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Note: There were no laws signed by the President during the last week.

The President vetoed S. 7, Rehabilitation Act of 1972. Message dated March 27, 1973.

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

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

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19495; FCC 73-314]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

PART 25—SATELLITE COMMUNICATIONS

Earth Station Coordination and Interference Calculation Procedures

Report and order.—In the matter of amendment of parts 21 and 25 of the rules to establish revised Earth station coordination and interference calculation methods for international and domestic communication-satellite facilities by nongovernmental entities.

1. This proceeding was instituted by the Commission's notice of proposed rulemaking adopted on April 19, 1972 (FCC 72-362, 37 F.R. 9229), with erratum released on April 27, 1972 (FCC 75780), for the purposes of revising those portions of parts 21 and 25 of the Commission's rules and regulations dealing with the coordination of Earth stations and terrestrial stations operating in shared frequency bands and of establishing standards for frequency tolerance and emission limitations for stations in the communication satellite service.

2. Comments on these proposed rule revisions were received from the following parties:

American Telephone and Telegraph Co. (A. T. & T.).
Collins Radio Co. (Collins).
Communications Satellite Corp. (Comsat).
Corporation for Public Broadcasting (CPB).
Data Transmission Co. (Datran).
General Electric Co. (GE).
GTE Service Corp. (GTE).
Hughes Aircraft Co. (Hughes).
MCI Lockheed Satellite Corp./Microwave Communications, Inc. (MCI).
Raytheon Co. (Raytheon).
RCA Global Communications, Inc. (RCA).
Stanford University, Center for Radar Astronomy (Stanford).
Western Union Telegraph Co. (WU).
Western Tele-Communications, Inc. (WTCI).

3. While these parties support the general intent of the proposed rule revisions, opposition was expressed to several sections of the proposed rules as will be discussed below. Many of the numerous suggestions and proposals submitted by these parties which do not involve matters of a substantial nature will not be specifically addressed here, but have been taken into consideration and will be adopted or rejected as reflected in the attached appendix.

4. The present §§ 21.706(c) and 25.203 (c) require the submission of additional showings with Earth station and terrestrial station applications which contain the results of interference analyses performed by the applicant. In view of the success experienced with the procedures adopted in § 21.100(d) for the coordination of proposed terrestrial microwave frequency assignments among other terrestrial microwave station operators and applicants prior to the filing of applications with the Commission, we proposed a similar type of prior coordination mechanism for the coordination of Earth stations and terrestrial stations in shared frequency bands to replace the current requirements for the general submission of interference analyses with applications. This general proposal is supported by all the parties, except WU, who commented on this matter.

5. WU proposed that the requirement for the general submission of interference analyses with applications be retained, and that the results of these analyses be kept on file with the Commission for reference purposes, and we think that such information would be useful both to the Commission in the processing of applications and to have on file for the use of interested parties thereafter. However, in view of the general support for the prior coordination mechanism proposed in the notice of proposed rulemaking, and in view of the effectiveness to date of this approach in the coordinations of terrestrial microwave frequency assignments, it appears that the proposed prior coordination mechanism will be, in general, an effective means of coordinating frequency assignments in shared frequency bands. Therefore, we do not see the need for the general submission of interference analyses as suggested by WU. However, the submission of more and different information may be necessary or desirable in the case of marginal interference situations as discussed below.

6. Although the proposed rule revisions did not specify a general submission of interference analyses with applications, they did propose to require the submission of analyses in marginal cases, i.e., in cases where the interference margin is less than 5 dB. This proposal is objected to by Comsat, MCI, and RCA as being unnecessary and burdensome. We are of the opinion that the making of these particular calculations cannot be burdensome because they must be made in any event with all the other calculations required for site selection and for coordination. Their submission cannot be considered burdensome since there will only be a very few such cases for each proposed site, if any, and the additional data to be submitted are few: Typically, that which occupies less than a line of computer output. The submission of such information will not be unnecessary since it is these marginal cases that will often require the attention of the Commission as well as that of the carriers with whom the applicant coordinates. In addition such additional information may be required of applicants when potential interference conflicts are brought to the attention of the Commission. We may also require the submission of any or all interference analyses should the submission of these analyses be deemed necessary in the course of examining any application.

7. While the submission of the results of interference analyses with applications will not be a general requirement, the Commission considers it necessary for Earth station applications to include the technical information and parameters on which the coordination of the proposed Earth station is based, and which form the basis of the computations described in §§ 25.252 through 25.255 of the proposed rules. Both A.T. & T. and Comsat proposed that a list of the minimum technical information to be provided with Earth station applications should be incorporated into the rules. We agree that the inclusion of such a list in the rules would be useful, and such a list, including items mentioned in the lists proposed by A.T. & T. and Comsat, will be incorporated into the rules to be adopted. It should be noted that this list refers only to the information to be supplied concerning the coordination of the proposed Earth station, and does not include additional technical information that is required with an Earth station application in order to provide the Commission with a complete description of the proposed Earth station facilities.

8. In regard to the technical information to be submitted with an Earth station application, Hughes and WU propose that Earth station applicants be required to submit plots of the distance to the local horizon as a function of azimuth with their applications. While we agree with WU about the importance of local horizon data, we do not see the need for the general submission of horizon distance plots since these plots are not required in the generation of coordination distance contours and would not be sufficiently precise to be useful in performing detailed interference analyses. However, we are aware

that horizon distances less than 1 kilometer violate an assumption on which the propagation curves of § 25.253 are based, and that the treatment of these cases, as well as the treatment of the use of artificial site shielding, should be fully justified by the Earth station applicant, and the rules to be adopted will incorporate these considerations.

9. With regard to the amount of time to be allowed for a response to a request for coordination of a proposed Earth station under the proposed § 25.203(c)(4), A.T. & T. and MCI request that this period be extended to 45 and 60 days, respectively, in view of the larger workload associated with the coordination of an Earth station, and Comsat suggests that this time period be made adjustable by mutual agreement of the parties involved. We think that these calculations will become routine as all parties become familiar with the processing of domestic satellite systems; that most of the calculations will be accomplished by computer; and that the greater number of calculations should not, by themselves, require a greater number of days or weeks for their carrying out. Therefore, we will retain the period of 30 days as a reasonable one for response but, in the interests of administrative flexibility, with the provision that this period may be increased by mutual agreement of the parties involved to a maximum of 45 days.

10. Although a number of other changes to part 21 were proposed by the parties filing comments in this proceeding pertaining primarily to coordination procedures, we did not propose extensive changes to part 21, and we do not consider it appropriate to do so in this proceeding. However, we do expect to propose changes to part 21 shortly which will specify in greater detail the coordination procedures to be followed by both terrestrial and Earth station operations. For this reason we have deleted those proposed paragraphs of § 25.203(c) that described specific coordination procedures. Until the further revision of part 21 is effective, Earth station applicants should follow the procedures described in FCC Public Notices No. 562, dated September 20, 1971, and No. 597, dated May 22, 1972.

11. At the time we issued the notice of proposed rulemaking, we were concerned with the potential for harmful interference propagated by means of precipitation scatter mechanisms, particularly in those cases where the antenna beams of an Earth station and a terrestrial station intersect in a common spatial volume. While none of the parties contend that our concern is unfounded, RCA suggests that the absence of generally established analytical techniques to treat precipitation scatter mechanisms makes the generation of rain scatter contours unnecessary, and Comsat suggests that the resolution of potential interference conflicts resulting from common volume antenna beam intersections would best be accomplished in the context of the prior coordination mechanism.

12. On the basis of the information available to us, it is clear that the potential for harmful interference resulting from common volume intersections of antenna beams is sufficiently great that this potential interference mode should not be neglected. While general analytical techniques may not be currently available to treat all of the potential precipitation scatter interference modes, such as scattering from a sidelobe into a main lobe, techniques are currently available to ascertain the existence of common volumes caused by main beam intersections (e.g. FCC Report R-7201, "Perdis—A Computer Program to Determine if Two Antenna Beams Intersect and Provide the Perpendicular Distance Between the Beam Axes"). Guidelines in the analysis of such situations is also provided in other sources (e.g. CCIR Report 339-1, New Dehli, 1970). For these reasons, it is appropriate that considerations of the potential for harmful interference due to antenna beam common volume intersections be incorporated into the rules at this time.

13. Since rain scatter contours computed in accordance with the proposed § 25.254 are required for international coordination, and since these contours are necessary for finding the area in which common volumes caused by main beam intersections are to be prohibited, this requirement will be retained in the rules to be adopted. While we find some merit in Comsat's suggestion that the resolution of these cases may be more effectively handled in the prior coordination mechanism, we consider it necessary at this time to prohibit such intersections as a general rule and treat on an individual waiver basis applications for stations having main beam intersections. For such a waiver to be considered, we will require an Earth station or terrestrial station applicant, whose proposal includes a common volume intersection, to submit with his application, a showing setting forth the nature of the intersection, the parties with whom coordination was attempted, the results of the coordination, and the detailed technical basis on which it is concluded that harmful interference will not result.

14. With respect to the treatment of common volume intersections, we will modify the rain heights originally specified in §§ 21.706(c) and 25.203(e) of the proposed rule revisions as suggested by Comsat and GTE to bring them into accordance with the values adopted by the WARC-ST, now specifying them in Table 1 of § 25.254(b). A new map, based on these values, which more clearly defines the rain zones for the contiguous United States is given in Figure 2 of § 25.254. We also find merit in Comsat's suggestion that, for the purposes of determining antenna beam intersections, the antenna beam be defined by the points at which the antenna gain is 15 dB below the main beam gain, rather than the 20 dB figure contained in the proposed rule revisions and this figure of 15 dB will be incorporated in the rules to be adopted.

15. In our notice of proposed rulemaking, we proposed the establishment of standards for frequency tolerances for Earth stations operating with Intelsat standards for emission limitations. The standards proposed for Earth station frequency tolerance in the new § 25.202(e) are considered unnecessarily stringent by Comsat, GTE, and Ratheon, who propose the values of 0.005 percent, ±80 kHz, and 0.002 percent, respectively. The Commission notes, however, that the Earth stations operating with Intelsat satellites are currently licensed with a frequency tolerance of 0.001 percent and that applicants for domestic satellite Earth station authorizations propose to employ transmitters with frequency tolerances at least as stringent. It therefore appears that a frequency tolerance of 0.001 percent is readily attainable under the current state of the art in Earth station transmitting equipment design, and it is this value that will be adopted.

16. Proposals for space station frequency tolerances for the reserved § 25.202(f) were received from Comsat, Hughes, and MCI. Comsat suggests a value of 0.005 percent for frequencies above 1 GHz, and MCI proposes a table be adopted for limits on frequency translation errors, with values ranging from 0.0005 percent to 0.005 percent depending on the observation period and the downlink frequency band. Hughes comments that space station frequency tolerance standards are unnecessary, but that if the Commission decided that such a standard be adopted, it should be no more stringent than 0.0015 percent and preferably should be consistent with the current lower terrestrial standard. We are not persuaded by the arguments of Hughes that space station frequency tolerance standards are unnecessary, since for one reason, they are necessary to limit out-of-band emissions. Reviewing the information available to us, we conclude that a frequency tolerance design objective of 0.001 percent for satellite transmitters is attainable under the current state of the art. Taking into account Earth station uplink frequency errors of 0.001 percent, it appears that a space station frequency tolerance of 0.002 percent should be the value to be adopted.

