned.

Subpart 101–32.2—Automatic Data Processing Resources Utilization

1. Section 101–32.202 is revised to read as follows:

§ 101–32.202 Program administration.

The Government-wide ADP sharing program is administered by the Office of Agency Assistance, Planning, and Policy (CP), Automated Data and Telecommunications Service, General Services Administration, Washington, D.C. 20405. ADP sharing exchanges (addresses are shown in § 101–32.4801; locations and designations are illustrated in § 101–32.4802) assist in the administration of this program.

2. Sections 101–32.203 (b) and (c) are revised to read as follows:

§ 101–32.203 Government-wide ADP sharing program.

* * * * *

(b) A sharing exchange is operated by the Agency Services Coordination Division (CP) in each GSA region. Where ADP resources are highly concentrated, additional sharing exchanges are operated within GSA regions by GSA or other Federal activities. Those sharing exchanges operated by Federal activities other than GSA are established by an interagency agreement between GSA and the concerned Federal agency and are managed by the agencies under the technical supervision and guidance of the appropriate regional Agency Services Coordination Division. Each ADP sharing exchange assists in obtaining ADP services through this program's nationwide information and referral system.

(c) When telecommunications services are required in conjunction with sharing of ADP resources provided by GSA, other Government ADP resources, or in obtaining commercial time, agencies shall comply with the applicable provisions of Part 101–35. The information required by Part 101–35 shall be submitted at the time the request for ADP services is submitted. In those instances where the provisions of Part 101–35 apply and the ADP resources are to be provided by GSA, the regional Agency Services Coordination Division will coordinate the necessary telecommunications review for the requesting agency.

3. Section 101–32.203–3(b) is revised to read as follows:

§ 101–32.203–3 Exemptions.

* * * * *

(b) When Federal agencies desire to exempt ADP equipment (EDPE and PCAM) not specifically exempt in § 101–32.203–3(a), to avoid compromise of national security or defense, or to insure economy and efficiency, requests for such exemptions shall be submitted, with adequate justification, to the General Services Administration (CPS), Washington, D.C. 20405. ADP equipment to be exempted shall be identified by the ADP unit number prescribed in OMB Circular No. A–83, April 20, 1967 (ADP Management Information System).

Subpart 101–32.3—Reutilization of Automatic Data Processing Equipment and Supplies

1. Section 101–32.301–4 is revised to read as follows:

§ 101–32.301–4 Excess.

"Excess" means ADPE controlled by a Federal agency but not required for its needs and the discharge of its responsibilities as determined by the head thereof.

2. Section 101–32.301–14(b) is revised to read as follows:

§ 101–32.301–14 Transfer.

* * * * *

(b) Conveyance of Government-owned excess ADPE from one Federal agency to another Federal agency or to the ADP Fund; or

* * * * *

3. Sections 101–32.303–1, 101–32.304 (b), and 101–32.306 (a) and (d) are revised to read as follows:

§ 101–32.303–1 Designation of agency ADPE point of contact.

Each agency head shall designate an agency ADPE point of contact to promote the maximum reutilization of excess ADPE, to provide proper coordination on an interagency basis, and to insure that excess ADPE is acquired in accordance with agency plans and program efforts. The name, address, and phone number of this individual shall be submitted promptly after designation to the General Services Administration (CDE), Washington, D.C. 20405.

§ 101–32.304 Availability list.

* * * * *

(b) Requests for additions, changes, and deletions to the mailing list for the availability list shall be made to the General Services Administration (CDE), Washington, D.C. 20405. Agencies sponsoring contractors or grantees, when forwarding requests for distribution of the availability list to such contractors or grantees, shall include the appropriate grant or contract number.

* * * * *

§ 101–32.306 Requests for transfer of excess ADPE or exchange/sale ADPE.

* * * * *

(d) The original and three copies of the SF 122 shall be submitted for approval to the General Services Administration (CDE), Washington, D.C. 20405.

* * * * *

Subpart 101–32.4—Procurement and Contracting

1. Section 101–32.403(b) is amended to read as follows:

§ 101–32.403 Procurement authority.

* * * * *

(b) In those instances where agencies are authorized to procure ADPE, software, or maintenance services under the provisions of this § 101–32.403, or as may be authorized by GSA in accordance with the provisions of § 101–32.405, two copies of the solicitation document (RFP, IFB, or RFQ, as applicable) and any subsequent amendments thereto shall be forwarded to the General Services Administration (CDP), Washington, D.C. 20405, as soon as available but in no event to arrive later than 8 workdays before the proposed date of issuance to industry. GSA will notify the agency of the date of receipt of the solicitation document as soon as it is received. Amendments which merely extend opening dates need not be forwarded until the date the amendments are sent to industry. In addition, one copy of the resulting purchase/delivery order or contract documents listed below shall be forwarded to GSA when they are issued.

* * * * *

(3) A list of commercial prices for each separately identified and priced component, special feature, and software package acquired that is not included on an ADP Schedule (formerly Federal Supply Schedule) contract of the vendor selected.

2. Section 101–32.403–1 is amended to read as follows:

§ 101–32.403–1 Automatic data processing equipment.

GSA makes selected ADPE available to agencies through requirements-type contracts when such contracts will provide for substantially lower equipment costs. Where ADPE is available from GSA requirements-type contracts, this source

shall be used by all agencies as the primary source to satisfy needs in accordance with the provisions of such contracts. However, when such contract provisions require prior authorization from GSA before placing orders, the agency involved shall notify the General Services Administration (CDP), Washington, D.C. 20405. This will permit GSA to allocate the distribution of available ADPE on such contracts. Copies of the contracts (not contractors' price lists) are distributed to recipients of the Schedule FSC Group 74, Part VI. Additional copies are available from GSA regional offices or from the address shown above. Except for use of GSA requirements-type contracts and as indicated in § 101–32.403–4 with respect to the potential use of the ADP Fund, agencies may procure ADPE without prior GSA approval provided:

(a) The procurement will occur by placing a purchase/delivery order against an applicable ADP Schedule contract under the terms of the contract; or

(b) The procurement will fall within the limitations prescribed in the scope-of-contract clause of the ADP Schedule as it relates to the maximum order limitations, but as a result of negotiations with a company having an ADP Schedule contract, a separate contract rather than a general amendment to the ADP Schedule contract is the desired contractual vehicle. Such separate contract, however, must contain some better terms or conditions with all other terms and conditions at least equal to those in the applicable ADP Schedule contract; or

* * * * *

3. Sections 101–32.403–2(a) and 101–32.403–3(a)(1) are revised to read as follows:

§ 101–32.403–2 Software.

* * * * *

(a) The procurement will occur by placing a purchase/delivery order against an applicable ADP Schedule contract under the terms of the contract; or

* * * * *

§ 101–32.403–3 Maintenance services.

* * * * *

(1) Such services are available from an ADP Schedule contract under the terms of the contract; or

* * * * *

4. Sections 101–32.404 and 101–32.405 are amended to read as follows:

§ 101–32.404 Request for procurement action.

Immediately upon determination that the conditions of the contemplated procurement are not covered by the provisions of § 101–32.403, or where the conditions of the contemplated procurement change at any time during the procurement cycle in such a manner as to remove it from these provisions, two copies of the APR and such other documents as may be applicable shall be forwarded to the General Services Administration (CPS), Washington, D.C. 20405. It will be presumed that the policies and guidance stated in applicable Office of Management and Budget directives have been complied with prior to forwarding such documentation to GSA. The APR shall:

* * * * *

§ 101–32.405 GSA action on procurement requests.

(a) After review of an APR and the documentation submitted pursuant to § 101–32.404, and subject to the right of the agency to determine its individual software, maintenance, and ADPE requirements, including the development of specifications for and the selection of the types and configurations of equipment needed, the Commissioner, Automated Data and Telecommunications Service, will:

* * * * *

5. Section 101–32.407 is amended to read as follows:

§ 101–32.407 Use of ADP Schedules for ADPE, software, and maintenance services.

Nothing in this § 101–32.407 is intended to preclude or otherwise detract from the procurement of the several components (including peripheral equipment) of a system or augmenting an existing system from a number of different sources, if such action will be in the best interests of the Government. Suitable equipment not on an ADP Schedule contract, as well as that which is on such a contract, must be considered.

(a) Purchase orders issued against ADP Schedule contracts should delineate specifically both the hardware and/or the software contained in the offer submitted by the successful vendor. Care should be taken to insure that specific requirements and commitments are included in the purchase orders.

(b) In any case where ADPE, software, or maintenance services are procured under an ADP Schedule contract at other than the lowest available delivered price, agencies should justify such action fully as required by § 101–26.408 and should retain such justification and all relevant supporting data.

(c) The existence of an ADP Schedule contract does not preclude or waive the requirements for full and complete competition in obtaining ADPE, software, or maintenance services.

* * * * *

6. Section 101–32.409 is revised to read as follows:

§ 101–32.409 Assistance by GSA.

Assistance in any phase of the procurement process covered by this Subpart 101–32.4, with the exception of § 101–32.404, may be obtained by contacting the General Services Administration (CDP), Washington, D.C. 20405.

Subpart 101–32.7—Management and Control of Computer Rooms and Related Support Areas

Section 101–32.703(a) is revised to read as follows:

§ 101–32.703 GSA assistance.

(a) Agencies may obtain assistance regarding the guidelines in this subpart by contacting the General Services Administration, Automated Data and Telecommunications Service, Office of Agency Assistance, Planning, and Policy (CP), Washington, D.C. 20405.

* * * * *

Subpart 101–32.11—Data Communications Support for ADP Systems

1. Section 101–32.1105 is revised to read as follows:

§ 101–32.1105 Data communications study assistance.

The Automated Data and Telecommunications Service, General Services Administration, operates extensive communications networks for the Government and has personnel available to assist agencies in the conduct of data communications studies. Agency requests for assistance concerning this subpart should be addressed to the General Services Administration (CPS), Washington, D.C. 20405.

2. Section 101–32.1108 is revised to read as follows:

§ 101–32.1108 Approval of data communications systems.

Except for those agencies specifically exempted under the provisions of § 101–35.102, executive agencies are to obtain approval from the Automated Data and Telecommunications Service for all new installations and major changes in existing telecommunications facilities. (See § 101–35.201–1.) However, irrespective of any such exemptions, all requirements for data communications systems required as part of or as an adjunct to a data processing system shall be submitted to GSA in accordance with the provisions of Subpart 101–32.4.

Subpart 101–32.1202—Care and Handling of Magnetic Computer Tape

Section 101–32.1202 is revised to read as follows:

§ 101–32.1202 GSA assistance.

Assistance regarding the guidelines in this subpart is available from the General Services Administration (CPS), Washington, D.C. 20405.

Subpart 101–32.13—Implementation of Federal Information Processing Standards Publications (FIPS PUBS) Into Solicitation Documents

Section 101–32.1302 is revised to read as follows:

§ 101–32.1302 Federal Information Processing Standards Publications (FIPS PUBS).

Federal Information Processing Standards Publications (FIPS PUBS) and Federal Information Processing Standards (FIPS) are official Federal Government publications relating to standards adopted and promulgated under the provisions of section 111 of the Federal Property and Administrative Services Act of 1949 and Office of Management and Budget (OMB) Circular A–86,

Standardization of data elements and codes in data systems. These publications are issued by the National Bureau of Standards and collectively constitute the Federal Information Processing Standards Register. As an aid in implemeting this Subpart 101–32.13, all agencies should establish and maintain a FIPS PUB/FIPS Register in accordance with FIPS PUB O, General Description of the Federal Information Processing Standards Register, November 1, 1968. This FIPS PUB may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. The price is 20 cents. Subscription service for an indefinite period for all new FIPS publications and supplements is also available from the Superintendent of Document at $21.50 ($5.50 additional for foreign mailing). In some instances the technical specifications (FIPS) of the standard are included in the FIPS PUB while in other instances they are not. When the FIPS are not included they may be ordered from the General Services Administration Region 3 (3FRSBS), Washington, D.C. 20407.

Subpart 101–32.47—Reports

1. Section 101–32.4701–2 is revised to read as follows:

§ 101–32.4701–2 Centralized reporting.

Federal agencies may elect to submit quarterly reports on a centralized basis at any organizational level desired. Federal agencies electing this method of reporting shall inform the General Services Administration (CPS), Washington, D.C. 20405, to this effect and explain the reporting procedures to be followed. Reports submitted in accordance with this § 101–32.4701–2 shall be submitted on GSA Form 2068A and forwarded to the address above not later than the 15th day of January, April, July, and October of each year.

2. Section 101–32.4702 is revised to read as follows:

§ 101–32.4702 Reporting excess or exchange/sale ADPE.

Excess ADPE or exchange/sale ADPE shall be reported on an original and three copies of SF 120, Report of Excess Personal Property (illustrated at § 101–32.4901–120), and when necessary, SF 120A, Continuation Sheet (Report of Excess Personal Property). The SF 120 shall be submitted to the General Services Administration (CDE), Washington, D.C. 20405, by the holding agency, at least 90 calendar days prior to the anticipated release date as determined by the holding agency. ADPE in the hands of Government contractors may be reported on an appropriate contractor inventory appended to an SF 120 provided the reporting format includes an adequate commercial description and other appropriate data required by § 101–32.4702(a), below.

* * * * *

Subpart 101–32.48—Exhibits

Section 101–32.4801 is revised to read as follows:

§ 101–32.4801 ADP sharing exchange addresses.

GSA Region 1, ADP Sharing Exchange, Boston, Mass.: Agency Services Coordination Division (1CP), Automated Data and Telecommunications Service, General Services Administration, Post Office and Courthouse, Boston, Mass. 02109. Telephone: 617–223–6277.

GSA Region 2, ADP Sharing Exchange, New York, N.Y.: Agency Services Coordination Division (2CP), Automated Data and Telecommunications Service, General Services Administration, 26 Federal Plaza, New York, NY 10007. Telephone: 212–264–8349.

GSA Region 3, ADP Sharing Exchange, Washington, D.C.: Agency Services Coordination Division (3CP), Automated Data and Telecommunications Service, General Services Administration, Seventh and D Streets SW., Washington, D.C. 20407. Telephone: 202–963–4900 or 202–962–6871; IDS 13–34900 or 13–26871.

Philadelphia ADP Sharing Exchange, Veterans Administration, Post Office Box 8079, Philadelphia, PA 19101. Telephone FTS 215–438–5629; Commercial 215–438–5200 ext. 629 or 630.

Tidewater ADP Sharing Exchange, Headquarters 5th Naval District, Norfolk, Va. 23511. Telephone: 703–444–7557.

GSA Region 4, ADP Sharing Exchange, Atlanta, Ga.: Agency Service Coordination Division (4CP), Automated Data and Telecommunications Service. Telephone: 404–5772 or 5348. General Services Administration, 1776 Peachtree Street NW., Atlanta, GA 30309.

GSA Region 5, ADP Sharing Exchange, Chicago, Ill.: Agency Services Coordination Division (5CP), Automated Data and Telecommunications Service, General Services Administration, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, IL 60604. Telephone: 312–353–5406.

GSA Region 6, ADP Sharing Exchange, Kansas City, Mo.: Agency Services Coordination Division (6CP), Automated Data and Telecommunications Service, General Services Administration, Federal Building, 1500 East Bannister Road, Kansas City, MO 64131. Telephone: FTS 816–361–7540; Commercial 816–361–0860 ext. 7540.

St. Louis ADP Sharing Exchange, Automated Data and Telecommunications Service, General Services Administration, 9700 Page Boulevard, St. Louis, MO 63132. Telephone: 314–268–7152.

GSA Region 7, ADP Sharing Exchange, Fort Worth, Tex.: Agency Services Coordination Division (7CP), Automated Data and Telecommunications Service, General Services Administration, 819 Taylor Street, Fort Worth, TX 76102. Telephone: 817–334–3684.

South Texas ADP Sharing Exchange, National Aeronautics and Space Administration, Manned Spacecraft Center, Houston, Tex. 77058. Telephone: 713–483–5075.

GSA Region 8, ADP Sharing Exchange, Denver, Colo.: Agency Services Coordination Division (8CP), Automated Data and Telecommunications Service, General Services Administration, Building 41, Denver Federal Center, Denver, Colo. 80225. Telephone: 303–234–2466.

GSA Region 9, ADP Sharing Exchange, San Francisco, Calif.: Agency Services Coordination Division (9CP), Automated Data and Telecommunications Service, General Services Administration, 49 Fourth Street, San Francisco, CA 94103. Telephone: 415–556–7877.

Southern California ADP Sharing Exchange, Headquarters, 11th Naval District, San Diego, Calif. 92130. Telephone: 714–293–5587.

Las Vegas ADP Sharing Exchange, Nevada Operations Office of Atomic Energy Commission, P.O. Box 14100, Las Vegas, NV 89114. Telephone: 702–734–3121.

Hawaii ADP Sharing Exchange, Federal Supply Service, General Services Administration, Hickam AFB, Hawaii 96824. Telephone: 808–443–951.

GSA Region 10, ADP Sharing Exchange, Auburn, Wash.: Agency Services Coordination Division (10CP), Automated Data and Telecommunications Service, General Services Administration, Regional Headquarters Building, Auburn, Wash. 98002. Telephone: FTS 206–833–5281; Commercial 206–833–5500 ext. 281.

Oregon ADP Sharing Exchange, Bonneville Power Administration, P.O. Box 3621, Portland, OR 97208. Telephone: FTS 503–234–4481; Commercial 503–221–0111 ext. 481.

Alaska ADP Sharing Exchange, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK 99501. Telephone: 907–272–5561 ext. 519 or 623.

Subpart 101–32.49—Illustration of Forms

Sections 101–32.4901–120 (a) and (b) and 101–32.4901–122 are revised as follows:

§ 101–32.4901–120 Standard Form 120, Report of Excess Personal Property.

§ 101–32.4901–122 Standard Form 122, Transfer Order Excess Personal Property.

NOTE: The forms illustrated in §§ 101–32.4901–120 and 101–32.4901–122 are filed as part of the original document.

Section 101–32.4902(b) is revised to read as follows:

§ 101–32.4902 GSA forms.

* * * * *

(b) Agency field offices may obtain the GSA forms illustrated in this § 101–32.4902 by submitting their requirements to their Washington headquarters office which will forward consolidated annual requirements to the General Services Administration (BRAF), Washington, D.C. 20405.

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

Effective date. This regulation is effective April 3, 1973.

Dated: March 27, 1973.

ARTHUR F. SAMPSON,
Acting Administration of General Services.

[FR Doc.73–6311 Filed 4–2–73;8:45 am]

SUBCHAPTER F—TELECOMMUNICATIONS AND PUBLIC UTILITIES

PART 101–35—TELECOMMUNICATIONS

This regulation corrects minor discrepancies and adds appropriate points of contact in the General Services Administration (GSA). The changes stem from establishment of the Automated Data and Telecommunications Service (ADTS), which serves as the focal point within GSA for automatic data processing (ADP) and communications and related services.

The table of contents for Part 101–35 is amended by deleting § 101–35.112, Submission of information.

Subpart 101–35.1—General Provisions

1. Section 101–35.105–2 is revised to read as follows:

§ 101–35.105–2 Federal Telecommunications System.

The Federal Telecommunications System (FTS) is under the overall management of GSA and provides voice, record, data, and facsimile services over point-to-point and switched networks. The FTS includes the intercity voice network, the consolidated local telephone service, the Advanced Record System (ARS), and other subsystems which may be for exclusive or common use by agencies.

2. Section 101–35.111 is revised to read as follows:

§ 101–35.111 Advice and assistance.

GSA will provide assistance to executive agencies regarding telecommunications services and facilities, including communications program development; delineation of communications requirements; communications security; terminal equipment; other related services; and methods and procedures for developing the capability for efficient telecommunications operations. Except as otherwise provided, requests for advice and assistance under this Part 101–35 should be addressed to the Office of Agency Assistance, Planning, and Policy (CP), Automated Data and Telecommunications Service (ADTS), General Services Administration, Washington, D.C. 20405, or to the appropriate regional Commissioner, ADTS.

§ 101–35.112 [Deleted]

3. Section 101–35.112 is deleted.

Subpart 101–35.2—Major Changes and New Installations

Section 101–35.210 is revised to read as follows:

§ 101–35.210 Submission of information.

Requests for changes and the required justifications submitted in accordance with this Subpart 101–35.2 shall be addressed to the appropriate regional Agency Services Coordination Division (CP) or to the General Services Administration (CP), Washington, D.C. 20405.

Subpart 101–35.3—Utilization and Ordering of Telecommunications Services

1. Section 101–35.307–1 is revised to read as follows:

§ 101–35.307–1 Agency surveys.

Each agency shall establish a program of systematic survey of its installed telephone station equipment. Agencies shall establish internal regulations that require (a) compliance with §§ 101–35.307 and 101–35.308; (b) control of the installation and use of telephone station equipment at all levels of activity to insure that only station equipment necessary to carry out assigned missions is provided; (c) periodic surveys of installed equipment; and (d) correction of any deficiencies found. Agencies were to have conducted the initial survey not later han June 30, 1972. Subsequently reviews shall be made at least annually. Additional surveys shall be made soon after the establishment, reorganization, or major move of any agency or subordinate activity. Copies of agency regulations shall be furnished to the General Services Administration (CP), Washington, D.C. 20405. In addition, each agency shall certify annually to GSA that the required surveys have been conducted.

2. Section 101–35.308–9(h) is revised to read as follows:

§ 101–35.308–9 Special service and equipment.

* * * * *

(h) Whenever any special type of installation is planned, review should be made of aggregate charges for items making up the total cost of the installation and compared with the actual need for each item. The Commissioner, Automated Data and Telecommunications Service, will assist agencies in implementing programs.

Subpart 101–35.4—Contracting, Negotiation, and Representation Involving Telecommunications Service

Section 101–35.405 is revised to read as follows:

§ 101–35.405 Submission of requests.

Written requests for assistance pertaining to this Subpart 101–35.4 should be addressed to the General Services Administration (CP), Washington, D.C. 20405.

Subpart 101–35.6—Essential Telephone Service During Emergencies

1. Section 101–35.603(d) is revised to read as follows:

§ 101–35.603 Criteria and procedures for obtaining essential service.

* * * * *

(d) The lists of selected employees will be approved and certified as meeting the criteria established by Telecom Circular 3300.1 in accordance with the instructions published by the head of the agency concerned. Certified lists then will be forwarded to the appropriate General Services Administration regional office, Attention: Director, Telecommunications Division (CT), Automated Data and Telecommunications Service (hereafter referred to as the GSA regional office). The GSA regional office will forward the lists to the appropriate telephone company for implementation.

* * * * *

2. Section 101–35.604(b) is revised to read as follows:

§ 101–35.604 Procedures for resolution of conflict.

* * * * *

(b) An attempt will be made by the GSA regional office to resolve the matter with the local or regional offices of the agencies concerned. If the problem cannot be resolved at this level, the information will be submitted to the Commissioner, Automated Data and Telecommunications Service, GSA (hereafter referred to as the GSA Central Office).

* * * * *

3. Section 101–35.605 is revised to read as follows:

§ 101–35.605 Changes in agency essential service listing.

It will be the responsibility of the agency or agency field activity to keep current its lists of employees requiring essential service in accordance with instructions of the agency head. Changes in these lists should be forwarded promptly to the appropriate GSA regional Director, Telecommunications Division office for further action by the (CT), Automated Data and Telecommunications Service.

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

Effective date. This regulation is effective April 3, 1973.

Dated: March 27, 1973.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.73–6312 Filed 4–2–73;8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73–7; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

New Pneumatic Tires, Tire Selection and Rims for Passenger Cars

This amendment adds certain tire size designations to Federal Motor Vehicle Safety Standard No. 109 (49 CFR 571.109) and adds alternative rim sizes and test rims to Federal Motor Vehicle Safety Standard No. 110 (49 CFR 571.110).

On October 5, 1968, guidelines were published in the FEDERAL REGISTER (33 FR 14964) by which routine additions could be made to Appendix A, Standard No. 109, and to Appendix A, Standard No. 110. Under these guidelines the additions become effective 30 days from publication in the FEDERAL REGISTER, if no objections are received. If objections are received, rule making procedures for the issuance of motor vehicle safety standards (49 CFR Part 553) are followed.

Accordingly, Appendix A of Federal Motor Vehicle Safety Standard No. 109 (49 CFR 571.109), and Appendix A of Federal Motor Vehicle Safety Standard No. 110 (49 CFR 571.110), are amended, subject to the 30-day provision indicated above, as specified below.

Effective date: April 30, 1973, if objections are not received.

A. The following changes are made to Appendix A of § 571.109, Standard No. 109; New pneumatic tires:

AMENDMENTS REQUESTED BY THE RUBBER MANUFACTURERS ASSOCIATION

1. In Table I–B, the following new tire size designation and corresponding values are added:

TABLE I–B

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" BIAS PLY TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
C70-13	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5½	31.68	7.80

2. In Table I–K, the following new tire size designation and corresponding values are added:

TABLE I–K

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "60 SERIES" BIAS PLY TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
B60-15	780	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	5½	31.85	7.80

3. In Table I–M, the following new tire size designations and corresponding values are added:

TABLE I–M

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "78 SERIES" BIAS PLY TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
MR78-15	1,420	1,520	1,610	1,700	1,780	1,860	1,940	2,020	2,090	2,160	2,230	2,300	2,370	6½	38.35	9.20
NR78-15	1,500	1,600	1,700	1,790	1,880	1,970	2,050	2,130	2,210	2,280	2,360	2,430	2,500	7	39.17	9.71

4. In Table I–V, the following new tire size designation and corresponding values are added:

TABLE I–V

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "50 SERIES" BIAS PLY TIRES

Tire size designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
N50-14	1,500	1,600	1,700	1,790	1,880	1,970	2,050	2,130	2,210	2,280	2,360	2,430	2,500	9	39.17	12.85

5. A new Table I–W, with the following new tire size designations and corresponding values, is added:

TABLE I–W

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "50 SERIES" RADIAL PLY TIRES

Tire size[1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width[2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
GR50-15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	7	35.38	10.35
HR50-15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	8	36.76	11.15
LR50-15	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	8	37.94	11.65

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "Dash."

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

AMENDMENT REQUESTED BY THE EUROPEAN TYRE AND RIM TECHNICAL ORGANISATION

1. In Table I–S, for the 205/60 R 14 tire size designation, a maximum load for the tire at 16 p.s.i. is added to read "780", the minimum size factor is changed from "31.43" to "31.62", and the section width is changed from "8.13" to "8.19".

B. The following changes are made to Appendix A of § 571.110, Standard No. 110; tire selection and rims.

AMENDMENTS REQUESTED BY THE RUBBER MANUFACTURERS ASSOCIATION

1. In Table I–B, the 5½–JJ test rim size, and the 5½–JJ and 6–JJ alternative rim sizes are added for the C70–13 tire size designation.

2. In Table I–G, the 6–JJ and 6½–JJ alternative rim sizes are added for the MR70–15 tire size designation.

3. In Table I–K, the 5½–JJ test rim size is added for the B60–15 tire size designation.

4. In Table I–M, the 5½–JJ alternative rim size is added for the DR78–14 tire size designation. The 5½–JJ and 6–JJ alternative rim sizes are aded for the ER78–14 tire size designation. The 7–JJ alternative rim size is added for the FR78–14 tire size designation. The 6–JJ and 7–JJ alternative rim sizes are added for the FR78–15 tire size designation.

The 7–JJ alternative rim size is added for the GR78–15 tire size designation. The 7–JJ alternative rim size is added for the HR78–15 tire size designation. The 6½–JJ test rim size is added for the MR 78–15 tire size designation. The 7–JJ test rim size is added for the NR78–15 tire size designation.

5. In Table I–V, the 9–JJ test rim size is added for the N50–14 tire size designation.

6. In new Table I–W, the 7–JJ test rim size is added for the GR50–15 tire size designation. The 8–JJ test rim size is added for the HR50–15 tire size designation. The 8–JJ test rim size is added for the LR50–15 tire size designation.

AMENDMENTS REQUESTED BY THE EUROPEAN TYRE AND RIM TECHNICAL ORGANISATION

1. In Table I–D, the 4–J alternative rim size is added for the 175–13 tire size designation.

2. In Table I–T, the 6–JJ alternative rim size is added for the 185/70R14 tire size designation.

FMVSS No. 110—APPENDIX A

TABLE I

(Following is a tabulation of changes made by this amendment)

Tire size	*Rims*
Table I–B	
C–70–13	5–JJ, 5½–JJ, 6–JJ

Tire size	Rims
Table I–D	
175–13	4–JJ
Table I–G	
MR70–15	6–JJ, 6½–JJ
Table I–K	
B60–15	5½–JJ
Table I–M	
DR78–14	5½–JJ
ER78–14	5½–JJ, 6–JJ
FR78–14	7–JJ
FR78–15	6–JJ, 7–JJ
GR78–15	7–JJ
HR78–15	7–JJ
MR78–15	6½–JJ
NR78–15	7–JJ
Table I–T	
185/70R14	6–JJ
Table I–V	
N50–14	9–JJ
Table I–W	
GR50–15	7–JJ
HR50–15	8–JJ
LR50–15	8–JJ

Italic designations denote test rims. Where JJ rims are specified in the above tables, J and JK rim contours are permissible.

Table designations refer to tables listed in Appendix A of Standard No. 109 (§ 571.109).

(Secs. 103, 119, 201, and 202, Public Law 89–563, 80 Stat. 718, 15 U.S.C. 1392, 1407, 1421, and 1422; delegations of authority 49 CFR 1.51, 49 CFR 501.8)

Issued on March 26, 1973.

ROBERT L. CARTER,
Associate Administrator,
Motor Vehicle Programs.

[FR Doc.73-6189 Filed 4-2-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[2d Rev. S.O. 1121]

PART 1033—CAR SERVICE

Demurrage and Free Time at Ports

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 27th day of March 1973.

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

It is ordered, That:

§ 1033.1121 Service Order No. 1121.

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

(1) Application:

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

(ii) [1] This order shall apply to all freight cars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. 386, issued by W. J. Trezise, or successive issues thereof, as having one of the mechanical designations shown on pages 1154 and 1155 under the headings:

(iii) This order shall apply to all freight cars described herein which are held by or for shippers, consignees, or their designated agents, at ocean, Great Lakes, or river ports; or at any station outside of such ports because of any condition attributable to the shipper, consignee, or his designated agent, and regardless of whether moved on rates designated as export or as rail-water, or moved on rates also applicable to other traffic.

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

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

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

(vii) The terms "loading," "unloading," and "forwarding directions" as defined in Demurrage Rule 2, Item 905 of General Car Demurrage Tariff 4–J, ICC H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply to cars subject to this order.

(viii) The term "holidays" means holidays as listed in Item 25 of General Car Demurrage Tariff 4–J, ICC H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(ix) Exception: Exceptions to this order may be authorized to carriers by the Railroad Service Board. Request for exceptions must be submitted in writing to R. D. Pfahler, Chairman, Railroad Service Board, Interstate Commerce Commission, Washington, D.C. 20423. Each such request must specifically identify the type of cars for which an exemption is desired and must clearly state the reasons why such cars cannot be utilized in other services.

(x) Exception: This order shall not apply to cars of Mexican ownerships held at Texas gulf ports.

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

(2) Free time:

(i) Not more than a total of 72 hours' free time, excluding Saturdays, Sundays, and holidays, shall be allowed for loading or unloading freight cars described in paragraph (a)(1)(ii) of this section at ocean, Great Lakes, or river ports with freight requiring transfer between rail and water carriers, either direct or through port elevators, wharves, docks, or warehouses.

(ii) When freight cars described in paragraph (a)(1) (ii) of this section are held by rail carriers at any point outside the port because of any condition attributable to the shipper or consignee, the combined total of the free time allowed at the port and at the point where cars are held shall not exceed 72 hours, excluding Saturdays, Sundays, and holidays.

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

(3) [1] Demurrage, detention, or storage charges—cars not subject to average demurrage basis:

(i) After the expiration of the free-time period described in paragraph (a)(2) of this section, demurrage charges shall be assessed at the following rates, until car is released:

$10 per car per day, or fraction of a day, for each of the first 2 days.
$20 per car per day, or fraction of a day, for each of the next 2 days.
$30 per car per day, or fraction of a day, for each of the next 2 days.
$50 per car per day, or fraction of a day, for each subsequent day.

(ii) The applicable demurrage charges provided herein will accrue on all Saturdays, Sundays, and holidays subsequent to the free time including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins; except as otherwise provided in Rule 6, section B, of General Car Demurrage Tariff 4–J, ICC H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof.

(4) [1] Cars subject to average demurrage basis:

(i) One credit will be allowed for each car released before the expiration of the first twenty-four (24) hours of free time. After the expiration of forty-eight (48) hours free time (or the adjusted free time if provided in applicable tariffs),

[1] Class "X"—Box Car Type—All Class "X" except "XT." Class "G"—Gondola Car Type—All Class "G" except "GW." Class "L"—Special Car Type—"LC", "LO", "LU", only.

one debit per car per day, or fraction of a day, will be charged for each of the first 2 days. In no case shall more than one credit be allowed on any one car, and in no case shall more than two credits be applied in cancellation of debits accruing on any one car. When a car has accrued two debits, a charge of $20 per car per day, or fraction of a day, will be made for each of the next 2 days, or fraction of a day, and $30 per car per day, or fraction of a day, for each of the next 2 days, and $50 per car per day, or fraction of a day, will be made for all subsequent detention. In computing time under this rule, all Saturdays, Sundays, and holidays will be counted after the free time, including a Saturday, Sunday, or holiday immediately following the day on which the last day of free time begins.

(ii) (a) Credits earned on cars held for loading shall not be used in offsetting debits accruing on cars held for unloading, nor shall credits earned on cars held for unloading be used in offseting debits accruing on cars held for loading.

(b) Credits earned on cars loaded and unloaded in intraplant switching service shall not be used to offset debits accruing on cars handled in other services; nor shall credits earned on cars handled in other services be used to offset debits accruing on cars loaded and unloaded in intraplant switching service.

NOTE: The term "intraplant switching service" will be applied as defined in the applicable tariffs, and will include cars of grains, seeds, or soybeans, handled in "setback service."

(iii) Credits cannot be earned by private cars subject to Rule 1, section B, paragraph 4(a) of General Car Demurrage Tariff 4–J, ICC H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof or to similar rules in other tariffs, but debits charged on such cars while under constructive placement may be offset by credits earned on other cars.

(iv) At end of the calendar month the total number of applicable credits will be deducted from the total number of debits at the ratio of two credits for one debit, and $10 per debit will be charged for the remainder. (See note.) If the total number of debits are offset by credits through deduction at the above ratio of two credits for one debit, no charge will be made for the detention of the cars except as otherwise provided herein for detention beyond the second debit day, and no payment will be made on account of such excess of credits; nor shall the credits in excess of the debits of any one month be considered in computing the average detention for another month.

NOTE: For the purpose of applying paragraph (a)(4)(iv) of this section, when an odd number of credits is earned, one of such credits will be disregarded in the computation.

(5) If the demurrage, detention, or storage rates authorized in the applicable tariffs are greater than those described herein, such higher rates shall apply.

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

(7) The demurrage, detention, or storage rates provided herein shall supersede all published storage charges expressed in cents per hundredweight, per bushel, or other unit of measure, for all freight held at ports in cars in excess of the free-time periods provided herein.

(8) Notices of arrival, constructive placement, etc.:

(i) Existing tariff provisions defining constructive placement and establishing the requirements for the placement, adjustment of runarounds, the giving of arrival or constructive placement notice on freight destined for unloading or transshipment at the ports shall apply.