17. In regard to the standards proposed for emission limitations in the new § 25.202(g), Comsat argues that these standards should be deleted as they are unnecessary for frequency coordination purposes since interference analyses are performed on a cochannel basis, and out-of-band emissions are categorically prohibited. We are not persuaded by this argument, however, since it is possible that potential interference conflicts might be resolved by an Earth station and a terrestrial station employing only nonoverlapping portions of the shared frequency band. Therefore, we will adopt the emission limitation standards as proposed, noting that these standards are generally consistent with the standards adopted for other services operating in

frequency bands shared with the communication-satellite service.

18. With respect to the antenna performance standards proposed under the new § 25.209, comments were received from Collins, Comsat, GE, Hughes, MCI, Raytheon, Stanford, WU, and WTCI, with Collins and Stanford commenting at length, arguing that all or a portion of the proposed standards were too stringent or unattainable in practice. It is further argued that since the envelope defined in § 25.209(a)(3) is based on a CCIR recommendation referring to an average envelope of sidelobe levels, it is inappropriate to impose this standard as an envelope of peak sidelobe levels. GE proposes that the contents of this section be reserved for future study, and Hughes proposes that the standards be set forth in terms of guidelines rather than rules. Comsat suggests that the standard for transmitting antennas be expressed in terms of radiated power densities rather than a gain pattern, and both Comsat and Hughes propose that the standards be stated in terms of smoothed values rather than as an envelope of peak values. Opposition to the minimum antenna size that would be imposed by the adoption of a minimum d/λ ratio was also expressed by Comsat, MCI, Raytheon, WU, and WTCI.

19. We do not agree with the propositions that this matter should be deferred for future study or that it should be implemented as guidelines rather than as rules. Since the interests of efficient spectrum utilization are served by the use of high performance antennas, we consider it preferable, in view of the large number of proposed and anticipated earth stations in domestic satellite systems, to have these stations initially equipped with high performance antennas, rather than defer the matter to a time when investment in lower performance antennas would make it difficult, on an economic basis, to impose more stringent performance standards.

20. We agree with the parties that the imposition of the proposed 32–25 logθ envelope on peak sidelobe levels is unnecessarily stringent. However, in view of the wide use made of this formula in interference studies, we consider it more appropriate to retain this formula with the provisions for sidelobe smoothing to demonstrate compliance rather than adopting a different formula or expressing the standard in terms of power densities. Accordingly, we will modify this standard to allow for the averaging of up to two consecutive sidelobes on both sides of the sidelobe under consideration, provided that no sidelobe exceed the envelope by more than 6 dB.

21. Since we are concerned only with the performance of antennas and not of their specific design, we find merit with the position that the minimum d/λ ratio is unnecessary, and we therefore delete this requirement from the rules to be adopted.

22. Several modifications to table 1 of § 25.252 proposed by A.T. & T. merit discussion. While we agree with A.T. & T. that digital systems will require the inclusion of a separate set of parameter values in this table, we consider it premature to do so now in view of the limited experience to date regarding digital systems that may be implemented domestically. We consider it preferable that the coordination of digital systems be handled on a case by case basis until sufficient experience is gained to justify the institution of a rulemaking proceeding to appropriately modify the rules to treat digital systems. Neither do we agree with A.T. & T.'s proposal that the "exceptional interval" allocated to interference be further suballocated between near great circle propagation mechanisms. We note that, for a given receiving system, the maximum short term permissible interference power level $P_{max}(p)$, which is the short term criteria of harmful intereference, is not dependent on the propagation mechanism by which the interference is propagated. However, since this level is dependent on the number of interference entries assumed, the net effect of adopting A.T. & T.'s proposal would be to double the number of interference entries assumed, which would incorporate an additional degree of conservatism in the interference calculations. Since we do not consider A.T. & T.'s arguments sufficient to justify this increase, we will not adopt this proposal in the rules to be adopted.

23. With regard to A.T. & T.'s proposal to standardize the Earth station reference bandwidth to 1 MHz, we find merit with this proposal and will incorporate it in the rules to be adopted. We also note that the terrestrial station powers specified in table 1 of § 25.252 are total powers and are not adjusted to the Earth station reference bandwidth. While this adjustment may be neither necessary or desirable in the course of generating coordination distance contours or performing preliminary interference analyses, it may be desirable to incorporate this adjustment in performing detailed interference analyses, and we will include a provision to this effect in the rules. However, since the value of this adjustment will depend, in part, on the spectrum distribution of the terrestrial emission, we will leave the determination of the value of this factor to the parties involved on a case by case basis. We also find merit in A.T. & T.'s proposed inclusion of language to provide for adjustment of terrestrial station power increases in the foreseeable future to allow for growth in capacity from the implementation of new carrier systems, and will incorporate A.T. & T.'s proposed language to this effect.

24. In our notice of proposed rulemaking, we provided for an alternative method of defining the maximum permissible interference power level $P_{max}(p)$ in § 25.252(b) for the short-term percentage of the time. A.T. & T. and Comsat argue that such an alternative is unnecessary and confusing, and A.T. & T. notes that a proposal has been made to delete the CCIR report on which the proposed formula is based. Moreover, both A.T. & T. and Comsat point out that the formula is not appropriate for the definition of the maximum permissible interference power level for the long-term percentage of the time necessary in the performance of detailed interference analyses, and propose the inclusion of a formula for this case. We find merit in these comments, and will therefore delete this alternative formula and replace § 25.252(b) with the formula proposed for computing the long-term percentage of the time maximum permissible interference power level P_{max} (20 percent). With respect to the values to be incorporated into table 1 for n_{o}, we do not find sufficient justification for the specific values proposed by A.T. & T. Therefore, while we will amend table 1 to include this new parameter, which is now to be distinguished in concept from the corresponding short term parameter n, initially we will assign to it the same values as to n, consistent with the 1972 revision of CCIR Report 448.

25. Comsat proposed to include in § 25.253(f) the effect of "aperture-to-medium" coupling loss in the determination of the coordination distance at azimuths where the Earth station antenna elevation angle is less than 12°. We are not ready, at this time, to permit advantage to be taken of this phenomena since CCIR Report 238–1 now states in part:

> For purposes of computing interference fields, the antenna-to-medium loss does not apply since fields much stronger than the median are usually coherent and do not experience this loss.

With respect to Comsat's proposal to define the coastal strips in § 25.253(c) in terms of the values 100 meters above sea level and 50 kilometers inland, it appears reasonable to adopt this definition, at least on an interim basis.

26. We also find merit to the comments of several parties that the provisions for the three approaches to performing preliminary analyses listed in § 25.255(a) of the proposed rule revisions are unnecessary and could result in needless confusion and discrepancies between parties seeking to effect coordination. We will therefore delete reference to all but the first of these approaches in the rules to be adopted, since this is the one preferred by the parties commenting on this matter. In order to minimize inconsistencies in computing near great circle propagation loss necessary to perform detailed interference analyses, we will also amend § 25.255(d)(5) to delete references to analytical techniques other than NBS Technote 101, as suggested by several of the parties, and incorporate several other proposals intended to clarify the use of these techniques.

27. With regard to the antenna pattern of terrestrial stations to be used in the coordination procedure, we realize the simplifications that will result from the use of standard reference antenna patterns in the initial attempts at coordination. We attempted to treat this matter in the proposed rule revisions by proposing a standard pattern based on the representative maximum terrestrial antenna gains specified in table 1 of the proposed § 25.252 and the sidelobe suppression standard B of § 21.108(c). A.T. & T. and Comsat object to this

standard on the grounds that this pattern is unduly conservative, and each proposes a different pattern for incorporation into the rules. While the standard we proposed may be conservative, neither A.T. & T. nor Comsat has adequately justified the incorporation of the particular standard pattern proposed by it in the rules to be adopted.

28. It must be remembered that the use of a standard reference terrestrial antenna pattern during the first stages of the coordination procedure is both for computational convenience, in that its use will reduce the need to treat large amounts of data regarding different actual terrestrial station antennas, and to insure that all terrestrial stations that could likely cause or receive interference are taken into account. Therefore, the choice of reference patterns should be sufficiently conservative so as to make it unlikely that an actual interference situation would be eliminated from further consideration. A terrestrial antenna pattern based on sidelobe suppression standard B of § 21.108(c) satisfies this requirement since this describes antennas of the poorest performance that should be operating, and reference to it will be retained in the rules to be adopted. However, adoption by the Commission of this pattern for use in the early, screening stages of coordination, does not imply that the Commission will permit, or continue to permit, such antennas to be used by terrestrial operators. If analysis shows that interference would likely result to or from a terrestrial station actually employing such an antenna, and that an antenna of better performance would eliminate that likelihood, then the provisions of §§ 21.108(c) and 21.109(c) apply.

29. GE also suggests that provisions be made in the rules to accommodate the use of several advanced techniques, such as site shielding, space filtering, and frequency interleaving, in performing interference analyses. However, with the exception of allowances for site shielding, it appears that the use of standard assumptions and techniques to the maximum extent feasible, particularly the assumption of cochannel operation, will simplify the administrative burden of the coordination process and aid facility planning. Therefore, since specific technical proposals for the implementation of these technqiues have not been advanced for incorporation in the rules, we do not consider it appropriate at this time to include a general provision in the rules to this effect as suggested by GE. However, this action is not intended to foreclose the use of these advanced techniques in the coordination process; it is only to limit their use to cases in which the use of standard techniques is not sufficient to effect coordination. In the case of site shielding, values in excess of those implied by the standard curves for loss can be used in individual cases if they can be supported by theoretical calculations or actual measurements as described in § 25.203(b).

30. With respect to the comments of several parties regarding ambiguities in the proposed rules concerning the instances in which the use of the values for the parameters listed in table 1 of § 25.252 is mandatory, the language of the rules to be adopted will be modified to resolve these ambiguities. Our intent was and is that, unless a showing is made to the Commission that another choice of values is more appropriate for the particular case under consideration, the use of the values of this table is mandatory for the generation of coordination distance contours and in the computation of the maximum permissible interference power levels. In performing preliminary and detailed interference analyses, values specified in the table for parameters not entering into the determination of the maximum permissible interference power level should be used unless the actual values are known, or the use of other values is provided for in § 25.255(d) of the rules to be adopted.

31. With respect to the comments of Comsat that references to the "communication-satellite service" be changed to the "fixed satellite service," and the comments of CPB regarding the desirability of incorporating provisions for the coordination of facilities operating in the 2500-2690 MHz frequency band allocated by the WARC-ST to the instructional television fixed service, consideration of these matters will be more appropriate in the context of more general future rulemaking proceedings to be initiated shortly to implement the results of the WARC-ST, rather than in this limited proceeding.

32. Finally, we note the comments of Datran pointing to the extensive use made of computers to automate the coordination process and suggesting that the various data curves presented graphically in the rules also be presented in a form more convenient for computer implementation in order to minimize discrepancies in the calculations performed by different parties. While we are not in a position to advance specific proposals to this effect at the present time, we find considerable merit in these comments. However, rather than incorporate these proposals formally in the rules, the establishment of computer compatible representations for this data would be more appropriately handled on an informal basis, together with the refinement of various details regarding the coordination process.