(ii) If no such rules with respect to arrival, runaround, or constructive placement are published in the applicable tariffs, the rules published in General Car Demurrage Tariff 4–J, ICC H–59, issued by B. B. Maurer, supplements thereto, or reissues thereof, shall apply.

(b) *Rules and regulations suspended.* The operation of all rules and regulations, including rates, rules, and free-time periods granted by authority of Part I, section 22, of the Interstate Commerce Act, insofar as they conflict with the provisions of this order, is hereby suspended.

(c) *Effective.* This order shall become effective at 7 a.m., April 1, 1973.

(d) *Expiration date.*[1] This order shall expire at 6:59 a.m., August 1, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.73-6334 Filed 4-2-73;8:45 am]

PART 1036—INCENTIVE PER DIEM CHARGES ON BOXCARS

[Ex Parte 252 (Sub-No. 1)]

Incentive Per Diem Charges—1968

Order. At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 13th day of February 1973.

Upon consideration of the record in this proceeding, including the report entered on April 28, 1970, prescribing rules herein, and the report on reconsideration entered on June 25, 1971, which modified the prescribed rules in minor respects; of a petition for leave to file an accompanying petition for interpretation and clarification of the prescribed rules, filed by the Association of American Railroads; of replies thereto filed by the National Industrial Traffic League and by the Board of Trade of Kansas City, Mo.; of the order of July 29, 1971, granting the petition to intervene and of the appendix thereto listing numerous questions to which informal answers had previously been made by the Commission's staff, and inviting the filing of views and comments; and

It appearing, that, following review of the said views and comments, on the date hereof, the Commission entered its report on further consideration therein, 343 I.C.C. 49, and, for the reasons therein set forth, adopted or clarified the said informal answers to the questions, and modified the prescribed rules as set forth below; therefore,

It is ordered, That § 1036.4 of Title 49, Code of Federal Regulations, be, and it is hereby, modified by substituting a comma for the period at the end of the present section, and adding the following:

* * * except that in extraordinary cases beyond the control of the carrier of the car supplier, a car that is delivered after 10 months from the date of the commitment may qualify if approved by the Bureau of Accounts of this Commission.

It is further ordered, That the proviso of the first sentence of § 1036.4, be, and it is hereby, modified to read as follows: Provided, the carrier has in the same calendar year built or purchased its 1964–68 average acquisitions of such boxcars * * *.

It is further ordered, That the sixth sentence of present § 1036.3 of Title 49, beginning "During any calendar year * * *," be, and it is hereby, stricken, and that in lieu thereof, the following sentence be substituted:

The earmarked funds shall be reduced by the amount of the additional income tax paid as the result of increasing taxable income by inclusion of the net incentive per diem earnings.

It is further ordered, That a copy of this order shall be delivered to the Director, Office of the Federal Register, for publication therein.

And it is further ordered, That this order shall continue in full force and effect until the further order of the Commission.

By the Commission.

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

[FR Doc.73-6333 Filed 4-2-73;8:45 am]

[1] Change.

Proposed Rules

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 rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1030]

[Docket No. AO 361-A8]

MILK IN CHICAGO REGIONAL MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Notice is hereby given of a public hearing to be held at the Holiday Inn (No. 2), 3902 Evan Acres Road (U.S. Highway 90 at Junction of State Routes 12 and 18), Madison, Wis., beginning at 9:30 a.m., on April 11, 1973, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Chicago Regional Marketing Area.

The hearing is called 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).

The purpose of the hearing is to receive evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

Evidence also will be taken to determine whether emergency marketing conditions exist that would warrant omission of a recommended decision under the rules of practice and procedure (7 CFR Part 900.12(d)) with respect to all proposals.

The proposal, relative to modification of the location adjustments to the uniform price, raises the issue whether the location adjustment applicable to the Class I price should be modified on the same basis.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

PROPOSED BY ASSOCIATED MILK PRODUCERS, INC.; HIAWATHA VALLEY DAIRIES COOPERATIVES; LAKE TO LAKE DAIRY COOPERATIVE:

PROPOSAL NO. 1

Amend § 1030.11(b)(4) to read as follows:

§ 1030.11 Pool plant.

* * * * *

(b) * * *

(4) Such percentage shall be not less than 40 percent in each of the months of September, October, and November and 30 percent in all other months, except that a plant which is a pool plant pursuant to this paragraph during each of the months of August through December, the percentage shall be not less than 20 percent during each of the following months of January, February, and March and shall be a pool plant for each of the following months of April through July unless:

* * * * *

PROPOSAL NO. 2

Amend § 1030.11(b)(5)(i) to read as follows:

§ 1030.11 Pool plant.

* * * * *

(b) * * *

(5) * * *

(i) The quantity of fluid milk products in the form of bulk milk and skim milk transferred from the distributing plant to pool supply plants plus any such bulk shipments to nonpool plants as Class II milk, other than pursuant to § 1030.41(b)(4), on the day of and the day following the receipt from the supply plant during the months of August through March; except that this provision would not be applicable on any Saturday or any legal holiday.

* * * * *

PROPOSAL NO. 3

Amend § 1030.11(b)(7) to read as follows:

§ 1030.11 Pool plant.

* * * * *

(b) * * *

(7) Two or more plants shall be considered a unit for the purpose of this paragraph if the following conditions are met:

(i) The plants included in a unit are owned or fully leased and operated by the handlers establishing the unit prior to August 1 of each year. In the case of plants operated by cooperative associations two or more cooperative associations may establish a unit of designated plants by filing with the market administrator a written contractual agreement obligating each plant of the unit to ship milk as directed by such cooperatives;

(ii) The handler or cooperatives establishing a unit notify the market administrator in writing of the plants to be included therein prior to August 1 of each year and no additional plants shall be added to the unit prior to August 1 of the following year;

(iii) Each plant in a unit must ship or transship to plants specified in paragraph (b)(1) of this section the following percentages: 20 percent in each of the months of September, October, and November; 15 percent in each of the months of August and December; and 10 percent in each of the months of January, February, and March. If for any month a plant does not meet the individual plant shipping percentage, that plant shall be excluded from the unit; and

(iv) The notification pursuant to paragraph (b)(7)(ii) of this section shall list the plants in the order in which they shall be excluded from the unit if the minimum shipping requirements are not met, such exclusion to be in sequence beginning with the first plant on the list and continuing until the remaining plants as a unit have met the minimum requirements.

* * * * *

PROPOSAL NO. 4

Amend § 1030.11(b)(6) to read as follows:

§ 1030.11 Pool plant.

* * * * *

(b) * * *

(6) The percentages specified in paragraph (b)(4) of this section or in paragraph (b)(7)(iii) of this section applicable during the months August-March shall be increased or decreased by up to 10 percentage points by the Director of the Dairy Division if he finds such revision is necessary to obtain needed shipments or to prevent uneconomic shipments. Before making such a finding the Director shall investigate the need for revision either on his own initiative or at the request of interested persons and if his investigation shows that a revision might be appropriate he shall issue a notice stating that revision is being considered and inviting data, views, and arguments with respect to the proposed revision: *Provided*, That if a plant which would not otherwise qualify as a pool plant during the month pursuant to

paragraph (b)(4) of this section or in paragraph (b)(7)(iii) of this section would qualify as a pool plant as a result of this subparagraph (6), such plant shall be a nonpool plant for such month upon filing by the operator of such plant a written request for nonpool status with the market administrator;

* * * * *

PROPOSAL NO. 5

Amend § 1030.30(a)(3) to read as follows:

§ 1030.30 Reports of receipts and utilization.

* * * * *

(a) * * *

(3) Fluid milk products received from pool plants of other handlers (or other pool plants, as applicable), including a separate statement of the net receipts from each supply plant computed pursuant to § 1030.11(b)(5), except during the months of April through July no such separate statement need be made if receipts from supply plants are from only plants that were pool plants during the prior months of August through March;

* * * * *

PROPOSED BY CENTRAL MILK SALES AGENCY

PROPOSAL NO. 6

Consider the needs to complete procedures on proposals 1 through 5 prior to August 1, 1973, and/or suspension of the following provisions by such date:

(1) In § 1030.11 that part of paragraph (b)(4) which reads "except that a plant which is a pool plant pursuant to this paragraph during each of the months of August through December shall be a pool plant for each of the following months of January through July unless;" and subdivisions (i) and (ii) of paragraph (b)(4); and

(2) In § 1030.11 paragraph (b)(7) in its entirety.

PROPOSED BY DEAN FOODS CO.

PROPOSAL NO. 7

Adopt provisions for a dairy farmer for other markets as follows:

1. Add a new paragraph (d) to § 1030.15 to read as follows:

§ 1030.15 Producer.

* * * * *

(d) This definition shall not include any person with respect to milk produced by him which is received at a handler's pool plant during the months of January through July if any milk from the same person was received at an other order plant operated by the same handler during the preceding months of August through December;

2. Add a new paragraph (c) to § 1030.17 to read as follows:

§ 1030.17 Other source milk.

* * * * *

(c) Milk received at a handler's plant from a person described as defined in § 1030.15(d).

3. Add a new subdivision (vii) to § 1030.46(a)(3) to read as follows:

§ 1030.46 Allocation of skim milk and butterfat classified.

* * * * *

(a) * * *

(3) * * *

(vii) Receipts of fluid milk products from persons described in § 1030.15(d).

4. Add a new subparagraph (6) to § 1030.31(b) to read as follows:

§ 1030.31 Other reports.

* * * * *

(b) * * *

(6) Each handler who received milk from persons who were producers during any of the preceding months of August through December under an other Federal order shall report the names of such producers, the plant(s) where such persons' milk is received and the quantities of milk received at such plant(s) respectively.

PROPOSED BY NATIONAL FARMERS ORGANIZATION

PROPOSAL NO. 8

Amend paragraphs (a) and (c) of § 1030.10 to more clearly define what constitutes a receipt of producer milk.

PROPOSAL NO. 9

Amend § 1030.16(e) (1) and (2) to provide the following:

§ 1030.16 Producer milk.

* * * * *

(e) * * *

(1) Milk shall be eligible for diversion as producer milk only if the person producing such milk had delivered milk as producer milk to a pool plant prior to the diversion and, until the end of the first 30 days after his milk is first received in a pool plant, the quantity of such producer's milk diverted shall not exceed the quantity received in a pool plant; and

(2) The milk of a producer who has been degraded by a health department during the qualifying period may be diverted from a pool plant upon reinstatement of his health permit, provided the producer has not been degraded for longer than 30 days.

* * * * *

PROPOSED BY WISCONSIN CHEESEMAKERS' ASSOCIATION

PROPOSAL NO. 10

Amend § 1030.11(b)(7)(i) to read as follows:

§ 1030.11 Pool plant.

* * * * *

(b) * * *

(7) Two or more plants shall be considered a unit for the purpose of this paragraph if the following conditions are met:

(i) The plants included in a unit are owned or fully leased and operated by the handler establishing the unit, or a written contractual agreement is on file with the market administration obligating each plant of the unit to ship milk as directed by the handler establishing the unit;

* * * * *

PROPOSAL NO. 11

Amend § 1030.16(e) to read as follows:

§ 1030.16 Producer milk.

* * * * *

(e) Diverted from a pool plant to a nonpool plant subject to the conditions specified in this paragraph. Milk shall be eligible for diversion as producer milk only if the person producing such milk had delivered milk as producer milk to a pool plant prior to the diversion, and until the end of the first 30 days after his milk is first received in a pool plant the quantity of such producer's milk diverted shall not exceed the quantity received in a pool plant. A producer whose milk has been qualified hereunder as producer's milk, and who leaves the Class I market, shall be required to requalify hereunder whenever such producer's milk has been off the market for 30 continuous days. Milk picked up at a producer's farm in a tank truck, to the extent it is unloaded at a nonpool plant, shall be subject to the conditons specified in this paragraph and if the tank truck contains milk from more than one producer the quantity subject to the conditions specified in this paragraph shall be prorated over the total quantity of milk picked up at each producer's farm. Milk so diverted shall be considered as received in the pool plant from which diverted in calculating the percentages specified in § 1030.11. The location price differential pursuant to § 1030.82 shall be based on the zone location of the nonpool plant(s) where such milk is physically received, except in the case of a distributing plant, diverted milk of a producer shall be priced at the location of such plant if during the month not more than 4 days' production of such producer is diverted, or if the diverted milk is part of a tank truck load of milk that exceeds the milk storage capacity of such distributing plant. Diverted milk shall be limited as follows:

* * * * *

PROPOSAL NO. 12

Amend § 1030.82 to read as follows:

§ 1030.82 Location differentials to producers and on nonpool milk.

(a) The uniform price for producer milk pursuant to § 1030.71 received at a plant shall be adjusted according to the farm location by county at the rates set forth in § 1030.53(a).

(b) For the purpose of computation pursuant to § 1030.84(b), the uniform price shall be adjusted at the rates set forth in § 1030.53(a) applicable at the farm location by county from which the milk was received.

PROPOSED BY THE DAIRY DIVISION, CONSUMER AND MARKETING SERVICE

PROPOSAL NO. 13

Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, H. R. Hitchner, Room 814, 72 West Adams Street, Chicago, Illinois, or from the Hearing Clerk, Room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250 or may be there inspected.

Signed at Washington, D.C., on March 29, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-6348 Filed 4-2-73;8:45 am]

[7 CFR Part 1125]

[Docket No. AO 226-A25]

MILK IN PUGET SOUND, WASH., MARKETING AREA

Notice of Extension of Time for Filing Exceptions to Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Puget Sound, Wash., marketing area, which was issued February 26, 1973 (38 FR 5882), and extended March 15, 1973 (38 FR 7398), is hereby further extended to April 11, 1973.

This notice 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).

Signed at Washington, D.C., on March 29, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-6347 Filed 4-2-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 141a, 146a, 149h]

HYDRABAMINE PHENOXYMETHYL PENICILLIN

Recodification, Technical Changes, and Updating

The Commissioner of Food and Drugs proposes that 21 CFR Parts 141a and 146a be amended as they apply to hydrabamine phenoxymethyl penicillin. Part 149h would include all monographs in Parts 141a and 146a which currently provide for the certification of hydrabamine phenoxymethyl penicillin products. The proposed amendments set forth below include technical revisions and updating as well as recodification.

It is proposed that for hydrabamine phenoxymethyl penicillin oral suspension an upper potency limit of 125 percent has been added and the lower potency limit has been raised from 85 percent to 90 percent. For the bulk drug it is proposed that the penicillin content be calculated on the basis of the active moiety and an upper potency limit and an upper content limit be established.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to him (21 CFR 2.120) the Commissioner of Food and Drugs proposes that parts 141a, 146a, and 149h be amended as follows:

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

§§ 141a.91, 141a.92, and 141a.121 [Revoked]

1. In Part 141a by revoking § 141a.91 Hydrabamine phenoxymethyl penicillin (phenoxymethyl penicillin hydrabamine salt), § 141a.92 Hydrabamine phenoxymethyl penicillin oral suspension, and § 141a.121 Hydrabamine phenoxymethyl penicillin chewable wafers, and by reserving them for future use.

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

§§ 146a.72, 146a.73, and 146a.117 [Revoked]

2. In Part 146a by revoking § 146a.72 Hydrabamine phenoxymethyl penicillin (phenoxymethyl penicillin hydrabamine salt), § 146a.73 Hydrabamine phenoxymethyl penicillin oral suspension, and § 146a.117 Hydrabamine phenoxymethyl penicillin chewable wafers, and by reserving them for future use.

PART 149h—PHENOXYMETHYL PENICILLIN

3. Part 149 is amended:

a. By revising the part heading as set forth above.

b. By adding the following new sections:

§ 149h.3 Hydrabamine phenoxymethyl penicillin.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Hydrabamine phenoxymethyl penicillin is the hydrabamine salt of phenoxymethyl penicillin. It is so purified and dried that:

(i) Its potency is not less than 825 units and not more than 965 units per milligram.

(ii) It passes the safety test.

(iii) Its moisture content is not more than 2 percent.

(iv) Its pH in a saturated aqueous solution is not less than 3.0 and not more than 6.5.

(v) Its hydrabamine absorptivity at 276 nanometers is not less than 8.

(vi) It contains not less than 48.6 percent and not more than 57 percent of phenoxymethyl penicillin.

(vii) It is crystalline.

(2) *Labeling.* In addition to the labeling requirements prescribed by § 148.3 of this chapter, each package shall bear on its outside wrapper or container and the immediate container the following statement "For use in the manufacture of nonparenteral drugs only."

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on the batch for potency, safety, moisture, pH, hydrabamine absorptivity, phenoxymethyl penicillin content, and crystallinity.

(ii) Samples required: 10 packages, 9 containing approximately equal portions of not less than 300 milligrams and 1 containing not less than 2 grams.

(b) *Tests and methods of assay—*(1) *Potency.* Using the phenoxymethyl penicillin working standard as the standard as the standard of comparison, assay for potency by either of the following methods; however, the results obtained from the iodometric assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Dissolve an accurately weighed sample in sufficient methyl alcohol to give a solution containing 1,000 units of phenoxymethyl penicillin per milliliter (estimated). By means of a volumetric pipet, add dropwise a 1.0-milliliter aliquot of the 1,000-units-per-milliliter concentration to a 1-liter volumetric flask containing approximately 800 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), constantly swirling the flask during the addition. Dilute to volume with solution 1.

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, except in lieu of paragraphs (c)(1) and (c)(2), transfer 10 milliliters each of the sample and working standard solutions to glass-stoppered Erlenmeyer flasks, add 10 milliliters of 1*N* NaOH, and shake well immediately and 5 minutes later. Fifteen minutes after the initial shaking, pipet 2.0 milliliters of the upper NaOH layer into a 125-milliliter glass-stoppered Erlenmeyer flask and proceed as directed in paragraphs (c)(3) and (c)(4) of that section.

(2) *Safety.* Proceed as directed in § 141.5 of this chapter, except observe the mice for 5 days in lieu of 48 hours, noting mortality every 24 hours. Repeat the test as described in § 141.5(d) if one or more animals die within 5 days. Prepare the sample as follows: Accurately weigh a convenient amount of the sample (usually 1 or 2 grams) and transfer to a mortar. Add 1 drop of polysorbate 80 and,

while grinding with a pestle, slowly add sufficient sterile distilled water to make a 10-percent suspension (100 milligrams per milliliter) of smooth consistency.

(a) *Moisture.* Proceed as directed in § 141.502 of this chapter.

(4) *pH.* Proceed as directed in § 141.503 of this chapter, using a saturated aqueous solution prepared by adding approximately 5 milligrams per milliliter.

(5) *Hydrabamine absorptivity.* Place an accurately weighed sample of approximately 100 milligrams into a 125-milliliter separatory funnel. Add 20 milliliters of spectrophotometric grade chloroform and 20 milliliters of 0.5 *N* NaOH. Shake well for 1 minute. Allow the layers to separate, filter the lower cholorform layer through a cotton pledget, and collect the clear chloroform solution. Save the upper alkaline layer. Dilute 5 milliliters of the clear chloroform filtrate to 25 milliliters with spectrophotometric grade chloroform. Using a suitable spectrophotometer equipped with a 1-centimeter quartz cell and chloroform as the blank, determine the absorbance of each solution at 276 nanometers. (The exact position of the peak should be determined for the particular instrument used.) Calculate the hydrabamine absorptivity as follows:

$$\text{Hydrabamine absorptivity} = \frac{\text{Absorbance of sample}}{\text{Grams of sample per 100 milliliters}}$$

(6) *Phenoxymethyl penicillin content.* Dilute 5 milliliters of the alkaline layer, prepared as described in subparagraph (5) of this paragraph, to 25 milliliters with distilled water. Treat a portion of the phenoxymethyl penicillin working standard in the same manner. Using a suitable spectrophotometer and 0.1 *N* NaOH as the blank, determine the absorbance of each solution at 276 nanometers. Calculate the percent of phenoxymethyl penicillin as follows:

$$\text{Percent phenoxymethyl penicillin} = \frac{\text{Absorbance of sample} \times \frac{\text{Weight in milligrams}}{\text{of standard}} \times \frac{\text{Percent phenoxymethyl}}{\text{penicillin in standard}}}{\text{Absorbance of standard} \times \text{Weight in milligrams of sample}}$$

(7) *Crystallinity.* Proceed as directed in § 141.504(a) of this chapter.

§ 149h.12 Hydrabamine phenoxymethyl penicillin oral suspension.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Hydrabamine phenoxymethyl penicillin oral suspension is composed of hydrabamine phenoxymethyl penicillin and one or more suitable suspending or dispersing agents, buffer substances, preservatives, colorings, and flavorings. Each milliliter contains hydrabamine phenoxymethyl penicillin equivalent to 36 milligrams (60,000 units) of phenoxymethyl penicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams or units of phenoxymethyl penicillin that it is represented to contain. Its pH is not less than 4.5 and not more than 6.5. The hydrabamine phenoxymethyl penicillin used conforms to the standards prescribed by § 149h.3(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The hydrabamine phenoxymethyl penicillin used in making the batch for potency, safety, moisture, pH, hydrabamine absorptivity, phenoxymethyl penicillin content, and crystallinity.

(b) The batch for potency and pH.

(ii) Samples required:

(a) The hydrabamine phenoxymethyl penicillin used in making the batch: 10 packages, nine containing approximately equal portions of not less than 300 milligrams and one containing not less than 2 grams.

(b) The batch: A minimum of five immediate containers.

(b) *Tests and methods of assay—*(1) *Potency.* Using the phenoxymethyl penicillin working standard as the standard of comparison, assay for potency by either of the following methods; however, the results obtained from the iodometric assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place 1.0 milliliter of the sample into a 100-milliliter volumetric flask and dilute to volume with methyl alcohol. Further dilute an aliquot with methyl alcohol to give a solution containing 1,000 units of phenoxymethyl penicillin per milliliter (estimated). By means of a volumetric pipet, add dropwise a 1.0-milliliter aliquot of the 1,000-units-per-milliliter concentration to a 1-liter volumetric flask containing approximately 800 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), constantly swirling the flask during the addition. Dilute to volume with solution 1.

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Dilute 1.0 milliliter of the sample with 1*N* NaOH to obtain a suspension containing 2,000 units per milliliter (estimated) and add approximately half the amount of chloroform U.S.P. Shake well immediately and again after 5 minutes. Allow to stand for a total of 15 minutes. Use the upper NaOH layer as the sample. For the blank determination, dilute 1.0 milliliter of the sample with sufficient 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to obtain a suspension containing 2,000 units per milliliter (estimated).

(2) *pH.* Proceed as directed in § 141.503 of this chapter, using the undiluted drug.

§ 149h.13 Hydrabamine phenoxymethyl penicillin chewable wafers.

(a) *Requirements for certification—*(1) *Standards of identity, strength, quality, and purity.* Hydrabamine phenoxymethly penicillin chewable wafers are composed of hydrabamine phenoxymethyl penicillin with suitable diluents, binders, buffers, colorings, and flavorings. Each wafer contains hydrabamine phenoxymethyl penicillin equivalent to 125 milligrams (200,000 units) or 250 milligrams (400,000 units) of phenoxymethyl penicillin. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams or units of phenoxymethyl penicillin that it is represented to contain. The loss on drying is not more than 2 percent. The hydrabamine phenoxymethyl penicillin used conforms to the standards prescribed by § 149h.3(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(a) The hydrabamine phenoxymethyl penicillin used in making the batch for potency, safety, moisture, pH, hydrabamine absorptivity, phenoxymethyl penicillin content, and crystallinity.

(b) The batch for potency and loss on drying.

(ii) Samples required:

(a) The hydrabamine phenoxymethyl penicillin used in making the batch: 10 packages, nine containing approximately equal portions of not less than 300 milligrams and one containing not less than 2 grams.

(b) The batch: A minimum of 30 wafers.

(b) *Tests and methods of assay—*(1) *Potency.* Using the phenoxymethyl penicillin working standard as the standard of comparison, assay for potency by either of the following methods; however, the results obtained from the iodometric assay shall be conclusive.

(i) *Microbiological agar diffusion assay.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place a representative number of wafers into a glass blending jar with sufficient methyl alcohol to give a convenient concentration. Blend for 3 to 5 minutes. Further dilute an aliquot with methyl alcohol to 1,000 units of phenoxymethyl penicillin per milliliter (estimated). By means of a volumetric pipet, add dropwise a 1.0-milliliter aliquot of the 1,000-units-per-milliliter concentration to a 1-liter volumetric flask containing approximately 800 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1), constantly swirling the flask during the addition. Dilute to volume with solution 1.

(ii) *Iodometric assay.* Proceed as directed in § 141.506 of this chapter, preparing the sample as follows: Weigh

and finely powder 10 wafers. Transfer an accurately weighed portion of the powdered wafers, equivalent to about 200,000 units, to a 100-milliliter volumetric flask. Dissolve the powder in chloroform, dilute to volume with chloroform, and mix. Pipet 10 milliliters of the solution into each of two 50-milliliter glass-stoppered centrifuge tubes. To one tube add 10.0 milliliters of 1*N* sodium hydroxide. To the other tube (which is to be used as the blank) add 10.0 milliliters of 1 percent potassium phosphate buffer, pH 6.0 (solution 1). Shake both tubes vigorously for 20 to 30 seconds, and then centrifuge. Use the buffer layer for the blank determination. In lieu of § 141.506 (c) (1) and (2), of this chapter, pipet 2.0 milliliters of the alkaline layer from the first tube into a glass-stoppered Erlenmeyer flask and let stand for a total of 15 minutes from the time the sodium hydroxide was added to the chloroform solution. At the end of the 15-minute waiting period, proceed as directed in § 141.506 (c) (3) and (c) (4) of this chapter.

(2) *Loss on drying.* Proceed as directed in § 141.501(b) of this chapter.

Interested persons may, on or before June 4, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–88, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: March 23, 1973.

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

[FR Doc.73-6324 Filed 4-2-73;8:45 am]

Public Health Service

[42 CFR Part 71]

FOREIGN QUARANTINE

Facilitation of International Travel

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, proposes to revise §§ 71.1, 71.31, 71.46, and 71.49 of Part 71, Code of Federal Regulations. Altered patterns of international travel and changes which have occurred in the prevalence, transmission, and therapy of almost all communicable diseases require improved methods of coping with these diseases. The proposed changes will permit implementation of procedures and methods which are necessary to continue to present a scientifically based service to the public and the professions and which will increase facilitation of international travel.

Inquiries may be addressed, and data, views, and arguments may be submitted in writing, in triplicate, to the Director, Center for Disease Control, 1600 Clifton Road NE., Atlanta, GA 30333. All relevant material received on or before May 3, 1973, will be considered. Comments received will be available for public inspection in Room 551, Center for Disease Control, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday. It is proposed to make any amendments that may be adopted effective immediately upon publication in the FEDERAL REGISTER.

(Sec. 361, 58 Stat. 703; 42 U.S.C. 264)

Dated: March 6, 1973.

DAVID J. SENCER,
Acting Administrator, Health Services and Mental Health Administration.

Approved: March 28, 1973.

FRANK CARLUCCI,
Acting Secretary.

1. Revise paragraph (w) of § 71.1 of Part 71 by deleting "relapsing fever" and "typhus." As thus revised, paragraph (w) would read as follows:

§ 71.1 Definitions.

* * * * *

(w) *Quarantinable diseases.* The specific communicable diseases: cholera, plague, smallpox, and yellow fever.

* * * * *

2. Revise § 71.31 to read as follows:

§ 71.31 Radio report of disease or illness.

(a) *Vessels.* The master of a vessel destined for a port under the control of the United States shall report immediately, by radio, to the quarantine station at or nearest the port at which the vessel will arrive, the occurrence on board, among passengers or crew (including those who have disembarked), during the 15-day period preceding the date of expected arrival or during the period since departure from a port under the control of the United States whichever period of time is shorter), of every case of disease, illness, or condition characterized by one or more of the following signs or symptoms:

(1) Temperature of 100° F. (38° C.) or greater (i) which was accompanied or followed by rash, jaundice, or glandular swelling, or (ii) which persisted for 2 days or more.

(2) Diarrhea severe enough to interfere with work or normal activity.

(b) *Aircraft.* The commander of an aircraft destined for an airport under the control of the United States shall report immediately to the quarantine station at or nearest the airport at which the aircraft will arrive the occurrence, on board, among passengers or crew, of every case of disease, illness, or condition characterized by one or more of the signs or symptoms listed in paragraph (a) of this section.

3. Revise § 71.46 to read as follows:

§ 71.46 General provisions.

(a) Upon arrival at a port under the control of the United States, a vessel or aircraft shall undergo quarantine inspection unless:

(1) The last port prior to such arrival was in an area determined by the Director, Center for Disease Control, to present no significant threat of introduction of communicable disease into the United States or its possessions; or,

(2) A period of more than 15 days has elapsed since departure from the last port, or,

(3) The Director, Center for Disease Control, determines that exemption from quarantine inspection will present no significant threat of introduction of communicable disease into the United States or its possessions.

(b) Notwithstanding the provisions of paragraph (a) of this section:

(1) Vessels and aircraft shall comply with any conditions and carry out any additional measures specified in the pratique.

(2) A vessel shall undergo quarantine inspection prior to entry into such port if, within the 15-day period preceding such arrival, or during the period since departure from a port under the control of the United States, whichever period of time is shorter, there is or has been any disease, illness, or condition among the passengers or crew, including those who have disembarked, characterized by one or more of the signs or symptoms specified in § 71.31.

(3) An aircraft shall undergo quarantine inspection if there is or has been on board during the flight any disease, illness, or condition among the passengers or crew, characterized by one or more of the signs or symptoms specified in § 71.31.

(4) Vessels and aircraft shall undergo quarantine inspection if the Director, Center for Disease Control, determines that entry would be likely to cause the introduction of communicable disease.

4. Revise paragraph (a) of § 71.49 to read as follows:

§ 71.49 Report of disease or rodent mortality on vessel during stay in port.

* * * * *

(a) Any diease, illness, or condition characterized by the signs or symptoms specified in § 71.31 of Part 71.

* * * * *

[FR Doc.73-6349 Filed 4-2-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 72-SO-1]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate a transition area at St. Augustine, Fla.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communication should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention:

Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, GA 30320. All communications received on or before May 3, 1972, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

The airspace action proposed in this docket would designate a transition area at St. Augustine, Fla., as follows:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of St. Augustine Airport (latitude 29°57'30" N., longitude 81°20'27" W.); within 3 miles each side of the St. Augustine VOR (latitude 29°57'30" N., longitude 81°20'19" W.) 289° radial, extending from the 6.5-mile radius area to 8.5 miles west of the VOR.

A VOR will be established on the St. Augustine Airport. The proposed transition area is needed to provide controlled airspace for instrument approach procedures to St. Augustine.

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

Issued in Washington, D.C., on March 27, 1973.

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

[FR Doc.73-6316 Filed 4-2-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 21]

VOCATIONAL REHABILITATION AND EDUCATION

Notice of Proposed Rulemaking

The following regulatory provisions, implementing the provisions of Public Law 92-540 (86 Stat. 1074), provide for increases in monthly rates and other liberalizations in the educational assistance and vocational rehabilitation programs. These program changes include payment of the initial educational and subsistence allowances in advance to veterans and eligible persons pursuing educational programs on a half-time or more basis and lump-sum payment to wives, widows, and children who are pursuing an educational program on a less than half-time basis. Apprenticeship and other on-job training is now available to eligible wives, widows, and children. In addition correspondence and secondary level training are available to eligible wives and widows. Other liberalizations include removing the requirement that a husband must be dependent before his veteran-wife receives additional benefits and giving increases in the allowance for administrative expense paid to the State approving agencies. Educational assistance payments for correspondence training will be based upon 90 percent of the charge. There will also be allowed a 10-day reconsideration period after the agreement with the correspondence school is signed.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (232H), Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420. All relevant material received before May 1, 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 regulations that are adopted effective on the dates indicated below:

There are seven effective dates pertaining to those changes. The effective date for the rate changes is October 1, 1972, except for those veterans and eligible persons in training on the date of enactment, October 24, 1972, the effective date is the date of commencement of the current enrollment period, but not earlier than September 1, 1972. The effective date for correspondence program changes shall be, as to eligible wives and widows, January 1, 1973, and as to eligible veterans shall apply only to those enrollment agreements entered into after December 31, 1972. For all contracts signed before January 1, 1973, the $175 rate and current program provisions will remain in effect. The advance payment provision is effective August 1, 1973 unless the Administrator certifies an earlier date to Congress. The prepayment provision is effective November 1, 1972. The effective date for the apportionment provision is January 22, 1973 which is 90 days after the date of enactment. All other provisions covered in these regulatory changes are effective the date of enactment of the law, October 24, 1972.

It is proposed to amend Part 21, Title 38, Code of Federal Regulations to read as follows:

1. In § 21.130, paragraph (a) is amended to read as follows:

§ 21.130 Subsistence allowance.

(a) *Payments.* Each veteran under chapter 31 will be paid a subsistence allowance at the rates specified in § 21.133. After the initial payment, subsequent payments for institutional courses will be made each month in advance. Final payment may be withheld until proof of continued enrollment is received and the account adjusted. Allowance will be paid while:

(1) He is in training status.

(2) He is in approved leave status. (A veteran will continue to be paid subsistence allowance even though he is hospitalized while in a leave status; receiving drill pay, flight pay or commuted rations as a member of a Reserve force; or while not on active duty, is receiving service department retirement or retainer pay.)

* * * * *

2. In § 21.131, paragraph (c) is amended to read as set forth below, and paragraph (e) is revoked.

§ 21.131 Commencing dates.

* * * * *

(c) *Correction of military records.* Where eligibility of a veteran arises as the result of correction of military records under 10 U.S.C. 1552 or a change, correction or modification of a discharge or dismissal pursuant to 10 U.S.C. 1553, or other corrective action by competent

military authority, the commencing date of subsistence allowance which is otherwise payable will be the latest of the following dates:

(1) Date the application for change, correction or modification was filed with the service department, in either an original or a disallowed Veterans Administration application;

(2) Date of receipt of Veterans Administration application; or

(3) One year prior to reopening of disallowed claim.

* * * * *

(e) [Revoked]

3. In § 21.132, paragraph (g) is amended and paragraph (l) is revoked to read as follows:

§ 21.132 Reduction or discontinuance.

* * * * *

(g) *Reduction in rate of pursuit of course.* End of month in which reduction occurred.

* * * * *

(l) [Revoked]

4. Section 21.133 is revised to read as follows:

§ 21.133 Rates.

Subsistence allowance is payable at the following monthly rates:

Type of training	Monthly rate of subsistence allowance			
	No dependent	One dependent	Two dependents	More than two dependents
Institutional:				
Full time	$170	$211	$248	$18
¾ time	128	159	187	14
½ time	85	106	124	9
Institutional onfarm (IOF), apprentice or other onjob (OJT)[1] (full time only)	148	179	207	14
Combination (institutional and OJT) (Full time only):				
Institutional ½ time or more	170	211	248	18
Institutional less than ½ time	148	179	207	14
Cooperative (Full time only):				
Institutional full time	170	211	248	18
Business/industry full time	148	179	207	14
			(38 U.S.C. 1504(b))	

[1] For onjob training, subsistence allowance may not exceed the difference between the monthly training wage, exclusive of overtime, and the entrance journeyman wage for the veteran's objective.

5. Section 21.136 is revised to read as follows:

§ 21.136 Two-veteran cases; dependents.

The payment of additional subsistence allowance under § 21.133 to a veteran for a wife who is also a veteran and for a child will not bar the payment of additional subsistence allowance or educational assistance allowance under § 21.4136 to the wife for her husband and the same child.

6. Section 21.138 is added to read as follows:

§ 21.138 Advance payment.

(a) *Eligibility.* Subsistence allowance at the rates specified in § 21.133 shall be paid to an eligible veteran enrolled in an approved educational institution on a half-time or more basis.