33. *Accordingly, it is ordered*, That, pursuant to the authority contained in sections 1, 2, 3, 4 (i) and (j), 214, 301, 303, 307-309, and 403 of the Communications Act of 1934, as amended, and sections 102(d) and 201(c) (6) and (11) of the Communications Satellite Act of 1962, parts 21 and 25 of the Commission's rules and regulations are amended as set forth below effective May 7, 1973.

34. *It is further ordered*, That the proceedings in Docket 19495 are terminated.

(Secs. 1, 2, 3, 4, 214, 301, 303, 307, 308, 309, 403, 48 Stat., as amended, 1064, 1065, 1066, 1075, 1081, 1082, 1083, 1084, 1085, 1094, 47 U.S.C. 151, 152, 153, 154, 214, 301, 303, 307, 308, 309, 403)

Adopted: March 21, 1973.

Released: April 2, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Parts 21 and 25 of chapter I of title 47 of the Code of Federal Regulations are amended as follows:

1. In § 21.100, paragraph (d) is amended to read as follows:

§ 21.100 Frequencies.

* * * * *

(d) All applicants for regular authorization in the point-to-point microwave radio and local television transmission services shall, before filing an application, coordinate proposed frequency usage (including relevant technical details) with existing users in the area and other applicants with previously filed applications, whose facilities could affect or be affected by the new proposal in terms of frequency interference or restricted ultimate system capacity. In coordinating terrestrial frequency usage with stations in the communication-satellite service, applicants shall also comply with the requirements of § 21.706 (c) and (d). All applicants, permittees and licensees shall cooperate fully and make reasonable efforts to resolve technical problems and conflicts that may inhibit the most effective and efficient use of the radio spectrum. Applicants should make every reasonable effort to avoid blocking the growth of systems that are likely to need additional capacity in the foreseeable future. The applicant shall identify in the application all entities with which the technical proposal was coordinated. In the event that technical problems are not resolved or if the existing licensee, permittee or applicant does not respond to coordination efforts within 30 days after receipt of notification, an explanation shall be submitted with the application.

Where technical problems are resolved by an agreement or operating arrangement between the parties that would require special procedures be taken to reduce the likelihood of harmful interference (such as the use of artificial site shielding) or would result in lessened quality or capacity of either system, the details thereof shall be contained in the application.

* * * * *

2. In § 21.706, paragraphs (c) and (d) are revised to read as follows:

§ 21.706 Supplementary showing required with applications.

* * * * *

(c) In those frequency bands shared with the communication-satellite serv-

[1] Commissioners Johnson and Reid concurring in the result.

ice, an applicant for a new station, for new points of communication, for the initial frequency assignment in a shared band for which coordination has not been previously effected, or for authority to modify the emission or radiation characteristics of an existing station in a manner that may increase the likelihood of harmful interference, shall ascertain in advance whether the station(s) involved lie within the great circle coordination distance contours of an existing Earth station or one for which an application has been accepted for filing, and shall coordinate his proposal with each such Earth station operator or applicant. For each potential interference path, the applicant shall perform the computations required to determine that the expected level of interference to or from the terrestrial station does not exceed the maximum permissible interference power level in accordance with the technical standards and requirements of §§ 25.251–25.256 of this chapter. In those instances where the results of these computations indicate a safety margin of less than 5 dB, the applicant shall submit with the application to the Commission, certain additional information; the gains assumed for both the terrestrial and Earth station antennas in the direction of the other station; the calculated transmission loss; and the resulting margin above the controlling objective. The Commission may, in the course of examining any application, require the submission of additional showings, complete with pertinent data and calculations in accordance with Part 25 of this chapter, showing that harmful interference will not likely result from the proposed operation. (Technical characteristics of the Earth stations on file and coordination contour maps for those Earth stations will be kept on file for public inspection in the offices of the Commission's Common Carrier Bureau in Washington, D.C.)

(d) Each applicant filing pursuant to paragraph (c) of this section shall also ascertain in advance whether the beam of his proposed antenna(s) intersects the beam of any Earth station antenna within the rain scatter coordination distance contour of which the terrestrial antenna is located, below the altitude given in table 1 of § 25.254(b) of this chapter for the rain climate in which the Earth station is located. In general such intersections will not be permitted. For the purposes of this paragraph, the beam of an antenna is to be taken as that portion of the antenna radiation pattern inside of which the gain is within 15 dB of the maximum antenna gain. The concepts of rain climate and rain scatter coordination distance contour are as defined in § 25.254 of this chapter. In certain cases, for good cause shown, intersections may be permitted on an individual waiver basis. In such cases, the applicant shall also submit with his application a showing setting forth (1) the nature of the proposed beam intersection, (2) the Earth station operator or applicant with whom coordination was attempted and the results of the coordination, and (3) the technical basis on which it was concluded that harmful interference will not likely result from this beam intersection.

3. Section 21.809 is revised to read as follows:

§ 21.809 Stations affected by coordination contour procedures.

In frequency bands shared with the communication-satellite service, applicants shall also comply with the requirements of § 21.706 (c) and (d).

4. In § 25.202 the headnote is amended, a title is added to paragraphs (a), (b), (c), and (d) and paragraphs (e), (f), and (g) are added to read as follows:

§ 25.202 Frequencies, frequency tolerance and emission limitations.

(a) *Frequency bands.* * * *

(b) *Frequencies, telecommand.* * * *

(c) *Frequencies, telemetering.* * * *

(d) *Frequencies, tracking.* * * *

(e) *Frequency tolerance, Earth stations.*—The carrier frequency of each Earth station transmitter authorized in these services shall be maintained within 0.001 percent of the reference frequency.

(f) *Frequency tolerance, space stations.*—The carrier frequency of each space transmitter authorized in these services shall be maintained within 0.002 percent of the reference frequency.

(g) *Emission limitations.*—The mean power of emissions shall be attenuated below the mean output power of the transmitter in accordance with the following schedule:

(1) In any 4 kHz band, the center frequency of which is removed from the assigned frequency by more than 50 percent up to and including 100 percent of the authorized bandwidth: 25 dB;

(2) In any 4 kHz band, the center frequency of which is removed from the assigned frequency by more than 100 percent up to and including 250 percent of the authorized bandwidth: 35 dB;

(3) In any 4 kHz band, the center frequency of which is removed from the assigned frequency by more than 250 percent of the authorized bandwidth: An amount equal to 43 dB plus 10 times the logarithm (to the base 10) of the transmitter power in watts;

(4) In any event, when an emission outside of the authorized bandwidth causes harmful interference, the Commission may, at its discretion, require greater attenuation than specified in paragraph (g) (1), (2), and (3) of this section.

5. In § 25.203, paragraph (d), adopted on December 6, 1972, in Docket No. 18180, and paragraph § 25.390(j) are moved to new paragraphs (f) and (g), respectively, paragraphs (b), (c), and (d) are amended, and paragraphs (e), (f), and (g) are added, to read as follows:

§ 25.203 Choice of sites and frequencies.

* * * * *

(b) An applicant for an Earth station authorization in a frequency band shared with equal rights with terrestrial microwave services shall compute the great circle coordination distance contour(s) for the proposed station in accordance with the procedures set forth in §§ 25.251 through 25.253 and the rain scatter coordination distance contour(s) for the proposed station in accordance with the procedures set forth in § 25.254. The applicant shall submit with his application a map or maps drawn to appropriate scale and in a form suitable for reproduction indicating the location of the proposed station and these contours. These maps, together with the pertinent data on which the computation of these contours is based, including all relevant transmitting and/or receiving parameters of the proposed station that might be useful in assessing the likelihood of interference, an appropriately scaled plot of the elevation of the local horizon as a function of azimuth, and the electrical characteristics of the Earth station antenna(s), shall be submitted by the applicant in a single exhibit to his application. At a minimum, this exhibit (labeled "Exhibit 2"), shall include the information listed in paragraph (c)(2) of this section. An Earth station applicant shall also include in his application relevant technical details (both theoretical calculations and/or actual measurements) of any special techniques, such as the use of artificial site shielding, or operating procedures or restrictions at the proposed earth station which are to be employed to reduce the likelihood of interference, or of any particular characteristics of the Earth station site, such as horizon obstacles closer than 1 kilometer, which could have an effect on the calculation of the coordination distance.

(c) Prior to the filing of his application, an Earth station applicant shall coordinate the proposed frequency usage with existing terrestrial users and with applicants for terrestrial station authorizations with previously filed applications in accordance with the following procedure:

(1) An applicant for an Earth station authorization shall perform an interference analysis in accordance with the procedures set forth in § 25.255 for each terrestrial station, for which a license or construction permit has been granted or for which an application has been accepted for filing, which is or is to be operated in a shared frequency band to be used by the proposed Earth station and which is located within the great circle coordination distance contour(s) of the proposed Earth station.

(2) The Earth station applicant shall provide each such terrestrial station licensee, permittee, and prior filed applicant with the technical details of the proposed Earth station and the relevant interference analyses that were made. At a minimum, the Earth station applicant shall provide the terrestrial user with the following technical information:

(i) The geographical coordinates of the proposed Earth station antenna(s),

(ii) Proposed operating frequency band(s) and emission(s).

(iii) Antenna center height above ground and ground elevation above mean sea level.

(iv) Antenna gain pattern(s) in the plane of the main beam.

(v) Longitude range of geostationary satellites at which antenna may be pointed.

(vi) Horizon elevation plot.

(vii) Antenna horizon gain plot(s) determined in accordance with § 25.253(b) for satellite longitude range specified in (v) above.

(viii) Minimum elevation angle.

(ix) Maximum effective isotropically radiated power (EIRP) in any 4 kHz band in the main beam. (dBW/4. kHz).

(x) Maximum available RF transmit power in any 1 MHz band and in any 4 kHz band at the input terminals of the antenna(s).

(xi) Maximum permissible RF interference power level as determined in accordance with § 25.252 for all applicable percentages of time, and

(xii) A plot of great circle coordination distance contour(s) and rain scatter coordination distance contour(s) as determined by §§ 25.253 and 25.254.

(3) The coordination procedure specified in § 21.100(d) of this chapter shall be applicable except that the information to be provided shall be that set forth in paragraph (c)(2) of this section, and thtat the 30-day period allowed for response to a request for coordination may be increased to a maximum of 45 days by mutual consent of the parties.

(4) Where technical problems are resolved by an agreement or operating arrangement between the parties that would require special procedures be taken to reduce the likelihood of harmful interference (such as the use of artificial site shielding) or would result in lessened quality or capacity of either system, the details thereof shall be contained in the application.

(5) In those instances where the calculations of expected interference indicate a safety margin of less than 5 dB, the applicant shall submit with the application to the Commission, certain additional information: The gains assumed for both the terrestrial and Earth station antennas in the direction of the other station; the calculated transmission loss; and the resulting margin above the controlling objective. The Commission may, in the course of examining any application, require the submission of additional showings, complete with pertinent data and calculations in accordance with §§ 25.251–25.256, showing that harmful interference will not likely result from the proposed operation.

(d) An applicant for an Earth station authorization shall also ascertain whether the great circle coordination distance contours and rain scatter coordination distance contours, computed for those values of parameters indicated in table 1 of § 25.252 for international coordination, cross the boundaries of another administration. In this case, the applicant shall furnish the Commission copies of these contours on maps drawn to appropriate scale for use by the Commission in effecting coordination of the proposed earth station with the administration(s) affected.

(e) Each applicant shall also ascertain in advance whether the antenna beam of his proposed Earth station intersects the beam of any terrestrial antenna located within the Earth station's rain scatter coordination distance contour, below the altitude given in table 1, of § 25.254(b) for the rain climate in which the Earth station is located. In general, such intersections will not be permitted. For the purposes of this paragraph, the beam of an antenna is to be taken as that portion of the antenna radiation pattern inside of which the gain is within 15 dB of the maximum antenna gain. The concepts of rain climate and rain scatter coordination distance contour are as defined in § 25.254. In certain cases, for good cause shown, intersections may be permitted on an individual waiver basis. In such cases the applicant shall also submit with his application a showing setting forth (1) the nature of the proposed beam intersection, (2) the terrestrial station operator or applicant with whom coordination was attempted and the results of the coordination and (3) the technical and/or operational basis on which it was concluded that harmful interference will not likely result from this beam intersection.

(f) Protection for Table Mountain Radio Receiving Zone, Boulder County, Colo.

(1) Applicants for a station authorization to operate in the vicinity of Boulder County, Colo., under this part are advised to give due consideration, prior to filing applications, to the need to protect the Table Mountain Radio Receiving Zone from harmful interference. These are the research laboratories of the Department of Commerce, Boulder County, Colo. To prevent degradation of the present ambient radio signal level at the site, the Department of Commerce seeks to ensure that field strengths at 40°07'50 N. latitude, 105°14'40" W. longitude, resulting from new assignments (other than mobile stations) or from the modification or relocation of existing facilities do not exceed the following values:

Frequency range	Field strength (mV/m) in authorized bandwidth of service	Power flux density [1] (dBW/m²) in authorized bandwidth of service
Below 540 kHz	10	−65.8
540–1600 kHz	20	−59.8
1.6–470 MHz	10	[2] −65.8
470–890 MHz	30	[2] −56.2
above 890 MHz	1	[2] −85.8

NOTE: 1. Equivalent values of power flux density are calculated assuming a free-space characteristic impedance of 377 ohms.

NOTE: 2. Space stations shall conform to the power flux density limits at the earth's surface specified in appropriate Parts of the FCC Rules, but in no case should exceed the above levels in any 4 kHz band for all angles of arrival.

(2) Advance consultation is recommended particularly for those applicants who have no reliable data which indicates whether the field strength or power flux density figures in the above table would be exceeded by their proposed radio facilities (except mobile stations). In such instances, the following is a suggested guide for determining whether coordination is recommended:

(i) All stations within 1.5 statute miles;

(ii) Stations within 3 statute miles with 50 watts or more effective radiated power (ERP) in the primary plane of polarization in the azimuthal direction of the Table Mountain Radio Receiving Zone;

(iii) Stations within 10 statute miles with 1 kW or more ERP in the primary plane of polarization in the azimuthal direction of Table Mountain Receiving Zone;

(iv) Stations within 50 statute miles with 25 kW or more ERP in the primary plane of polarization in the azimuthal direction of Table Mountain Receiving Zone.

(3) Applicants concerned are urged to communicate with the radio frequency management coordinator, Department of Commerce, NOAA/OT/NBS, Time and Frequency Division, Boulder Laboratories, Boulder, Colo., 80302; telephone 303–499–3542, in advance of filing their applications with the Commission.

(4) The Commission will not screen applications to determine whether advance consultation has taken place. However, applicants are advised that such consultation can avoid objections from the Department of Commerce or proceedings to modify any authorization which may be granted which, in fact, delivers a signal at the reference point in excess of the field strength specified herein.

(g) Notification to the National Radio Astronomy Observatory: In order to minimize possible harmful interference at the National Radio Astronomy Observatory site located at Green Bank, Pocahontas County, W. Va., and at the Naval Radio Research Observatory site at Sugar Grove, Pendleton County, W. Va., any applicant for a station authorization other than mobile, temporary base, temporary fixed, Citizens Radio, Civil Air Patrol, or amateur seeking a station license for a new station, a construction permit to construct a new station or to modify an existing station license in a manner which would change either the frequency, power, antenna height or directivity, or location of such a station within the area bounded by 39°15' N. on the north, 78°30' W. on the east, 37°30' N. on the south and 80°30' W. on the west shall, at the time of filing such application with the Commission, simultaneously notify the Director, National Radio Astronomy Observatory, P.O. Box No. 2, Green Bank, W. Va. 24944, in writing, of the technical particulars of the proposed station. Such notification shall include the geographical coordinates of the antenna, antenna

height, antenna directivity if any, proposed frequency, type of emission, and power. In addition, the applicant shall indicate in his application to the Commission the date notification was made to the observatory. After receipt of such applications, the Commission will allow a period of 20 days for comments or objections in response to the notifications indicated. If an objection to the proposed operation is received during the 20-day period from the National Radio Astronomy Observatory for itself or on behalf of the Naval Radio Research Observatory, the Commission will consider all aspects of the problem and take whatever action is deemed appropriate.

§ 25.204 [Amended]

6. In § 25.204, paragraph (d) and the note which follows are deleted.

7. A new § 25.209 is added to read as follows:

§ 25.209 Antenna performance standards.

(a) Any antenna to be employed in transmission at an Earth station in the communication-satellite service shall conform to the following standard:

Outside the main beam, the gain of the antenna shall lie below the envelope defined by:

$$32-25\log_{10}(\theta)\ \text{dBi}\quad 1^\circ \leq \theta \leq 48^\circ$$
$$-10\ \text{dBi}\quad 48^\circ < \theta \leq 180^\circ$$

where θ is the angle in degrees from the axis of the main lobe, and dBi refers to dB relative to an isotropic radiator. For the purposes of this section, the peak gain of an individual sidelobe may be reduced by averaging its peak level with the peaks of the nearest sidelobes on either side, or with the peaks of two nearest sidelobes on either side, provided that the level of no individual sidelobe exceeds the gain envelope given above by more than 6 dB.

(b) Any antenna employed for reception at an Earth station in the communication-satellite service shall be protected from interference only to the degree to which harmful interference would not be expected to be caused to an Earth station employing an antenna conforming to the antenna standard of paragraph (a) of this section.

(c) The authorization of any Earth station antenna not conforming to the standard of paragraph (a) of this section shall be so conditioned that the use of such an antenna shall impose no limitation upon the operations, location, or design of any terrestrial station, any other Earth station, or any space station.

8. In § 25.251 paragraph (h) is deleted, and the headnote and paragraphs (a) through (g) are revised to read as follows:

§ 25.251 Special requirements for coordination.

(a) The administrative aspects of the coordination process are set forth in §§ 21.100(d) and 21.706 (c) and (d) of this chapter in the case of coordination of terrestrial stations with Earth stations, and in § 25.203 in the case of coordination of Earth stations with terrestrial stations. The technical aspects of the coordination process are set forth in §§ 25.252 through 25.256.

(b) The technical aspects of coordination are based on appendix 28 of the international radio regulations and certain recommendations and reports of the CCIR. Applicants and operators will find it helpful to be aware of the latest revision of these documents, in particular reports 244, 382, and 448.

(c) Although two types of interference paths have to be considered, i.e., from an Earth station transmitter into terrestrial receivers, and from a terrestrial transmitter into Earth station receivers, the use of different frequency bands for transmission and reception by the communication-satellite service limit the consideration to only one type of interference path in each frequency band, namely:

(1) In those shared frequency bands limited to transmission by an Earth station, only the possibility of interference from Earth station transmitters into terrestrial receivers needs to be considered;

(2) In those shared frequency bands limited to reception by an Earth station, only the possibility of interference from terrestrial transmitters into the Earth station receivers needs to be considered.

(d) For the purposes of effecting coordination between terrestrial and Earth station in frequency bands shared with equal rights by these services, the following assumptions should be made, absent specific information:

(1) That the Earth station antenna may be directed towards any point on that portion of the geostationary arc visible at the Earth station location at which the corresponding elevation angle exceeds or is equal to the limits specified in § 25.205;

(2) That any terrestrial station and any Earth station within 100 kilometers of each other must be coordinated whether or not a lesser coordination distance results from any calculation;

(3) That the terrestrial antenna meets an antenna pattern based on the maximum antenna gain from table 1 of § 25.252 and the sidelobe suppression standard B set forth in § 21.108(c) of this chapter;

(4) That the Earth station antenna conforms to the antenna performance standards set forth in § 25.209(a);

(5) That both systems occupy all frequencies allocated to the particular service in the band to which they are assigned.

(e) The assumption of paragraph (d)(3) of this section, that the terrestrial station antenna only meets the sidelobe suppression standard B of § 21.108(c) of this chapter is to be made only for computational convenience and simplicity, and to insure that all terrestrial stations that could likely cause or receive interference are taken into account. If interference will likely result to or from a terrestrial station actually employing an antenna meeting only standard B, but would be eliminated if an antenna meeting standard A were to be employed, then the provisions of §§ 21.108(c) and 21.109(c) of this chapter apply.

(f) In lieu of the assumptions of paragraph (d)(1) and/or paragraph (d)(5) of this section, an applicant for an Earth station authorization may effect coordination for a limited portion of the geostationary arc visible at the Earth station location and/or a limited portion of the frequency band: *Provided, however*, That the operation of the Earth station shall be limited to that portion of the geostationary arc and/or that portion of the frequency band for which coordination has been effected.

(g) The authorization of a developmental Earth station under § 25.390 and the authorization of a transportable Earth station for operation at a given location for a limited period of time shall be so conditioned that the operations of such an Earth station shall not place any limitations upon the operations, location, or design of any terrestrial station. For this reason, the interference analyses performed in the coordination of these Earth stations may be undertaken for specific frequency assignments and therefore may take advantage of any offset in frequency calculated in accordance with applicable CCIR Reports and Recommendations (for example Report 388-1).

9. Sections 25.252 through 25.256 are added new to read as follows:

Sec.
25.252 Maximum permissible interference power.
25.253 Determination of coordination distance for near great circle propagation mechanisms.
25.254 Computation of coordination distance for propagation modes associated with precipitation scatter.
25.255 Guidelines for performing interference analyses for near great circle propagation mechanisms.
25.256 Guidelines for performing interference analyses for precipitation scatter modes. [Reserved]

§ 25.252 Maximum permissible interference power.

(a) The maximum permissible interference power $P_{max}(p)$ in dBW in the reference bandwidth of the potentially interfered-with station, not to be exceeded for all but a short term percentage of the time, p, from each source of interference, is given by the general formula

$$P_{max}(p) = 10 \log_{10}(kT_rB) + J + M(p) - W$$

where

$$M(p) = M(p_o/n) = M_o(p)$$

with:

k = Boltzmann's constant ($1.38 \cdot 10^{-23}$ joules per °K).

T_r = Thermal noise temperature of the receiving system (degrees Kelvin).

B = Reference bandwidth (in Hz) (bandwidth over which the interference power can be averaged).