(b) *Payment.* The amount of the payment is not to exceed the subsistence allowance for the month or fraction thereof in which the course will commence plus the subsistence allowance for the following month. Upon application and completion of arrangements for enrollment and if there is no evidence in the veteran's file showing that he is not eligible for such an advance, the check, made payable to the veteran, shall be mailed to the institution for delivery to the veteran upon registration. No delivery shall be made more than 30 days in advance of commencement of his program. Subsequent payments shall be made each month in advance subject to information furnished by the Veterans Administration staff or the training facility. Final payment may be withheld until certification is received that the veteran pursued his course and any necessary adjustments made.

(c) *Certification.* Payment will be authorized upon receipt of the proper certification which contains the following information:

(1) The veteran is eligible for educational benefits;

(2) He has been accepted by the institution or is eligible to continue his training there;

(3) He has notified the institution of his intention to attend that institution or to reenroll in it;

(4) The number of semester or clock hours to be pursued by the veteran; and

(5) The beginning and ending dates of the enrollment period.

7. In § 21.253(b), subparagraph (2) is amended to read as follows:

§ 21.253 Additional considerations incident to supervision.

* * * * *

(b) *Loans from vocational rehabilitation revolving fund.* * * *

(2) No advancement from the revolving fund of more than $200 shall be made at one time, and in no case shall the total outstanding advancements exceed $200. Advancements to be made in multiples of $10 shall be made only upon a showing of necessity and then only to the extent of such need. No interest will be charged on the funds advanced and no additional advancement shall be made to a veteran until the money previously advanced has been repaid in full, except in meritorious cases. (38 U.S.C. 1507; Public Law 92-540, 86 Stat. 1074)

* * * * *

8. Section 21.1030 is revised to read as follows:

§ 21.1030 Claims.

A specific claim in the form prescribed by the Administrator must be filed by the veteran in order for an educational assistance allowance to be paid. In addition servicemen must consult with their service education officer before applying for educational assistance. (38 U.S.C. 1671)

9. Immediately following § 21.1032, the cross references are amended to read as follows:

CROSS REFERENCES: Due process; procedural and appellate rights with regard to disability and death benefits and related relief. See § 3.103 of this chapter.

Computation of time limit. See § 3.110 of this chapter.

10. In § 21.1041, paragraphs (a)(4) and (d)(2) are amended as follows:

§ 21.1041 Periods of entitlement.

(a) *General.* * * *

(4) The 36-month limitation may be exceeded where an extension is authorized under paragraph (d) of this section, or where no charge against entitlement is made based on a course or courses pursued at a secondary school level, as provided in § 21.1045(a), pursued by a veteran under the program of special assistance for the educationally disadvantaged or by a serviceman under the predischarge education program, or pursued by a wife or widow under the special assistance for the educationally disadvantaged program.

* * * * *

(d) *Extension.* The period of entitlement, including the 36-month period, may be extended, but not beyond the 8-year delimiting date specified in § 21.1042:

* * * * *

(2) To the end of the course or for 12 weeks, whichever is less, in all other schools, when the period of entitlement ends after more than half of the course has been completed. In a course consisting exclusively of flight training and in a course pursued exclusively by correspondence, the period of entitlement will be extended to the end of the course or for the total additional amount of instruction that $616 will provide, whichever is less. (38 U.S.C. 1661)

* * * * *

11. In § 21.1045(a), subparagraphs (2) and (4) are amended and subparagraph (5) is added; and paragraph (b) is amended so that the amended and added material reads as follows:

§ 21.1045 Entitlement charges.

(a) *Residence courses.* * * *

(2) *Flight training courses; Chapter 34.* A charge against the period of entitlement for a program consisting exclusively of flight training will be made on the basis of 1 month for each $220 which is paid to the veteran as an educational assistance allowance for such course. Where the computation results in

a period of time other than a full month, or other than exactly three-fourths, one-half, or one-fourth fractional part of a month, the figure will be reduced to the next lower quarter. (38 U.S.C. 1677(b); Public Law 92-540, 86 Stat. 1074)

* * * * *

(4) *Chapter 35.* Except as provided in subparagraph (5) of this paragraph, charges against a period of entitlement will be made in terms of full months and fractions of a month for periods during which the eligible person is enrolled in an approved course. Where a program of education is pursued on a full-time basis the total elapsed time will be charged. Where a program is pursued on a three-fourths, one-half time or less than half-time basis, a proportionate rate of the elapsed time will be charged. Where the computation results in a period of time other than a full month, or other than exactly three-fourths, one-half, or one-fourth fractional part of a month, the figure will be reduced to the next lower quarter fraction of a month.

(5) *Secondary school training; Chapter 35 wife or widow.* No charge will be made against the entitlement of a wife or widow based on a course pursued under the circumstances outlined in § 21.4237, special assistance for the educationally disadvantaged. (38 U.S.C. 1733; Public Law 92-540, 86 Stat. 1074)

(b) *Correspondence courses*—(1) *High school courses.* The provisions of paragraph (a)(1) of this section, except to servicemen on active duty, and paragraph (a)(5) of this section are applicable to correspondence courses at a secondary school level.

(2) *Other courses.* Except as provided in paragraph (b)(1) of this section, the period of entitlement of any eligible veteran who is pursuing a program of education exclusively by correspondence will be charged with 1 month for each $175 paid to the veteran as an educational assistance allowance for such course for contracts entered into before January 1, 1973. For agreements entered into after December 31, 1972, the period of entitlement of any eligible veteran, wife, or widow who is pursuing a program of education exclusively by correspondence will be charged with 1 month for each $220 paid to the veteran, wife, or widow as an educational assistance allowance for such course. Where the computation results in a period of time other than a full month, or other than exactly three-fourths, one-half, or one-fourth fractional part of a month, the figure will be reduced to the next lower quarter (38 U.S.C. 1786(a)(2)).

* * * * *

12. In § 21.3020, paragraph (b) is amended to read as follows:

§ 21.3020 Educational assistance.

The program of educational assistance under 38 U.S.C. Chapter 35, captioned War Orphans' and Widows' Educational Assistance, may be referred to as Dependents' Educational Assistance.

* * * * *

(b) *36-months limitation.* Educational assistance may not exceed a period of 36 months, or the equivalent in part-time training, unless it is determined that a longer period is required for special restorative training under the circumstances outlined in § 21.3300(c) or except as specified in § 21.3044(c). (38 U.S.C. 1711(a), 1733, 1741(b); Public Law 92-540, 86 Stat. 1074)

* * * * *

13. In § 21.3041(d), the introductory portion preceding subparagraph (1) is amended and subparagraph (8) is added; and paragraph (e)(3) is amended so that the amended and added material reads as follows:

§ 21.3041 Periods of eligibility; child.

* * * * *

(d) *Modified ending date.* When one of the following occurs between ages 18 and 26, the ending date will be 5 years from the applicable ending date specified in paragraphs (d) (1) to (7) of this section and 8 years in paragraph (d)(8) of this section. Where the ending date is subject to modification under more than one of paragraph (d) (3), (4), (5), (6) or (7) of this section, the more favorable date will apply.

* * * * *

(8) If eligibility for chapter 35 benefits arises before October 24, 1972, educational assistance for a course of apprentice or other on-the-job training approved under the provisions of § 21.4261 or § 21.4262 may be extended to October 24, 1980 or until age 31, whichever is earlier.

(e) *Extensions to ending dates.* * * *

(3) Period of eligibility as specified in paragraph (c) or (d) of this section ends while enrolled during last half of quarter or semester, or during last half of course not operating on quarter or semester system: Extended to end of quarter or semester for schools operating on quarter or semester system, or end of course or for 9 weeks, whichever is earlier, for schools not operating on quarter or semester system. In a course pursued exclusively by correspondence, the period of eligibility will be extended to the end of the course or for the total additional amount of instruction that $462 will provide, whichever is less. Extension may be authorized beyond age 31, but may not exceed maximum entitlement. See § 21.3044(a). No extension of the period of eligibility will be made where training is pursued in a training establishment as defined in § 21.4200(c).

* * * * *

14. In § 21.3044, paragraph (c) is added to read as follows:

§ 21.3044 Entitlement.

* * * * *

(c) The 36-month limitation may be exceeded where no charge against entitlement is made based on a course or courses pursued by a wife or widow under the Special Assistance for the Educationally Disadvantaged program. (See § 21.4237.)

15. In § 21.3046, the introductory portion preceding paragraph (a) is amended to read as follows:

§ 21.3046 Periods of eligibility; wives and widows.

The period of eligibility cannot exceed 8 years and can be extended only as provided in paragraph (c) of this section. If eligibility arises before October 24, 1972, educational assistance based on a course of apprentice or other on-the-job training, or correspondence approved under the provisions of §§ 21.4256, 21.4261, and 21.4262 will not be afforded later than October 23, 1980. The period of eligibility of a wife computed under the provisions of paragraph (a) of this section, however, will be recomputed under the provisions of paragraph (b) of this section if her status changes to that of widow.

* * * * *

16. In § 21.3300, paragraph (c) is amended to read as follows:

§ 21.3300 Special restorative training.

* * * * *

(c) Special restorative training may be provided in excess of 36 months where an additional period of time is needed to complete such training. Entitlement, including any authorized in excess of 36 months, may be expended through an accelerated program requiring a rate of payment in excess of $69 per calendar month. See §§ 21.3303 and 21.3333(b) (38 U.S.C. 1741(b)).

* * * * *

17. In § 21.3333, paragraphs (a) and (b) are amended to read as follows:

§ 21.3333 Rates.

(a) *Rates.* Special training allowance is payable at the following monthly rate except as provided in paragraph (c) of this section.

Course	Monthly rate	Accelerated charges
Special restorative training.	$220	If costs for tuition and fees average in excess of $60 per month rate may be increased by such amount in excess of $60.

(b) *Accelerated charges.* The additional monthly rate may be paid if the parent or guardian concurs in having the eligible person's period of entitlement reduced by 1 day for each $7.35 that the special training allowance exceeds the basic monthly rate of $220. Fractions of more than one-half day will be charged as 1 day; fractions of one-half or less will be disregarded. Charges will be recorded when the eligible person is entered into training. (38 U.S.C. 1742)

* * * * *

18. In § 21.4005, paragraphs (a) (1) and (2) and (b)(2) (iv) and (v) are amended to read as follows:

§ 21.4005 Conflicting interests.

(a) *General.* (1) Every officer or employee of the Veterans Administration who has, while such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, any school operated for profit in which a veteran or eligible person was pursuing a course of education under 38 U.S.C. chapter 34, 35, or 36 will be immediately dismissed from his office or employment.

(2) If the Administrator finds that any person who is an officer or employee of a State approving agency has, while he was such an officer or employee, owned any interest in, or received any wages, salary, dividends, profits, gratuities, or services from, a school operated for profit in which a veteran or eligible person was pursuing a course of education or training under Chapter 34, 35, or 36, payments under § 21.4153 to such State approving agency will be discontinued unless such agency takes, without delay, such steps as may be necessary to terminate the employment of such person and payments will not be resumed while such person is an officer or employee of the State approving agency, or State Department of Veterans' Affairs or State Department of Education.

* * * * *

(b) *Waiver.* Where a request is made for waiver of application of paragraph (a)(1) of this section, it will be considered that no detriment will result to the United States or to veterans or eligible persons by reason of such interest or connection of such officer or employee, if the officer or employee:

* * * * *

(2) Meets all of the following conditions:

* * * * *

(iv) His position does not require him to perform duties involved in the investigation of irregular actions on the part of schools or veterans or eligible persons in connection with 38 U.S.C. ch. 34, 35, or 36.

(v) His position is not connected with the processing of claims by, or payments to, schools, or student enrolled therein under the provisions of 38 U.S.C. ch. 34, 35, or 36.

* * * * *

19. In § 21.4006, the introductory portion of paragraph (a) preceding subparagraph (1) is amended to read as follows:

§ 21.4006 False or misleading statements.

(a) Except as provided in this section payments may not be authorized based on a claim where it is found that the school or any person has willfully submitted a false or misleading claim, or that the veteran or eligible person with the complicity of the school or other person has submitted such a claim. A complete report of the facts will be made to the State approving agency, and if in order to the Attorney General of the United States (38 U.S.C. 1790).

* * * * *

20. Section 21.4020 is revised to read as follows:

§ 21.4020 Two or more programs.

The aggregate period for which any person may receive assistance under two or more of the laws listed below:

(a) Parts VII or VIII, Veterans Regulation numbered 1(a), as amended;

(b) Title II of the Veterans' Readjustment Assistance Act of 1952;

(c) The War Orphans' Educational Assistance Act of 1956;

(d) 38 U.S.C. chs. 31, 34, 35, and 36 and the former Chapter 33 may not exceed 48 months (or the part-time equivalent thereof), but this section shall not be deemed to limit the period for which assistance may be received under Chapter 31 alone (38 U.S.C. 1795).

21. In § 21.4101, paragraph (b) is amended to read as follows:

§ 21.4101 Requirement; 38 U.S.C. ch. 34.

* * * * *

(b) Except as required by § 21.4106, counseling may be required before a second or subsequent change of program is approved, or before a change of program or reentrance is approved where an earlier course was discontinued because of unsatisfactory conduct or progress. (See § 21.4277.)

22. Section 21.4102 is revised to read as follows:

§ 21.4102 Requirement; 38 U.S.C. ch. 35.

(a) *Child.* Counseling is required for an eligible child before approval of an initial course except when the child has been accepted for, or is pursuing, courses which lead to a standard college degree at an approved institution. Counseling is required for all eligible children for reentrance after discontinuance because of unsatisfactory conduct or progress, or a change of program as provided in § 21.4106. The counselor will assist in preparing an educational plan if requested by the eligible person, his parent, or guardian (38 U.S.C. 1720; Public Law 92-540, 86 Stat. 1074).

(b) *Wife or widow.* Counseling is not required for a wife or widow for approval of an initial course or for a change from such course unless the earlier course was discontinued because of unsatisfactory conduct or progress or the changes constituted a second or subsequent change. See § 21.4106.

23. Section 21.4106 is revised to read as follows:

§ 21.4106 Counseling; change or reentrance.

(a) *When required.* Counseling, or additional counseling, will be required under the following circumstances unless it is found by the counselor that the change requested is from a program that was not considered suitable in the initial counseling to a program which is supported by the counseling data, and need for additional counseling is not shown.

(1) *38 U.S.C. ch. 34.* For a change from the initial program if interrupted or discontinued due to the veteran's own misconduct, neglect, or lack of application, for any subsequent changes of program after the initial change, or for resumption of a course of education which had been discontinued because of unsatisfactory conduct or progress under § 21.4277.

(2) *38 U.S.C. ch. 35; child.* For any change of program or for resumption of a course of education which had been discontinued because of unsatisfactory conduct or progress under § 21.4277.

(3) *38 U.S.C. ch. 35; wife or widow.* For a change from the initial program if interrupted or discontinued due to the eligible person's own misconduct, neglect, or lack of application for any subsequent changes of program after the initial change, or for resumption of a course of education which has been discontinued under § 21.4277 because of unsatisfactory conduct or progress.

(b) *Approval.* The counselor will recommend approval of a change of program or reentrance into the same program, if he finds that the program which the veteran or eligible person proposes to pursue is suitable to his aptitudes, interests, and abilities; and where the veteran's or eligible person's program has been interrupted, or he has failed to progress in, his program due to his own misconduct, neglect, or lack of application, the cause for the unsatisfactory conduct or progress has been removed and there exists a reasonable likelihood that there will not be a recurrence of such an interruption or failure to progress. Subject to this approval criteria, approval for changes of program subsequent to the second change may be recommended. Negative determinations involving unsatisfactory conduct or progress will be made by the Vocational Rehabilitation Board.

24. In § 21.4130, the introductory portion preceding paragraph (a) is amended to read as follows:

§ 21.4130 Educational assistance allowance.

Educational assistance allowance will be paid at the rate specified in § 21.4136 or § 21.4137 while the veteran or eligible person is pursuing a course of education. Except for apprenticeship and on-the-job training programs, no payment will be made based on a course not leading to a standard college degree for excessive absences as determined under § 21.4205 (b). (See §§ 21.4136(i) and 21.4137(f) for proportionate reduction where less than 120 hours are completed during month in apprenticeship and on-the-job training programs). After the initial payment, subsequent payments for institutional courses will be made each month in advance. Final payment may be withheld until proof of continued enrollment is received and the account adjusted.

* * * * *

25. In § 21.4131(a), subparagraph (4) is revoked.

§ 21.4131 Commencing dates.

The commencing date of an award or increased award of educational assistance allowance will be determined under this section.

(a) *Entrance or reentrance including change of program or school (§ 21.4234).* * * *

(4) [Revoked]

* * * * *

26. Section 21.4134 is revised to read as follows:

§ 21.4134 Withholding and discontinuance.

Notwithstanding the approval of a course by a State approving agency, educational assistance allowance may be discontinued if it is determined that the course of education in which the individual is enrolled fails to meet, or the school has violated, any of the requirements of Chapter 34, 35, or 36 (38 U.S.C. 1790). Where preliminary evidence indicates that it would be to the best interests of the Government, the station head may withhold further payments to persons enrolled in the school until a determination has been made as to whether approval should be withdrawn and whether overpayments exist. Payments will be promptly released whenever the facts developed justify such action.

27. In § 21.4135, paragraphs (e) and (h) are amended to read as follows:

§ 21.4135 Discontinuance dates.

The effective date of reduction or discontinuance of educational assistance allowance will be specified in this section. If more than one type of reduction or discontinuance is involved, the earliest date will control.

* * * * *

(e) *Course discontinued—course interrupted.* Last day of attendance, or at institutions of higher learning the official date of change in status under the practices of the institution, or if enrollment certified for ordinary school year or complete course and veteran or eligible person has completed one or more terms, but does not return for the next term, discontinuance will be effective the end of the term completed.

* * * * *

(h) *Required certifications not received after certification of enrollment (§§ 21.4203 and 21.4204).* (1) If required initial certification is not timely received, payments will be suspended. If not received within 2 months (two quarters for correspondence) after month due, discontinue date of enrollment. If certification is later received, adjustment will be made based on facts found.

(2) If required subsequent certification is not timely received, payment will be suspended. If not received within 2 months (two quarters for correspondence) after month due, discontinue at end of the last certified period. If certification is later received, adjustment will be made based on facts found.

* * * * *

28. In § 21.4136, paragraphs (a), (c), (g), and (h) are amended and paragraph (j) is added so that the amended and added material reads as follows:

§ 21.4136 Rates; educational assistance allowance; 38 U.S.C. ch. 34.

(a) *Rates.* Educational assistance allowance is payable at the following monthly rates.

Type of courses	Monthly rate			
	No dependent	One dependent	Two dependents	Additional for each additional dependent
Institutional:				
Full time	$220	$261	$298	$18
¾ time	165	196	224	14
½ time	110	131	149	9
Less than ½, but more than ¼ time	[1] 110			
¼ time or less	[1] 55			
Cooperative, other than farm cooperative (full time only)	177	208	236	14
Apprentice or onjob (full time only but see footnote [2] below).				
Payment designated training assistance allowance:				
First 6 months	160	179	196	8
Second 6 months	120	139	156	8
Third 6 months	80	99	116	8
Fourth 6 months and succeeding periods	40	59	76	8
Correspondence	90 per centum of the established charge for number of lessons completed by veteran and serviced by school.[3] Allowance paid quarterly.			
Flight training	90 per centum of the established charges for tuition and fees which similarly circumstanced nonveterans enrolled in the same flight course are required to pay—Allowance paid monthly based on actual flight training received.			
Farm cooperative:				
Full time	177	208	236	14
¾ time	133	156	177	11
½ time	89	104	118	7

(38 U.S.C. 1677, 1682, 1786, 1787)

[1] See paragraph (b) of this section.
[2] See footnote [2] of section 21.4270(c) for measurement of full time and paragraph (j) of this section for proportionate reduction in award for completion of less than 120 hours per month.
[3] Established charge means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost for the eligible veteran whichever is the lesser. Enrollments before Jan. 1, 1973 will receive 100 per centum of the established charges.

* * * * *

(c) *Active duty.* The monthly rate for an individual who is pursuing a program of education while on active duty may not exceed the monthly rate of the cost of the course as specified in paragraph (b) of this section. For the purpose of a course pursued under the provisions of § 21.4235(a)(1) "cost of the course" shall include the cost of books and supplies peculiar to the course which the institution requires similarly circumstanced nonveterans enrolled in the same or a similar course to have. Where there is no same program, the cost of the course will be established by the Veterans' Administration based on a report from the State approving agency showing the estimated cost for operation of the program and the anticipated enrollment. Subject to these limitations, the rate will be:

Measurement: *Rate*

Full time	$220
¾ time	165
½ time	110
Less than ½, but more than ¼ time	110
¼ time or less	55

(38 U.S.C. 1682; Public Law 92-540, 86 Stat. 1074)

* * * * *

(g) *Allowance for dependents*—(1) *concurrent benefits.* Additional educational assistance allowance may be paid to a veteran concurrently with additional disability pension or compensation for the same dependent.

(2) *Two-veteran cases.* The payment of additional educational assistance allowance to a veteran for a wife who is also a veteran and for a child will not bar the payment of additional educational assistance allowance or additional subsistence allowance under § 21.133 to the wife for her husband and the same child. The term "child" includes a veteran who meets the requirements of § 3.57 of this chapter, even though the "child" is receiving subsistence allowance or educational assistance allowance under 38 U.S.C. Chapters 31, 34, or 36 based on his own service (38 U.S.C. 1682, 1787).

(h) *Payment.* Educational assistance allowance at the rates specified in paragraphs (b) and (c) of this section for servicemen on active duty, other than those training under the predischarge education program, who are training on a less than half-time basis, will be paid to or on behalf of the trainee enrolled in an institution operating on a term, quarter, or semester basis in a lump sum for the entire quarter, semester, or term. These payments will be made during the month immediately following the month in which certification is received from

the educational institution that the veteran has enrolled in and is pursuing a program at the institution.

* * * * *

(j) *Advance payment*—(1) *Eligibility.* Educational assistance allowance at the rates specified in § 21.4136(a) shall be paid to an eligible veteran or serviceman on active duty enrolled in an approved educational institution on a half-time or more basis and to all servicemen training under the predischarge education program.

(2) *Payment.* Upon receipt of an application and if there is no evidence in the veteran's or serviceman's file showing that he is not eligible for such an advance, the check for the allowance, made payable to the veteran or serviceman, shall be mailed to the institution for delivery to the veteran or serviceman upon registration. No delivery by the institution shall be made more than 30 days in advance of commencement of his program.

(i) *Veterans.* The amount of the payment is not to exceed the allowance for the month or fraction thereof in which the course will commence plus the allowance for the following month. Subsequent payments shall be made each month in advance subject to certification regulations set out in §§ 21.4138, 21.4203, 21.4204, and 21.4205. Final payment may be withheld until certification is received that the veteran pursued his course and any necessary adjustments made.

(ii) *Servicemen on active duty.* The payment will be in a lump sum based upon the amount payable for the entire quarter, semester, or term, as applicable. The application must be endorsed by the school to verify information needed to determine the lump-sum payment.

(3) *Application.* Payment will be authorized upon receipt of an application which in the case of an eligible serviceman has been endorsed by the educational institution. The application will contain a certification showing the following information:

(i) The veteran or serviceman is eligible for educational benefits;

(ii) He has been accepted by the institution or is eligible to continue his training there;

(iii) He has notified the institution of his intention to attend that institution or to reenroll in it;

(iv) The number of semester, clock or Carnegie hours to be pursued by the veteran or serviceman and the cost of the course for the serviceman; and

(v) The beginning and ending dates of the enrollment period.

(4) *Certification for the predischarge education program.* In addition to the information required in subparagraph (3) of this paragraph, the enrollment certificate shall specify the following:

(i) The program to be pursued has been approved;

(ii) The anticipated cost;

(iii) Where the program to be pursued is other than a high school credit course, the need of the person to pursue the course or courses to be taken.

29. In § 21.4137, paragraph (a) is amended and paragraphs (e), (f), and (g) are added so that the amended and added material reads as follows:

§ 21.4137 Rates; educational assistance allowance; 38 U.S.C. ch. 35.

(a) *Rates.* Educational assistance allowance is payable at the following monthly rates.

Type of courses	Monthly rate
Institutional:	
Full time	$220
¾ time	165
½ time	110
Less than ½, but more than ¼ time	110
¼ time or less	55
Cooperative (full time only)	177
Apprentice or on-job (full time only but see footnote,[1] below):	
Payment designated training assistance allowance:	
1st 6 months	160
2d 6 months	120
3d 6 months	80
4th 6 months and succeeding periods	40
Correspondence: 90 percent of the established charge for number of lessons completed by eligible wife or widow and serviced by the school[2]—allowance paid quarterly. (38 U.S.C. 1732, 1786, 1787)	

* * * * *

(e) *Payment.* Educational assistance allowance at the rates specified in paragraph (b) of this section will be paid to or on behalf of the eligible person enrolled in an institution operating on a term, quarter, or semester basis in a lump sum for the entire quarter, semester, or term. These payments will be made during the month immediately following the month in which certification is received from the educational institution that the eligible person has enrolled in and is pursuing a program at the institution.

(f) *Proportionate reduction in monthly training assistance allowance less than 120 hours.* For any month in which an eligible person pursuing an apprenticeship or on-job training program fails to complete 120 hours of training the rate specified in paragraph (a) of this section shall be reduced proportionately in the proportion that the number of hours worked bears to 120 hours. This 120-hour requirement is for training hours worked and may not include hours of related training also required as part of the program. In this computation the number of hours worked is to be rounded to the nearest multiple of eight. (See Footnote 5 to § 21.4270 as to the requirements for full-time training.)

(g) *Advance payment*—(1) *Eligibility.* Educational assistance allowance at the rates specified in § 21.4137(a) shall be paid to an eligible person enrolled in an approved educational institution on a half-time or more basis.

(2) *Payment.* The amount of the payment is not to exceed the allowance for the month or fraction thereof in which the course will commence plus the allowance for the following month. Upon receipt of an application and if there is no evidence in the eligible person's file showing that he is not eligible for such an advance, the check, made payable to the eligible person, shall be mailed to the institution for delivery to the eligible person upon registration. No delivery shall be made more than 30 days in advance of commencement of his program. Subsequent payments shall be made each month in advance subject to certification requirements set out in §§ 21.4138, 21.4203, 21.4204, and 21.4205. Final payment may be withheld until certification is received that the eligible person pursued his course and any necessary adjustments made.

(3) *Certification.* Payment will be authorized upon receipt of the application. The application will contain a certification showing the following information:

(i) The eligible person is eligible for educational benefits;

(ii) The eligible person has been accepted by the institution or is eligible to continue training there;

(iii) The eligible person has notified the institution of his intention to attend that institution or to reenroll in it;

(iv) The number of semester, clock or Carnegie hours to be pursued by the eligible person; and

(v) The beginning and ending dates of the enrollment period.

30. Section 21.4138 is revised and a cross-reference is added following § 21.4138 to read as follows:

§ 21.4138 Certifications.

Educational assistance allowance will be paid to or on behalf of a veteran or eligible person under Chapter 34 or 35 on the basis of a certification as required in §§ 21.4136, 21.4137, 21.4203, 21.4204, and 21.4205 concerning enrollment in or the pursuit of a course during the reporting period. For institutional courses not leading to a standard college degree:

(a) Where a course is pursued in an institution operating on a term, quarter, or semester basis on a less than half-time basis or while on active duty, other than for training under the predischarge education program, a certification by the institution that the eligible individual has enrolled will be sufficient for release of a lump-sum payment to or on behalf of the individual computed for the entire quarter, semester or term.

(b) Where a course is pursued by an eligible person or an eligible veteran not on active duty and on a half-time or

---

[1] See footnote 5 of § 21.4270(g) for measurement of full time and paragraph (f) of this section for proportionate reduction in award for completion of less than 120 hours per month.

[2] Established charge means the charge for the course or courses determined on the basis of the lowest extended time payment plan offered by the institution and approved by the appropriate State approving agency or the actual cost for the eligible wife or widow whichever is lesser.

greater basis, an application from such eligible person or veteran certifying that he will be enrolled will be sufficient to release payment of educational assistance allowance representing the initial payment of an enrollment period, not to exceed the allowance for the month or fraction thereof in which the course will commence plus the allowance for the following month. Subsequent payments shall be made each month in advance subject to submission of reports from the eligible person or veteran and the school as required by §§ 21.4203, 21.4204, and 21.4205. Payment for the last month of the enrollment period will be released upon receipt of the final certification required by §§ 21.4203 and 21.4205.

(c) Where a course is pursued by a serviceman on active duty on a half-time or greater basis, or by a serviceman training under the predischarge education program, a certification by the school that the serviceman will be enrolled will be sufficient to release payment in a lump sum not earlier than 30 days prior to the date the serviceman's program of training will begin.

CROSS REFERENCES: *Payments.* See §§ 21.4136(h), 21.4137(e).

31. Section 21.4140 is revised to read as follows:

§ 21.4140 Apportionment.

(a) *General.* Where in order, that portion of the educational assistance allowance payable to a veteran training under Chapter 34 because of dependents will be subject to apportionment in accordance with § 3.451 of this chapter, subject to the limitations of § 3.458 of this chapter.

(b) *Effective date.* The effective date of apportionment will be as prescribed in § 3.400(e) of this chapter.

32. In § 21.4153(c), subparagraph (3) is amended to read as follows:

§ 21.4153 Reimbursement of expenses.

* * * * *

(c) *Reimbursable expenses.* * * *

(3) *Administrative expenses.* An allowance for administrative expenses for which payment may be authorized will be determined in accordance with the formula contained in this subparagraph. Salary cost includes basic salary plus fringe benefits such as Social Security, retirement, and health, accident or life insurance which is provided all similarly circumstanced State employees.

Total salary cost reimbursable	*Allowance for administrative expense*
$5,000 or less	$500.
Over $5,000 but not exceeding $10,000.	$900.
Over $10,000 but not exceeding $35,000.	$900 for the first $10,000 plus $800 for each additional $5,000 or fraction thereof.
Over $35,000 but not exceeding $40,000.	$5,250.
Over $40,000 but not exceeding $75,000.	$5,250 for the first $40,000 plus $700 for each additional $5,000 or fraction thereof.
Over $75,000 but not exceeding $80,000.	$10,450.
Over $80,000	$10,450 for the first $80,000 plus $600 for each additional $5,000 or fraction thereof.

* * * * *

33. In § 21.4200, paragraphs (a)(2) and (c) are amended to read as follows:

§ 21.4200 Definitions.

(a) *School, educational institution, institution.* * * *

(2) For Chapter 35 these terms mean any public or private secondary school, vocational school, correspondence school, business school, junior college, teachers' college, college, normal school, professional school, university or scientific or technical institution or any other instituton if it furnshes education at the secondary school level or above. They include institutions which provide specialized vocational courses for the mentally or physically handicapped generally recognized as on the secondary school level or above. It also includes training establishments as defined in paragraph (c) of this section (38 U.S.C. 1701(a)(6)).

* * * * *

(c) *Training establishment.* The term means any establishment providing apprentice or other training on-the-job, including those under the supervision of a college or university or any State department of education, or any State apprenticeship agency, or any State board of vocational education, or any joint apprenticeship committee, or the Bureau of Apprenticeship and Training established in accordance with 29 U.S.C. Chapter 4C, or any agency of the Federal Government authorized to supervise such training (38 U.S.C. 1652(e), 1701(a)(9); Public Law 92-540, 86 Stat. 1074).

34. Section 21.4201 is revised to read as follows:

§ 21.4201 Schools listed by Attorney General.

Enrollment may not be approved for a course in a school while it is listed by the Attorney General under section 12, Executive Order 10450 (18 FR 2489) (38 U.S.C. 1793).

35. In § 21.4202, paragraph (a) is amended to read as follows:

§ 21.4202 Overcharges; restrictions on enrollments.

(a) *Overcharges.* When it is found that a school has charged or received from any veteran or eligible person any amount in excess of the established charges for tuition and fees which the school requires from similarly circumstanced nonveterans or noneligible persons enrolled in the same course, the school may be disapproved for enrollment of any person not already enrolled in the school. A school disapproved for Chapter 35 purposes before March 3, 1966, is considered disapproved for Chapter 34 purposes for enrollment of any veteran not already enrolled (38 U.S.C. 1790). See § 21.4207.

* * * * *

36. In § 21.4203, paragraphs (b)(1) and (2), (d)(1), (e), and (f)(1) and (2) are amended to read as follows:

§ 21.4203 Reports by schools; requirements.

* * * * *

(b) *Entrance or reentrance.* The certification must clearly specify the program objective. Upon receipt of a certification of enrollment, an official authorization will be issued showing the beginning and ending dates of each period for which an allowance may be paid. The authorization will be for the period of enrollment or the extent of the eligible person's entitlement, whichever is the lesser.

(1) Schools organized on a term, quarter, or semester basis may generally report enrollment for the term, quarter, or semester or the complete course to the expected date of graduation. Certifications for the ordinary school year may include the summer session. Certifications for the complete course will include a report of the dates between school years if the school does not offer a summer session that includes all or a part of each month between the spring and fall term, or the veteran or eligible person does not intend to attend the summer session. No allowances are payable for these intervals. Enrollment certifications for the complete course are encouraged, except where the student is a veteran or eligible person pursuing a program a less than half-time basis or is a serviceman. For these students a separate enrollment certification will be required for each term, quarter, or semester.

(2) Schools organized on a year-round basis will report enrollment for the length of the course. The certification will include a report of the dates during which the school closes for any interval designated in the school's approval data as breaks between school years. No allowances are payable for these intervals.

* * * * *

(d) *Interruptions and terminations.* When a veteran or eligible person interrupts or terminates his training for whatever reason, including unsatisfactory conduct or progress, this fact must be reported promptly to the Veterans Administration.

(1) Where the school offering courses not leading to a standard college degree is required to submit a certification, the information required by this paragraph and paragraph (c) of this section should be included in the endorsement to the veteran's or eligible person's certification.

The certification will include a report of absences since the last regular reporting period.

* * * * *

(e) *Correspondence courses.* Where the course in which a veteran is enrolled under 38 U.S.C. Chapter 34 or a wife or widow is enrolled under 38 U.S.C. Chapter 35 is pursued exclusively by correspondence, the school will report by an endorsement on the veteran's or eligible wife's or widow's certification the number of lessons completed by the veteran, wife, or widow and serviced by the school. Such reports will be submitted quarterly (38 U.S.C. 1780).

(f) *Monthly certification*—(1) *Courses not leading to a standard college degree.* A certification must be submitted monthly, except for those courses pursued by servicemen while on active duty or on less than one-half time basis, and except as provided in paragraphs (e) and (g) of this section, for each veteran and eligible person enrolled in a course which does not lead to a standard college degree. (See § 21.4204.) A report also will be required before release of the final allowance check. The report will consist of a certification containing the information required for release of payment, signed by the veteran or eligible person and the school on or after the final date of the reporting period. The date on which each person signed must be clearly shown. The only exception to the requirement of two signatures is a certification of interruption of training when the veteran or eligible person is not available for signature.

(2) *Courses leading to a standard college degree.* Schools which have veterans or eligible persons enrolled in courses which lead to a standard college degree are not required to submit periodic certifications for students enrolled in such courses. Certifications are, however, required under paragraphs (b), (c), and (d) of this section.

* * * * *

37. In § 21.4204, paragraphs (a), (c) (1), and (d) are amended to read as follows:

§ 21.4204 Periodic certifications.

Educational assistance allowance is payable on the basis of a required certification concerning the pursuit of a course during the reporting period.

(a) *Reports by schools, veterans and eligible persons.* A veteran or eligible person enrolled in a course which leads to a standard college degree, excepting those on active duty and veterans or eligible persons pursuing the course on a less than half-time basis, must submit a report as required by the Veterans Administration, certifying as to continued enrollment in and pursuit of his course for the entire enrollment period. The report shall be completed and signed by the veteran or eligible person in April each year. In the case of a veteran or eligible person who completed, interrupted, or terminated his course, any communication from an authorized official of the school notifying the Veterans Administration of the veteran's or eligible person's completion of course as scheduled or earlier termination date, will be accepted to release and terminate payments accordingly. In the case of a scheduled termination at other than the end of the spring term, semester, or quarter, a report will be required during the last month of the certified period of enrollment. Reports by other veterans and eligible persons will be submitted in accordance with § 21.4203 (e), (f), or (g).

* * * * *

(c) *Term, quarter, or semester.* For a course which does not lead to a standard college degree, if a school organized on a term, quarter, or semester basis has reported enrollment:

(1) For the ordinary school year or the complete course, the periodic certification will show the intervals between terms, quarters, or semesters as absences.

* * * * *

(d) *Year-round courses.* The periodic certifications will show any vacation period or interval between periods of instruction as absences. The periodic certification will not cover the period between school years.

* * * * *

38. In § 21.4206, paragraph (c) is added to read as follows:

§ 21.4206 Reporting fee.

* * * * *

(c) An additional $1 will be paid to those institutions who have delivered to the veteran or eligible person at registration the educational assistance check representing his advance payment. In order to receive this fee, the institution shall submit to the Veterans Administration a certification of delivery of the check. If the check is not delivered within 30 days after commencement of the student's program, the check is to be returned to the Veterans Administration (38 U.S.C. 1780).

39. In § 21.4207, the introductory portion preceding paragraph (a) is amended to read as follows:

§ 21.4207 Failure of school to meet requirements.

When the Veterans Administration discovers facts which appear to warrant a finding that the shcool is in violation of specific criteria of 38 U.S.C. Chapters 34, 35, or 36, including failure to meet requirements of approval of a course offered to a veteran or eligible person and institution of policies regarding payment of tuition and fees so as to deny the benefits of the advance payment program, the facts will be referred to the field station Committee on Educational Allowances.

* * * * *

40. In § 21.4209, paragraphs (a) and (c) are amended to read as follows:

§ 21.4209 Examination of records.

(a) *Availability.* The records and accounts of educational institutions pertaining to veterans and eligible persons enrolled in programs of education or special restorative training under 38 U.S.C. Chapter 34 or 35 will be available for examination by duly authorized representatives of the Government (38 U.S.C. 1790).

* * * * *

(c) *Below college level, apprentice, and other on-the-job.* The school having veterans or eligible persons enrolled in a course or courses which do not lead to a standard college degree will make available, in addition to the records and accounts required in paragraph (b) of this section, the records of leave, absences, class cuts, makeup work, and tardiness. Each training establishment which has enrolled veterans under Chapter 34 or eligible persons under Chapter 35 will also make available payroll records.

* * * * *

41 In § 21.4230, paragraph (d) is amended to read as follows:

§ 21.4230 Requirements.

* * * * *

(d) *Provisional; Chapter 35; child.* When application for educational assistance under Chapter 35 is approved provisionally the eligible child and, if a minor, the parent or guardian also will be informed of the need to develop a program of education consistent with paragraphs (a) and (b) of this section. In those cases where the eligible child has been accepted for, or is pursuing, courses which lead to a standard college degree at an approved institution, an educational plan may be submitted and approved without counseling if it meets the requirements of paragraphs (a) and (b) of this section (38 U.S.C. 1713, 1720; Public Law 92-540, 86 Stat. 1074).

* * * * *

42. In § 21.4231(b), subparagraph (2) is amended to read as follows:

§ 21.4231 Educational plan; 38 U.S.C. ch. 35; child.

* * * * *

(b) Final approval of the educational plan will be given when it is determined that:

* * * * *

(2) The educational plan is consistent with Veterans Administration regulations on providing a program of education and does not include any courses which are precluded under 38 U.S.C. ch. 35 (38 U.S.C. 1720).

43. In § 21.4232, paragraph (a) is amended to read as follows:

§ 21.4232 Specialized vocational training; 38 U.S.C. ch. 35.

(a) A program consisting of a specialized course of vocational training may be provided to an eligible person who is not in need of special restorative training and who requires such a program because of a mental or physical handicap (38 U.S.C. 1736). The Vocational Rehabilitation Board will determine whether such a course is in the best interest of the eligible person. If the determination is in the affirmative the

board will assist in developing the program and a suitable educational plan. If it is determined that such a program is not in the best interest of the eligible person the application for the program will be denied. Specialized vocational training may be authorized for an eligible child only if the child has passed his 14th birthday.

* * * * *

44. In § 21.4234, the introductory portion preceding paragraph (a), and paragraphs (b)(2) and (c) are amended to read as follows:

§ 21.4234 Change of program.

A request for a change of program may be made by a veteran or eligible person by any form of communication, however, if sufficient information is not furnished to process his request, the prescribed form for a change of program may be furnished him for completion. An eligible child needs the concurrence of his parent or guardian and appropriate counseling by the Veterans Administration before a change of program is approved. More than two changes of program may be approved if it is found that such additional changes are necessitated by circumstances beyond the control of the veteran or eligible person (38 U.S.C. 1791; Public Law 92-540, 86 Stat. 1074).

* * * * *

(b) *Chapter 34.* The veteran may make one optional change of program if his previous course was not interrupted or discontinued due to his own misconduct, neglect or lack of application. He may make a second change or an initial change after interruption or discontinuance due to his own misconduct, neglect or lack of application if it is found that:

* * * * *

(2) In any instance where the veteran has interrupted, or failed to progress in, his program due to his own misconduct, neglect or lack of application, there exists a reasonable likelihood with respect to the program which the veteran proposes to pursue that there will not be a recurrence of such an interruption or failure to progress (38 U.S.C. 1791).

(c) *Chapter 35; child.* After further counseling one change will be approved and a second change may be approved, if the criteria of paragraph (b) (1) and (2) of this section are satisfied. The approval of such change will also be subject to the requirement that the educational plan for the new program must meet the criteria applicable to final approval of an original application. See §§ 21.4230 and 21.4231 (38 U.S.C. 1791).

* * * * *

45. In § 21.4235, paragraph (a) (2) and (3) is amended to read as follows:

§ 21.4235 Predischarge Education Program (PREP) and Special Assistance for Educationally Disadvantaged Veterans; chapter 34.

(a) *Enrollment.* Enrollment of a veteran may be approved in any elementary, secondary, preparatory, refresher, remedial, deficiency, or special educational assistance course not otherwise prohibited, regardless of his previous educational experience:

* * * * *

(2) After discharge or release from active duty without receipt therein of a secondary school diploma or equivalency certificate, if such course or courses are required to receive a secondary school diploma; or

(3) After discharge or release from active duty, if such course or courses are necessary to the pursuit of a program of education for which he would be eligible but for that lack.

* * * * *

46. In § 21.4236, the headnote and paragraphs (a), (b)(1), (c) and (d) are amended to read as follows:

§ 21.4236 Special supplemental assistance (tutorial).

(a) *Enrollment.* A veteran or eligible person pursuing a postsecondary educational program on a half-time or more basis at an educational institution who has a deficiency in a subject which is indispensable to the satisfactory pursuit of an approved program of education may receive special supplemental monetary assistance to provide tutorial services.

(b) *Certification.* Approval will be granted upon certification by the educational institution:

(1) That individualized tutorial assistance is essential to correct a deficiency in a specified subject or subjects required as a part of, or which is prerequisite to, or which is indispensable to, the satisfactory pursuit of an approved program of education;

* * * * *

(c) *Educational assistance allowance.* In addition to payment of educational assistance allowance at the monthly rates specified in § 21.4136 or § 21.4137 the cost of such tutorial assistance in an amount not to exceed $50 per month will be authorized.

(d) *Entitlement charge.* No charge will be made against the period of the veteran's entitlement as computed under § 21.1041 or the eligible person's entitlement as computed under § 21.3044. Special supplemental assistance provided under this section will not exceed a maximum of $450 (38 U.S.C. 1690, 1692, 1693).

47. Section 21.4237 and a cross reference are added to read as follows:

§ 21.4237 Special assistance for the educationally disadvantaged; chapter 35; wife or widow.

(a) *Enrollment.* Enrollment of an eligible wife or widow may be approved in an appropriate course or courses at the secondary school level in a State if the wife or widow:

(1) Has not received a secondary school diploma (or an equivalency certificate),

(2) Needs additional secondary school education, remedial, refresher or deficiency courses, to qualify for admission to an appropriate educational institution in a State in order to pursue a program of education, and

(3) Is to pursue the course or courses in a State.

(b) *Measurement.* Remedial, deficiency or refresher courses offered at the secondary school level will be measured as provided in §§ 21.4271(c) and 21.4272 (f).

(c) *Educational assistance allowance.* Educational assistance allowance will be authorized at the monthly rates specified in § 21.4137.

(d) *Entitlement charge.* No charge will be made against the period of the entitlement of the wife or widow because of enrollment in courses under the provisions of this section (38 U.S.C. 1733; Public Law 92-540, 86 Stat. 1074).

CROSS REFERENCE: High school evening courses. See § 21.4271.

48. In § 21.4250(c), subparagraphs (2) and (4) are amended to read as follows:

§ 21.4250 Approval of courses.

* * * * *

(c) *Veterans Administration approval.* The Director, Education and Rehabilitation Service, may approve:

* * * * *

(2) A course of education offered by any agency of the Federal Government authorized under other laws to offer such course; applications for courses at Department of Defense Overseas Dependents Schools and schools under contract with Department of Defense must include a copy of the report from Department of Defense to the Committees on Veterans' Affairs of the Senate and House of Representatives indicating the schools are to be used under the Predischarge Education Program. Courses approved before October 24, 1972 will be considered approved until January 22, 1973 without this submission.

* * * * *

(4) Except as provided in § 21.4150(d) as to the Republic of the Philippines, a course of education to be pursued under 38 U.S.C. ch. 34 or 35 offered by an institution of higher learning not located in a State (38 U.S.C. 1676, 1723); and

* * * * *

49. In § 21.4251(a), subparagraphs (3) and (4) are amended and subparagraph (5) is added so that the amended and added material reads as follows:

§ 21.4251 Period of operation of course.

(a) *General.* A course offered by a school other than a job training establishment will be appropriate for the enrollment of a veteran or eligible person only if it has been in operation for 2 years or more immediately prior to the date of enrollment of such person, except that this provision does not apply to:

* * * * *

(3) Any course which has been offered by a school for a period of more than 2 years, notwithstanding that the school has moved to another location within the same general locality, or where the

school has made a complete move with substantially the same faculty, curricula, and students, without a change in ownership; or

(4) Any course which is offered by a nonprofit school of college level and which is recognized for credit toward a standard college degree; or

(5) Any course for the educationally disadvantaged or the predischarge education program offered by a proprietary nonprofit educational institution, at the principal or branch location, when the institution offering the course has been in operation for more than 2 years (38 U.S.C. 1789).

* * * * *

50. In § 21.4252, paragraphs (e), (f) (1), and (g) are amended to read as follows:

§ 21.4252 Courses precluded.

* * * * *

(e) *Correspondence courses.* Enrollment in such courses will not be approved for eligible children under Chapter 35. See § 21.4256 as to Chapter 34 and wives and widows under Chapter 35.

(f) *Courses on secondary level; Chapter 35.* (1) A curriculum offered by a public or private school at the secondary school level leading to the completion of the eligible child's regular secondary school education, that is, leading to a high school diploma or its equivalent, may not be pursued as a program of education or as part of a course of education of an eligible child under Chapter 35. An eligible wife or widow may pursue secondary school courses only under the special assistance for the educationally disadvantaged program. (See § 21.4237.)

* * * * *

(g) *On-farm courses; Chapter 35.* Enrollment in such courses will not be approved for eligible persons under Chapter 35 (38 U.S.C. 1723(c)).

* * * * *

51. In § 21.4253(a), subparagraph (2) is amended to read as follows:

§ 21.4253 Accredited courses.

(a) *General.* A course may be approved as an accredited course if it meets one of the following requirements:

* * * * *

(2) Credit for such course is approved by the State department of education for credit toward a high school diploma.

* * * * *

52. Section 21.4256 is revised to read as follows:

§ 21.4256 Correspondence courses.

(a) A school desiring to enroll veterans under Chapter 34 and eligible wives and widows under Chapter 35 for correspondence courses may have such courses approved when the courses and the school meet the requirements of § 21.4253 or § 21.4254, as applicable, and when its application demonstrates that the course is satisfactory in all elements. In addition the institution shall have the following enrollment and termination procedures.

(1) The enrollment agreement shall disclose fully the obligations of the institution and the veteran, wife, or widow and shall display in a prominent place on the agreement the conditions for affirmance, termination, refund, and payment of the educational allowance by the Veterans Administration.

(2) A copy of the agreement shall be given to the veteran, wife, or widow when it is signed.

(3) The agreement shall not be effective unless the veteran, wife, or widow, after the expiration of 10 days after the agreement is signed, shall have signed and submitted to the Veterans Administration a written statement, with a signed copy to the institution, specifically affirming the agreement.

(4) Upon notification of the institution by the veteran, wife, or widow of an intention not to affirm the agreement, any fees paid by the individual shall be returned promptly in full to him.

(5) Upon termination of the affirmed agreement for training in an accredited course by the veteran, wife, or widow, without having completed any lessons, a registration fee not in excess of 10 percent of the tuition for the course or $50, whichever is lesser, may be charged him. When the agreement is terminated after completion of less than 25 percent of the lessons of the course, the institution may retain the registration fee plus 25 percent of the tuition for the course. When the agreement is terminated after 25 percent but less than 50 percent of the lessons are completed, the institution may retain the registration fee plus 50 percent of the tuition for the course. If 50 percent or more of the lessons are completed, no refund of tuition is required.

(6) Where the school either has or adopts an established policy for the refund of the unused portion of tuition, fees, and other charges subject to proration, which is more favorable to the veteran, wife, or widow than the pro rata basis as provided in paragraph (a) (5) of this section, such established policy will be applicable.

(b) Whenever the State approving agency approves a correspondence course for training of veterans under Chapter 34 and eligible wives and widows under Chapter 35, it shall immediately notify the Veterans Administration, identifying the school, the course or courses approved, and the educational or vocational objective of each approved course.

53. Section 21.4260 is revised to read as follows:

§ 21.4260 Courses in foreign countries.

Enrollment in a course at a school not located in a State may be approved:

(a) In accordance with § 21.4250(c) when such course is pursued at an institution of higher learning, or

(b) When such course or courses contemplated under the provisions of § 21.4235(a)(1) are:

(1) Pursued at an institution operated by the Department of Defense, or

(2) Provided by an institution under a contract with the Department of Defense. Such course or courses must accord with regulations prescribed by the Administrator of Veterans Affairs. Assurance of compliance with the terms of such contract by such institution shall be the function of the Department of Defense.

The educational assistance allowance to a veteran or eligible person pursuing a course in a foreign country will be denied or discontinued when it is found that such enrollment is not for the best interests of the veteran, eligible person, or the Government.

54. In § 21.4261, the headnote and paragraphs (b)(1) and (c) (2) and (3) are amended to read as follows:

§ 21.4261 Apprentice courses.

* * * * *

(b) *Application.* Any training establishment desiring to furnish a course of apprentice training will submit a written application to the appropriate State approving agency setting forth the following:

(1) Title and description of the specific job objective for which the veteran or eligible person is to be trained;

* * * * *

(c) *Approval criteria.* The appropriate State approving agency may approve a course of apprentice training when the training establishment and its apprentice courses are found upon investigation to have met the following criteria:

* * * * *

(2) A signed copy of the training agreement for each veteran or eligible person, making reference to the training program and wage schedule as approved by the State approving agency, is provided to the veteran or eligible person and the Veterans Administration and the State approving agency by the employer; and

(3) The course meets such other reasonable criteria as may be established by the State approving agency (38 U.S.C. 1787).

55. In § 21.4262, the headnote and paragraphs (b) (1), (5), (6), and (7) and (c) (2), (4), (5), (7), (8), and (10) are amended to read as follows:

§ 21.4262 Other training on-the-job courses.

* * * * *

(b) *Application.* Any training establishment desiring to furnish a course of other training on-the-job will submit to the appropriate State approving agency a written application setting forth the following:

(1) Title and description of the specific job objective for which the veteran or eligible person is to be trained;

* * * * *

(5) The entrance wage or salary paid by the training establishment to employees already trained in the kind of work for which the veteran or eligible person is to be trained;

(6) A certification that the wages to be paid the veteran or eligible person upon entrance into training are not less than wages paid nonveterans in the

same training position and are at least 50 percent of the wages paid for the job for which he is to be trained, and will be increased in regular periodic increments until, not later than the last full month of the scheduled training period they will be at least 85 percent of the wages paid for the job for which the veteran or eligible person is being trained;

(7) A certification that there is reasonable certainty that the job for which the veteran or eligible person is to be trained will be available to him at the end of the training period; and

* * * * *

(c) *Approval criteria.* The appropriate State approving agency may approve the application submitted under paragraph (b) of this section, when the training establishment and its courses are found upon investigation to have met the criteria outlined in this paragraph. Approval will not be granted for training in occupations which require a relatively short period of experience for a trainee to obtain and hold employment at the market wage in the occupation. This includes occupations such as automobile service station attendant or manager, soda fountain attendant, food service worker, salesman, window washer, building custodian or other unskilled or common labor positions as well as clerical positions for which on-the-job training is not the normal method of procuring qualified personnel.

* * * * *

(2) The training content of the course is adequate to qualify the veteran or eligible person for appointment to the job for which he is to be trained;

* * * * *

(4) The length of the training period is not longer than that customarily required by the training establishments in the community to provide the veteran or eligible person with the required skills, arrange for the acquiring of job knowledge, technical information, and other facts which the veteran or eligible person will need to learn in order to become competent on the job for which he is being trained;

(5) Provision is made for related instruction for the individual veteran or eligible person who may need it;

* * * * *

(7) Adequate records are kept to show the progress made by each veteran or eligible person toward his job objective;

(8) The veteran or eligible person is not already qualified by training and experience for the job;

* * * * *

(10) A signed copy of the training agreement for each veteran or eligible person, including the training program and wage schedule as approved by the State approving agency, is provided to the veteran or eligible person and the Veterans Administration and the State approving agency by the employer; and

* * * * *

56. In § 21.4264, paragraphs (a) and (c) are amended to read as follows:

§ 21.4264 Farm cooperative courses; 38 U.S.C. Chapter 34.

(a) *General.* A farm cooperative course is an institutional agricultural course which is pursued by an individual who is concurrently engaged in agricultural employment which is relevant to the agricultural course.

(1) The institutional portion may be on a term, quarter, or semester basis or in the alternative it may consist of courses prescheduled to fall within not less than 44 weeks of the year at a minimum of 5-clock hours per week, or for full-time training the 440-clock hours a year may be prescheduled to provide not less than 80-clock hours in any 3-month period.

(2) In computing the clock-hour requirements, the time involved in field trips and individual and group instruction may be included when they are sponsored and conducted by the educational institution through a duly authorized instructor of such institution in which the veteran is enrolled (38 U.S.C. 1682; Public Law 92–540, 86 Stat. 1074).

* * * * *

(c) *Approval criteria.* The appropriate State approving agency may approve the application of such school when the school and its courses are found upon investigation to have met the following conditions:

(1) The criteria specified in § 21.4253 or § 21.4254, as appropriate; and

(2) The requirements of paragraph (b) of this section.

57. In § 21.4270, paragraph (h) and footnotes 1 and 2 are amended and footnote 6 is added so that the amended and added material reads as follows:

§ 21.4270 Measurement of courses.

Clock hours and class sessions mentioned in this table mean clock hours and class sessions per week.

Courses

Kind of school	Kind of course	Full time	¾ time	½ time	Less than ½, more than ¼ time	¼ time or less
* * *	* * *	* * *	* * *	* * *	* * *	* * *
(h) Agricultural.....	Farm cooperative [1]	10 clock hours net instruction [6]	7 clock hours net instruction	5 clock hours net instruction	No provisions.	
* * *	* * *	* * *	* * *	* * *	* * *	* * *

[1] In measuring net instruction there will be included customary intervals not to exceed 10 minutes between classes. Shop practive and rest periods are excluded. Supervised instruction periods in school's shops in farm cooperative programs and the time involved in field trips and individual and group instruction may be including in computing the clock hour requirements.

[2] Diploma course or equivalent based on completion of 16 instruction units. If student is pursuing course at rate which would result in an accredited high school diploma at end of four ordinary school years, he is considered in full-time training. High school diploma courses or equivalent available only for chapter 34 and eligible wives and widows under chapter 35.

* * * * * * *

[6] For full-time training the 440 clock hours a year may be prescheduled to provide not less than 80 clock hours in any 3-month period.

58. In § 21.4271, paragraph (c) is amended to read as follows:

§ 21.4271 Trade or technical; high schools.

* * * * *

(c) *High schools.* Courses offered at the secondary school level which lead to a high school diploma or the equivalent will be measured on the basis of clock hours of instruction per week, or on the number of units required per year. Enrollment in courses at a secondary school level leading to a high school diploma or the equivalent will not be approved for eligible children under Chapter 35. Eligible wives and widows under Chapter 35 may pursue such courses under the Special Assistance for the Educationally Disadvantaged program.

59. In § 21.4272, paragraphs (f)(2) and (g) are amended to read as follows:

§ 21.4272 Collegiate undergraduate; credit-hour basis.

An undegraduate course in an institution of higher learning will be measured on a credit-hour basis provided all the conditions under paragraph (a), (b), or (c) of this section are met. Wherever "member of a nationally recognized accrediting association" is used in this section it will include a "Recognized Candidate" for accreditation or membership as this term is used by the regional accrediting associations.

* * * * *

(f) *Noncredit deficiency courses.* * * *

(2) *Entitlement charge.* For awards to eligible children under chapter 35, the entitlement charge will be made on the same basis as measurement for payment purposes. For awards under chapter 34 and for wives and widows under chapter 35, no entitlement charge will be made for any noncredit deficiency course on a secondary school level.

(g) *Noncredit courses; deficiency, remedial, and refresher.* Except for courses leading to a high school diploma or the equivalent, noncredit courses given by an institution of higher learning shall be measured on a quarter- or semester-hour basis if considered by the institution to be the equivalent, for other administrative purposes, of undergraduate courses that lead to a standard college degree at the school. Other noncredit courses shall be measured under § 21.4270 (a), (b), or (i) as appropriate.

Approved: March 25, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-6146 Filed 4-2-73;8:45 am]

Notices

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

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-87]

FOREIGN CURRENCIES

Certification of Rates

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York.

The appended table shows the rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), which are applicable to the currencies of the countries listed in § 16.4(d), Customs Regulations (19 CFR 16.4(d)), for the period from March 12 through March 16, 1973. This table is published for the information and use of Customs officers and others concerned to show the amount of variation in these exchange rates following the devaluation of the U.S. dollar which took effect on February 13, 1973.

[SEAL] R. N. MARRA,
Director, Appraisement and Collections Division.

Country	Currency	March 12	March 13	March 14	March 15	March 16
Australia	Dollar	$1.4100	$1.4100	$1.4100	$1.4100	$1.4100
Austria	Schilling	.0494	.0489	.0484	.0490	.0487
Belgium	Franc	.026000	.025800	.025400	.025445	.025375
Canada	Dollar	Q	Q	Q	Q	Q
Ceylon	Rupee	.1590	.1580	.1580	.1580	.1780
Denmark	Krone	.1620	.1622	.1610	.1635	.1620
Finland	Markka	.2560	.2550	.2530	.2530	.2530
France	Franc	.2224	.2210	.2214	.2221	.2210
Germany	Deutsche Mark	.3577	.3552	.3550	.3571	.3530
India	Rupee	.1330	.1330	.1260	.1330	Q
Ireland	Pound	2.4700	2.4685	2.4640	Q	Q
Italy	Lira	Q	Q	Q	Q	Q
Japan	Yen	.003890	.003922	.003930	.003910	.003845
Malaysia	Dollar	.3050	.4000	.4000	.4000	.3980
Mexico	Peso	Q	Q	Q	Q	Q
Netherlands	Guilder	.3531	.3508	.3490	.3491	.3450
New Zealand	Dollar	1.3200	1.3200	1.3200	1.3200	1.3200
Norway	Krone	.1688	.1689	.1661	.1678	.1695
Portugal	Escudo	.0430	.0425	.0425	.0427	.0427
Republic of South Africa	Rand	1.4150	1.4150	1.4150	1.4150	1.4150
Spain	Peseta	.017167	.017241	.017167	.017000	.017241
Sweden	Krona	.2278	.2260	.2244	.2262	.2255
Switzerland	Franc	.3093	.3060	.3083	.3121	.3087
United Kingdom	Pound	2.4700	2.4685	Q	Q	Q

Q Use quarterly rate published in T.D. 73-16; daily rate did not vary by 5 percent or more.

[FR Doc.73-6296 Filed 4-2-73;8:45 am]

Office of the Secretary

INTEREST EQUALIZATION TAX

Continuation of Current Procedures and Retroactive Effect

MARCH 29, 1973.

In the event that the interest equalization tax is not extended on or before April 1, 1973, it is intended that the pending legislation will be effective with respect to acquisitions made after March 31, 1973, so as to assure uninterrupted applicability of the interest equalization tax. The Treasury Department also intends that the rates, rules and procedures in effect on March 31, 1973, shall continue in effect during the period from April 1, 1973, and extending until the legislation is enacted, in all respects as if the tax had been extended prior to April 1, 1973.

The status of participating firms will continue as such unless terminated under current procedures. Banks and trust companies which are participating custodians will continue as such until further notice, as indicated below.

Under current law, the interest equalization tax is not applicable to any acquisition of stock of a foreign issuer or debt obligation of a foreign obligor made after March 31, 1973. H.R. 3577, as agreed to by a House-Senate conference committee on March 28, 1973, would extend the tax to June 30, 1974.

Some of the rules and procedures in effect on March 31, 1973, and which will continue in effect, are set forth below along with the special procedures for participating custodians.

1. *Participating firms and participating custodians.* Those broker-dealers having status as participating firms on March 31, 1973, will retain their status as such with respect to acquisitions after such date, unless their status is terminated and the termination announced under existing procedures. If any broker-dealer does not want to continue its status as a particiapting firm, it must follow such termination procedures.

Those banks (or trust companies) having status as participating custodians on March 31, 1973, will retain their status as such during the period following March 31, 1973. It is assumed that during the period before the legislation is passed by the House of Representatives and signed by the President, all participating custodians shall continue to comply with the statutory requirements in effect on March 31, 1973, and with the documentation, record keeping, reporting, and auditing requirements of the Internal Revenue Code in effect on such date. If action for extension is not completed during the week of April 1, a further announcement will be made and a date will be set by which all participating custodians must notify the Commissioner of Internal Revenue that they will continue to comply with the applicable requirements.

2. *Issuance of validation certificates.* Validation certificates will continue to be issued by the Internal Revenue Service after March 31, 1973. The Internal Revenue Service will follow those procedures currently in force dealing with the issuance of validation certificates, and will require such proof of status as a United States person and compliance with the tax (on the assumption that the proposed legislation will be enacted) as is currently required.

3. *Payments in respect of tax.* During the interim period, the Internal Revenue Service will continue to receive returns and payments in respect of tax (on the assumption that the proposed legislation will be enacted) and make appropriate refunds.

4. *Participating firms purchasing and selling taxable securities for own account.* A participating firm making a sale of taxable securities for its own account must pay the tax on or before the effective date of the sale (generally the settlement date). In such cases the acquisition is currently reported on Form 3780A which accompanies the payment of tax. This procedure, including payments in respect of the tax, will remain in effect after March 31, 1973.

5. *Withholding procedures.* The withholding procedures currently provided under section 4918(e)(7) and Temporary Regulation § 147.5-2 will continue to apply.

6. *Information returns.* Reporting on information returns currently prescribed in connection with the interest equalization tax will continue in effect except as

may be provided in subsequent Treasury Department publications.

[SEAL] FREDERIC W. HICKMAN,
Assistant Secretary for Tax Policy.

[FR Doc.73-6424 Filed 3-30-73;2:31 p.m.]

MICROWAVE OVENS FROM JAPAN

Notice of Tentative Negative Determination

MARCH 28, 1973.

Information was received on August 11, 1972, that microwave ovens from Japan were being sold at less than fair value within the meaning of the Antidumping Act, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of September 21, 1972, on page 19654.

I hereby make a tentative determination that microwave ovens from Japan are not being, nor are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this tentative determination is based. Analysis of information from all sources revealed that the proper basis of comparison for fair value purposes is between purchase price or exporter's sales price, as appropriate, and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the basis of the f.o.b. port of export price with deductions for inland freight and f.o.b. charges in Japan.

Exporter's sales price was calculated by deducting from the resale price to unrelated purchasers in the United States transportation charges in Japan, ocean freight and insurance, other shipping charges, U.S. duty, brokerage and bank charges, inland freight in the United States, commissions, warranty costs, advertising and interest costs, and other selling expenses.

Adjusted home market price was based on the delivered customers' premises price with deductions for discounts, rebates, and inland freight charges. Adjustments were made for differences in the merchandise, sales promotion and advertising expenses, home demonstration expenses, warranty and interest costs, other selling expenses, and packing costs.

Comparisons of purchase price or exporter's sales price, as appropriate, with adjusted home market price revealed that adjusted home market price was not higher than either purchase price or exporter's sales price.

In accordance with § 153.37, Customs Regulations (19 CFR 153.37), parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20229, in time to be received by his office not later than April 13, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office not later than May 3, 1973.

This tentative determination and the statement of reasons therefor are published pursuant to § 153.33 of the Customs Regulations (19 CFR 153.33).

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

[FR Doc.73-6332 Filed 4-2-73;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

DEFENSE SCIENCE BOARD

Notice of Meeting

The Defense Science Board will meet in closed session in the Pentagon, Washington, D.C., April 12 and 13, 1973.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Comptroller).

[FR Doc.73-6338 Filed 4-2-73;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

VOLUNTARY PRODUCT STANDARDS

Notice of Intent To Withdraw Certain Standards

In accordance with § 10.12 of the Department of Commerce Procedures for the Development of Voluntary Product Standards (15 CFR Part 10, as revised, 35 FR 8349 dated May 28, 1970), notice is hereby given of the Department's intent to withdraw the following listed standards:

Simplified Practice Recommendation SPR 237-49, Packaging, Marking, and Loading Methods for Steel Products for Overseas Shipments.

Commercial Standard CS 230-60, Vinyl Plastic Weatherstrip.

It has been tentatively determined with the concurrence of the proponent organizations that these voluntary standards are obsolete, no longer technically adequate, and revision would serve no useful purpose.

Any comments or objections concerning the intended withdrawal of these standards should be made in writing to the Office of Engineering Standards Services, National Bureau of Standards, Washington, D.C. 20234, by May 15, 1973. The effective date of withdrawal will be not less than 60 days after the final notice of withdrawal. Withdrawal action will terminate the authority to refer to the standards as voluntary standards developed under the Department of Commerce procedures, from the effective date of the withdrawal.

Dated: March 28, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-6344 Filed 4-2-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73-53N]

BASF WYANDOTTE CORP.

Notice of Qualification as Citizen of the United States

This is to give notice that pursuant to 46 CFR 67.23-7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), BASF Wyandotte Corp., of 1609 Biddle Avenue, Wyandotte, MI 48192, incorporated under the laws of the State of Michigan, did on March 6, 1973, file with the Commandant, U.S. Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in Form CG-1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a territory, district, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, U.S. Coast Guard, having found this oath to be in compliance with the law and regulations, on March 13, 1973, issued to BASF Wyandotte Corp., a certificate of compliance on Form CG-1262, as provided in 46 CFR 67.23-7. The certificate and any authorization granted thereunder will expire 3 years from the date thereof unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23-7.

Dated: March 28, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.73-6329 Filed 4-2-73;8:45 am]

[CGD 73-63N]

EQUIPMENT, CONSTRUCTION, AND MATERIALS

Approval Notice

1. Certain laws and regulations (46 CFR Ch. I) require that various items of lifesaving, firefighting and miscellaneous equipment, construction, and materials used on board vessels subject to Coast Guard inspection, on certain motorboats and other recreational vessels, and on the artificial islands and fixed structures on the Outer Continental Shelf be of types approved by the Commandant, U.S. Coast Guard. The purpose of this document is to notify all interested persons that certain approvals have been granted as herein described during the period from January 12, 1973 to February 2, 1973 (List No. 5-73). These actions were taken in accordance with the procedures set forth in 46 CFR 2.75-1 to 2.75-50.

2. The statutory authority for equipment, construction, and material approvals is generally set forth in sections 367, 375, 390b, 416, 481, 489, 526p, and 1333 of title 46, United States Code, section 1333 of title 43, United States Code, and section 198 of title 50, United States Code. The Secretary of Transportation has delegated authority to the Commandant, U.S. Coast Guard with respect to these approvals (49 CFR 1.46(b)). The specifications prescribed by the Commandant, U.S. Coast Guard for certain types of equipment, construction, and materials are set forth in 46 CFR Parts 160 to 164.

3. The approvals listed in this document shall be in effect for a period of 5 years from the date of issuance, unless sooner canceled or suspended by proper authority.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE), MODELS 3 AND 5

NOTE: Approved for use on all vessels and motorboats.

Approval No. 160.002/118/0, Model 3, adult kapok life preserver, USCG Specification Subpart 160.002, manufactured by Tapatco, Inc., P.O. Box 49, Fairfield, CA 94533 for Outdoor Supply Company, Inc., Oxford, N.C. 27565, effective February 2, 1973. (It is an extension of Approval No. 160.002/118/0 dated April 8, 1968.)

Approval No. 160.002/119/0, Model 5, child kapok life preserver, USCG Specification Subpart 160.002, manufactured by Tapatco, Inc., P.O. Box 49, Fairfield, CA 94533 for Outdoor Supply Company, Inc., Oxford, N.C. 27565, effective February 2 ,1973. (It is an extension of Approval No. 160.002/119/0 dated April 8, 1968.)

Approval No. 160.002/124/0, Model 3, adult kapok life preserver, USCG Specification Subpart 160.002 and COMDT (GMMT-3) letter dated January 24, 1973, file No. 5946/160.002/124, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective January 24, 1973.

Approval No. 160.002/125/0, Model 5, child kapok life preserver, USCG Specification Subpart 160.002 and COMDT (GMMT-3) letter dated January 24, 1973, file No. 5946/160.002/124, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective January 24, 1973.

LIFE PRESERVERS, FIBROUS GLASS, ADULT AND CHILD (JACKET TYPE), MODELS 52 AND 56

NOTE: Approved for use on all vessels and motorboats.

Approval No. 160.005/13/0, Model 52 adult fibrous glass life preserver, USCG Specification Subpart 160.005, manufactured by the Safeguard Corp., Box 14037, Post Office Annex, Cincinnati, Ohio 45214, effective February 2, 1973. (It is an extension of Approval No. 160.005/13/0 dated April 3, 1968.)

Approval No. 160.005/14/0, Model 56 child fibrous glass life preserver, USCG Specification Subpart 160.005, manufactured by the Safeguard Corp., Box 14037, Post Office Annex, Cincinnati, Ohio 45214, effective February 2, 1973. (It is an extension of Approval No. 160.005/14/0 dated April 3, 1968.)