J = Ratio (in dB) of the maximum permissible long-term interfering power to the long-term thermal noise power in the receiving system (where long-term refers to 20 percent of the time).[1]

n = Number of expected entries of interference, assumed to be uncorrelated.

p = Percentage of the time during which the interference from one source may exceed the allowable maximum value.

p_o = Percentage of the time during which the interference from all sources may exceed the allowable maximum value; since the entries of interference are not likely to occur simultaneously:

$$p_o = np.$$

$M(p)$ = Ratio (in dB) between the maximum permissible interference power during p percent of the time for one entry of interference, and during 20 percent of the time for all entries of interference, respectively.

$M_o(p_o)$ = Ratio (in dB) between the maximum permissible interference power during p_o percent and 20 percent of the time respectively, for all entries of interference.[2]

W = Equivalence factor (in dB) relating the effect of interference to that of thermal noise of equal power in the reference bandwidth.[3]

[1] The factor J (in dB) is defined as the ratio of total permissible long-term (20 percent of the time) interference power in the system, to the long-term thermal noise power in a single receiver. For example, in a 50-hop terrestrial hypothetical reference circuit, the total allowable additive interference power is 1,000 pWOp (C.C.I.R. Recommendation 357-1) and the mean thermal noise power in a single hop may be assumed to be 25 *pWOp*. Therefore, since in a FDM/FM system the ratio of the interference noise power to the thermal noise power in a 4kHz band is the same before and after demodulation, J=16 dB. In a fixed-service satellite system, the total allowable interference power is also 1,000 pWOp (C.C.I.R. Recommendation 356-2), but the thermal noise contribution of the down path is not likely to exceed 7,000 pWOP, hence J>−8.5 dB. In digital systems it may be necessary to protect each communication path individually, and in that case, long-term interference power may be of the same order of magnitude as long-term thermal noise, hence J=0 dB.

[2] $M_o(p_o)$ in dB) is the "interference margin" between the long-term (20 percent) and the short-term (p_o percent) allowable interference powers. For analogue radio-relay and fixed-satellite systems in bands between 1 and 15 GHz, this is the ratio (in dB) between 50,000 and 1,000 pWOp (17 dB). In the case of digital systems, $M_o(p_o)$ may tentatively be set equal to the fading margin for a percentage of the time $(1-p_o)$ percent, which depends, inter alia, on the local rain climate.

[3] The factor W (in dB) is the ratio of RF thermal noise power to RF interference power, in the reference bandwith, producing the same interference effect after demodulation (e.g. in a FDM/FM system it would be expressed for equal voice channel performance; in a digital system it would be expressed for equal bit error probabilities). For FM signals, it is defined as follows:

$$W = 10 \log_{10} \left[\frac{\text{Interfering power in the receiving system after demodulation}}{\text{Thermal noise power in receiving system after demodulation}} \times \frac{\text{Thermal noise power at the receiver input in the reference bandwidth}}{\text{Interfering power at radio frequency in the reference bandwidth}} \right]$$

When the wanted signal uses FM modulation with rms modulation indices which are greater than unity, W is approximately 4 dB, regardless of the characteristics of the interfering signal. For low index terrestrial FDM/FM systems a very small reference bandwidth (4 kHz) should be assumed in order to avoid the necessity of dealing with a large range of characteristics of both wanted and unwanted signals upon which, for greater reference bandwidths, the value of W would depend. With this assumption, W=0 dB as shown in table 1, of this section. When the wanted signal is digital, W is usually equal to or less than 0 dB, regardless of the characteristics of the interfering signal.

(b) For purposes of performing interference analyses, the maximum permissible interference power P_{max}(20 percent) in dBW in the reference bandwidth of the potentially interfered-with station, not to be exceeded for all but 20 percent of the time from each source of interference, is given by the general formula

$$P_{max}(20 \text{ percent}) = 10 \log_{10}(kT_rB) + J - W - 10 \log_{10}(n_{20})$$

where

n_{20} = number of assumed simultaneous interference entries of equal power level, and with the remaining parameters as defined in paragraph (a) of this section.

(c) The values of the parameters contained in the appropriate column of table 1 of this section which enter into the formulas of paragraphs (a) and (b) of this section shall be used to compute the maximum permissible interference power level in all cases, unless the applicant demonstrates to the Commission that a different set of values for these parameters is more appropriate for his particular case. Where a symbol appears in table 1 of this section, the actual value of the parameter represented by the symbol is to be used.

Frequency band (MHz) / Interference path		3,700-4,200 T→E	5,925-6,425 E→T	6,625-7,125 T→E	10,950-11,200 T→E	11,450-12,200 T→E	12,500-12,750 E→T	14,000-14,500 E→T
Interference parameters and criteria.	p_o (percent)	0.03	0.01	0.03	0.03	0.03	0.01	0.01
	n	3	¹2 ²4	3	2	2	¹2 ²4	¹5? ²2
	n_{20}	3	¹2 ²4	3	2	2	¹2 ²4	¹4 ²2
	p (percent)	0.01	¹0.005 ²0.0025	0.01	0.015	0.015	¹0.005 ²0.0025	¹0.004 ²0.0035?
	J(dB)	−8.5	16.0	−8.5	−8.5	−8.5	16.0	16.0
	$M_o(p_o)$	17.0	17.0	17.0	17.0	17.0	17.0	17.0
	W(dB)	4.0	0.0	4.0	4.0	4.0	0.0	0.0

NOTE 1: This value should be used for international systems.
NOTE 2: This value should be used for domestic systems.
E=Earth Station. T=Terrestrial Station.

Section 25.252 Table 1. Parameters to be used in the calculation of the maximum permissible interference power level and minimum permissible basic transmission loss.

Frequency band	3,700-4,200	5,925-6,425	6,625-7,125	10,950-11,200	11,450-12,200	12,500-12,750	14,000-14,500
Interference path	T→E	E→T	T→E	T→E	T→E	E→T	E→T
Reference bandwidth, B (Hz)	10^6	4×10^3	10^6	10^6	10^6	4×10^3	4×10^3
System noise temperature, T_r (°K).	T_r	750	T_r	T_r	T_r	1,500	1,500
P_t (dBW)	13	P_E	0	5	5	P_E	P_E
G_t^3 (dBi)	42	$G_E(\alpha)$	46	50	50	$G_E(\alpha)$	$G_E(\alpha)$
G_r^3 (dBi)	$G_E(\alpha)$	45.0	$G_E(\alpha)$	$G_E(\alpha)$	$G_E(\alpha)$	50.0	50.0
$P_{max}(p)$ (dBW)	$10 \log_{10}(T_r)-164$.	−131	$10 \log_{10}(T_r)-164$.	$10 \log_{10}(T_r)-164$.	$10 \log_{10}(T_r)-164$.	−128	−128
L_w (dB)	0	L_w[4]	0	0	0	L_w[4]	L_w[4]
S (dBW)		173				175	175
E (dBW)	55		55	55	55		

NOTE 3—$G_E(\alpha)$ is the gain of the earth station antenna toward the horizon at the azimuth of interest α, and can be derived using the methods of 25.253 (b).
NOTE 4—For interference analysis, actual line loss should be used, if known, if not known, assume 0 dB.

(d) In cases where an Earth station or a terrestrial station may employ more than one type of emission, the parameters chosen for analysis should correspond to that pair of emissions which results in the greatest coordination distance.

§ 25.253 Determination of coordination distance for near great circle propagation mechanisms.

(a) The requirement that the interference power at the input to the receiver of the potentially interfered-with station be less than the maximum permissible interference power level $P_{max}(p)$ for all but p percent of the time (as determined in § 25.252), is equivalent to the requirement that a minimum permissible basic transmission loss between the two stations be exceeded for all but p percent of the time. For uniformity and convenience, this minimum permissible basic transmission loss is determined for each azimuth for $p=0.01$ percent of the time, at a frequency of 4 GHz. This value is termed the normalized basic transmission loss $L_o(0.01)$, and can be calculated from the formula:

$$L_o(0.01)=P_t+G_t+G_r-P_{max}(p)-F(p)-20\log_{10}(f/4)-L_w$$

where:

P_t = maximum available transmitting power (in dBW) in the reference bandwidth B, at the input to the antenna of the potentially interfering station. The representative value contained in the appropriate column of table 1 of § 25.252 should be used;

G_t = gain (in dB relative to an isotropic radiator) of the transmitting antenna of the potentially interfering station;

G_r = gain (in dB relative to an isotropic radiator) of the receiving antenna of the potentially interfered-with station;

$P_{max}(p)$ = maximum permissible interference power (in dBW) in the reference bandwidth B of the potentially interfered-with station not to be exceeded for all but p percent of the time as determined from § 25.252;

$F(p)$ = correction factor (in dB) to relate the effective percentage of the time p to 0.01 percent of the time, for great circle propagation mechanisms, as determined from figure 1 of this section;

f = frequency (in GHz);

L_w = receiving system transmission line loss (in dB); none to be assumed in calculation of coordination distance;

The following consideration apply to the selection of values for the parameters in this formula:

(1) The maximum gain of terrestrial antenna, either G_t or G_r, is to be used in the formula above. The representative value contained in the appropriate column of table 1 of § 25.252 should be used.

(2) For an Earth station communicating with geostationary satellites, the gain of the Earth station antenna, either G_r or G_t, is generally taken as the gain in the direction toward the physical horizon at the azimuth under consideration, except that in certain cases, as described in paragraph (f) of this section, where the elevation angle of the earth station antenna is below 12°, the main beam gain is used instead of the horizon gain. In the case of an earth station communicating with nongeostationary satellites, an equivalent time invariant gain should be used. This time invariant gain is taken as the greater of the maximum horizon gain minus 10 dB and the horizon gain not exceeded for more than 10 percent of the time.

(3) In those frequency bands where the potential for interference is from an Earth station transmitter into a terrestrial receiver, a sensitivity factor S in dBW may be defined in terms of the terrestrial antenna gain G_m in dBi and the maximum permissible interference power $P_{max}(p)$ in dBW at the terrestrial receiver by

$$S=G_m-P_{max}(p)-L_w$$

With this definition, the formula for the normalized basic transmission loss may be rewritten as

$$L_o(0.01)=P_t+G_t+S-F(p)-20\log_{10}(f/4)$$

In terms of the parameters defined above. In this way, auxiliary contours, generated for sensitivity factor values of 5, 10, 15, 20 dB, etc. below the value corresponding to the main contour, may be convenient in performing preliminary interference analyses.

(4) In those frequency bands where the potential for interference is from a terrestrial transmitter into an Earth station receiver, an equivalent isotropically radiated power E in dBW may be defined in terms of the terrestrial transmitter power P_m in dBW and the terrestrial antenna gain G_m in dBi by

$$E=P_m+G_m$$

With this definition, the formula for the normalized basic transmission loss may be rewritten as

$$L_o(0.01)=E+G_r-P_{max}(p)-F(p)-20\log_{10}(f/4)-L_w$$

In terms of the parameters defined above. In this way, auxiliary contours, generated for equivalent isotropically radiated powers of 5, 10, 15, 20 dB, etc., below the value corresponding to the main contour, may be convenient in performing preliminary interference analyses.

(b) The gain of the Earth station antenna in the direction of the physical horizon around the Earth station may be computed by the following method with the aid of figure 2 in the case of an Earth station communicating with geostationary satellites. An example of this method is illustrated in figure 3 in the particular case of an Earth station location at 45° north latitude for an azimuth of 210°.