BUOYS, LIFE, RING, CORK OR BALSA WOOD, FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 160.009/15/0, 30-inch cork ring life buoy, USCG Specification Subpart 160.009 and drawing No. 3401/3/68 dated March 14, 1968, and USCG letter dated April 23, 1968, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective February 2, 1973. (It is an extension of Approval No. 160.009/15/0 dated April 23, 1968.)

GAS MASKS, SELF-CONTAINED BREATHING APPARATUS, AND SUPPLIED-AIR RESPIRATORS, FOR MERCHANT VESSELS

Approval No. 160.011/22/1, Type WUG-N1W Universal Gas Mask, Bureau of Mines Approval No. 1443A consisting of BM-1443A canister, BM-1432 harness, and BM-1423 facepiece, manufactured by Willson Products Division, ESB, Inc., Second and Washington Streets, Reading, Pa. 19603, effective February 2, 1973. (It is an extension of Approval No. 160.011/22/1 dated March 22, 1968.)

Approval No. 160.011/23/1, Type WUG-N2W Universal Gas Mask, Bureau of Mines Approval No. 1445A, consisting of BM-1445A canister, BM-1432, or BM-1444 harness and BM-1423 facepiece, manufactured by Willson Products Division, ESB, Inc., Second and Washington Streets, Reading, Pa., 19603, effective February 2, 1973. (It is an extension of Approval No. 160.011/23/1 dated March 22, 1968.)

Approval No. 160.011/26/0, Type WIG-G4 Ammonia Gas Mask, Bureau of Mines Approval No. BM-1454 consisting of BM-1454 canister, BM-1423 facepiece, and BM-1423 or BM-1423A canister harness, manufactured by Willson Products Division, ESB, Inc., Second and Washington Streets, Reading, Pa. 19603, effective February 2, 1973. (It is an extension of Approval No. 160.011/26/0 dated March 22, 1968.)

LIFEBOAT WINCHES FOR MERCHANT VESSELS

Approval No. 160.015/102/1, Model LS-111D survival capsule launching winch; approved as an alternate to a lifeboat winch for a maximum lowering load of 11,000 pounds on a single fall; identified by assembly drawing 56834 revision F dated January 22, 1973, and drawing listed dated January 23, 1973, approved for use on non-self-propelled drillings rigs, artificial islands, and fixed structures for the Whittaker Survival Capsule, manufactured by Welin Davit and Boat Division, Lake Shore, Inc., Iron Mountain, Mich. 49801, effective January 29, 1973. (It supersedes Approval No. 160.015/102/0 dated December 5, 1972, to show change of design.)

MECHANICAL DISENGAGING APPARATUS LIFEBOAT FOR MERCHANT VESSELS

Approval No. 160.033/43/2, Rottmer Type L-1A releasing gear, approved for a maximum working load of 36,600 pounds per set (18,300 pounds per hook), and revised November 6, 1952, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective February 2, 1973. (It is an extension of Approval No. 160.033/43/2 dated April 23, 1968, and change of address of manufacturer.)

LIFEBOATS

Approval No. 160.035/421/2, 30 foot by 10 foot by 4.33 foot aluminum hand-propelled lifeboat, 78-person capacity, identified by general arrangement drawing No. 30-4 Rev. F, dated April 4, 1968, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective February 2, 1973. (It is an extension of Approval No. 160.035/421/2 dated April 8, 1968, and change of address of manufacturer.)

Approval No. 160.035/452/1, 30 foot by 10 foot by 4.33 foot aluminum motor-propelled lifeboat, Class 1, 74-person capacity, identified by general arrangement drawing No. 30-5, Rev. C, dated April 24, 1968, manufactured by Marine Safety Equipment Corp., Foot of Wycoff Road, Farmingdale, N.J. 07727, effective February 2, 1973. (It is an extension of Approval No. 160.035/452/1 dated April 24, 1968, and change of name of manufacturer.)

BUOYANT CUSHIONS, KAPOK, OR FIBROUS GLASS

Approval No. 160.048/5/1, special approval for 14 inches by 17 inches by 2 inches rectangular ribbed-type kapok buoyant cushions, 21 ounce kapok drawing No. C-31, dated September 15, 1955, and bill of materials dated December 29, 1965, manufactured by Tapatco, Inc., P.O. Box 49, Fairfield, CA 94533, effective February 2, 1973. (It is an extension of Approval No. 160.048/5/1 dated April 8, 1968.)

Approval No. 160.048/244/0, group approval for rectangular and trapezoidal kapok buoyant cushions, USCG Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048-4(c)(1)(i), manufactured by Tapatco, Inc., P.O. Box 49, Fairfield, CA 94533, for Outdoor Supply Co., Inc., Oxford, N.C. 27565, effective February 2, 1973. (It is an extension of Approval No. 160.048/244/0 dated April 8, 1968.)

Approval No. 160.048/245/0, special approval for 14 inch by 17 inch by 2 inch rectangular ribbed-type kapok buoyant cushions, 21-ounce kapok, drawing No. C-31, dated September 15, 1965, and bill of materials dated December 29, 1965, manufactured by Tapatco, Inc., P.O. Box 49, Fairfield, CA 94533, for Outdoor Supply Co., Inc., Oxford, N.C. 27565, effective February 2, 1973. (It is an extension of Approval No. 160.048/245/0 dated April 8, 1968.)

BUOYS, LIFE, RING, UNICELLULAR PLASTIC

Approval No. 160.050/51/0, 30-inch unicellular plastic ring life buoy, USCG Specification Subpart 160.500 and drawing No. 8431-1-68, dated January 30, 1968, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective February 2, 1973. (It is an extension of Approval No. 160.050/51/0 dated April 23, 1968.)

Approval No. 160.050/53/0, 20-inch unicellular plastic ring life buoy, USCG Specification Subpart 160.050 and American Pad & Textile Co. drawings No. 175-LA-3, dated December 26, 1963, or No. 175-LA-4, dated June 15, 1964, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn. 06852, manufactured by Tapatco, Inc., P.O. Box 49, Fairfield, CA 94533, for Outdoor Supply Co., Inc., Oxford, N.C. 27565, effective February 2, 1973. (It is an extension of Approval No. 160.050/53/0 dated April 8, 1968.)

Approval No. 160.050/54/0, 24-inch unicellular plastic ring life buoy, USCG Specification Subpart 160.050 and American Pad & Textile Co. drawings No. 175-LA-3, dated December 26, 1963, or No. 175-LA-4, revised June 15, 1964, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn. 06852, manufactured by Tapatco, Inc., P.O. Box 49, Fairfield, CA 94533, for Outdoor Supply Co., Inc., Oxford, N.C. 27565, effective February 2, 1973. (It is an extension of Approval No. 160.050/54/0 dated April 8, 1968.)

Approval No. 160.050/55/0, 30-inch unicellular plastic ring life buoy, USCG Specification Subpart 160.050 and American Pad & Textile Co. drawings No. 175-LA-3, dated December 26, 1963, or No. 175-LA-4 revised June 15, 1964, buoy bodies made by B. F. Goodrich Co., Sponge Products Division, Shelton, Conn. 06852, manufactured by Tapatco, Inc., P.O. Box 49, Fairfield, CA 94533, for Outdoor Supply Co., Inc., Oxford, N.C. 27565, effective February 2, 1973. (It is an extension of Approval No. 160.050/55/0 dated April 8, 1968.)

BUOYANT VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.052/331/0, adult, Model 410, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with USCG Specification Subpart 160.052 and UL/MD report file No. MQ 160, manufactured by Goodenow Manufacturing Co., 1363 West Sixth Street, Erie, PA 16505, for St. Paul and White Bear Ski Co., 440 Lakeview Avenue, St. Paul, MN 55119, effective January 12, 1973. (It supersedes Approval No. 160.052/331/0 dated May 26, 1971.)

Approval No. 160.052/332/0, child medium, Model 409, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with USCG Specification Subpart 160.052 and UL/MD report file No. MQ 160, manufactured by Goodenow Manufacturing Co., 1363 West Sixth Street, Erie, PA 16505, for St. Paul and White Bear Ski Co., 440 Lakeview Avenue, St. Paul, MN 55119, effective January 12, 1973. (It supersedes Approval No. 160.052/332/0 dated May 26, 1971.)

Approval No. 160.052/333/0, child small, Model 408, nonstandard unicellular plastic foam buoyant vest, manufactured in accordance with USCG Specification Subpart 160.052 and UL/MD report file No. MQ 160, manufactured by Goodenow Manufacturing Co., 1363 West Sixth Street, Erie, PA 16505, for St. Paul and White Bear Ski Co., 440 Lakeview Avenue, St. Paul, MN 55119, effective January 12, 1973. (It supersedes Approval No. 160.052/333/0 dated May 26, 1971.)

WORK VESTS, UNICELLULAR PLASTIC FOAM

Approval No. 160.053/25/0, style Nos. 228 and 229, unicellular plastic foam, cloth-covered work vest, Tapatco drawing Nos. 282-1, 282-2, and 282-3 dated February 11, 1965, and bill of materials (sheets 1 to 4) dated February 11, 1965, manufactured by Tapatco, Inc., P.O. Box 49, Fairfield, CA 94533 for Outdoor Supply Co., Inc., Oxford, N.C. 27565, effective February 2, 1973. (It is an extension of Approval No. 160.053/25/0 dated April 8, 1968.)

LIFE PRESERVERS, UNICELLULAR PLASTIC FOAM, ADULT AND CHILD, FOR MERCHANT VESSELS

Approval No. 160.055/56/0, Type II, Model 8115, adult molded cloth-covered unicellular plastic foam life preserver, drawing No. 8115/10/67, revision 2 dated March 25, 1968, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective February 2, 1973. (It is an extension of Approval No. 160.055/56/0 dated April 23, 1968.)

Approval No. 160.055/57/0, Type II, Model 8116, child molded cloth covered unicellular plastic foam life preserver, drawing No. 8115/10/67, revision 2 dated March 25, 1968, manufactured by Atlantic-Pacific Manufacturing Corp., 124 Atlantic Avenue, Brooklyn, NY 11201, effective February 2, 1973. (It is an extension of Approval No. 160.055/57/0 dated April 23, 1968.)

Approval No. 160.055/83/0, Type IB, Model 67, child cloth covered unicellular plastic foam life preserver, USCG Specification Subpart 160.055, USCG drawing No. 160.055-IB (Sheets 3 and 4), Tapatco drawing Nos. C-277-1-1, C-277-2-2, and C-277-3-3 and COMDT(MMT-3) letter dated December 27, 1966, manufactured by Tapatco, Inc., P.O. Box 49, Fairfield, CA 94533 for Outdoor Supply Co., Inc., Oxford, N.C. 27565, effective February 2, 1973. (It is an extension of Approval No. 160.055/83/0 dated April 8, 1968.)

Approval No. 160.055/84/0, Type IB, Model 63, adult cloth covered unicellular plstic foam life perserver, USCG Specification Subpart 160.055, USCG drawing No. 160.055-IB (Sheets 1 and 2), Tapatco drawing Nos. C-276-1-1, C-276-2-2, and C-276-3-3 and COMDT(MMT-3) letter dated December 27, 1966, manufactured by Tapatco, Inc., P.O. Box 49, Fairfield, CA 94533 for Outdoor Supply Co., Inc., Oxford, N.C. 27565, effective February 2, 1973. (It is an extension of Approval No. 160.055/84/0 dated April 8, 1968.)

SPECIAL PURPOSE WATER SAFETY BUOYANT DEVICES FOR DESIGNATED USE ON ALL MOTORBOATS AND FOR GENERAL USE ON MOTORBOATS OF CLASSES A, 1, OR 2 NOT CARRYING PASSENGERS FOR HIRE

Approval No. 160.064/432/0, adult X-large, Model No. ACG800, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 174, Type III Device, manufactured by Fabrionics, Inc., West Austin Street, Tolono, Ill. 61880, effective January 12, 1973.

Approval No. 160.064/433/0, adult large, Model No. ACG700, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 174, Type III Device, manufactured by Fabrionics, Inc., West Austin Street, Tolono, Ill. 61880, effective January 12, 1973.

Approval No. 160.064/434/0, adult medium, Model No. ACG650, vinyl dipped unicellular plastic foam "Water Ski Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 174, Type III Device, manufactured by Fabrionics, Inc., West Austin Street, Tolono, Ill. 61880, effective January 12, 1973.

Approval No. 160.064/455/0, child small, Model No. PW-205, cloth-covered unicellular plastic foam "Beach 'N' Boating Buoyant Vest," manufactured in accordance with USCG Specification Subpart 160.064 and UL/MD report file No. MQ 29, Type III Device, manufactured by Stearns Manufacturing Co., 30th and Division Streets, St. Cloud, Minn. 56301, effective February 1, 1973.

Approval No. 160.064/456/0, child small, Model No. PW-507, cloth covered unicellular plastic foam "Beach 'N' Boating Buoyant Vest," manufactured in accordance with USCG. Specification Subpart 160.064 and UL/MD report file No. MQ 29, Type III Device, manufactured by Stearns Manufacturing Co., 30th and

Division Streets, St. Cloud, Minn., 56301, effective February 1, 1973.

Approval No. 160.064/457/0, child medium, Model No. PW-709, cloth covered unicellular plastic foam "Beach 'N' Boating Buoyant Vest," manufactured in accordance with USCG. Specification Subpart 160.064 and UL/MD report file No. MQ 29, Type III Device, manufactured by Stearns Manufacturing Co., 30th and Division Streets, St. Cloud, Minn. 56301, effective February 1, 1973.

BACKFIRE FLAME CONTROL, GASOLINE ENGINES; FLAME ARRESTERS; FOR MERCHANT VESSELS AND MOTORBOATS

Approval No. 162.041/162/0, Barbron backfire flame arrester, Part No. 38113B, brass element, base and cover, also Part No. 38113A, having anodized aluminum base and cover, opening in base is 1.375 inches in diameter (offset .718 inch), manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective January 26, 1973.

Approval No. 162.041/163/0, Barbron backfire flame arrester, Part No. 381513B, brass element, base and cover, also Part No. 381513A, having anodized aluminum base and cover, opening in base is 1.375 inches in diameter (offset .718 inch), manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective January 26, 1973.

Approval No. 162.041/164/0, Barbron backfire flame arrester, Part No. 38213B, brass element, base and cover, also Part No. 38213A, having anodized aluminum base and cover, opening in base is 1.375 inches in diameter (offset .718 inch), manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective January 26, 1973.

Approval No. 162.041/165/0, Barbron backfire flame arrester, Part No. 38114B, brass element, base and cover, also Part No. 38114A, having anodized aluminum base and cover, opening in base is 1.250 inches in diameter, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective January 26, 1973.

Approval No. 162.041/166/0, Barbron backfire flame arrester, Part No. 381514B, brass element, base and cover, also Part No. 381514A, having anodized aluminum base and cover, opening in base is 1.250 inches in diameter, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective January 26, 1973.

Approval No. 162.041/167/0, Barbron backfire flame arrester, Part No. 38214B, brass element, base and cover, also Part No. 38214A, having anodized aluminum base and cover, opening in base is 1.250 inches in diameter, manufactured by Barbron Corp., 14580 Lesure Avenue, Detroit, MI 48227, effective January 26, 1973.

Approval No. 162.041/168/0, Model 980032 backfire flame arrester, gold anodized aluminum body and elements, $2\frac{11}{16}$ of an inch diameter base, manufactured by Outboard Marine Corp., 3145 Central Avenue, Waukegan, IL 60085, effective January 31, 1973.

Approval No. 162.041/169/0, Model 980033 backfire flame arrester, gold anodized aluminum body and elements, $5\frac{1}{16}$ of an inch diameter base, manufactured by Outboard Marine Corp., 3145 Central Avenue, Waukegan, IL 60085, effective January 31, 1973.

INCOMBUSTIBLE MATERIALS FOR MERCHANT VESSELS

Approval No. 164.009/47/0, "Superfine HTB Fiber Glass," glass wool insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2022:FP3449 dated May 7, 1958, approved in a ½ to 1½ pounds per cubic foot density, manufactured by PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222, effective February 2, 1973. (It is an extension of Approval No. 164.009/47/0 dated April 25, 1968.)

Approval No. 164.009/75/0, "PPG Textrafine" fibrous glass insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210-2096:FR3620 dated December 10, 1962, approved in a density of ½ pound per cubic foot, manufactured by PPG Industries, Inc., 1 Gateway Center, Pittsburgh, PA 15222, effective February 2, 1973. (It is an extension of Approval No. 164.009/75/0 dated April 25, 1968.)

Approval No. 164.009/109/0, "Delta Mineral Wool Marine Board," mineral wool insulation incombustible material identical to that described in National Bureau of Standards Test Report No. 10210-2165:FR3702 dated April 2, 1968, approved in a 6 pounds per cubic foot density, manufactured by Rock Wool Manufacturing Co., Leeds, Ala. 35094, effective February 2, 1973. (It is an extension of Approval No. 164.009/109/0 dated April 16, 1968.)

Dated: March 28, 1973.

G. H. READ,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.73-6330 Filed 4-2-73;8:45 am]

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Agenda and Notice of Public Meeting

On April 12, 1973, the National Motor Vehicle Safety Advisory Council will hold open meetings in the DOT Headquarters Building, 400 Seventh Street SW., Washington, DC. The Advisory Council is composed of 22 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Secretary of Transportation consults with the Advisory Council on motor vehicle safety standards promulgated under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.).

The following meetings, subject to the approval of the Secretary of Transportation, will be held in the DOT Headquarters Building, Room 10234.

The Crashworthiness Committee of the Council will meet from 8:30 a.m. on April 12 with the following agenda:

Update review of vehicle structure research to improve crashworthiness.
Rationale for 3,000-pound experimental safety vehicle.
Schoolbus vehicle safety standards.
Multidisciplinary accident investigation teams—funding and immunity legislation.
Upgrading child restraint system standard.
New business.

The Accident Avoidance and Operating Systems Committee of the Council will meet from 10 a.m. on April 12, 1973, with the following agenda:

Discussion of April 11 technical meeting on vehicle visibility requirements.
New business.

The full Advisory Council will meet in regular session from 1:30 p.m. to 5 p.m. on April 12, 1973, with the following agenda:

Report of Accident Avoidance and Operating Systems Committee.
Report of Crashworthiness Committee.
Status report on Second International Congress on Automotive Safety.
New business.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

For further information, contact Executive Secretariat, Room 5215, 400 Seventh Street SW., Washington, DC, telephone 202-426-2872.

Issued on March 28, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-6303 Filed 4-2-73;8:45 am]

YOUTHS HIGHWAY SAFETY ADVISORY COMMITTEE

Notice of Public Meeting

On April 7-8, 1973, the Youths Highway Safety Advisory Committee will hold an open meeting at the Hilton Inn, Tucson, Ariz. The Committee is composed of persons appointed by the Secretary of Transportation to advise and consult with the National Highway Traffic Safety Administrator concerning programs and activities to attract and sustain the participation of young people in the national effort to combat highway deaths and injuries.

The meeting will be in session from 9 a.m. to 6 p.m. on April 7 and from 9 a.m. to 12 noon on April 8.

The following meetings will be held at the Hilton Inn, Mount Vernon Room, Tucson, Ariz.

The Full Youths Committee will meet from 11 a.m. to 6 p.m. on April 7 and from 9 a.m. to 12 noon on April 8, 1973, with the following agenda:

Report of Membership Subcommittee.
Report of Public Information and Education Subcommittee.
Discussion on future plans for Youths Committee.

The Membership Subcommittee of the Youths Highway Safety Advisory Committee will meet from 9 a.m. to 11 a.m. on April 7, 1973, with the following agenda:

Further discussion on guidelines for statewide Youths Highway Safety Committees.

The Public Information and Education Subcommittee of the Youths Highway Safety Advisory Committee will meet from 9 a.m. to 11 a.m. on April 7, 1973, with the following agenda:

Further discussion on newsletter; media exposure and Speakers Bureau.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA), effective January 5, 1973.

For further information, contact Executive Secretariat, Room 5215, 400 Seventh Street SW., Washington, D.C., telephone 202-426-2872.

Issued on March 28, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-6302 Filed 4-2-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Subcommittee Meeting

MARCH 29, 1973.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Reactor Pressure Vessels will hold a meeting on April 10, 1973, in Room 1062, 1717 H Street NW., Washington, DC. The subjects scheduled for discussion are the proposed Appendixes G and H to 10 CFR Part 50, "Fracture Toughness Requirements," and "Reactor Vessel Material Surveillance Program Requirements," and a draft report to the full ACRS on light water reactor pressure vessel integrity.

The subcommittee is meeting to formulate recommendations to the regulatory staff and the full ACRS regarding the above subjects.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the meeting will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such meeting to protect the free interchange of internal views and to avoid undue interference with agency or committee operation.

JOHN V. VINCIGUERRA,
Advisory Committee Management Officer.

[FR Doc.73-6383 Filed 4-2-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI67-248]

BEACON GASOLINE CO.

Notice of Petition To Amend

MARCH 29, 1973.

Take notice that on March 22, 1973, Beacon Gasoline Co. (Petitioner), P.O. Box 396, Minden, LA 71055, filed in Docket No. CI67-248 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing the gathering of natural gas produced by Tideway Oil Co., Inc. (Tideway), in the East Dykesville Field, Webster Parish, La., and delivery of said gas after processing to Texas Gas Transmission Corp. (Texas Gas) for the account of Tideway at Petitioner's plant in Webster Parish, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Tideway has filed for a certificate in Docket No. CI73-595 authorizing the sale of gas to Texas Gas 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 petition to amend should on or before April 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6382 Filed 4-2-73;8:45 am]

[Docket No. CI73-623]

H. L. BAMMERT

Notice of Application

MARCH 29, 1973.

Take notice that on March 21, 1973, H. L. Bammert (Applicant), Weesatche, Tex. 77993, filed in Docket No. CI73-663 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co. from the Gottschaldt Field, Goliad County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he is selling gas with the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that he proposes to continue said sale for 2 years from March 29, 1973, the expiration date of the 60-day emergency period, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 60,000 Mcf of gas per month at 35 cents per Mcf at 14.65 p.s.i.a.

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 April 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate 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.73-6380 Filed 4-2-73;8:45 am]

[Docket No. E-8073 etc.]

KANSAS CITY POWER & LIGHT CO. ET AL.

Notice of Applications

MARCH 29, 1973.

Take notice that each of the Applicants listed herein has filed an application pursuant to section 205 of the Federal Power Act and Part 35 of the regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 5, 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.

Docket No.	Date Filed	Company	Action
E-8073	Mar. 8, 1973	Kansas City Power & Light Co.	Company files a service schedule for participation power service under twin cities-Iowa-Omaha-Kansas City 345 kv Interconnection co-ordination agreement dated Jan. 22 1968 (KCPL Rate Schedule FPC No. 67) between Kansas City Power & Light Co. (KCPL) and Northern States Power Co. (NSP). The proposed effective date of the service schedule is June 1, 1973. The service schedule provides for the sale of 75,000 kw. of participation power service to NSP by KCPL.
E-8072	do	do	Company files a service schedule for participation power service under Electric Interchange Agreement (KCPL Rate Schedule FPC No. 27) between Kansas City Power & Light Co. (KCPL) and Iowa Power and Light Co. (IPL). The proposed effective date of the service schedule is June 1, 1973. The service schedule provides for the sale of 75,000 kw. of participation power service to IPL from KCPL.
E-7998	Oct. 24, 1972	The Kansas Power & Light Co.	Company files a newly executed renewal contract dated Oct. 12, 1972 with the city of Seneca, Kans., for wholesale electric service to that community. This is a renewal of a similar contract dated Oct. 2, 1964 and designated KPL Rate Schedule FPC No. 73. The new contract is proposed to become effective Nov. 1, 1972 and the company requests that the Commission waive the notice requirements as allowed in paragraph 35.11 of its regulations.
E-7975	Dec. 29, 1972	Gulf States Utilities Co.	Company in agreements with Sam Rayburn Dam Electric Cooperative, Inc. Rate Schedule FPC No. 98 and service to Sam Houston Electric Cooperative, Inc. Rate Schedule FPC No. 69 has changed a point of delivery. The Bragg metering point at 7,620 volts was discontinued effective Feb. 2, 1972.
E-7967	Jan. 19, 1973	Allegheny Power Service Corp.	Company files on behalf of Monongahela, PE, West Penn and VEPCO a new operating agreement, dated as of Jan. 1, 1973, among those companies. The new operating agreement replaces as of the effective date thereof the previous agreement designated Monongahela FPC No. 25, PE FPC No. 28 and VEPCO FPC No. 75. The new operating agreement adds West Penn as an Allegheny System party, eliminates all references to the "Carva Pool," makes some other changes including specifically authorizing any of the parties to apply to the Federal Power Commission to amend the new agreement. The company requests the Commission waive any requirements not already complied with under § 35.13 of its rules and regulations in connection with this filing and to permit the new operating agreement to become effective as of Feb. 19, 1973.
E-7969	Jan. 24, 1973	Virginia Electric Power Co.	Company files a new contract supplement for Mount Weather Delivery Point (proposed FPC Rate Schedule No. 86-13). The proposed effective date is Dec. 29, 1972. The company thus requests that the timely filing requirements be waived, and also requests a waiver of the required billing data.
E-8075	Mar. 14, 1973	Northern States Power Co.	Company files an agreement between Northern States Power Co. and the City of Rice Lake, Wis. The company states that all present agreements covering electric service to the city will be terminated by section numbered 11, Termination of existing agreements, of the electric service resale agreement including Northern States Power Co. FPC Rate Schedule No. 40. The proposed effective date of this rate schedule is Apr. 15, 1973.
E-8005	Jan. 29, 1973	Gulf Power Co.	Company files First Revised Sheet No. 4 canceling Original Sheet No. 4 of the Gulf Power Co. FPC Electric Tariff First Revised Volume No. 1, and supplements to the revised service agreement for new delivery points. The submittals provide for a revision of the index of purchasers to include two additional delivery points from which Florida Public Utilities (FPU) may take service pursuant to its service agreements filed therewith under Gulf Power Co.'s (GPC) FPC Electric Tariff. In addition, GPC submitted a revised FPU wholesale service agreement with supplements for each of its three delivery points. GPC requests waiver of the 30 day notice requirement. GPC also requests that the Chipola supplement be made effective July 1, 1972 and the two remaining supplements with delivery points at Altha and Mariana be made effective Dec. 31, 1972.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6379 Filed 4-2-73;8:45 am]

[Docket No. CI73-622]

McCULLOCH OIL CORP. OF TEXAS

Notice of Application

MARCH 29, 1973.

Take notice that on March 21, 1973, McCulloch Oil Corp. of Texas (Applicant), 10880 Wilshire Boulevard, Los Angeles, CA 90024, filed in Docket No. CI73-622 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Co. from acreage in Hemphill County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to commence a sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that it proposes to continue said sale for 22 months from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 375 Mcf of gas per day at 42.5 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment. Applicant estimates the heating content of the gas at 1,130 Btu per cubic foot.

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 April 12, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person

wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commisson 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.73-6381 Filed 4-2-73;8:45 am]

[Docket No. CI73-621]

PERRY R. BASS

Notice of Application

MARCH 29, 1973.

Take notice that on March 20, 1973, Perry R. Bass (Applicant), 1200 Fort Worth National Bank Building, Fort Worth, Tex. 76102, filed in Docket No. CI73-621 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce to United Gas Pipeline Co. from Corpus Christi Bay, Neuces County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of natural gas on March 10, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and that he proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 150 Mcf of gas per day multiplied by the number of his oil wells at 50 cents per Mcf at 14.65 p.s.i.a. Applicant states that the 50-cent rate is inclusive of 8 cents per Mcf which he will have to pay Atlantic Richfield Co. for gathering and compression and that he will realize 37.35 cents per million B.t.u. for the sale of the subject gas.

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 April 11, 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 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.73-6378 Filed 4-2-73;8:45 am]

[Docket No. E-7994]

DUKE POWER CO.

Order Accepting for Filing, and Suspending Proposed Increased Rates, Granting Intervention, and Establishing Hearing Procedures

MARCH 23, 1973.

On January 23, 1973, Duke Power Co. (Duke) tendered for filing proposed changes in its FPC electric rate schedules for resale service to its municipal, public utility, and cooperative customers. According to Duke's transmittal letter, the proposed changes would increase revenues from jurisdictional sales and service by $8,549,534 or 18.5 percent based on a volume of sales for the 12-month period ending June 30, 1972. Duke further alleged that their present wholesale rates produced a rate of return of only 4.91 percent during the aforementioned test period, due to a purportedly rapid rise in the cost of its additional plant facilities and cost of money. Duke maintains that the increase is necessary for Duke to earn a rate of return of 8.20 percent which Duke says approaches a rate of return which is adequate to attract capital necessary for Duke to provide adequate service to its wholesale customers.

The filing was noticed in the FEDERAL REGISTER, with a closing date for comments, protests, or petitions to intervene of February 23, 1973. Timely petitions to intervene were filed by Electricities of North Carolina and Piedmont Municipal Power Systems and seven South Carolina Municipalities (Electricities),[1] and North Carolina Electric Membership Corp. (N.C. EMC) and Blue Ridge Electric Membership Corp. (Blue Ridge). In addition, a great number of protests from individual residents of North Carolina have been filed. Laurens Electric Cooperative (Laurens) and Saluda River Electric Cooperative (Saluda) filed untimely petitions to intervene. In view of our action herein, no harm will result from the granting of these untimely filed petitions.

The petitioners for intervention have requested that we suspend the proposed increase for the full statutory period of 5 months. Additionally, the petitioners allege that the proposed increase is excessive; that the proposed increase results in discriminatory rates between Duke's retail and its wholesale customers; that the proposed rates contribute to an attempt by Duke to monopolize the electric power business in its service area; and that the proposed increase violates Phase III of the Economic Stabilization Program.[2]

In Opinion No. 641 we affirmed the Presiding Examiner's findings and ruling that Duke had not violated the antitrust laws. Accordingly to avoid relitigation of this issue, the proceeding herein instituted shall be limited to facts and circumstances with respect to alleged antitrust violations by Duke arising after the close of the record in that case.

We note that Duke is utilizing a fuel adjustment clause, which clause is the Power Co., Docket No. E-7720. Duke is subject of another proceeding. Duke here including the same clause which it is proposing in that proceeding, the only change being a change in the clause's base cost of fossil fuel from 35.2 to 45.5 cents. The evidentiary proceeding instituted herein is not to be construed by any of the parties as reopening the record in Docket No. E-7720 for the purpose of relitigating issues upon which a record has already been developed in the prior proceeding.

Review of the rate filing indicates that it raises certain issues which may require development in an evidentiary hearing. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or 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 (Company) 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.

[1] Easley, Gaffney, Greenwood, Greer, Laurens, Newberry, Prosperity, and Rock Hill.

[2] On Mar. 5, 1973, Duke filed an answer to Blue Ridge's and N.C. EMC's petition to intervene, denying certain of the allegations made in those petitions, but not opposing their intervention in this proceeding.

E-7557, is particularly appropriate, wherein we stated: "* * * our filing requirements are not to be construed as a limitation on evidence which may be proffered 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." Accordingly, we shall order Duke to file a complete 1972 cost of service presentation.

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 Duke's Rate Schedules as proposed to be amended in this docket, and that the tendered rate schedules 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 petitioners for intervention in this proceeding may be in the public interest.

The Commission orders:

(A) The proposed rate schedules[2] filed by Duke Power Co., on January 23, 1973, are accepted for filing subject to the conditions hereinafter specified.

(B) 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 Chapter I), a public hearing shall be held, commencing with a prehearing conference on July 10, 1973, at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Duke's Rate Schedules as proposed to be amended herein.

(C) At the prehearing conference on July 10, 1973, Duke's prepared testimony 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 of the Commission's rules of practice and procedure.

(D) On or before May 10, 1973, Duke shall file a complete 1972 cost of service presentation. On or before June 29, 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 24, 1973. Any rebuttal evidence by Duke shall be served on or before August 7, 1973. The public hearing herein ordered shall convene on August 21, 1973, at 10 a.m., e.d.t.

(E) A 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 the Commission's rules of practice and procedure.

(F) Pending hearing and a final decision thereon, Duke's proposed rate schedules are suspended for 30 days and the use thereof deferred until April 26, 1973.

(G) The above-named petitioners are hereby permitted to intervene in these proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors 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.

(H) With respect to antitrust issues the proceeding herein instituted shall be limited to facts and circumstances with respect to alleged antitrust violations by Duke arising after the close of the record in that case.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

APPENDIX A

DUKE POWER COMPANY

RATE SCHEDULE DESIGNATIONS

Dated: January 23, 1973.
Filed: January 23, 1973.

Supplement Nos.	Supersedes supplement Nos.	Duke rate schedule FPC Nos.	Customer
6	4 & 5	28	City of High Point, N.C.
6	4 & 5	29	Do.
7	5 & 6	32	City of Lexington, N.C.
17	12 & 16	131	Blue Ridge EMC, N.C.
19	10 & 18	134	Davidson EMC, N.C.
11	7 & 8	136	Haywood EMC, N.C.
14	12 & 13	137	Pee Dee EMC, N.C.
14	8 & 13	138	Piedmont EMC, N.C.
34	20 & 26	139	Rutherford EMC, N.C.
19	13 & 18	140	Surry-Yadkin EMC, N.C.
15	10 & 14	141	Union EMC, N.C.
37	26 & 36	142	Blue Ridge E.C., S.C.
28	19 & 27	143	Broad River E.C., S.C.
56	34 & 50	144	Laurens E.C., S.C.
21	9 & 17	145	Little River E.C., S.C.
29	23 & 25	146	York E.C., S.C.
8	6 & 7	155	Town of Bostic, N.C.
7	5 & 6	163	Town of Due West, S.C.
6	3 & 5	173	City of Lexington, N.C.
5	3 & 4	178	City of Newton, N.C.
5	3 & 4	202	South Carolina Electric & Gas Co.
5	3 & 4	201	City of Seneca, S.C.
5	3 & 4	218	City of Newberry, S.C.
8	5 & 7	225	City of Albemarle, N.C.
11	8 & 9	226	City of Greer, S.C.
26	16 & 25	227	City of Gastonia, N.C.
15	12 & 14	228	City of Rock Hill, S.C.
7	5 & 6	229	Town of Lincolnton, N.C.
7	5 & 6	230	Town of Landis, N.C.
10	8 & 9	231	City of Abbeville, S.C.
7	5 & 6	232	Town of Cornelius, N.C.
7	5 & 6	233	Town of Davidson, N.C.
7	5 & 6	234	Town of Pineville, N.C.
13	10 & 11	235	City of Shelby, N.C.
7	5 & 6	236	Heath Springs Light & Power Co.
9	6 & 8	237	Town of Forest City, N.C.
9	6 & 8	238	City of Monroe, N.C.
8	6 & 7	240	City of Statesville, N.C.
13	9 & 10	241	City of Easley, S.C.
10	7 & 9	242	Town of Prosperity, S.C.
9	6 & 8	243	City of Gaffney, S.C.
14	11 & 13	244	City of Laurens, S.C.
8	5 & 7	245	City of Concord, N.C.
6	4 & 5	246	Town of Mulden, N.C.
29	19 & 28	248	Crescent EMC, N.C.
5	3 & 4	249	City of Clinton, S.C.
17	11 & 16	250	Commissioners of Public Works, Greenwood, S.C.
4	2 & 3	251	Town of Huntersville, N.C.
5	3 & 4	252	Lockhart Power Co.
4	2 & 3	253	University of North Carolina
4	2 & 3	254	Town of Dallas, N.C.
5	3 & 4	255	Town of Granite Falls, N.C.
4	2 & 3	256	Town of Westminster, S.C.
6	4 & 5	257	Town of Drexel, N.C.
6	3 & 4	258	City of Cherryville, N.C.
4	2 & 3	259	Clemson University, S.C.
4	2 & 3	260	City of Kings Mountain, N.C.
8	3 & 4	261	City of Morganton, N.C.