(1) Figure 2 shows the permissible location arcs of geostationary satellites in a rectangular azimuth-elevation plot (α, ϵ), each arc corresponding to a particular Earth station latitude, λ. For the latitude of the given Earth station, that portion of the geostationary acr visible at the Earth station for which coordination is to be effected is marked off between the appropriate limits. The example of figure 3 shows that portion of the arc of the geostationary orbit visible from an Earth station at a latitude of 45° N. for the case of satellites located between 10° E. and 45° W. of the Earth station.

(2) The horizon profile (α) as a function of the azimuth α is then plotted along the bottom of figure 2 as illustrated in the example of figure 3.

(3) At each azimuth interval (e.g. for each 5° of azimuth), the minimum angular distance $\phi(\alpha_o)$ (between the physical horizon at azimuth α_o and the plotted portion of the geostationary arc is determined graphically, as illustrated in figure 3, using the elevation scale at the far left of the figure.

(4) The Earth station gain toward the horizon at azimuth α_o may now be determined by evaluating either the actual Earth station antenna pattern, if known, or the reference antenna pattern, if known, or the reference antenna pattern of § 25.209 at the minimum angular distance $\phi(\alpha_o)$.

(c) The dependence of basic transmission loss on climate is reflected in the definition of three radio-climatic zones:

Zone A: Land;

Zone B: Sea at latitudes greater than 23.5° N. and 23.5° S.;

Zone C: Sea, at latitudes between 23.5° N. and 23.5° S., inclusive.

In addition, zones B and C are taken to extend inland, either to the distance at which the height of the terrain is 100 m above sea level, or 50 km inland, whichever is less.

(d) The coordination distance due to near great circle propagation mechanisms in a particular direction is calculated from the normalized basic transmission loss L_n (0.01) computed from the formula of paragraph (a) of this section in the following manner:

(1) Using the normalized basic transmission loss L_n (0.01), a unit elevation correction H_n (in dB) is obtained for the frequency under consideration from figure 4 for the appropriate radio-climatic zone. Linear interpolation between the curves of figure 4 is used for frequencies not shown.

(2) This unit elevation correction H_n together with the elevation angle of the physical horizon in the direction of azimuth under consideration is then used with figure 5 for the appropriate radio-climatic zone to obtain the total horizon correction H (in dB). If the horizon elevation is less than 0.2°, the value of 0 dB is used for H.

(3) The required coordination loss L_c (in dB) is then calculated by subtracting the total horizon correction H from the normalized basic transmission loss L_n (0.01)

$L_c = L_n\,(0.01) - H$

(4) The coordination distance for the radio-climatic zone in which the Earth station is located can now be determined from figure 6 for the appropriate radio-climatic zone together with the required coordination loss L_c and the frequency f.

(5) For those azimuths for which the Earth station antenna elevation angle is less than 12°, the coordination distance calculated in this manner may have to be adjusted in accordance with the procedure set forth in paragraph (f) of this section.

(e) When the coordination distance, calculated for the radio-climatic zone in which the Earth station is located, extends into another radio-climatic zone, the effective multizone coordination distance is the sum of the distances x_A, x_B, and x_C traversed by the radio path in zones A, B, and C, respectively, which are determined from the relationship

$$\frac{x_A}{D_A} + \frac{x_B}{D_B} + \frac{x_C}{D_C} = 1$$

where D_A, D_B, and D_C are the coordination distances in zones A, B, and C, respectively, calculated under the assumption that the radio path lies entirely in zones A, B, and C, respectively. The use of this relationship is illustrated by the following examples.

(1) Assume that the Earth station is located in zone A and that a coordination distance $D_A = 345$ km has been calculated assuming that the radio path lies only in zone A. However, in the particular direction being considered, the radio path crosses over into zone B at a distance of 290 km from the Earth station. Assume further, that if the station were located in zone B, a coordination distance of $D_B = 530$ km would be required. Setting $x_C = 0$, the relationship above can be solved for the unknown distance x_B in zone B:

$$x_B = D_B\left(1 - \frac{x_A}{D_A}\right)$$

By substituting the known values $x_A = 290$ km, $D_A = 345$ km and $D_B = 530$ km, the required distance in zone B is found to be $x_B = 85$ km. The effective coordination distance d_c is then found to be

$$d_c = x_A + x_B = 290 + 85 = 375 \text{ km.}$$

(2) Taking this same example one step further, assume that the radio path reenters zone A at a distance of 340 km from the Earth station. In this case, the distance initially traversed by the radio path in zone A is know to be $x_A' = 290$ km, and distance in zone B is $x_B = 340 - x_A' = 50$ km. Therefore, it is necessary to solve for the remaining distance x_A'' in zone A by

$$x_A'' = D_A\left(1 - \frac{x_B}{D_B}\right) - x_A'.$$

Substituting the values for D_A, x_B, D_B, and x_A', x_A'' is found to be

$$x_A'' = 345\left(1 - \frac{50}{530}\right) - 290 = 21 \text{ km}$$

so that the total lengths of the two segments of the radio path lying in zone A is

$$x_A = x_A' + x_A'' = 290 + 21 = 311 \text{ km}$$

and the effective coordination distance is

$$d_c = x_A + x_B = 311 + 50 = 361 \text{ km.}$$

(f) The coordination distance calculated in paragraphs (d) and (e) of this section may be too small for those azimuths at which the elevation of the antenna of an Earth station communicating with a geostationary satellite is below 12°. In these cases the following procedure is to be used to determine whether the regular coordination distance contour for each of these azimuths should be increased:

(1) A coordination distance d' is calculated for such an azimuth in the same manner as for the regular coordination distance d_o from paragraph (d) of this section, except that:

(i) The main beam gain of the Earth station antenna is used instead of the horizon gain,

(ii) The Earth station antenna elevation angle for this azimuth is used instead of the horizon elevation angle,

(iii) The zone A curves of figures 4, 5, and 6 are used irrespective of the actual radio-climatic zone.

(2) If the coordination distance d' calculated in this manner is greater than the regular coordination distance d_o, the effective coordination distance d_c for this azimuth is then taken as

$$d_c = d_o + \frac{(d' - d_o)(12 - \epsilon)}{7} \text{ km } 5° \leq \epsilon \leq 12°$$

where ϵ is the Earth station antenna elevation angle.

§ 25.254 Computation of coordination distance contours for propagation modes associated with precipitation scatter.

(a) For a given pointing azimuth and elevation angle of an Earth station antenna, a rain scatter coordination distance contour, calculated in accordance with the procedure set forth below takes the form of a circle of radius d_{rs}, the rain scatter coordination distance, centered at a point offset from the Earth station location by a distance D_r in the direction of azimuth of the main beam of the Earth station antenna. This offset distance D_r is a function of both the rain scatter distance d_{rs} and the Earth station antenna elevation angle ϵ. In the case of an Earth station designed for operation with communication-satellites located at any point along a specified portion of the geostationary arc, this functional dependence entails the generation of rain scatter coordination distance contours for each azimuth direction in which the Earth station antenna may point. The effective rain scatter coordination distance contour is then taken as the envelope defined by all these individual contours. It may be convenient to eliminate the need to consider multiple contours by taking an effective rain scatter coordination distance contour as a circle centered at the Earth station location with a radius equal to the sum of the rain scatter distance d_{rs} and the maximum offset distance D_r at the minimum elevation angle. Such a procedure is conservative, since the resulting contour will always be larger than necessary, but for Earth stations having minimum elevation angles above 20°, the increase in area inside the contour will be small.

(b) For the purposes of computing rain scatter coordination distance contours and to establish maximum scattering heights, below which main-beam intersections will not generally be permitted, the 48 contiguous United States have been divided into five rain climates. These rain climates are listed in table 1 of this paragraph. The five climates are distinguished by the statistical distribution of their instantaneous rainfall rates throughout the year. These defining distributions, taken from the CCIR literature, are shown graphically in figure 1 of this paragraph. In the absence of specific information on the rainfall statistics at a proposed station location, the map shown in figure 2 of this paragraph may be used. This map shows boundaries approximating the actual rain climates. (This map also takes into account the effect of scatter from hail by moving the boundary of rain climate 2 farther west in Colorado and several nearby States than would be dictated considering rain only.) In the case of Alaska, Hawaii and in the off-shore U.S. possessions and territories, applicants should select the most appropriate rain climate based on rainfall statistics, pending the adoption of rules setting forth maps and/or other information for these areas.

TABLE I

Rain climate	Description	Maximum scattering height (km)
1	Maritime sub-tropical	15
2	Continental temperate	11
3	Maritime temperate	7
4	Mediterranean	7
5	Mid-latitude interior	7

NOTE: Maximum heights shown here are based on values given in Table 8.2-III, Report of the Special Joint Meeting of the CCIR, Geneva, Feb.-March 1971, page 99.

(c) To determine the rain scatter coordination distance d_{sr}, it is first necessary to calculate the normalized rain scatter coordination loss L_r (0.01) from the formula

$$L_r(0.01) = P_t + D_G - P_{max}(p) - F_r(p,f) - L_w$$

where:

P_t = power (in dBW) available at the antenna input of the interfering Earth station from table 1 of § 25.252;

D_G = difference (in dB) between the maximum gain of the terrestrial station antenna in the frequency band under consideration and the value of 45 dBi. This value may be determined from the appropriate column of table 1 of § 25.252;

$P_{max}(p)$ = maximum permissible interference power (in dBW) to the interfered-with station not to be exceeded for all but the short-term percentage of the time p from § 25.252;

$F_r(p,f)$ = correction factor (in dB) to relate the effective short-term percentage of the time p to 0.01 percent of the time, for precipitation scatter propagation mechanisms, as determined from figure 3 of this section;

f = frequency (in GHz).

L_w = receiving system transmission line loss (in dB); assumed to be zero in calculation of rain scatter contour;

This normalized rain scatter coordination loss L_r (0.01) is then used with the appropriate figure 4 and the frequency f to determine the rain scatter coordination distance d_{sr}.

(d) The rain scatter coordination distance d_{sr} is then used together with the Earth station antenna elevation angle ϵ with figure 5 to determine the offset distance D_r.

§ 25.255 Guidelines for performing interference analyses for near great circle propagation mechanisms.

(a) Once a great circle coordination distance contour has been computed a proposed Earth station in accordance with § 25.253, it is necessary to determine the likelihood of harmful interference between the proposed Earth station and each existing or proposed terrestrial station located within that contour sharing the same frequency band(s). Before performing the detailed interference analyses described in paragraphs (b) through (d) below, the Earth station applicant may perform a preliminary interference analysis that will usually eliminate a significant number of terrestrial stations from further consideration. (This same type of preliminary analysis may also be employed by terrestrial station applicants effecting coordination with existing or proposed Earth stations.) This preliminary interference analysis takes the form of a refinement of the coordination distance calculation of § 25.253 using the antenna gain of each terrestrial station in the direction of the Earth station, determined in accordance with paragraph (d)(3) below, instead of the maximum terrestrial antenna gain.