[2] The proposed rate schedule designations are set forth below App. A.

[FR Doc.73-6204 Filed 4-2-73;8:45 am]

[Docket No. RI73-243, etc.]

RATE CHANGES

Order Providing for Hearing and Suspension and Allowing Changes To Become Effective Subject to Refund [1]

MARCH 23, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust unreasonable, un-

[1] Does not consolidate for hearing or dispose of the several matters herein.

duly 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 the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [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 dockets Nos.
RI73-243	Odessa Natural Corp	4	[1] 12	Colorado Interstate Gas Co. (Patrick Draw Area, Sweetwater County, Wyo.).		2-23-73	3-26-73	[4] Accepted			
	do		13	do	$24,731	2-23-73		8-26-73	17.0	23.16	RI72-198.
RI73-244	Exxon Corp	240	[1] 14	El Paso Natural Gas Co. (Green River Bend Unit, Lincoln and Sublette Counties, Wyo.).		3- 2-73	4- 2-73	[4] Accepted			
	do		15	do	9,641	[3] 3- 2-73		11- 1-73	[4] 20.6613	[2] [4] 28.822	RI73-81.
RI73-245	Cities Service Oil Co	124	[1] 12	West Texas Gathering Co., (Emperor Field, Winkler County, Tex.) (Permian Basin).		2-28-73	3-31-73	[4] Accepted			
	do		13	do	45,000	2-28-73		8-31-73	19.0713	28.0	RI73-136.
RI73-246	Getty Oil Co	187	4	El Paso Natural Gas Co	296	2-26-73		8-29-73	26.85	[5] 27.2	RI72-194.

*Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Agreement providing for proposed rate.
[2] Includes upward Btu adjustment (26 cents base rate).
[3] Subject to quality adjustment.
[4] The pressure base is 15.025 lb/in²a.
[5] Accepted for filing to be effective on the date shown in the "Effective Date" column.
[6] The proposed effective date is June 1, 1973.

The proposed increases exceed the rate limit for a 1-day suspension, and are, therefore, suspended for 5 months.

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 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.73-6206 Filed 4-2-73;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

NOTICE OF MEETING

Notice is hereby given of a meeting to be held by the National Advisory Committee on Occupational Safety and Health established by section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 556).

The meeting will begin at 9 a.m. on April 19, 1973, in Conference Room B of the departmental auditorium between 12th and 14th Streets on Constitution Avenue NW., Washington, D.C.

During the course of the meeting the following subjects will be discussed seriatim:

(1) Committee rules of procedure;

(2) Report of the Subcommittee on State programs;

(3) Summary of proposed new Federal legislation affecting occupational safety and health;

(4) National Institute for Occupational Safety and Health (NIOSH) manpower resources; and

(5) Proposed revisions of the Occupational Safety and Health Administration Compliance Operations Manual.

Members of the public are invited to attend the proceedings.

Any written data, views, or arguments received by the Committee's executive secretary concerning the subjects to be considered on or before April 17, 1973, together with 25 duplicate copies will be provided to the members and will be included in the minutes of the meeting.

Communications to the executive secretary should be addressed as follows:

Mr. Roger W. Grant, Executive Secretary, National Advisory Committee on Occupational Safety and Health, Room 1120b, 1726 M Street, NW., Washington, DC 20210.

Signed at Washington, D.C., this 28th day of March 1973.

ROGER W. GRANT, *Executive Secretary.*

[FR Doc.73-6325 Filed 4-2-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3413]

THE NORTHWESTERN MUTUAL LIFE INSURANCE CO. AND NML VARIABLE ANNUITY ACCOUNT B

Notice of Application

MARCH 27, 1973.

Notice is hereby given that The Northwestern Mutual Life Insurance Co. (Northwestern Mutual), a mutual life insurance company organized in 1857 by a special statute of the legislature of the State of Wisconsin, and NML Variable Annuity Account B (Account B) 720 East Wisconsin Avenue, Milwaukee, WI 53202, a unit investment trust registered under the Investment Company Act of 1940 (Act) (hereinafter collectively called ("Applicants"), have filed an application pursuant to section 6(c) of the Act for an order of exemption to the extent noted below from the provisions of section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

Account B was established by Northwestern Mutual in connection with the sale of certain "qualified" variable annuity contracts (the "Contracts"). The Contracts are designed to provide retirement annuity benefits for employees of public educational institutions and of organizations exempt from tax under section 501(c)(3) of the Internal Revenue Code of 1954, as amended, as tax deferred annuity contracts pursuant to the provisions of section 403(b) of the Code.

Under the Contracts a purchaser makes a number of payments until a maturity date selected by the purchaser. These payments (net of various deductions) are allocated to Account B, which invests in shares of NML Fund, Inc. (Fund), a Maryland corporation, and an open end, diversified management investment company registered under the Act. The value

of a Contract before the maturity date will fluctuate with the fluctuations in value of the shares of the Fund. After the maturity date the Contracts provide lifetime annuity payments, either variable or fixed, or other settlement options.

Section 22(d) of the Act, in relevant part, provides that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. From each payment made under the Contracts Northwestern Mutual makes a deduction of 50 cents per payment (but not in excess of 1 percent) plus the following graded percentage charge based on total payments received during each contract year (a 12-month period beginning with the contract date or anniversary thereof): 8 percent on the first $5,000; 4 percent on the next $20,000; 2 percent on the next $75,000; and 1 percent on amounts exceeding $100,000.

Applicants were previously granted an exemption from section 22(d) to permit a reduced deduction of 1 percent plus $50 in lieu of the graded deduction described above on amounts derived from the value of other tax-qualified insurance policies or fixed annuity contracts previously issued by Northwestern Mutual and exchanged for an Immediate Contract. Applicants now propose to extend this exemption to amounts exchanged for a Deferred Contract. The exemption previously granted is limited to Immediate Contracts.

The Applicants state that the considerations which justify the reduced load are the same for both Deferred and Immediate Contracts and the reduced deduction on amounts transferred from other Northwestern Mutual insurance policies or fixed annuity contracts appropriately recognizes that sales charges have previously been charged against the amounts already paid on such other policies or contracts. The Applicants further state that the purpose of the reduced sales charge in such situations is to avoid cumulative sales charges and is in the best interests of investors and the public.

Section 6(c) provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than April 19, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6314 Filed 4-2-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 962]

CALIFORNIA

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of California as a major disaster area following severe storms and flooding which began on or about January 12, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in Ventura county.

Applications may be filed at the:

Small Business Administration, Regional Office, 450 Golden Gate Avenue, San Francisco, CA 94102.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than May 18, 1973.

Dated: March 27, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-6306 Filed 4-2-73;8:45 am]

[Notice of Disaster Loan Area 965]

NEW YORK

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of New York as a major disaster area following high winds, wave action and flooding beginning on or about March 16, 1973, and the subsequent designation of Jefferson, Monroe, Niagara, Orleans, Oswego, and Wayne Counties by the Office of Emergency Preparedness as the affected areas, the Small Business Administration will accept applications for disaster relief loans in these six counties.

Applications may be filed at the:

Small Business Administration, Regional Office, 26 Federal Plaza, Room 3930, New York, NY 10007.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than May 25, 1973.

Dated: March 27, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-6307 Filed 4-2-73;8:45 am]

[Notice of Disaster Loan Area 964]

TENNESSEE

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Tennessee as a major disaster area following heavy rains and flooding which began on or about March 14, 1973, and the subsequent designation of Bradley, Coffee, Hamilton, Marion, Maury, Monroe, and Rhea Counties by the Office of Emergency Preparedness as the affected areas, the Small Business administration will accept applications for disaster relief loans in these seven Counties.

Applications may be filed at the:

Small Business Administration, Regional Office, 1401 Peachtree Street NE., Atlanta, GA 30309.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than May 25, 1973.

Dated: March 27, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-6305 Filed 4-2-73;8:45 am]

TARIFF COMMISSION

[TEA-W-193]

BGS SHOE CORP., MANCHESTER, N.H.

Workers' Petition for a Determination

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and former workers of the BGS Shoe Corp., Manchester, N.H., the U.S. Tariff Commission, on March 28, 1973, instituted an investigation under section 301(c)(2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in Items 700.43, 700.45, 700.53, and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to

cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided that such request is filed on or before April 13, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the customhouse.

Issued: March 29, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-6354 Filed 4-2-73;8:45 am]

[AA1921-113]

MANUAL HOISTS FROM LUXEMBOURG

Determination of No Injury or Likelihood Thereof

MARCH 29, 1973.

The Treasury Department advised the Tariff Commission on December 29, 1972, that manual hoists from Luxembourg are being, or are likely to be sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted investigation No. AA1921-113 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

Notice of the institution of the investigation and of a hearing to be held in connection therewith was published in the FEDERAL REGISTER of January 12, 1973 (38 FR 1422). A public hearing was held on February 20, 1973.

In arriving at its determination, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has unanimously determined[1] that an industry in the United States is not being or is not likely to be injured, or is not prevented from being established, by reason of the importation of manual hoists from Luxembourg, sold, or likely to be sold, at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

[1] Commissioner Leonard did not participate in the decision.

STATEMENT OF REASONS

Manual hoists are hoists in which the motive force is supplied manually by an operator without the use of auxiliary power (e.g., hydraulic, electric, or air). Manual hoists utilize principally cable or chain.

The manual hoists that were found by Treasury to have been sold at less than fair value (LTFV) consisted exclusively of custom-built manual cable hoists, made to specifications of the Watervliet (N.Y.) Arsenal (a contracting agency for the Department of Defense). About 4,000 units of one model of manual hoists were sold at less than fair value and all of them were sold to the Watervliet Arsenal. A spokesman for the importer has testified under oath that the custom-built model has not been offered or sold to commercial customers.

The LTFV sales were the result of the importer being the successful bidder on two occasions when the only rival bidder was a U.S. producer (the complainant in this investigation). The first contract was awarded in mid-1971 and the second in early 1972. In both instances, the prices offered by the importer were below the offers by the U.S. producer. The evidence demonstrates that even in the absence of the LTFV pricing, the importer could have underbid the domestic producer. The Treasury found that (1) all other sales of manual hoists from Luxembourg were at fair-value prices, (2) there is only one U.S. importer of manual hoists from Luxembourg, and (3) the Luxembourg manufacturer is the sole exporter of manual hoists to the United States from Luxembourg.

Whether the industry is considered to be the facilities of the companies producing manual hoists—chain, cable or any combination thereof—the Commission has determined that an industry in the United States is not being or is not likely to be injured, or prevented from being established, by reason of sales of manual hoists from Luxembourg at less than fair value.

The complainant was not a supplier of manual hoists until 1969. In the period January 1969 through December 1972, both shipments and net operating profits of the complainant trended upward.

Information furnished by a substantial number of domestic producers of cable-type manual hoists show that annual shipments of such hoists were 63 percent larger in 1972 than in 1968. The reported data indicate that shipments of cable hoists in 1971 were exceeded only by the 1972 shipments. Only in the years 1971 and 1972 were there LTFV imports.

Information furnished the Commission by domestic producers of all types of manual hoists indicate that their annual shipments were 8 percent larger in 1971 than in 1968 and 39 percent larger in 1972 than in 1968.

The ratio of LTFV imports to domestic consumption of cable-type hoists amounted to 2.3 percent in 1971 and 0.4 percent in 1972. LTFV imports accounted for 1.2 percent of consumption of all types of manual hoists in 1971 and 0.2 percent in 1972. There is no evidence that any LTFV sales occurred other than those made to the Government.

On the basis of the foregoing, we conclude that an industry in the United States is not being, nor is it likely to be injured or prevented from being established by reason of sales of manual hoists from Luxembourg at less than fair value.

By order of the Commission.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-6355 Filed 4-2-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-73-13]

RUST ENGINEERING CO. ET AL.

Notice of Application for Variance From Construction Safety Standards

I. *Background.* On August 26, 1971, Rust Engineering Co. jointly with Continental-Heine Chimney Co., Inc., Custodis Construction Co., Inc., and the M. W. Kellogg Co., made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596) and 29 CFR Part 1905 for a variance, and for an interim order pending a decision on the application for a variance from the construction safety standards prescribed in 29 CFR 1518.552(c), concerning personnel hoists, and 29 CFR 1518.451(l) (4) and (5), concerning boatswain's chairs, which were made occupational safety and health standards by 29 CFR 1910.12 (Part 1518 has since been redesignated Part 1926). Notice of the application for variance made by Rust Engineering Co. et al. and of the granting of an interim order pending a decision on the application, was published in the FEDERAL REGISTER on January 25, 1972 (37 FR 1146). The notice invited interested persons, including affected employers and employees, to submit written data, views, and arguments regarding the grant or denial of the variance requested.

In addition, affected employers and employees were permitted to request a hearing on the application for a variance. No written comments and no request for a hearing have been received.

II. *Facts.* The applicants are engaged in chimney construction and maintenance work and state that all construction projects are under the direct supervision of their principal offices even though the projects themselves are spread throughout the country. The addresses of the principal offices that are affected by the application are as follows:

The Rust Engineering Co., 930 Fort Duquesne Boulevard, Pittsburgh, PA 15222, and 1130 South 22d Street, Birmingham, AL 35201.
Continental-Heine Chimney Co., Inc., 127 North Dearborn Street, Chicago, IL 60602.
Custodis Construction Co., 120 South Riverside Plaza, Chicago, IL 60606, and Box 368, Bound Brook, NJ 08805.
The M. W. Kellog Co., Chimney Department, P.O. Box 1007, Williamsport, PA 17701.

Applicants state that in constructing a chimney, the elevated working platform or scaffolding is moved upward with the construction. In order for employees to reach such a platform, an access ladder or equivalent safe means of access must be provided as required by 29 CFR 1926.451(a)(13). Applicants state that as the height of the construction increases to 400 feet, or more, it becomes impractical to use an access ladder and another safe means of access must be provided.

Section 1926.552(c) sets forth the requirements for the construction of hoist towers when used as personnel hoists both inside and outside of a structure. The primary purpose of the standard is to protect the safety of employees being mechanically transported from one elevation to another.

Applicants state that there is insufficient room to construct a hoist tower on small chimneys. Applicants contend that the hoist would interfere with the design and construction of proper scaffolding. Since the hoist tower must be kept higher than the chimney construction, the frequent extension of the hoist tower involves many difficulties in erection, bracing, and guying. Applicants state that an outside hoist tower would not provide access to the movable working platform or jack scaffold used in constructing a brick lining. Thus, it is argued that the mechanics of tower extension are hazardous because employees must frequently work in high winds when extending the hoist tower above the chimney construction. The use of intermittent work schedules for the separate work crews engaged in extending the hoist tower and erecting the chimney is another practical difficulty involved in the construction of a hoist tower outside a chimney.

Applicants would have to take extra precautions to obtain substantial bracing if a hoist tower is constructed, since both the chimney and the hoist tower would be exposed to wind loads. Also, the bracing of the tower would be interferred with when a brick lining is being constructed. Applicants argue that there is no substitute bracing for the hoist tower which is entirely acceptable.

Applicants contend that in order for a hoisting tower to operate properly, it must be maintained in a plumb position. Thus, applicants state it is difficult to provide safe access from an outside tower to the chimney over the increasing distances because of the tapering of the chimney toward the top. It is further contended that a hoisting tower may be inoperable unless rigidity is maintained and that it is generally impractical to guy a hoist tower 600 to 1,000 feet, or more, in height.

Accordingly, in lieu of constructing a hoist tower as specified in 29 CFR 1926.552(c), applicants use a special workmen's hoist with a hoist machine, safety cage, and safety cables, to transport employees to and from the elevated work platform. Some of the safety features of the special workmen's hoist include safety devices that will grip the safety cables in the event of any failure of the hoisting cable and limit switches that will prevent overrun of the cage at both the top and bottom of the chimney. The applicants use the safety cage only for hoisting and lowering workmen. The safety cage and safety cables are pulled aside on the foundation when not in use and the hoisting hook is transferred to the bucket for hoisting materials.

In addition, applicants state that in constructing a chimney or chimney lining of small diameter, or when working from a bracket scaffold on the outside of a chimney, it is not practical to use even their own safety cage to transport employees to and from the elevated scaffold. When it is not feasible to use the safety cage, the applicants raise and lower employees, one at a time, on a boatswain's chair. The boatswain's chair is attached to the hoisting cable of the material hoist. The material bucket would be temporarily disconnected from the hoisting cable. To further insure the safety of the employee in the boatswain's chair, the employee's safety belt is attached to a suitable safety clamp riding a separate lifeline securely attached to the rigging at the top and to a weight at the bottom.

Section 1926.451(1)(5) requires the use of a tackle with a boatswain's chair. The primary purpose of the standard is to provide employees with a method of controlling their ascent while being transported in the boatswain's chair.

Applicants state that on high chimneys the use of the block and falls with the boatswain's chair for transporting an employee to and from an elevation of several hundred feet is impractical. For this reason, applicants substitute a material hoist for the block and falls when transporting employees in the boatswain's chair.

The applicants base their variance application on many years of past experience in using safe practices in chimney construction. Further, the applicants state that their procedure, using the special workmen's hoist and safety cage, has been approved and accepted for chimney construction work in Indiana, Michigan, New Jersey, Pennsylvania, Wisconsin, and the Province of Ontario, which all have strict codes covering the use of personnel hoists.

Applicants have attached to their application a recent decision of the Board of Standards and Appeals of the New York State Department of Labor, granting a variation which allows the applicants to use their special workmen's hoist and safety cage for transporting employees. The variation granted by the Board of Standards and Appeals allows the applicants to use their procedure which would otherwise be prohibited in the State of New York. Also, applicants have submitted detailed safety specifications for the use of the special workmen's hoist and safety cage, which insure the protection of the safety of employees being transported in the safety cage. In further support of their applications, the applicants have submitted a diagram of the safety clamps that would be attached to the safety cable of the employee, a diagram of the portable man hoist that would be used to elevate employees to the working platform, and supporting data on the safety features and use of each of the two types of equipment.

III. *Decision.* It appears from the application and supporting data that there are special circumstances involved in transporting employees to and from the elevated work platforms and scaffolds in the chimney construction industry. It is found that there are many difficulties and hazards involved in the construction of a hoist tower and in providing a safe means of access from the hoist tower to the elevated work platforms and scaffolds. The construction of a hoist tower as required by 29 CFR 1926.552(c) is not a feasible method for transporting employees because it is not easily adaptable to chimney construction work.

For these reasons, applicants use a special workmen's hoist and safety cage to transport employees to and from the elevated work platform and scaffold. Applicants have submitted safety specifications, for the special workmen's hoist and safety cage, which insure the protection of safety of employees. The safety specifications for the use of the hoist and safety cage have been incorporated in the final order granted below. The specifications include safety features which require limit switches to prevent overrun of the cage at the top and bottom of the chimney and safety devices which will grip the safety cables in the event of failure of the basic hoisting facility.

The applicants have had many years of experience using the special workmen's hoist and safety cage for transporting employees in several States and in Canada. Also, the applicants have been granted a variation by the Board of Standards and Appeals of the New York State Department of Labor, approving the use of their hoist and safety cage for transporting employees in chimney construction work.

During certain stages in the construction of chimneys, it is not always feasible for applicants to use even their own safety cage to raise and lower employees. For example, when employees perform work from a bracket scaffold on the outside of a chimney, it is not feasible to use the safety cage to transport employees to and from the elevated scaffold. In these instances, applicants raise and lower employees, one at a time, in a boatswain's chair. During this procedure, the employee's safety belt is attached to a safety clamp riding a separate lifeline as an additional safety measure. The boatswain's chair is used only for transporting employees. The material bucket, which is used for transporting materials, is removed when the boatswain's chair is used to transport an employee. This procedure is reversed when the transporting of materials is again required.

The block and falls required by 29 CFR 1926.451(L)(5) when using the boatswain's chair, is normally used to ascend heights of up to about 200 feet. Since the employees have to be elevated to heights of several hundred feet or

more, the applicants substitute a material hoist for the block and falls required by the standard.

It appears from the application and supporting data that the procedures used by the applicants for transporting employees are more suited and adapted to the chimney construction industry than the procedures required by the standards. Applicants have furnished information which shows that the special workmen's hoist and safety cage and the boatswain's chair provide employees with a safe means of access to and from the elevated work platforms and scaffolds.

Based on the record in this proceeding, Rust Engineering Co., Continental-Heine Chimney Co., Inc., Custodis Construction Co., Inc., and the M. W. Kellogg Co. have demonstrated with information, diagrams, and supporting data, which are uncontroverted and credible, that their practices and methods for transporting employees will provide employment and places of employment which are as safe and healthful as those which would prevail if the applicants were to comply with the requirements of 29 CFR 1926.552(c) and 29 CFR 1926.451(L) (4) and (5). Therefore:

IV. *Order.* Pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, section 105 of the Contract Work Hours and Safety Standards Act, as amended, 29 CFR Part 1905, 29 CFR 1926.2, as amended, and in Secretary of Labor's Order No. 12–71 (36 FR 8754), it is ordered that Rust Engineering Co., Continental-Heine Chimney Co., Inc., Custodis Construction Co., Inc., and the M. W. Kellogg Co. be, and they are hereby authorized, (1) to transport personnel to and from the elevated platform, during construction work on chimneys, utilizing a special workmen's hoist, including the hoist machine, safety cage with safety cables on opposite sides, safety devices that will grip the safety cables in the event of any failure of the hoisting cable and limit switches to prevent overrun of the cage at both top and bottom of the chimney, in lieu of complying with 29 CFR 1926.552(c); and (2) to transport personnel one at a time to and from the elevated scaffold during construction work on chimneys or chimney linings of a small diameter or from a bracket scaffold on the outside of a chimney, by utilizing a boatswain's chair attached to the hoisting cable of a material hoist from which the material bucket shall be temporarily disconnected, with the safety belt of the personnel being transported in the boatswain's chair attached to a safety clamp riding a separate lifeline of a ⅜-inch-diameter wire rope securely attached to the rigging at the top and to a weight at the bottom, and to substitute a material hoist for the block and falls when transporting personnel in a boatswain's chair, in lieu of complying with 29 CFR 1926.451(L) (4) and (5); in accordance with the following additional conditions:

(a) *Hoist machine.* (1) The hoist machine shall be a type designated as a portable man hoist.

(2) The hoist machine shall be powered both in the up and down direction and shall be located far enough from the footblock to obtain correct fleet angle or proper spooling on the hoist drum.

(3) The hoist machine shall be powered by an internal combustion engine equipped with a torque converter or equivalent and forward-reverse transmission or by an electric motor with controls to provide for comparable operation. In either case, the hoist machine shall be equipped with the following safety provisions:

(i) A "deadman" control switch in top of operating lever or in conventional foot-type location which shall stop the hoist immediately if released.

(ii) A winding drum not less than 30 times diameter of rope used, and flange diameter approximately 1½ times the drum diameter, with rope not to be spooled closer than 2 inches to edge of flange.

(iii) A line-speed indicator maintained in good working order.

(4) The hoist machine shall be equipped with two (2) independently operated brakes, each capable of holding the load, as follows:

(i) An externally contracting band-type brake mounted directly on the hoist drum. A foot pedal shall be located near the operator's seat for sit-down control.

(ii) An electromagnetic braking device, capable of holding 150 percent of the rated load, which shall be automatically applied upon cessation of power. The electromagnetic brake shall be properly located in the drive between the power source and the drum.

(5) Hoist machine frame shall be a self-supporting, rigid, welded steel frame with skid base. Holding brackets for anchor lines shall be located at corners, as well as legs for anchor bolts.

(6) Hoist machine wiring shall be equipped with terminal blocks for connections with limit switches that are placed at upper and lower end of travel to prevent the bottom of the cage from being taken above the platform level of the top scaffold or below the bottom loading platform. The hoist shall stop automatically if limit switch contact is opened.

(7) All electrical equipment shall be waterproof.

(8) Single lever control for both speed and direction shall be used.

(b) *Operating control.* (1) The operator of the hoist shall be an experienced operator.

(2) The hoist shall not be operated in excess of 250 ft./min. when carrying personnel.

(3) Signals shall consist of two-way radio or wired intercom between hoist operator, the lower landing, and the upper landing.

(c) *Hoist rope.* (1) The hoisting rope shall be improved plow steel or equivalent quality of nonrotating type or regular lay rope with proper swivel and shall be not less that one-half inch diameter. It shall be attached to the cage by a closed hook or hook with locking swivel safety latch.

(2) Where clip fastening is used, there shall be at least three at each fastening and they shall be installed with "U" of clip on dead end of rope. Spacing, clip-to-clip, shall be six times the diameter of the rope.

(d) *Footblock.* (1) The footblock shall be of construction type of solid single piece ball.

(2) The line diameter of the footblock shall be not less than 24 times the rope diameter.

(3) The change in directions of hoist rope at the footblock shall be approximately 90°.

(e) *Cathead.* (1) The overhead sheave supports shall be securely fastened together by bolts to prevent spreading. The sheaves shall be installed between the supporting members and shall rotate on a fixed shaft or the shaft shall revolve in pillow block bearings.

(2) The sheaves used on cathead shall have a minimum diameter equal to 24 times diameter of rope when travel of rope on the sheaves is approximately 90°. When using ½-inch-diameter rope, the corresponding minimum sheave diameter shall be 12 inches.

(f) *Safety cables.* (1) There shall be two steel safety cables suitable for use with safety clamps, as described in paragraph (g) (6), (7), and (8), or equivalent.

(1) One end shall be fastened to overhead support and the bottom end attached to a 100-pound weight with cable grips for adjusting. Safety cables shall be ⅜-inch diameter when used with two-man cage or ½-inch diameter when used with four-man cage.

(2) Clamping device used for fastening to weight must be of type that will not damage the ropes and will not require acute bending of the rope.

(3) Where the cage passes through the platform at top of project, adequate beveled cone shape guard shall be provided at the underside of the working platform.

(g) *Cage.* (1) The cage shall be of welded construction, of two-man, or four-man capacity.

(2) The framework of the cage shall be covered with aluminum expand-X or equivalent covering.

(3) The floor shall be of plywood securely fastened in place, three-fourths of an inch thick, for two-man cage or 1 inch thick for four-man cage.

(4) The roof shall be two thicknesses of ¾-inch plywood or in case of a steeply sloped roof shall be of ⅛-inch aluminum sheet.

(5) The entrance to the cage shall have a hinged gate equipped with a mechanical locking device.

(6) Safety clamps shall be of a type that are portable and can be attached or detached from the lifeline. The clamps shall be fabricated 100 percent of stainless steel, have instant holding action, and a solid self-locking pin, spring loaded, for locking the two parts together.

(7) The safety clamps attached on opposite sides of the cage shall grip the safety cables in case of emergency.

(8) The safety clamps shall operate on the broken rope principle.

(h) *Capacity.* The maximum for the two-man cage shall be 2 men or 400 pounds and for the four-man cage, four men or 800 pounds. A sign stating capacity shall be posted in the cage.

(i) *Emergency escape.* An emergency escape device with accommodations for each man in the cage with a minimum 5/16-inch braided nylon rope or better, long enough to reach the bottom landing from the highest escape point below the upper landing shall be securely attached to the inside of the cage. Not more than one man shall use the escape means at a time.

(j) *Welding.* All welding shall be done by welders in accordance with § 1926.556 (b)(5).

(k) When the safety cage is not being used to transport personnel, the safety cage and safety cables shall be pulled aside on the foundation and the hoisting hook transferred to the "bucket" for hoisting materials. The procedure shall be reversed when transporting of workmen is again required.

(l) The applicants, Rust Engineering Co., Continental-Heine Chimney Co., Inc., Custodis Construction Co., Inc., and the M. W. Kellogg Co., shall give notice to affected employees of the terms of this variance by the same means required to be used to inform them of the application for the variance.

Effective date. This order shall become effective on April 3, 1973, and shall remain in effect until modified or revoked in accordance with section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970.

Signed at Washington, D.C., this 28th day of March 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-6326 Filed 4-2-73;8:45 am]

Occupational Safety and Health Administration

AGENCIES WHICH PUBLISHED IN MARCH 1973

Correction of OSHA Entry

In the "List of Agencies Which Published in the FEDERAL REGISTER During the Month of March" appearing at page 8416 of the issue for Friday, March 30, 1973, the dates on which the Occupational Safety and Health Administration published documents were printed incorrectly. These dates should read as follows:

Occupational Safety and Health Administration 1, 2, 5, 6, 7, 14, 16, 19, 20, 26, 27, 30

Office of the Secretary

NORTH DAKOTA

Notice of Determination of Temporary on Indicator and Beginning of Temporary Benefit Period

Pursuant to the provisions of section 202 of the Emergency Unemployment Compensation Act of 1971 (Public Law 92-224, title II as amended by Public Law 92-329), hereinafter referred to as the Act, and 20 CFR 617.13(a), I hereby give notice of my determination as follows:

1. There is a "temporary on" indicator for the week ending March 3, 1973, for the State of North Dakota.

2. This determination is based on my finding that the rate of unemployment as defined in the Act for the 13-week period ending March 3, 1973, was 6.58 percent in the State of North Dakota.

3. A temporary benefit period as provided in section 202(c)(3)(A)(iii) of the Act and 20 CFR 617.5 began on March 18, 1973, the first day of the third calendar week after which there is a "temporary on" indicator in the State of North Dakota.

Temporary compensation, as defined in 20 CFR 617.2(d), shall be payable to eligible individuals who have received temporary compensation for a week or weeks beginning before January 1, 1973, and who file claims for such compensation for weeks of unemployment which begin in the temporary benefit period with respect to the State of North Dakota. However, no temporary compensation under the Act is payable for any week of unemployment which ends after March 31, 1973, even though such week is in a temporary benefit period.

Signed at Washington, D.C., this 28th day of March 1973.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73-6327 Filed 4-2-73;8:45 am]

Wage and Hour Division

FULL-TIME STUDENTS

Certificates Authorizing Employment of Students Working Outside of School Hours at Special Minimum Wages in Retail or Service Establishments or in Agriculture

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, Part 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

A. J. Bayless Markets, Inc., foodstores, 1-31-74: No. 32, Apache Junction, Ariz.; No. 53, Chandler, Ariz.; No. 37, Douglas, Ariz.; No. 36, Flagstaff, Ariz.; Nos. 3 and 50, Mesa, Ariz.; Nos. 4, 5, 7, 8, 11, 12, 16, 18, 20, 21, 22, 23, 24, 26, 29, 30, 39, 40, 42, 54, 58, and 89, Phoenix, Ariz.; Nos. 31 and 38, Scottsdale, Ariz.; No. 10, Sierra Vista, Ariz.; Nos. 6 and 51, Tempe, Ariz.; Nos. 33, 35, 45, and 55, Tucson, Ariz.; No. 41, Youngtown, Ariz.; Nos. 14, 24, and 82, Yuma, Ariz.

Dillon Companies, Inc., foodstore; No. 50, Topeka, Kans.; 1-31-74.

Duckwall Stores Co., variety-department stores: No. 95, Arvada, Colo., 1-22-74; No. 13, Lamar, Colo., 2-1-74; No. 8, McPherson, Kans., 1-31-74; No. 49, Topeka, Kans., 1-31-74; No. 83, Albuquerque, N. Mex., 2-14-74.

W. T. Grant Co., variety-department stores: No. 667, Decatur, Ill., 2-7-74; No. 660, Ramsey, N.J., 3-5-74; No. 476, Pittsburgh, Pa., 1-31-74.

Handy Andy, Inc., foodstores, 2-13-74: Nos. 171, 172, 173, and 174, Austin, Tex.; Nos. 291, 292, 293, and 294, Corpus Christi, Tex.; Nos. 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, and 27, San Antonio, Tex.

H. E. B. Food Store, foodstore; No. 116, Elsa, Tex.; 1-31-74.

S. S. Kresge Co., variety-department stores: No. 4308, Birmingham, Ala., 1-31-74; No. 4484, St. Petersburg, Fla., 1-30-73 to 1-14-74; No. 755, Decatur, Ga., 1-26-73 to 12-22-73; No. 329, Belleville, Ill., 2-14-74; No. 4214, Des Plaines, Ill., 1-11-74; No. 4636, Jacksonville, Ill., 2-3-74; No. 4635, Oskaloosa, Iowa, 2-11-74; 3810 University Avenue, Waterloo, Iowa, 1-31-74; No. 4063, Alexandria, La., 1-24-74; No. 707, Metairie, La., 1-25-74; No. 4206, Warren, Mich., 2-18-74; No. 4616, Springfield, Mo., 1-22-74; No. 4112, Asheville, N.C., 2-21-74; No. 4075, Raleigh, N.C., 2-7-74; No. 4165, Cincinnati, Ohio, 1-14-74; No. 203, Milford, Ohio, 1-30-74; No. 721, Anderson, S.C., 2-1-74; No. 4246, Chattanooga, Tenn., 1-31-74; No. 4012, Waco, Tex., 1-30-74.

McCrory-McLellan-Green Stores, variety-department stores, 1-31-74, except as otherwise indicated: No. 223, Sierra Vista, Ariz.; No. 236, Delray Beach, Fla.; No. 338, Fort Lauderdale, Fla.; No. 263, Margate, Fla. (1-14-74); No. 250, Naples, Fla. (1-27-74); No. 183, New Port Richey, Fla.; No. 258, St. Petersburg, Fla. (2-10-74); No. 178, Seminole, Fla.; No. 169, Latrobe, Pa. (2-7-74); No. 284, Stephenville, Tex. (2-11-74); No. 135, Mannington, W. Va. (1-27-74); No. 615, Merrill, Wis. (1-14-74).

McDonald's Hamburgers, restaurants: 7716 Metcalf Avenue, Overland Park, KS, 2-15-74; 4002 North Oak Street, Kansas City, MO 2-17-74; 8020 South 71 Highway, Kansas City, MO, 1-28-74; 4902 Swope Parkway, Kansas City, MO, 2-15-74; 9066 East 50 Highway, Raytown, MO, 2-14-74; 11700 East 24 Highway, Sugar Creek, MO, 2-6-74.

Morgan & Lindsey, Inc., variety-department stores, 1-31-74, except as otherwise indicated: No. 3031, Camden, Ark.; No. 3023, Dermott, Ark.; No. 3079, Abbeville, La. (2-4-74); No. 3024, Amite, La. (1-23-74); No. 3012, Baton Rouge, La.; No. 3128, DeRidder, La.; No. 3126, Franklin, La.; No. 3021, Hammond, La. (1-21-74); No. 3104, Houma, La. (1-25-74); No. 3092, Vicksburg, Miss. (1-21-74); No. 3042, West Point, Miss.; No. 3115, Angelton, Tex.

G. C. Murphy Co., variety-department stores: No. 803, Connellsville, Pa., 1-31-74; No. 217, Mercersburg, Pa., 2-14-74; No. 334, Chattanooga, Tenn., 2-14-74.

Neisner Bros., Inc., variety-department store; 14717 Detroit Avenue, Cleveland, OH, 2-4-74.

Raylass Department Store, variety-department stores: 101 East Main Street,

Forest City, NC, 2-14-74; 124-126 Main Street, Oxford, NC, 2-28-74; Lake Hills Shopping Center, Chattanooga, Tenn., 1-20-74; 4704 Rossville Boulevard, Chattanooga, TN, 2-15-74.

Spurgeon's variety-department stores: No. 42, Atlantic, Iowa, 2-16-74; 112-114 North Main Street, Charles City, IA, 1-23-74; No. 8, Fairfield, Iowa, 1-23-74; 127 North Main, Mount Pleasant, IA, 2-2-74; 1629 Main Street, Marinetta, WI, 1-30-74.

Sterling Stores Co., variety-department stores: Day Shopping Center, Blytheville, Ark., 2-14-74; Albert Pike Shopping Center, Hot Springs, Ark., 2-5-74; 4201 East Broadway, North Little Rock, AR, 2-8-74; 217 West Main Street, Trumann, AR, 2-14-74; 4441 Highway 61 South, Memphis, TN, 1-26-74.

T. G. & Y. Stores Co., variety-department stores, 2-14-74, except as otherwise indicated: No. 1501, Phoenix, Ariz. (1-31-74); No. 168, Little Rock, Ark. (1-22-74); No. 651, Carpinteria, Calif. (2-16-73 to 1-31-74); No. 649, Fontana, Calif. (1-31-74); No. 543, Norwalk, Calif. (1-31-74); No. 1401, Overland Park, Kans. (1-21-74); No. 479, Mexico, Mo.; No. 457, St. Joseph, Mo.; No. 161, Frederick, Okla.; No. 1000, Miami, Okla.; No. 64, Midwest City, Okla.; No. 448, Tulsa, Okla. (2-5-74); Nos. 471 and 473, Tulsa, Okla. (2-7-74).

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

S. S. Kresge Co., variety-department store; No. 3066, Naperville, Ill.; salesclerk, stock clerk, office clerk, maintenance; 12 to 20 percent; 2-28-74.

McDonald's Hamburgers, restaurant; 12002 Reisterstown Road, Reisterstown, MD; general restaurant worker; 38 to 50 percent; 2-28-74.

Morgan & Linsey, Inc., variety-department store; No. 3131, Plaquemine, La.; salesclerk, stock clerk, office clerk; 8 to 27 percent; 2-28-74.

Rose's Stores, Inc., variety-department store; Oglethorpe Plaza Shopping Center, Albany, Ga.; checker, salesclerk, stock clerk, order writer, window trimmer, merchandise marker; 14 to 32 percent; 2-28-74.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before May 3, 1973, pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C., this 27th day of March 1973.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.73-6328 Filed 4-2-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN EL SALVADOR

Entry or Withdrawal From Warehouse for Consumption

MARCH 29, 1973.

On April 19, 1972, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of El Salvador concerning exports of cotton textiles and cotton textile products from El Salvador to the United States over a 5-year period beginning on April 1, 1972. Among the provisions of the agreement were those establishing an aggregate limit for the 64 categories and within the aggregate limit specific limits on Categories 1/2/3/4, 9, 31, and 61 for the agreement year beginning April 1, 1973.

There is published below a letter of March 29, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 31, and 61 produced or manufactured in El Salvador which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning April 1, 1973, be limited to the designated levels. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

MARCH 29, 1973.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of April 19, 1972, between the Governments of the United States and El Salvador, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning April 1, 1973, and extending through March 31, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 31, and 61, produced or manufactured in El Salvador, in excess of the following levels of restraint:

Category		*12-month levels of restraint*
1/2/3/4	pounds	273,914
9	square yards	3,150,000
31	numbers	1,508,620
61	dozen	88,421

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 31, and 61, produced or manufactured in El Salvador, which have been exported to the United States from El Salvador prior to April 1, 1973, shall, to the extent of any unfilled balances, be charged against the levels of restraint established for such goods for the 12-month period beginning April 1, 1972 and extending through March 31, 1973.

In the event that the levels of restraint for that 12-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of April 19, 1972, between the Governments of the United States and El Salvador which provide, in part, that within the aggregate limit, the limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802), as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of El Salvador and with respect to imports of cotton textiles and cotton textile products from El Salvador have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-6365 Filed 4-2-73;8:45 am]

CERTAIN COTTON TEXTILES PRODUCED OR MANUFACTURED IN EL SALVADOR

Entry or Withdrawal from Warehouse for Consumption

APRIL 2, 1973.

On April 25, 1972, there was published in the FEDERAL REGISTER (37 F.R. 8134), a letter dated April 21, 1972 from the Chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or

manufactured in El Salvador and exported to the United States during the 12-month period beginning April 1, 1972. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 4 of the bilateral cotton textile agreement of April 19, 1972, which provides that within the aggregate limit certain categories may be exceeded by not more than 5 percent.

Accordingly, at the request of the Government of El Salvador and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of April 2, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the level of restraint applicable to cotton textiles in categories 1/2/3/4, produced or manufactured in El Salvador and exported to the United States during the 12-month period which began on April 1, 1972.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

APRIL 2, 1973.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

DEAR MR. COMMISSIONER: On April 21, 1972, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the 12-month period beginning April 1, 1972 of cotton textiles and cotton textile products in certain specified categories produced or manufactured in El Salvador, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.[1]

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph 4 of the bilateral Cotton Textile Agreement of April 19, 1972 between the Governments of the United States and El Salvador, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible, the levels of restraint established in the aforesaid directive of April 21, 1972 for cotton textiles in categories 1/2/3/4 to 273,914 pounds for the 12-month period beginning April 1, 1972.

The actions taken with respect to the Government of El Salvador and with respect to imports of cotton textiles from El Salvador have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-6546 Filed 4-2-73;11:23 am]

[1] The term "adjustment" refers to those provisions of the bilateral cotton textile agreement of April 19, 1972 between the Governments of the United States and El Salvador which provide, in part, that within the aggregate limit, limits on certain categories may be exceeded by not more than 5 percent; for limited carryover of shortfalls in certain categories for the next agreement year; and for administrative arrangements.

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Determination To Close Meeting

The Director of the Cost of Living Council has determined that the meeting of the Food Industry Wage and Salary Committee to be held, as previously announced, on April 4, 1973, will consist of exchanges of opinions, that the discussions, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

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

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

[FR Doc.73-6451 Filed 4-2-73;8:45 am]

LABOR-MANAGEMENT ADVISORY COMMITTEE

Notice of Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that a meeting of the Labor-Management Advisory Committee created by section 8 of Executive Order 11695 will be held on April 4, 1973.

The purpose of the meeting is to provide advice to the Chairman of the Cost of Living Council on methods for improving the collective bargaining process and for assuring wage and salary settlements consistent with gains in productivity and the goal of stemming the rate of inflation.

The Director of the Cost of Living Council has determined that the meeting will consist of an exchange of opinions, that the discussion, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

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

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

[FR Doc.73-6450 Filed 4-2-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Bahamas Notification List 1/73]

BROADCAST STATIONS IN THE BAHAMAS

Notification List

By letter dated March 16, 1973, the Federal Communications Commission received notification from the Bahamian Government of its intention to conduct tests for the establishment of a Freeport Independent Station using 10 kilowatts power, and that testing has begun using powers of 250 watts and 1 kilowatt. No information concerning antenna system, schedule, or class has been provided.

Call letters	Location	Power (kw)	Frequency	Antenna	Schedule	Class
(New)	Freeport, Grand Bahama Island	* * *	1060 kHz	* * *	* * *	* * *

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.73-6350 Filed 4-2-73;8:45 am]

COMMON CARRIER SERVICES INFORMATION [1]

[Report 641]

Domestic Public Radio Services

Applications Accepted for Filing [2]

MARCH 26, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity governed by the earliest action with respect to any one of the earlier filed conflicting applications.

[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).

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 clusivity rights of a new application are domestic public radio services application of the Commission's rules for provisions accepted for filing, is directed to § 21.27 governing the time for filing and other requirements relating to such pleadings.

By the Chief, Common Carrier Bureau.

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

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

6826-C2-P/ML-73—Triangle Telephone Cooperative Association, Inc. (KLF521), C.P. and license to replace transmitter, operating on 152.63 MHz at 3.5 miles southwest of Havre, Mont.

6827-C2-(2)-73—Tra-Mar Communications, Inc. (KEJ888), C.P. to add transmitters, operating on 454.300 and 454.325 MHz at 1530 Palisade Avenue, Fort Lee, NJ.

6828-C2-P-(2)-73—The Pacific Telephone & Telegraph Co. (KMA203), C.P. to replace transmitter and change antenna system and location to 2 miles east of Gorman and 1,000 feet north of California Highway 138, Los Angeles, Calif. To operate on frequency 35.38.

6888-C2-TC-(2)-73—AAA Telephone Answering Service and Medical Exchange, Inc. KQZ723 and KLB781, Jackson, Miss.

6889-C2-TC-73—AAA Answering Service, Inc. (KLB703), Meridian, Miss.

6890-C2-(10)-73—AAA Answerphone, Inc., Jackson, Miss. KRS618, Hattiesburg, Miss., KSW215, Brookhauer, Miss., KRS705, Tupelo, Miss., KLB510, Meridian, Miss., KRH666, Natchez, Miss., KRH663, Vicksburg, Miss., KQZ788, Jackson, Miss., KQZ740, Columbus, Miss., KKV692, Jackson, Miss. Consent to transfer of control from John N. Palmer, transferor to Mobile Communications Corporation of America, transferee.

6891-C2-TC-73—Road Runner Radio Paging Service, Inc. Consent to transfer of control from John N. Palmer, transferor to Mobile Communications Corporation of America. Stations: Road Runner Radio Paging Service, Inc., KRH650.

6892-C2-TC-(3)-73—Gulf, Mobilphone Alabama, Inc. (KQZ770, KRS664, and KTS206), Mobile, Ala. Consent to transfer of control from John N. Palmer, transferor to Mobile Communications Corporation of America.

6893-C2-TC-(17)-73—Tel-Page Corp. (KEJ894, KEC941, KGI787, and KEC518, Rochester, N.Y.; KRH676, KEC521, and KEC513, Buffalo, N.Y.; KRH631 and KRH653, Syracuse, N.Y.; KEK295 and KRH636, Elmira, N.Y.; KEK291 and KQZ790, Watertown, N.Y.; KEK294, Utica, N.Y.; KSV967 and KSV934, Jamestown, N.Y.; KTR997, Ionia, N.Y.; KLU788, Rochester, N.Y. Consent to transfer of control from Mobile Communications Corporation of America, transferor to John N. Palmer, transferee.

Major Amendment

3130-C2-P-72—Tel-Illinois, Inc. (New), add one-way base facilities on frequency 43.22 MHz. All other particulars to remain as reported on PN No. 572 dated November 29, 1971.

2248-C2-P-71—Airsignal International of California, Inc. (KLF648), change control frequency to 2121.60 MHz and change antenna system. Add repester facilities on frequency 2171.60 MHz at a location described as KFTV Tower, Bald Mountain, Meadow Lakes, Calif. All other particulars to remain as reported on PN No. 516 dated November 2, 1970.

Corrections

6389-C2-P/L-73—New York Telephone Co. (KC5161), C.P. and license to reinstate expired license. All other particulars to remain the same as reported on PN No. 639 dated March 12, 1973.

2685-C2-P-73—Charles P. Oden doing business as Oden Communications Co. (New), correct Major Amendment to read 152.21 instead of 152.12 MHz.

RURAL RADIO

6829-C1-P-73—Sawbill Canoe Outfitters, Inc. (WOG54), C.P. to change antenna system. Operating on frequency 158.07 MHz at Southern Tip of Sawbill Lake, Sawbill Lake, Minn.

6830-C1-P-73—Continental Telephone Company of California (New), C.P. for a new rural subscriber station to operate on 157.89 MHz at approximately 11 miles south of Poston.

6890-C2-TC-(10)-73—AAA Anserphone, Inc., Jackson (WIV30), consent to transfer of control from John N. Palmer, transferor to Mobile Communications Corporation of America, transferee. Station WIV30, temporary-fixed.

POINT-TO-POINT MICROWAVE RADIO SERVICE

6630-C1-MP-73—CPI Microwave, Inc. (WPE49), modification of C.P. to change station location to Doble Center, 21st Avenue at Whitis Street, Austin, Tex. Latitude 30°16'59" N., longitude 97°44'28" W. and add frequency 6108.3H MHz toward Bastrop, Tex. (INFORMATIVE: This application replaces those facilities deleted from application File No. 4435-C1-MP-73.)

6706-C1-P/ML-73—General Telephone Company of California (KZS54), C.P. and modification of license to add frequency bands 6425–6525 and 11,700–12,200 MHz toward associated fixed stations.

6707-C1-P/ML-73—Same (KZI31), C.P. and modification of license to add frequency bands 2110–2130, 2160–2180, 5925–6425, and 11,700–12,200 MHz toward associated fixed station.

6708-C1-P/ML-73—Same (KZA84), C.P. and modification of license to add frequency bands 2110–2130, 2160–2180, 3700–4200, 5925–6425, and 11,700–12,200 MHz toward associated fixed stations.

6709-C1-P-73—Puerto Rico Telephone Co. (New), Cedro Abajo, 2.2 miles west from Naranjito, P.R. Latitude 18°18'29" N., longitude 66°16'32" W. C.P. for a new station on frequencies 11,285H and 11,445H MHz toward Hato Tejas; frequency 11,685V MHz toward Naranjito; frequency 11,485H MHz toward Corozal; frequency 11,405V MHz toward Toa Alta; frequency 11,245V MHz toward Dorado; frequency 11,645H MHz toward Vega Alta via passive reflector.

6710-C1-P-73—Same (New), Martorell Development, A Street, Dorado, P.R. Latitude 18°27'49" N., longitude 66°16'05" W. C.P. for a new station on frequency 11,115V MHz toward Cedro Abajo, P.R.

6711-C1-P-73—Same (New), Gandara Street, Corozal, P.R. Latitude 18°20'41" N., longitude 66°18'57" W. C.P. for a new station on frequency 11,035H MHz toward Cedro Abajo, P.R.

6712-C1-P-73—Same (New), Teodomiro Ramirez Street, Vega Alta, P.R. Latitude 18°24'53" N., longitude 66°19'51" W. C.P. for a new station on frequency 10,715H MHz toward Cedro Abajo, P.R. via passive reflector.

6713-C1-P-73—Same (New), State Road P.R. 164, Naranjito, P.R. Latitude 18°18'08" N., longitude 66°14'33" W. C.P. for a new station on frequency 10,755H MHz toward Cedro Abajo, P.R.

6714-C1-P-73—Same (New), State Road P.R. 165, Toa Alta, P.R. Latitude 18°23'19" N., longitude 66°15'07" W. C.P. for a new station on frequency 10,955V MHz toward Cedro Abajo, P.R.

6715-C1-P-73—Same (WWZ49), Calle Morales, State Road 2, Km. 14, Hato Tejas, P.R. Latitude 18°24'33" N., longitude 66°10'52" W. C.P. to add frequencies 3750H and 3830H MHz toward Maravillas; 3730V, 3810V, and 3890V MHz toward Jayuya; 10,835H and 10,995H MHz toward Cedro Abajo.

6716-C1-TC-(17)-73—Cablecom-General, Inc. (KLM98 et al.), application for consent to transfer of control from the General Tire & Rubber Co., transferors, to the General Tire Co., transferee, for stations: KLM98, KLO96, KLP95, KLR51, KLS33, KLS34, KLT51, KLU24, KLU25, KLU53, KLU60, KLU99, WHT86, WHT87, WHT88, WHT89, and WHT90 located in the States of Oklahoma and Texas.

6717-C1-TC-(11)-73—Mid-Kansas, Inc. (KBI91 et al.), application for consent to transfer of control from the General Tire & Rubber, transferor, to the General Tire Co., transferee, for stations: KBI91, KBC59, KBC60, KBC61, KBC62, KZA42, KZA43, KZA48, KAK 36, AR81, and KTQ45 located within the State of Kansas.

6748-C1-P-73—Southwestern Bell Telephone Co. (KYJ47), 715 Louisiana, Little Rock, AR. Latitude 34°44'30" N., longitude 92°16'20" W. C.P. to add frequencies 6315.9V and 6286.2H MHz toward High Point, Ark.

6749-C1-P-73—Same (WHB32), High Point Mountain, 2.4 miles northwest of Roland, Ark. Latitude 34°55'54" N., longitude 92°31'15" W. C.P. to add frequencies 6063.8H and 6034.2V MHz toward Little Rock, Ark.; frequency 6063.8V MHz toward Cadron Ridge, Ark.

6750-C1-P-73—Same (WHB33), Cadron Ridge, 3.7 miles west-northwest of Conway, Ark. Latitude 35°06'34" N., longitude 92°30'09" W. C.P. to add frequency 6315.9H MHz toward High Point, Ark.; frequency 6375.2V MHz toward Bee Branch, Ark.

6751-C1-P-73—Same (KLS72), Botkinburg, 2.5 miles north of Botkinburg, Ark. Latitude 35°49'32" N., longitude 92°30'58" W. C.P. to add frequency 6375.2H MHz toward Bee Branch, Ark.; frequency 6375.2V MHz toward Marshall, Ark.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

6752–C1–P–73—Same (KLS71), 2.5 miles northwest of Bee Branch, Ark. Latitude 35°28'33" N., longitude 92°25'53" W. C.P. to add frequency 6123.1H MHz toward Cadron Ridge, Ark.; frequency 6123.1V MHz toward Botkinburg, Ark.

6753–C1–P–73—Same (KLS73), 1.75 miles south of Marshall, Ark. Latitude 35°52'49" N., longitude 92°37'39" W. C.P. to add frequency 6123.1H MHz toward Botkinburg, Ark.; frequency 6123.1V MHz toward Boat Mountain, Ark.

6754–C1–P–73—Same (KLS75), Boat Mountain, 4 miles west of Western Grove, Ark. Latitude 36°06'37" N., longitude 93°01'56" W. C.P. to add frequency 6375.2H MHz toward Marshall, Ark.; frequency 6375.2V MHz toward Ponca, Ark.

6755–C1–P–73—Same (New), Ponca, 9.3 miles east of Kingston, Ark. Latitude 36°04'03" N., longitude 93°21'22" W. C.P. for a new station on frequency 6123.1H MHz toward Boat Mountain, Ark.; 6123.1V MHz toward Huntsville, Ark.

6756–C1–P–73—Southwestern Bell Telephone Co. (New), Huntsville, 3.3 miles west-southwest of Marble, Ark. Latitude 36°06'48" N., longitude 93°38'30" W. C.P. for a new station on frequency 6375.2H MHz toward Ponca, Ark.; frequency 6375.2V MHz toward Fayetteville, Ark.

6757–C1–P–73—Same (New), south end of Kenilworth Avenue, Fayetteville, Ark. Latitude 36°04'17" N., longitude 94°08'25" W. C.P. 94°08'25" W. C.P. for a new station on frequency 6123.1H MHz toward Huntsville, Ark.

6758–C1–P–73—Polar Rural Telephone Mutual Aid Corp. (New), Edinburg, N. Dak. Latitude 48°29'42" N., longitude 97°51'50" W. C.P. for a new station on frequency 5989.7H MHz toward Mountain, N. Dak.

6759–C1–P–73—Same (New), 3.5 miles northwest of Mountain, N. Dak. Latitude 48°43'33" N., longitude 97°54'24" W. C.P. for a new station on frequency 6241.7H MHz toward Edinburg, N. Dak.

6760–C1–AL–(3)–73—Lee Telephone Co. (KYO78 et al.), application for consent to assignment from Lee Telephone Co., Assignor to Virginia Telephone & Telegraph Co., Assignee for stations KYO78, KJH24, and KJH25 located within the State of Virginia.

6831–C1–MP–73—United Video, Inc. (WPX54), Woods, Okla. Modification of C.P. to change frequency and point of communication from 6375.2H MHz toward Byars, Okla., to 6197.2H toward McKiddyville, Okla., on azimuth 282°42'.

6832–C1–P–73—Same (New), C.P. for a new station 1.3 miles northeast of McKiddyville, Okla. Latitude 35°06'08" N., longitude 97°11'56" W. Frequencies 11,665V toward Byars, Okla. on azimuth 160°23' and 6034.2V toward Woods, Okla., on azimuth 353°48'.

6833–C1–MP–73—Same (WPX56), Byars, Okla. Modification of C.P. to change frequency and point of communication from 6004.5H toward Woods, Okla., to 10,015V toward McKiddyville, Okla., on azimuth 340°26'.

6835–C1–P–73—Southern Bell Telephone & Telegraph Co. (KJL23), 4.2 miles southeast of Nickelsville, Ga. Latitude 32°39'15" N., longitude 83°01'48" W. C.P. to add frequency 4050H MHz toward Gordon, Ga.; frequencies 10,755V and 11,075V MHz toward Dublin, Ga.

6836–C1–P–73—Same (New), 609 Bellevue Avenue, Dublin, Ga. Latitude 32°32'19" N., longitude 82°54'47" W. C.P. for a new station on frequencies 11,605V and 11,285V MHz toward Nickelsville, Ga., on azimuth 319°27'.

6837–C1–P–73—Same (KJG92), 0.25 mile south of Round Oak, Ga. Latitude 33°06'19" N., longitude 83°36'47" W. C.P. to add frequency 4050V MHz toward Gordon, Ga.

6838–C1–P–73—Southern Bell Telephone & Telegraph Co. (KJL24), 2.5 miles south of Gordon, Ga. Latitude 32°50'52" N., longitude 83°20'22" W. C.P. to add frequency 4090V MHz toward Round Oak, Ga.; frequency 4090V MHz toward Nickelsville, Ga.

6839–C1–MP–73—South Central Bell Telephone Co. (KIB84), Coldwater, approximately 1.5 miles southwest of Anniston, Ala. Latitude 33°38'38" N., longitude 85°50'49" W. Modification C.P. to replace transmitters on frequencies 6123.1H and 6004.5H MHz toward Elbow Gap, Ala.

6840–C1–MP–73—Same (KJM54), Elbow Gap, approximately 3 miles south of Odenville, Ala. Latitude 33°38'25" N., longitude 86°23'25" W. Modification C.P. to change azimuth on frequencies 3770V, 3850V, 3930V, 4010V, 4170V, 6256.5V, 6315.9V, and 6375.2V MHz toward Red Mountain, Ala.

6841–C1–MP–73—Same (KJN23), 1500 Beacon Parkway, East (Red Mountain), Birmingham, Ala. Latitude 33°29'03" N., longitude 86°48'31" W. Modification C.P. to replace transmitter and adding lightning rod to height of proposed antenna structure and correct street address on frequencies 6004.5V, 6063.8V, and 6123.1V MHz toward Elbow Gap, Ala.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

6879–C1–P–73—Continental Telephone Company of California (KMJ37), Taft, Calif. Latitude 35°08'22" N., longitude 119°27'22" W. C.P. to add frequency 11,265H MHz towards Cooper Peak, Calif.

6880–C1–P–73—Same (KNE72), Vortac Peak, 15 miles northwest of New Cuyama, Calif. Latitude 35°05'55" N., longitude 119°51'57" W. C.P. to add frequency 2161.0H MHz toward New Cuyama, Calif.; frequency 2179.0V MHz toward Cooper Peak, Calif.

6881–C1–P–73—Same (KNE71), New Cuyama, Calif. Latitude 34°56'32" N., longitude 119°-41'03" W. C.P. to change points of communication, power, replace transmitter and change emission and correct ground elevation on frequency 2111.0H MHz toward Vortac Peak, Calif.

6882–C1–P–73—Same (New), Cooper Peak, 7.2 miles west of McKittrick, Calif. Latitude 35°17'04" N., longitude 119°44'50" W. C.P. for a new station on frequency 2129.0V MHz toward Vortac Peak, Calif.; frequency 10,855H MHz toward Taft, Calif.

6883–C1–P–73—Data Transmission Co. (WQP37), 5 miles northeast of Olathe, Kans. Latitude 38°56'57" N., longitude 94°45'48" W. C.P. to add frequency 6034.2V MHz toward Winchester, Kans. on azimuth 315°58'.

6884–C1–P–73—Same (New), 5.6 miles north of Tabor, Iowa. Latitude 40°58'52" N., longitude 95°41'22" W. C.P. for a new station on frequency 6404.8H MHz toward Paul, Nebr.; frequency 11,385.0V MHz toward Mills, Iowa; frequency 6197.2H MHz toward Omaha, Nebr.

6885–C1–P–73—Same (New), 2.6 miles southeast of Barden, Minn. Latitude 44°45'26" N., longitude 93°23'44" W. C.P. for a new station on frequency 10,775V MHz toward Webster, Minn.; frequencies 10,815.0V and 11,055.0V MHz toward Minneapolis, Minn.

6877–C1–P–73—General Telephone Company of Florida (KIO65), corner of Pine Place and Bamboo Lane, Sarasota, Fla. Latitude 27°20'06" N., longitude 82°32'10" W. C.P. to change antenna system and location, change power, path azimuth, and replace transmitter on frequencies 6197.2V and 6315.9V MHz toward Nikomis, Fla.

Corrections

6440–C1–P–73—American Telephone and Telegraph Co. (KEE60), correct to read: C.P. to add frequencies 3750V and 3830V MHz toward Hope, N.J. (All other particulars same as reported on Public Notice No. 639 dated March 12, 1973.)

6441–C1–P–73—Same (KTQ69), correct to read: C.P. to add frequencies 3710H and 3790H MHz toward Cherryville, N.J.; frequencies 3710V and 3790V MHz toward Colesville, N.J. (All other particulars same as reported on Public Notice No. 639 dated March 12, 1973.)

Major Amendments

4443–C1–MP–73—CPI Microwave, Inc. (WPE52), 4.6 miles east-southeast of Hempstead, Tex. Change frequency to 5945.2V MHz toward Rosehill.

4444–C1–MP–73—Same (WPE54), 3 miles north of Spring, Tex. Change frequency to 6137.9H MHz toward Rosehill.

4447–C1–MP–73—Same (WPE58), Orleans and Fanin Streets, Beaumont, Tex. Change frequency to 6049.0V MHz toward Sour Lake.

4448–C1–MP–73—Same (WPE59), 1 Shell Plaza, Houston, TX. Change polarization of frequency 5960.0 MHz toward Crosby to vertical.

All other particulars same as reported on Public Notice dated December 26, 1972.

9366–C1–P–72—Continental Telephone Company of California (KMQ42), change frequency to 2170H MHz via passive reflector toward Hay Fork, Calif.

9367–C1–P–72—Same (KNL64), change frequency to 2120H MHz via passive reflector toward Oregon Mountain, Calif. (All other data same as stated in Public Notice dated July 10, 1972.)

3017–C1–P–70—Data Transmission Co. (New), change name and location to Winchester, Kans., 1.1 mile northeast of Winchester, Kans. Latitude 39°20'10" N., longitude 95°-14'47" W. Change frequency to Olathe to 6286.2H MHz on azimuth 135°39'. Delete point of communication at Nashua. Delete point of communication at Blair and add frequency 6404.8V MHz on azimuth 329°38' toward new point of communication at Willis, Kans.

Major Amendments—Continued

3029–C1–P–70—Data Transmission (New), change name and location to Willis, 2 miles west of Willis, Kans. Latitude 39°43'39" N., longitude 95°32'37" W. Change frequency to Barada to 6123.1H MHz on azimuth 0°17'. Delete point of communication at Leavenworth and add frequency 6152.8V MHz on azimuth 149°27' toward new point of communication at Winchester, Kans.

3030–C1–P–70—Data Transmission Co. (New), change location to 2 miles northeast of Barada, Nebr. Latitude 40°13'59" N., longitude 95°32'25" W. Change frequency toward Paul to 6256.5H MHz on azimuth 331°24'. Delete point of communication at Blair and add frequency 6375.2V MHz on azimuth 180°18' toward new point of communication at Willis, Kans.

3031–C1–P–70—Data Transmission Co. (New), change location to Paul, 5.3 miles southeast of Nebraska City. Latitude 40°36'34" N., longitude 95°48'35" W. Delete point of communication at Mills and add frequency 6152.8H MHz on azimuth 13°47' toward new point of communication at Tabor, Iowa. Change frequency toward Barada to 6004.5H MHz on azimuth 151°14'.

3032–C1–P–70—Data Transmission Co. (New), change location to Mills, 6 miles northwest of Mineola, Iowa. Latitude 41°13'30" N., longitude 95°38'21" W. Change azimuth towards Shelby to 19°15'. Delete point of communication at Paul and add frequency 10,775.0V MHz on azimuth 188°53' towards new point of communication at Tabor, Iowa. Delete point of communication at Omaha, Nebr.

3033–C1–P–70—Data Transmission Co. (New), station location: 1700 Farnam Street, Omaha, NE. Delete point of communication at Mills and add frequency 5945.2H MHz on azimuth 145°39' towards new point of communication at Tabor, Iowa.

3034–C1–P–70—Data Transmission Co. (New), station location to 2.8 miles northwest of Shelby, Iowa. Change azimuth to Sharon to 68°17'. Change frequency towards Mills to 6152.8H MHz on azimuth 199°21'.

3035–C1–P–70—Data Transmission Co. (New), change location to 2.5 miles northwest of Sharon, Iowa. Latitude 41°41'16" N., longitude 95°02'08" W. Delete point of communication at Dedham and add frequency 6375.2V MHz on azimuth 5°0' towards new point of communication at Arcadia. Change azimuth towards Shelby to 248°35'. Delete point of communication at Adair.

3039–C1–P–70—Data Transmission Co. (New), change name and location to Arcadia 4.8 miles southeast of Arcadia, Iowa. Latitude 42°01'35" N., longitude 94°59'45" W. Change azimuth towards Sherwood to 31°04'. Change frequency towards Sharon to 6123.1V MHz on azimuth 185°02'.

3040–C1–P–70—Data Transmission Co. (New), change location to Sherwood, 5 miles southwest of Rockwell City, Iowa. Latitude 42°21'15" N., longitude 94°43'46" W. Change azimuth towards Storm Lake to 306°28'. Delete point of communication at Dedham and add frequency 6404.8H MHz on azimuth 211°14' towards new point of communication at Arcadia.

3041–C1–P–70—Data Transmission Co. (New), change location to 2.7 miles west of Storm Lake, Iowa. Latitude 42°38'52" N., longitude 95°16'12" W. Change azimuth towards Webb to 38°10'. Change azimuth towards Sherwood to 126°06'.

3042–C1–P–70—Data Transmission Co. (New), station location: 4.8 miles northeast of Webb, Iowa. Change azimuth towards Storm Lake to 218°24'. Change azimuth towards Fairville to 65°06'.

3043–C1–P–70—Data Transmission Co. (New), change location to 2 miles south of Fairville, Iowa. Latitude 43°07'35" N., longitude 94°27'48" W. Change frequency towards Thompson to 6123.1H MHz on azimuth 67°53'. Change azimuth towards Webb to 245°25'.

3044–C1–P–70—Data Transmission Co. (New), change location to Thompson, 7.9 miles northwest of Forest City, Iowa. Latitude 43°19'38" N., longitude 93°46'46" W. Change frequency toward Freeborn to 6197.2V MHz on azimuth 27°07'. Change azimuth toward Fairville to 248°21'.

3045–C1–P–70—Data Transmission Co. (New), change location to 4 miles southeast of Freeborn, Minn. Latitude 43°44'47" N., longitude 93°28'59" W. Change azimuth toward Waseca to 354°31'. Delete point of communication at Northwood and add frequency 5974.8V MHz on azimuth 115°12' toward new point of communication at Hayward, Minn. Change frequency toward Thompson to 5945.2V MHz on azimuth 207°19'.

Major Amendments—Continued

3046–C1–P–70—Data Transmission Co. (New), change location to 5.5 miles northwest of Waseca, Minn. Latitude 44°09'11" N., longitude 93°32'14" W. Delete point of communication at Montgomery and add frequency 6404.8H MHz on azimuth 19°02' toward new point of communication at Webster, Minn. Change azimuth toward Freeborn to 174°29'.

3047–C1–P–70—Data Transmission Co. (New), change name and location to Webster, 1.8 miles southwest of Webster, Minn. Latitude 44°30'18" N., longitude 93°22'03" W. Change frequency toward Waseca to 6152.8H MHz on azimuth 199°09'. Delete point of communication at Minneapolis and add frequency 11,385V MHz on azimuth 355°28' toward new point of communication at Barden, Minn.

3048–C1–P–70—Data Transmission Co. (New), station location: Eighth Street and Nicollet Mall, Minneapolis, Minn. Delete point of communication at Montgomery and add frequencies 11,385V MHz and 11,585V MHz on azimuth 201°55' toward new point of communication at Barden, Minn.

3049–C1–P–70—Data Transmission Co. (New), change name and location to Hayward, 5.3 miles east-southeast of Hayward, Minn. Latitude 43°37'45" N., longitude 93°08'30" W. Change azimuth toward Bailey to 109°39'. Change azimuth toward Freeborn to 295°26'.

3050–C1–P–70—Data Transmission Co. (New), change location to 2.2 miles northeast of Bailey, Iowa. Latitude 43°28'48" N., longitude 92°34'24" W. Delete point of communication at Harmony and add frequency 6152.8V MHz on azimuth 94°48' toward new point of communication at Cresco, Iowa. Delete point of communication at Northwood and add frequency 6152.8H MHz on azimuth 290°02' toward new point of communication at Hayward, Minn.

3051–C1–P–70—Data Transmission Co. (New), change name and location to Cresco, 5 miles north of Cresco, Iowa. Latitude 43°27'00" N., longitude 92°05'57" W. Change azimuth toward Waukon to 107°31'. Change azimuth toward Bailey to 275°08'.

3052–C1–P–73—Data Transmission Co. (New), change location to 2 miles north-northeast of Waukon, Iowa. Latitude 43°18'04" N., longitude 91°27'40" W. Delete point of communication at Seneca and add frequency 6152.8V MHz on azimuth 87°07' towards new point of communication at Mount Sterling. Delete point of communication at Harmony and add frequency 6093.5V MHz on azimuth 287°57' towards new point of communication at Cresco, Iowa.

3053–C1–P–70—Same (New), change name and location to Mount Sterling 0.3 mile northeast of Mount Sterling, Wis. Latitude 43°19'11" N., longitude 90°55'15" W. Change frequency towards Highland to 6404.8V MHz on azimuth 121°45'. Change frequency towards Waukon to 6404.8V MHz on azimuth 267°29'.

3062–C1–P–70—Same (New), change station location to 1.5 miles northeast of Highland, Wis. Latitude 43°04'06" N., longitude 90°22'11" W. Change frequency towards Blue Mounds to 6123.1V MHz on azimuth 95°12'. Delete point of communication at Seneca and add frequency 6152.8V MHz on azimuth 302°08' towards new point of communication at Mount Sterling.

3054–C1–P–70—Same (New), change location to 1.2 miles northeast of Blue Mounds, Wis. Latitude 43°01'48" N., longitude 89°48'58" W. Change frequency towards Brooklyn to 6315.9V MHz on azimuth 121°14'. Delete point of communication at Madison. Change frequency toward Highland to 6375.2V MHz on azimuth 275°35'.

3056–C1–P–73—Same (New), station location: 2.1 miles southeast of Brooklyn, Wis. Add frequency 6063.8V MHz on azimuth 301°32' towards new point of communication at Blue Mounds.

[FR Doc.73–6269 Filed 4–2–73;8:45 am]

[Docket No. 19515, etc.; FCC 73R–122]

CALIFORNIA STEREO, INC. ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of California Stereo, Inc., Sacramento, Calif., Docket No. 19515, File No. BPH–7668; Intercast, Inc., Sacramento, Calif., Docket No. 19516, File No. BPH–7669; Edward Royce Stolz, II, trading as Royce International Broadcasting, Sacramento, Calif., Docket No. 19611, File No. BPH–7924; for construction permits.

1. By Memorandum Opinion and Order, FCC 72–916, released October 19,

1972, the Commission designated the above-captioned applications for a new FM broadcast station in Sacramento, California, for hearing on various issues. Before the Review Board is a petition to enlarge issues, filed by Intercast, Inc. (Intercast) on November 15, 1972,[1] seeking the addition of issues inquiring into the adequacy of the equipment proposed by Stolz and that applicant's financial qualifications.