(b) A detailed interference analysis must be performed for each possible interference path which cannot be eliminated from further consideration in regard to harmful interference by means of a preliminary analysis of the type described in paragraph (a) of this section. In order that a uniform procedure be employed by all applicants to assess the likelihood of interference between specific terrestrial stations and specific Earth stations, a detailed interference analysis for near great-circle propagation mechanisms shall be performed by calculating the interference margin, $P_{mar}(p)$ in dB that is available for all but p percent of the time at the input to the receiver of the potentially interfered-with station from the formula

$$P_{mar}(p) = P_{max}(p) - P_{rec}(p)$$

where:

$P_{max}(p)$ = maximum permissible interference power (in dBW) in the reference bandwidth at the receiver input of the potentially interfered-with station not to be exceeded for all but p percent of the time, as calculated in § 25.252;

$P_{rec}(p)$ = interference power (in dBW) in the reference bandwidth at the receiver input of the potentially interfered-with station not exceeded for all but p percent of the time, for near great circle propagation mechanisms, as calculated in paragraph (c) of this section.

Because of the different tropospheric propagation modes that may occur, it is necessary to calculate an interference margin $P_{mar}(p)$ for both: a short-term percentage of the time, for example, p= 0.01 percent; and a long-term percentage of the time, specifically p=20 percent. If the interference margins calculated for both the short-term and the long-term percentages of the time are greater than zero, it may then be assumed that harmful interference will not be caused to the potentially interfered-with station by the potentially interfering station. Values of $P_{max}(p)$, for both the short-term and the long-term percentages of the time, are to be determined in accordance with the formulas of § 25.252 and the appropriate values from table 1 of § 25.252, unless it is demonstrated to the Commission that another choice of values is more appropriate for the stations for which coordination is being effected.

(c) The interference power $P_{rec}(p)$ in dBW in the reference bandwidth at the receiver input of the potentially interfered-with station not exceeded for all but p percent of the time is calculated from

$$P_{rec}(p) = P_t + G_t + G_r - L_w - L(p)$$

where:

P_t = maximum available transmitting power (in dBW) in the reference bandwidth at the input to the transmitting antenna of the potentially interfering station,

G_t = gain (in dB with respect to isotropic) of the transmitting antenna, of the potentially interfering station in the pertinent direction,

G_r = gain (in dB with respect to isotropic) of the receiving antenna of the potentially interfered-with station in the pertinent direction,

$L(p)$ = basic transmission loss (in dB) present between the two stations for all but p percent of the time,

L_w = receiving system transmission line loss (in dB).

(d) The following considerations apply to the selection of values assigned to the parameters of the formula of paragraph (c) of this section.

(1) The transmitting power P_t of the potentially interfering station is to be taken from the appropriate column of table 1 of § 25.252, except that in cases where the actual power available at the antenna input of the potentially interfering station is known, this actual power should be used, subject to adjustment for any change in power expected in the foreseeable future for effective spectrum utilization and system performance. The values of the transmitting power P_t for terrestrial stations set forth in table 1 of § 25.252 are expressed in terms of total power and may be subject to adjustment to relate this total power to power in the reference bandwidth.

(2) The gain of an Earth station antenna, either G_t or G_r, is to be taken as the gain of the Earth station antenna toward the horizon in the direction of the potentially interfered-with or interfering terrestrial station. For Earth stations communicating with geostationary satellites, this gain is calculated by the procedure of § 25.253(b).

(3) The gain of a terrestrial station antenna, either G_t or G_r, is to be taken as the gain of the terrestrial antenna evaluated at an off-axis discrimination angle equal to the acute angle between the direction to the potentially interfering or interfered-with Earth station and the direction to the adjacent terrestrial station in the radio relay system. Initially, it should be assumed that the sidelobe pattern of the terrestrial antenna meets only standard B of § 21.108(c) of this chapter. If the results of this calculation indicates the likelihood of interference, the pattern of standard A should then be used. If such an antenna would eliminate the likelihood of interference, then the provisions of § 21.109(c) of this chapter apply.

(4) If the actual receiving system line loss, L_w, of the potentially interfered-with station is known, it may be used in calculating the interference power. If unknown, zero dB must be assumed.

(5) The calculation of the basic transmission loss L(p) available for all but p percent of the time, is to be done in accordance with the methods of NBS Technote 101, 1966 (Revised) judiciously applied and interpreted, taking into account the appropriate terrain characteristics and the appropriate tropospheric propagation mechanisms. Extrapolation of the methods and values given in Technote 101 to percentages of time less than 0.01 percent should be made cautiously.

(e) Appendix 28 of the international radio regulations and certain reports and recommendations of the CCIR may provide additional information and serve as useful references. In particular, applicants and operators should be aware of the latest revisions of reports 244, 382, and 448.

§ 25.256 Guidelines for performing interference analyses for precipitation scatter modes. [Reserved]

10. In § 25.390, the second sentence of paragraph (h) is amended to read as follows; and paragraph (j) is deleted:

§ 25.390 Developmental operation.

* * * * *

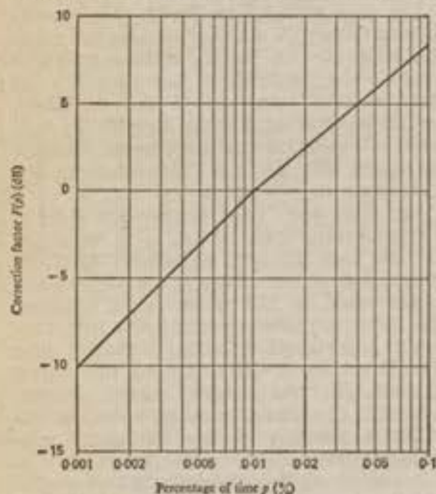
(h) * * * When developmental Earth stations propose to operate in bands shared with terrestrial stations, the applicant for a developmental Earth station authorization shall comply with the coordination requirements of § 25.203.* * *

* * * * *

(j) [Reserved]

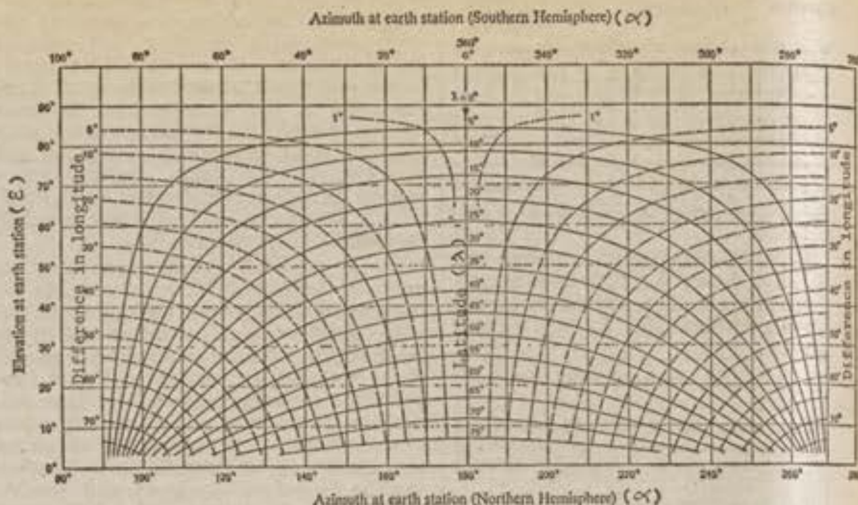
* * * * *

CORRECTION FACTOR F(p) FOR PERCENTAGES OF THE TIME p OTHER THAN 0.01%



FCC § 25.253, FIGURE 1.

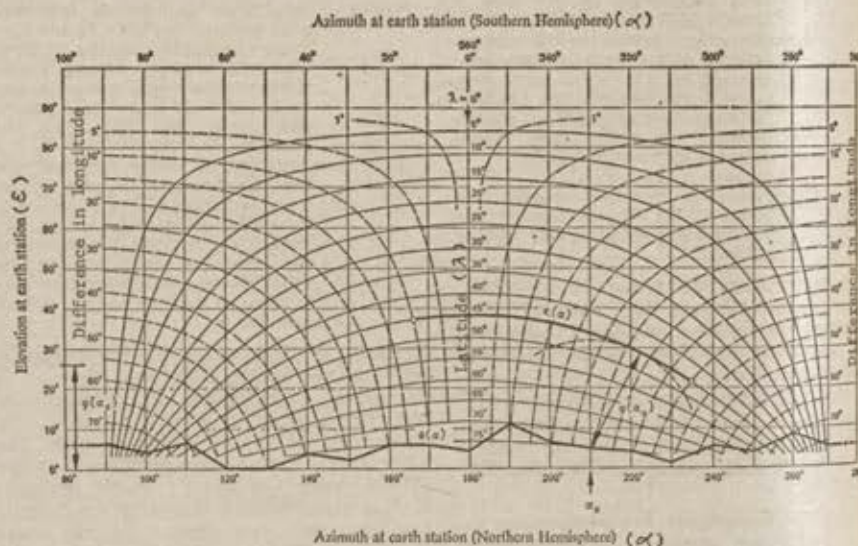
POSITION ARCS OF GEOSTATIONARY SATELLITES



Arc of geostationary satellite orbit visible from earth station at terrestrial latitude λ
Difference in longitude between earth station and the sub-satellite point:
Satellite longitude E of earth station longitude
Satellite longitude W of earth station longitude
Satellite longitude equal to the earth station longitude

FCC § 25.253, FIGURE 2.

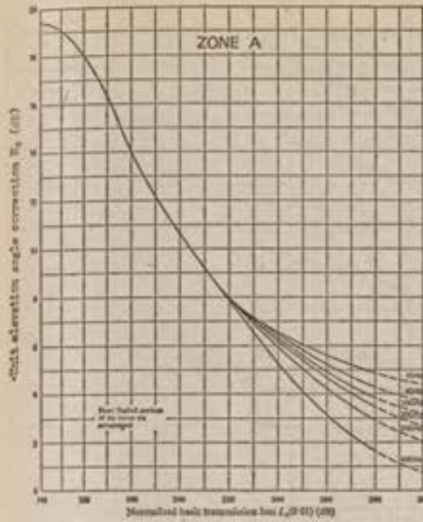
EXAMPLE OF DERIVATION OF $\phi(\alpha_0)$



Arc of geostationary satellite orbit visible from earth station at terrestrial latitude λ
Horizon profile θ(α)
Difference in longitude between earth station and the sub-satellite point:
Satellite longitude E of earth station longitude
Satellite longitude W of earth station longitude
Satellite longitude equal to the earth station longitude

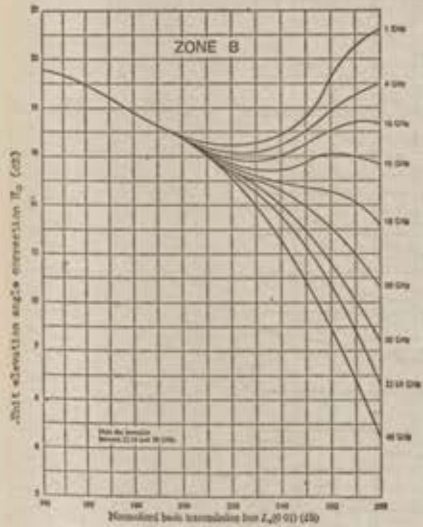
FCC § 25.253, FIGURE 3.