2. In support of its requests, Intercast contends that a considerable portion of the equipment proposed to be used by Stolz in the operation of his station is equipment he purchased from Station KJML which is outdated,[2] unsuited for the type of operation proposed,[3] and in poor condition.[4] Petitioner further contends that an inventory of the KJML equipment fails to include several items included as assets in Stolz's application, raising a substantial question as to the availability of the equipment.[5] Petitioner maintains that Stolz will have to purchase much of the equipment to remedy these "inadequacies." Since Stolz has a surplus of funds in an amount of only $1,112, Intercast argues that Stolz would be unable to purchase all of the needed equipment.[6] The Broadcast Bureau supports petitioner's request for the addition of a financial issue against Stolz, but opposes the addition of the adequacy of equipment issue, contending that Intercast's alegations are speculative.

3. In opposition,[7] Stolz argues that petitioner's requests are predicated on the unwarranted assumption that the equipment purchased from Station KJML will be the equipment used in his proposed station. Stolz contends that he never represented that any of the assets acquired from KJML, other than the studio-transmitter building and tower, would be used in the construction and operation of the proposed station. Furthermore, Stolz maintains, his financial proposal provides for an adequate surplus to cover additional construction costs.[8] Stolz contends that Intercasts's request for the addition of a financial issue is based on the same erroneous assumption concerning the origin of Stolz's equipment as was the request for the adequacy of equipment issue. Petitioner, in reply to the opposition, maintains that Stolz fails to respond to its petition by leaving unanswered the questions of whether the equipment he proposes to use will be appropriate for its intended use and whether he has sufficient financial reserves to acquire equipment which is either not on hand or inadequate.

4. The Review Board is of the view that petitioner has raised serious questions regarding Stolz's equipment proposal, and that these questions have not been satisfactorily resolved by Stolz's opposition. Stolz's response that his application contains no representation that he would use any of the equipment acquired from KJML except the transmitter building and tower does not establish the adequacy of his proposal. Thus, on the basis of the pleadings, the Board is unable to determine whether Stolz has the equipment necessary to construct and operate his proposed station, and, if so, whether the equipment is adequate. In order that these serious questions can be resolved, the Board will specify appropriate issues. Cf. WVOC, Inc., 32 FCC 2d 765, 23 RR 2d 371 (1971); Kittyhawk Broadcasting Corp., 8 FCC 2d 839, 10 RR 2d 628 (1967). The Board will not, however, add a financial issue at this time. It is not disputed that Stolz has sufficient funds available to pay for the equipment he now proposes to purchase. If, during the hearing, his equipment proposal is modified, and if such modification affects his financial proposal, the Board would entertain an appropriate request for enlargement.

5. *Accordingly, it is ordered,* That the petition to accept late filed pleadings, filed on December 27, 1972, by Edward Royce Stolz, II, trading as Royce International Broadcasting, is granted, and the opposition filed therewith is accepted; and

6. *It is further ordered,* That the petition to enlarge issues, filed November 15, 1972, by Intercast, Inc., is granted to the extent indicated herein, and is denied in all other respects; and that the issues in this proceeding are enlarged by the addition of the following issue:

To determine whether Edward Royce Stolz, II, trading as Royce International Broadcasting, possesses sufficient and suitable technical equipment to operate his proposed station and, if not, the effect thereof upon the applicant's technical qualifications.

7. *It is further ordered,* That the burden of proceeding with the introduction of evidence and proof under the issue added herein shall be on Edward Royce Stolz, II, trading as Royce International Broadcasting.

Adopted: March 27, 1973.

Released: March 29, 1973.

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

[FR Doc.73-6351 Filed 4-2-73;8:45 am]

[Dockets Nos. 19568, 19569; FCC 73R-133]

LEXINGTON COUNTY BROADCASTERS, INC., AND WILLIAM D. HUNT

Memorandum Opinion and Order Enlarging Issues

In regard applications of Lexington County Broadcasters, Inc., Cayce, S.C., Docket No. 19568, File No. BPH-7605; William D. Hunt, Cayce, S.C., Docket No. 19569, File No. BPH-7658; for construction permits.

1. Before the Review Board is a petition to enlarge issues, filed September 5, 1972, by William D. Hunt (Hunt), requesting the addition of Suburban, misrepresentation, financial, ineptness, and technical issues against Lexington County Broadcasters, Inc. (Lexington County).[1] See 37 FR 16820.

SUBURBAN ISSUE

2. In support of this request, Hunt alleges that Lexington County's Suburban showing is deficient in several respects. Although Lexington County in its survey exhibits claims that "hundreds" of community leaders were surveyed, Hunt alleges that Lexington County's list of fifty-six community leaders appearing in its original application and the four additional leaders listed in an amendment to its Suburban showing hardly substantiates its claim. Petitioner points out that, in response to a Commission inquiry made prior to designation which requested further information to determine whether Lexington County had interviewed an adequate number of black community leaders, Lexington County amended its ascertainment exhibits to show that it had interviewed blacks, and to substantiate this claim

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[1] Also before the Review Board are: (a) the Broadcast Bureau's comments, filed Nov. 29, 1972; (b) Intercast's reply, filed Dec. 11, 1972; (c) the opposition of Edward Royce Stolz, II, trading as Royce International Broadcasting (Stolz), filed Dec. 27, 1972; (d) Stolz's petition to acept its late filed pleading (c), filed Dec. 27, 1972; and Intercast's reply to (c), filed Jan. 15, 1973 (38 FR 4686).

[2] Stolz purchased operating property and equipment owned by Station KJML, Sacramento, Calif., when that station surrendered its license and discontinued operation in July, 1970.

[3] Petitioner maintains that "Station KJML equipment was all monaural and thus wholly unsuited for the quadrophonic operation proposed by Stolz."

[4] Intercast supports these allegations with an affidavit furnished by Logan Waterman, Jr., an engineer who worked for Station KJML and who, purportedly, was familiar with the station's equipment shortly before the station surrendered its license.

[5] The inventory, a copy of which was filed with Intercast's petition, was prepared for the purpose of appraising KJML's equipment just prior to the time the station's license was surrendered for cancellation.

[6] Although Stolz proposes in his application to barter some equipment he purchased from Station KJML for remote control equipment, petitioner queries the feasibility of this proposal considering the alleged inferior condition of the KJML equipment.

[7] Stolz's opposition to Intercast's petition was filed Dec. 27, 1972, along with a petition to accept the late filed pleading. Supported by affidavits, Stolz maintains that he did not receive a copy of Intercast's petition until Dec. 6 or 7, 1972, after receiving a copy of the Broadcast Bureau's comments; further minor delays resulted from commitments of counsel. The Board finds that good cause exists for the late filing of the opposition and will therefore accept it.

[8] References in exhibit 14 of petitioner's application regarding a proposal to acquire d.c. remote control equipment by bartering an item purchased from KJML are not significant, according to Stolz, in view of the fact that his application explicitly indicates in section V-B that there would be no remote control location. Therefore, Stolz maintains, petitioner's argument concerning the feasibility of barter is moot. See Note 6, supra.

[1] Also before the Review Board are the following related pleadings: (a) opposition, filed Oct. 4, 1972, by Lexington County; (b) Broadcast Bureau's comments, filed Oct. 4, 1972; (c) reply, filed Oct. 16, 1972, by Hunt; (d) supplement to (c), filed Oct. 26, 1972, by Hunt; (e) petition to dismiss (d), filed Nov. 6, 1972, by Lexington County; (f) opposition to (e), filed Nov. 20, 1972, by Hunt; and (g) reply, filed Dec. 4, 1972, by Lexington County.

Lexington County submitted four additional names to add to its list of community leaders. Hunt argues, however, that Lexington County's list of community leaders does not indicate how many black leaders were interviewed and whether the four additional community leaders were black. Moreover, even if the four persons listed in the amendment were black, petitioner argues that that number falls short of interviewing black community leaders in proportion to the 10 percent to 12 percent blacks living in the city and county to be served, as shown in Lexington County's own demographic study. Further, Hunt contends, although Lexington County asserts that 75 percent of the community leaders it surveyed came from Cayce, it failed to provide addresses from which it could be determined which leaders were from Cayce and which were from Columbia. Petitioner also contends that Lexington County's ascertainment showing does not indicate whether principals or management-level employees of the applicant contacted the community leaders, and that no attempt appears to have been made to contact leaders from such major groups within the community as labor organizations, student organizations or cultural groups. Next, Hunt alleges that, although Lexington County claims in its survey exhibit that "1000" interviews with laymen were conducted, no indication is given as to how recently the general public surveys were taken, who conducted them, whether they were properly supervised, or the frequency of specific responses. Finally, Lexington County has not shown, according to petitioner, which of its proposed programs are intended to deal with which of 13 problems it listed. Both the Broadcast Bureau and Lexington County oppose the request.

3. The Review Board is of the view that petitioner's allegations raise a substantial question as to the adequacy of Lexington County's Suburban showing, as amended, and we therefore believe an appropriate issue is warranted. It appears that Lexington County may not have complied with a number of the Primer's [3] requirements. First, Lexington County does not appear to have indicated whether principals or management-level personnel conducted its survey of community leaders. See question and answer 11(a), Primer, supra. Second, it cannot be determined, with regard to many of the community leaders contacted, who actually live in Cayce and who live in Columbia or West Columbia. Absent such information, it cannot be determined whether a cross section of leaders has been contacted. Primer, supra. Third, it is not clear from the list of community leaders submitted by Lexington County in its application whether leaders from such groups as labor or student organizations were contacted. See question and answer 10, Primer, supra. Fourth, from the limited information provided by Lexington County with respect to its survey of the general public, it cannot be determined when the surveys were taken, who conducted them, and whether a random sample was obtained. See questions and answers 13(b), 14 and 15, Primer, supra. Finally, a question exists as to which of the 13 problems listed by Lexington County are to be treated by which of its proposed programs. See question and answer 29, Primer, supra. The Board notes, however, that we do not agree with petitioner that Lexington County's Suburban showing is deficient because it included only five black community leaders in an area with a population of "10 percent to 12 percent" blacks. The Commission has made it clear that it does not require statistical accuracy by requiring interviews with community leaders of minority groups in proportion to that group's total representation in the community, and petitioner's allegations do not indicate that Lexington County has not elicited adequate information from the leaders contacted. See WGN of Colorado, Inc., 35 FCC 2d 789, 24 RR 2d 828 (1972); cf. WKBN Broadcasting Corp., 30 FCC 2d 958, 22 RR 2d 609 (1971); and Universal Communications Corp., 27 FCC 2d 1022, 21 RR 2d 359 (1971).

[3] Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971).

MISREPRESENTATION ISSUE

4. In support of its request, Hunt asserts that Lexington County, by incorporating by reference its WCAY–AM, Cayce, S.C., renewal application (BR–3689) into the legal qualifications section (section II) of its application (FCC Form 301), made misrepresentations to the Commission. Petitioner notes that the information required to be disclosed in the legal qualifications section of a renewal application form (FCC Form 303) differs from that called for in the application form for a new facility (FCC Form 301), and that the most recent application form filed by Lexington County requiring the same information required in the present form was its application for assignment of license of Station WCAY (AM) (BAL–3672), filed October 15, 1959. Therefore, petitioner alleges, the facts represented in that application must be regarded as being incorporated into the subject application. Comparing the 1959 application with subsequent events involving the applicant, Hunt alleges that the following changes have occurred: the 1959 application shows Lexington County as having four stockholders; however, Lexington County is now owned by a New York corporation called Tico Enterprises, Inc., 100 percent owned by James Olin Tice, Jr., president of Lexington County; the 1959 application indicates five broadcast interests held by Tice which have subsequently been disposed of, and fails to show three additional broadcast interests acquired after he filed the 1959 application; and two of his subsequently acquired interests ended in involuntary assignment.[3] An issue is warranted, Hunt argues, not only to explore the omissions listed above, but also to explore what other events may have transpired in the thirteen intervening years since the filing of the 1959 application.[4] In opposition, Lexington County claims that its incorporation by reference of WCAY(AM) (BR–3689) was intended to incorporate Section I, Question 7 of the Renewal Application (FCC Form 303) and the Ownership Reports filed in connection with its 1963, 1966, 1969, and 1972 renewals.

5. The Review Board agrees with the petitioner and the Broadcast Bureau that an issue is warranted. The purpose in permitting incorporation by reference is to avoid excessive duplication of information already before the Commission. If previously filed renewal applications and ownership reports contain information requested in the new application, an applicant is not required to duplicate this information in the new application form, assuming that the information is still accurate and complete. For this reason, the Board has allowed incorporation by reference. See Folkways Broadcasting Co., Inc., 26 FCC 2d 175, 20 RR 2d 528 (1970). However, we have held that when an applicant does incorporate by reference he must give "specific reference" in the application to the documents incorporated. See Hartford County Broadcasting Corp., 9 FCC 2d 698, 10 RR 1083 (1967). Some of what is contained in Lexington County's previous renewal applications on file with the Commission can be utilized in answering some of the questions asked in FCC Form 301; for example, the ownership reports attached to renewal applications as well as responses to question 7, section I, FCC Form 303, can be used to answer questions 11 through 22, section II, page 2, FCC Form 301, if the information contained therein is complete and accurate. However, as the Bureau points out, although it can be derived from Lexington County's ownership report that Tice was the majority stockholder in WEET and WGYN (now WJBE), this determination cannot be made without a searching effort into its ownership reports which does not comport with the "specific reference" requirement for incorporating by reference.[5] Furthermore, the ownership reports do not disclose

[3] Tice acquired Stations WEET, Richmond, Va., and WJBE (formerly WGYW), Knoxville, Tenn., both of which, according to petitioner, were assigned during the first half of 1967 (BAL–6004, BAL–6042).

[4] Hunt asserts that it cannot be determined whether since 1959: (1) Tice has had a station license revoked by Order of a Federal Court (section 10(a)); (2) Tice has been found guilty of violating Federal anti-trust laws (question 10(b)); (3) Tice has been convicted of any felony (question 10(i)); and (4) any unsatisfied judgment or decrees against Tice are outstanding (question 10(g)).

[5] See Bangor Broadcasting Corp., 33 FCC 2d 677, 23 RR 2d 711 (1972), where the document incorporated did not clearly set forth the information allegedly contained therein.

when and under what circumstances Lexington County disposed of these interests.[6] Also, we do not believe that a reference to Lexington County's past renewal applications provides satisfactory responses to the legal qualifications section (section II, FCC Form 301) which is entitled "Citizenship and Other Statutory Requirements" which begins with question 6 and concludes with question 10. Moreover, Lexington County concedes that it failed to report a judgment entered against Tice on July 14, 1969, which is required to be reported by question 10(g), section II (FCC Form 301). Therefore, we agree with the Broadcast Bureau that addition of a Rule 1.514 issues is appropriate.[7] Finally, we do not believe that a separate misrepresentation issue is warranted. The question of whether Lexington County intended to mislead the Commission by its apparent failure to report certain information can be explored under the issue being added herein.

FINANCIAL ISSUE

6. In support of its request for a financial issue, Hunt alleges that Lexington County has underestimated its costs, and that its ability to repay its loan commitment is questionable. According to Hunt, Lexington County's proposed cost figures of $53,401.85 does not include any expenses for legal fees. Legal costs in this kind of proceeding ordinarily run from $10,000 to $30,000, Hunt asserts. Furthermore, petitioner notes, although Lexington County has obtained a commitment for a $100,000 loan from a lending institution, under the terms of the loan Lexington County will have to make repayments of 14½ percent interest plus principal over a 5-year period commencing the first year. Hunt alleges that the interest repayment will run from $2,000 to $3,000 per month or about $30,000 per year. Petitioner points out that in an amendment, filed May 18, 1972, Lexington County indicated a "cash flow" of $40,000 from its presently operating AM station for 1972, which, it urged, would be available for the proposed FM station. However, Hunt argues, the availability of this fund is suspect because Lexington County showed earned surplus deficits in the balance sheets submitted with its AM station renewal applications for 1963, 1966, and 1969 renewal periods; furthermore, Tice was forced to dispose of stations WGYW (now WJBE) and Station WEET because of financial difficulties he had in running those stations. With such a precarious financial background, serious questions are raised as to whether Lexington County can meet its proposed costs, Hunt concludes.

7. The Review Board agrees with both Lexington County and the Broadcast Bureau that addition of a financial issue is not warranted. Normally, such an issue would be warranted where a substantial cost item has been omitted by an applicant; however, where it appears that sufficient surplus funds or "cushion" is available to cover the omitted expense, there is no need to add the issue. See Home Service Broadcasting Corp., 21 FCC 2d 168, 18 RR 2d 63 (1970); Virginia Broadcasters, 22 FCC 2d 227, 18 RR 2d 763 (1970). Lexington County submitted with an amendment to its application a commitment letter from Blair Walliser, President of Communications Fund, Inc., agreeing to loan Lexington County $100,000. This sum would supply Lexington County with a surplus of $46,000 ($100,000 less the $53,401.85 proposed total for construction and first-year operating costs), which, in our view, is sufficient to meet the omitted estimate of legal costs and the interest payment due on the loan, particularly in light of the fact that petitioner's estimate for legal costs is not adequately supported. Whether or not Lexington County will have the projected cash flow claimed is therefore irrelevant. Furthermore, petitioner has not shown how the alleged involuntary assignment by Tice of Stations WEET and WJBE due to financial difficulties and the earned surplus deficits reported in each of the renewal applications of WCAY for 1963, 1966 and 1969 directly affect Lexington County's present financial position. As stated above, it appears that Lexington County can meet its expenses from its funds available and Hunt has not shown how the factors enumerated above would adversely affect Lexington County's loan commitment. Compare Voice of Reason, Inc., 23 FCC 2d 782, 19 RR 2d 288 (1970).

INEPTNESS AND LACK OF DILIGENCE ISSUE

8. In support of its request, Hunt argues that Lexington County's application is deficient in the following respects: (1) The ascertainment of community needs survey fails to meet the basic requirements of the Primer; (2) it is incomplete and incorrect by the attempt to incorporate by reference information on file with the Commission; and (3) the financial proposal is apparently "blue sky" and unsatisfactory. Furthermore, petitioner urges, Tice's ineptness is demonstrated by his inability to successfully operate two broadcast stations profitably. The Bureau believes an issue would be warranted, unless Lexington County in its responsive pleading makes a convincing showing regarding its failure to make full disclosure of its ownership changes and the bankruptcy proceedings.

9. The Board is of the opinion that petitioner's allegations do not demonstrate a pattern of carelessness, inadvertence, neglect and indifference to the Commission's rules and regulations, and therefore that the addition of the requested issue is unwarranted. See Media, Inc., 22 FCC 2d 886, 19 RR 2d 2 (1970); compare Beamon Advertising, Inc., FCC 63R-467, 1 RR 2d 285 (1968). We have already dealt with petitioner's allegations with respect to Lexington County's ascertainment survey, incorporation by reference from its renewal applications and financial proposal, and we do not believe the allegations which warranted our specifying herein a Suburban and Rule 1.514 issues suggest any pattern of neglect or carelessness on the part of Lexington County. Furthermore, events which do not directly affect the application in this proceeding, such as previous financial failures in other broadcast ventures, in our view, do not raise questions of ineptness or carelessness by the applicant in this proceeding. See Aljir Broadcasting Co., Inc., 12 FCC 2d 163, 12 RR 2d 986 (1968); Media, Inc., supra.

FEASIBILITY ISSUE

10. Finally, petitioner requests addition of the following issue:

To determine whether Lexington County Broadcasters, Inc. can provide the signal coverage which it has proposed based upon its engineering data, and whether the proposal by Lexington County Broadcasters, Inc. to add substantial additional height to the existing antenna tower presently in use by WCAY and side-mount the antenna is feasible.

In support of the requested issue, Hunt first contends that the power gain of the antenna system proposed by Lexington County will be 2.025, not 2.2, as indicated in Lexington County's application. Hunt alleges that Lexington County's proposed addition of 85 feet and a side-mounted FM antenna with related material to the existing WCAY (AM) 300-foot tower would be unsafe because the existing tower cannot support the additional height and side-mounted equipment. To support this allegation, Hunt submitted with his petition a letter from a structural engineer. According to Hunt's interpretation of the engineer's letter, the type of tower used by WCAY "cannot ordinarily accommodate safely an addition of the type proposed by (Lexington County) absent basic structural changes on the antenna".[8]

11. The Board will deny the requested issue. Lexington County's amendment to its application correcting the antenna tower gain was accepted by order of the Administrative Law Judge, FCC 72M-1339, released October 27, 1972. With respect to its allegations regarding the structural capacity of the tower, Hunt has relied on an opinion which does not support his factual allegations. As pointed out in the oppositions, the letter merely suggests that a stress analysis should be made, but does not indicate that the tower cannot be utilized as pro-

[6] The Aug. 20, 1966, ownership report for WCAY listed Tice's interests in WEET and WGYW (now WJEB), but the Apr. 8, 1969, ownership report did not list these interests.

[7] The Board does not agree, however, with petitioner's premise that, when an existing licensee applying for a new facility incorporates by reference material contained in previously filed new and renewal applications and ownership reports, the Commission must focus only on the initial application (FCC Form 301) because the legal qualifications section in a renewal form (FCC Form 303) differs from that found in a new form (FCC Form 301).

[8] The engineer's letter states in pertinent part that, "Whether any given tower can safely be extended * * * and, in addition, support the equipment mentioned above, should be verified by a thorough stress analysis * * *."

posed." Thus, there is no adequate basis for adding the requested issue. Erway Television Corp., 2 FCC 2d 1037, 7 RR 2d 538 (1966).

12. *Accordingly, it is ordered,* That the petition to dismiss, filed November 6, 1972, by Lexington County Broadcasters, Inc., is granted; and

13. *It is further ordered,* That the petition to enlarge issues, filed September 5, 1972, by William D. Hunt, is granted to the extent indicated below, and is denied in all other respects; and

14. *It is further ordered,* That the issues in this proceeding are enlarged by the addition of the following issues:

(a) To determine the efforts made by Lexington County Broadcasters, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests;

(b) To determine whether Lexington County Broadcasters, Inc., has failed to comply with the provisions of § 1.514 of the Commission's rules by failing to report the matters specifically referred to in this memorandum opinion and order in its application, and, if not, to determine the effect of such noncompliance on the applicant's basic and/or comparative qualifications to be a Commission licensee.

15. *It is further ordered,* That the burden of proceeding with the introduction of evidence and proof under issue (a) added herein shall be upon Lexington County Broadcasters, Inc.; that the burden of proceeding with the introduction of evidence under issue (b) added herein shall be upon William D. Hunt; and that the burden of proof under that issue shall be upon Lexington County Broadcasters, Inc.

Adopted: March 27, 1973.

Released: March 29, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[3]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73-6352 Filed 4-2-73;8:45 am]

[1] In a recent notice (Public Notice No. 90836, released Oct. 11, 1972, Filing of Supplemental Pleadings Before the Review Board), we stated that the Board would closely scrutinize the justification advanced by a party filing a supplemental pleading before accepting its supplement because of the delays in the adjudicatory process resulting in our consideration of supplemental pleadings. Lexington County has filed with the Board a petition to dismiss Hunt's supplement to its reply to opposition. The Board will grant Lexington County's petition. We believe the information contained within Hunt's supplement could have been obtained earlier and included within its original request. To allow the supplement to serve the purpose of the original petition effectively renders meaningless the provisions in the rules intended to provide a fair opportunity for another party to respond to allegations, and to avoid a proliferation of unauthorized pleadings. Rules 1.45 and 1.294. Orderliness, expedition and fairness on the adjudicatory process require that reasonable procedural limits be established and maintained.

[3] Board member Nelson not participating.

[Docket No. 19696; FCC 73-317]

WESTERN UNION TELEGRAPH CO.

Memorandum Opinion and Order Instituting Investigation

In the matter of Western Union Telegraph Co. (Western Union), Transmittals 6834 and 6844; and Revisions of Telex Tariff FCC No. 240 and Teleprinter Exchange (TWX) Tariff FCC No. 258, Docket No. 19696.

1. By memorandum opinion and order adopted in this docket on February 21, 1973 (38 FR 6428), we suspended for 1 day, entered an accounting order and set for hearing revised tariff schedules filed by Western Union on December 29, 1972 to become effective February 28, 1973 (FCC 73-212, released March 6, 1973). These December, 1972 revised schedules, among other things, proposed substantial increases in charges designed to produce additional revenues for the carrier of about $12 million in 1973, and to increase Western Union's (a) earnings from Telex from 14.8 percent to 18 percent in 1973, (b) earnings from TWX from 8.6 percent to 12.3 percent in 1973, and (c) overall earnings from 5.4 percent to 6.7 percent in 1973.

2. On January 26, 1973, Western Union filed further revisions in its Telex and TWX tariffs under Transmittal No. 6844 and these tariffs are scheduled to become effective March 27, 1973. They are now before us for consideration and appropriate action.

3. Under these further tariff revisions, the rates and rate structure applicable to supplemental message services offered to Telex and TWX subscribers would be changed so as to impose additional charges for such message services and to produce additional overall revenues to the carrier of about $3.2 million in 1973, $4.8 million in 1974, and $5.5 million in 1975. The services in question are "Telex Computer" and "TWX Computer" services. Under these particular classes or subclasses of services, Telex and TWX subscribers may use their Telex and TWX terminal facilities to transmit written messages through Western Union computers for ultimate delivery to other Telex and TWX subscribers and to nonsubscribers served by public message telegraph offices. At the present time, the rate elements applicable to these supplemental computerized message services are made up of the regular Telex and TWX subscriber charges plus a charge per message that is composed of two factors: a fixed "service" charge and a "usage" charge that varies with both time and distance. The revised tariffs in question make changes in the "service" and "usage" charges, as set forth hereinafter.

4. The increases in charges proposed by these further filings result primarily from increases applicable to Telex and TWX messages transmitted through computers to nonsubscribers. For such messages the carrier proposes to establish a $2 service charge for regular telegrams and a $1 service charge for overnight telegrams sent by Telex and TWX subscribers to nonsubscribers in lieu of certain minimum charges now applicable, and to establish a $1.50 messenger delivery charge for such messages where the subscriber requests physical delivery. Also, the usage charges for such messages are being postalized to apply a generally lower flat rate for each minute of use or portion thereof in lieu of the present zone charges based on distance. The effect of these changes in the charges for Telex and TWX messages to nonsubscribers is to produce about $2.8 million of the total $3.2 million of additional revenues predicted for 1973 from the entire tariff filing. The remainder of the projected additional revenues ($343,000 in 1973) is attributable to slight increases the carrier is proposing in the per minute (or portion thereof) usage charges for messages from Telex and TWX subscribers to other Telex and TWX subscribers; to a change in the service charge for such messages from 10 cents per message to 10 cents per minute; and to the extension of the offer of Telex-to-TWX message service to Canadian TWX subscribers.

5. Western Union has submitted costs and other data to support this filing, including the direct testimony of supporting witnesses. The carrier claims that the average revenue requirements per message (including an 18 percent return factor) for messages to Telex and TWX subscribers will be $1.42 in 1973, $1.28 in 1974 and $1.18 in 1975 but that, under present rates, the average revenue per message will be $1.06 for 1973, $1.10 in 1974, and $1.11 in 1975. Thus, the carrier contends that it must increase its revenues as to these messages. Under the revised tariffs, Western Union claims that the average revenue per message will increase to $1.14 in 1973, $1.18 in 1974 and $1.18 in 1975 at which time the average revenue requirement per message will be met by the average revenue per message insofar as messages to Telex and TWX subscribers are concerned. As to the per message revenue requirements for messages to nonsubscribers, Western Union claims that the average requirement will be $3.87 in 1973, $3.68 in 1974, and $3.59 in 1975. However, the increased rates will produce estimate revenues per message of $4.31 in 1973, $4.32 in 1974, and $4.32 in 1975 insofar as messages to nonsubscribers are concerned.

6. The revised tariffs raise the question of whether we should designate such tariffs for hearing in conjunction with the December 1972 tariffs increasing the basic charges for Telex and TWX services. Although the carrier has submitted cost data indicating that the proposed increases for messages to Telex and TWX subscribers may be cost-justified, we have never tested the principles or methods used by Western Union in determining the claimed revenue requirements for these services. Furthermore, these revisions are interrelated with the charges for the basic services that are now in hearing; they will impose increased charges on Telex and TWX subscribers in addition to the basic rates now at issue in the hearing herein; and they will increase the carrier's earnings from Telex and TWX services by an undetermined amount over and above the increases in earnings generated by the increases in

the basic rates that are in litigation. Accordingly, we conclude that we should amend our order in this proceeding to suspend the effectiveness of this later filing, require accounting to provide for possible refunds, and designate such tariff revisions for hearing.

7. *Accordingly, it is ordered*, That, pursuant to the provisions of sections 201, 202, 203, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation is instituted into the lawfulness of the tariff schedules filed by the Western Union Telegraph Co. submitted with Transmittal No. 6844 including any cancellations, amendments or reissues thereof; and no changes shall be made in such tariff schedules during the pendency of this proceeding without prior approval by the Commission;

8. *It is further ordered*, That, pursuant to the provisions of section 204, such tariff schedules are hereby suspended until March 28, 1973, and that Western Union shall, in the case of all increased charges and until further order of the Commission, keep accurate account of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid, and upon completion of the hearing and decision therein, the Commission may by further order require the refund thereof, with interest, pursuant to section 204 of the Act, and the carrier shall file such reports on the amounts accounted for as aforesaid as the Chief, Common Carrier Bureau shall require;

9. *It is further ordered*, That, without in any way limiting the scope of the investigation, it shall include consideration of the issues set forth in paragraph 11 of our memorandum opinion and order herein adopted February 21, 1973 (FCC 73-212) in consolidation with the proceeding in Docket No. 19696.

Adopted: March 21, 1973.

Released: March 28, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE, *Secretary.*

[FR Doc.73-6353 Filed 4-2-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 211]

ASSIGNMENT OF HEARINGS

MARCH 28, 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 83539 Sub 323, C & H Transportation Co., Inc., hearing continued to May 14, 1973, at Baker Hotel, 1400 Commerce Street, Dallas, TX.

AB 5 Sub 108, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment Lykens Valley Junction secondary track between Millersburg and Elizabethville, Dauphin County, Pa., now assigned April 2, 1973, at Millersburg, Pa., is postponed to May 30, 1973, at Millersburg, Pa., in a hearing room to be later designated.

MC-C-7700, East Texas Motor Freight Lines, Inc.—investigation and revocation of certificates, now being assigned June 4, 1973 (2 days), at Portland, Oreg., in a hearing room to be later designated.

MC 39416 Sub 5, the Gray Line, now being assigned June 6, 1973 (3 days), at Portland, Oreg., in a hearing room to be later designated.

MC-F-11605, Evergreen Stage Line, Inc.—purchase (portion)—Greyhound Lines, Inc., now being assigned June 11, 1973 (3 days), at Portland, Oreg., in a hearing room to be later designated.

MC 1515 Sub 181, Greyhound Lines, Inc., now being assigned June 14, 1973 (2 days), at Portland, Oreg., in a hearing room to be later designated.

MC 138100, Mellow Truck Express, Inc., now being assigned June 18, 1973 (1 week), at Portland, Oreg., in a hearing room to be later designated.

MC-F-11501, Aubrey Freight Lines, Inc.—purchase—Whitehall Transport, Inc., and MC-135732 Sub 1, Aubrey Freight Lines, Inc., now assigned April 2, 1973, at New York, N.Y., is canceled and transferred to modified procedure.

AB 5 Sub 85, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment Harlem Branch between Millerton and Ghent, Dutchess and Columbia Counties, N.Y., now assigned April 4, 1973, at Millerton, N.Y., is postponed to April 19, 1973, in the Community Room, Second Floor, Village Community Building, Dutchess Avenue, Millerton, N.Y.

MC-C-7972, Deerfleet Lines, Inc.— investigation and revocation of certificate—now assigned April 10, 1973, at Boston, Mass., is postponed to May 8, 1973, on the Fifth Floor, 150 Causeway Street, Boston, Mass.

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

[FR Doc.73-6335 Filed 4-2-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 29, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before April 17, 1973.

FSA No. 42652—*Beet or cane sugar to points in Iowa and Wisconsin.* Filed by Western Trunk Line Committee, Agent (No. A-2682), for interested rail carriers. Rates on sugar, beet or cane, in carloads, as described in the application, from points in Colorado, Idaho, Utah, and Wyoming, to specified points in Iowa and Wisconsin.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 138 to Western Trunk Line Committee, Agent, tariff ICC A-4481. Rates are published to become effective on May 3, 1973.

FSA No. 42653—*Barley, wheat, and wheat products from points in Montana on the Soo Line Railroad Co.* Filed by Trans-Continental Freight Bureau, Agent (No. 481), for interested rail carriers parties to its tariff ICC No. 1858. Rates on barley, wheat and wheat products, in carloads, as described in the application, from specified points in Montana on the Soo Line Railroad Co., to points in California, Idaho, Montana, Oregon, and Washington, also Alberta and British Columbia, Canada, on the BN, MILW & UP RR.

Grounds for relief—Market competition.

By the Commission.

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

[FR Doc.73-6336 Filed 4-2-73;8:45 am]

[Notice 244]

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 23, 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-73966. By order of March 9, 1973, the Motor Carrier Board on reconsideration, approved the transfer to A. Burnett Enterprise Corp., Roselle, N.J., of the operating rights in Certificate No. MC-46060 issued August 22, 1966, to Charles Hellrigel & Son, Moving & Storage, Warehouses, Inc., Newark, N.J., authorizing the transportation of household goods, between points in New Jersey, on the one

[1] Commissioner Johnson dissenting.

hand, and, on the other, points in Pennsylvania, Connecticut, Rhode Island, Massachusetts, New York, and Maryland. Robert B. Pepper, registered practitioner, 168 Woodbridge Avenue, Highland Park, NJ 08904, representative for applicants.

No. MC–FC–74315. By order entered March 28, 1973, the Motor Carrier Board approved the transfer to Atlantic Motor Express, Inc., doing business as Atlantic Motor Express, Providence, R.I., of the operating rights set forth in Certificate No. MC–59129, issued July 29, 1937, in the name of Ernest Reposa, doing business as Atlantic Motor Express, Providence, R.I., and acquired by Joseph Goula and Stephen J. Goula, a partnership, Seekonk, Mass., by order entered November 20, 1972, in No. MC–FC–74002, authorizing the transportation of commodities, generally, with exceptions, between specified points in Rhode Island and Connecticut. Grafton H. Willey III, Roberts & Willey Inc., 10 Dorrance Street, Providence, RI 02903, applicants' attorney.

No. MC–FC–74326. By order of March 28, 1973, the Motor Carrier Board approved the transfer to TWA Services, Inc., Cedar City, Utah, of the operating rights in Certificate No. MC–102793 issued April 12, 1957, to Utah Parks Co., a corporation, Salt Lake City, Utah, authorizing the transportation of passengers and their baggage (1) over a regular route between Cedar City, Utah, and Lund, Utah, and (2) in charter operations, during the season extending from June 1 to October 1, both inclusive, of each year, over irregular routes, from the Kaibab Forest Post Office, Ariz. (located on the north rim of the Grand Canyon), points in the Zion National Park, points in the Cedar Breaks National Park, points in the Cedar Breaks National Monument, and points in the Bryce Canyon National Park, Utah, to points in described areas of Colorado, New Mexico, Arizona, Nevada, and Utah, and return. Edmund E. Harvey, 1150 17th Street NW., Washington, DC 20036, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–6337 Filed 4–2–73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—APRIL

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.

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