UNIT ELEVATION ANGLE CORRECTION AS A FUNCTION OF NORMALIZED BASIC TRANSMISSION LOSS AND FREQUENCY, ZONE A



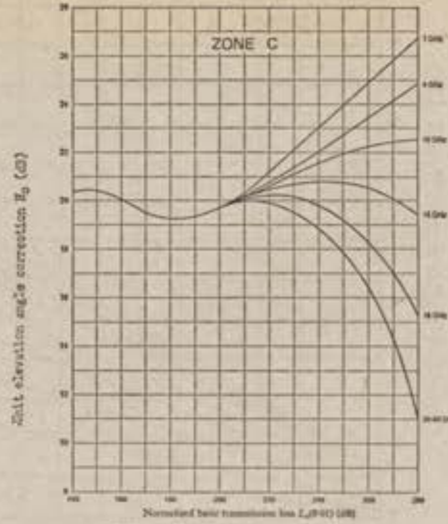
FCC § 25.253, FIGURE 4(a).

UNIT ELEVATION ANGLE CORRECTION AS A FUNCTION OF NORMALIZED BASIC TRANSMISSION LOSS AND FREQUENCY, ZONE B



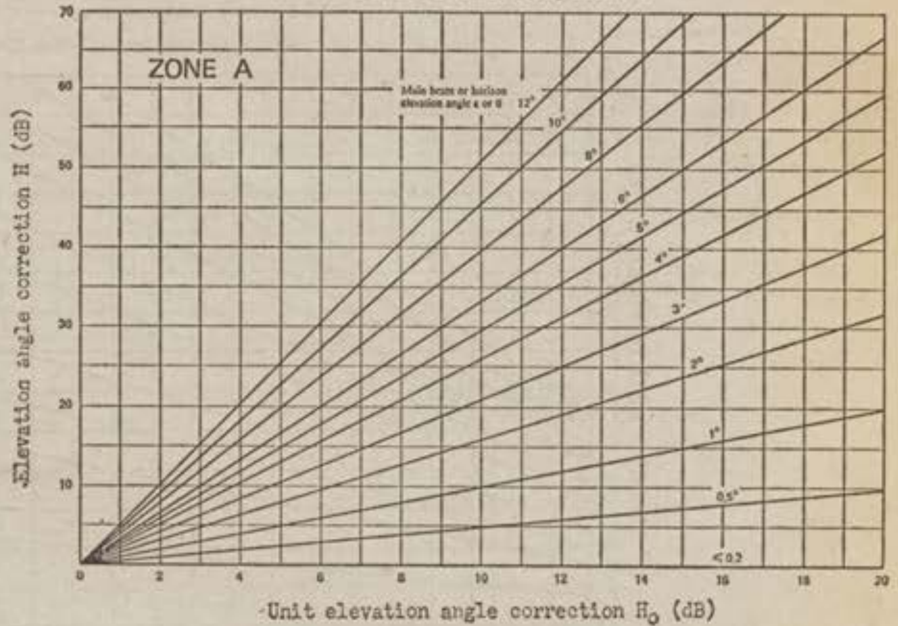
FCC § 25.253, FIGURE 4(b).

UNIT ELEVATION ANGLE CORRECTION AS A FUNCTION OF NORMALIZED BASIC TRANSMISSION LOSS AND FREQUENCY, ZONE C



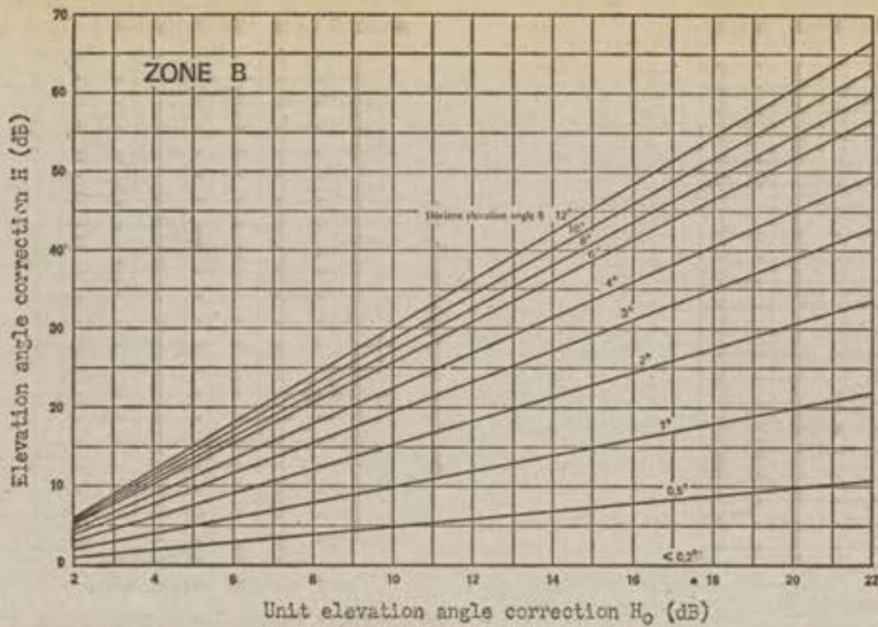
FCC § 25.253, FIGURE 4(c).

ELEVATION ANGLE CORRECTION, ZONE A



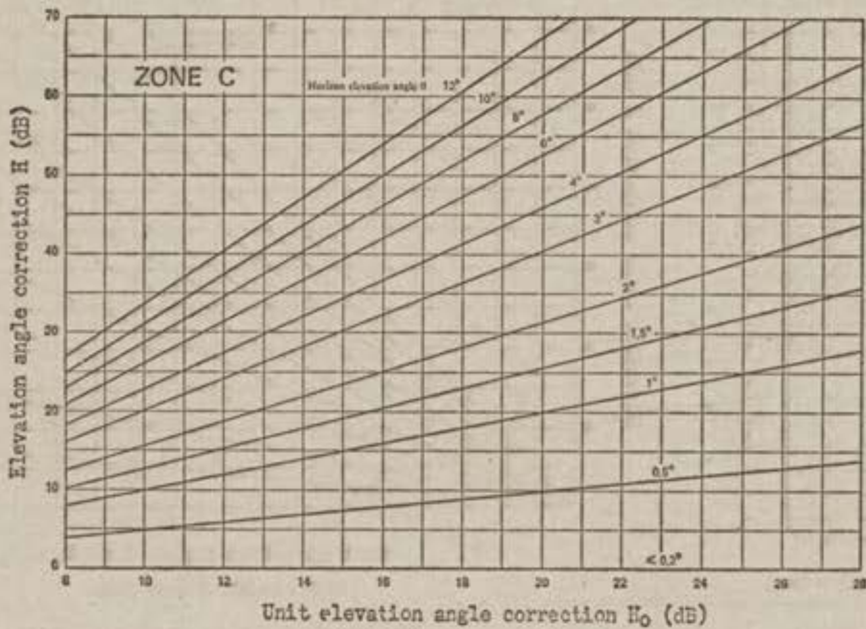
FCC § 25.253, FIGURE 5(a).

ELEVATION ANGLE CORRECTION, ZONE B



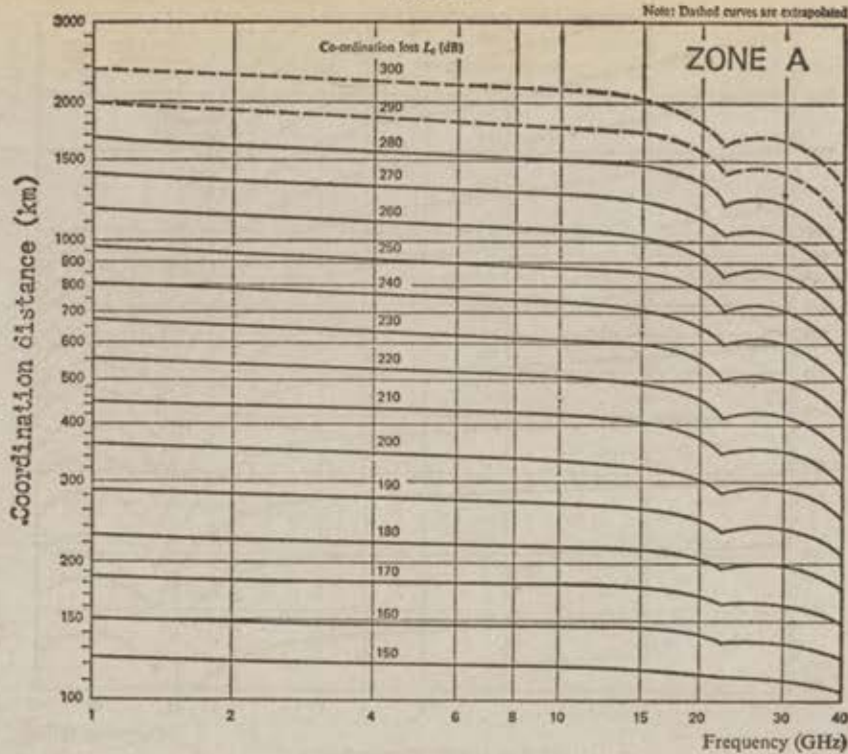
FCC § 25.253, FIGURE 5(b).

ELEVATION ANGLE CORRECTION, ZONE C



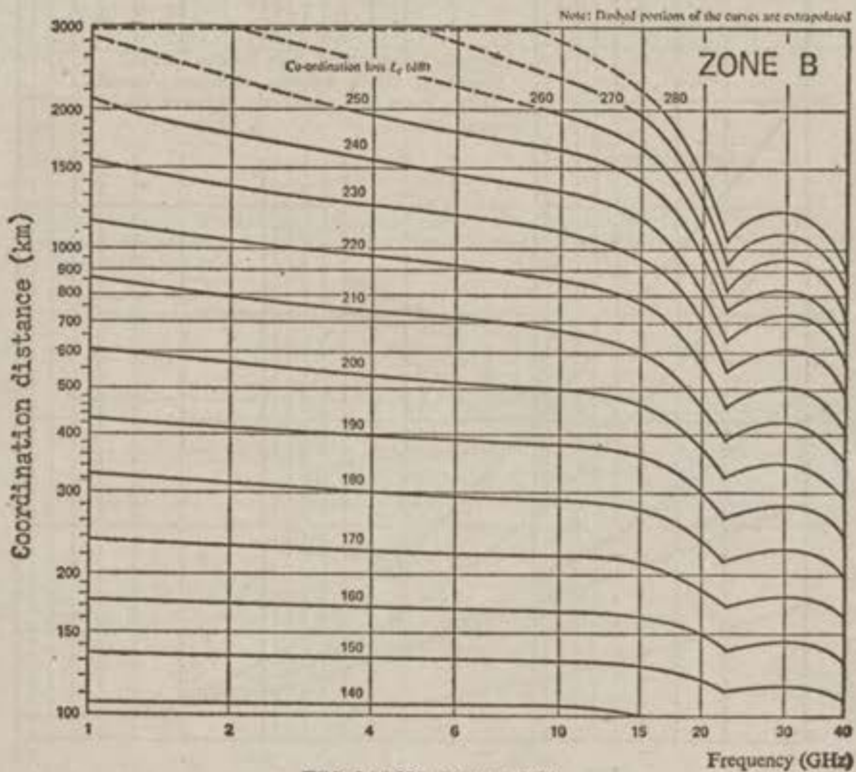
FCC § 25.253, FIGURE 5(c).

COORDINATION DISTANCE AS A FUNCTION OF FREQUENCY AND COORDINATION LOSS, ZONE A



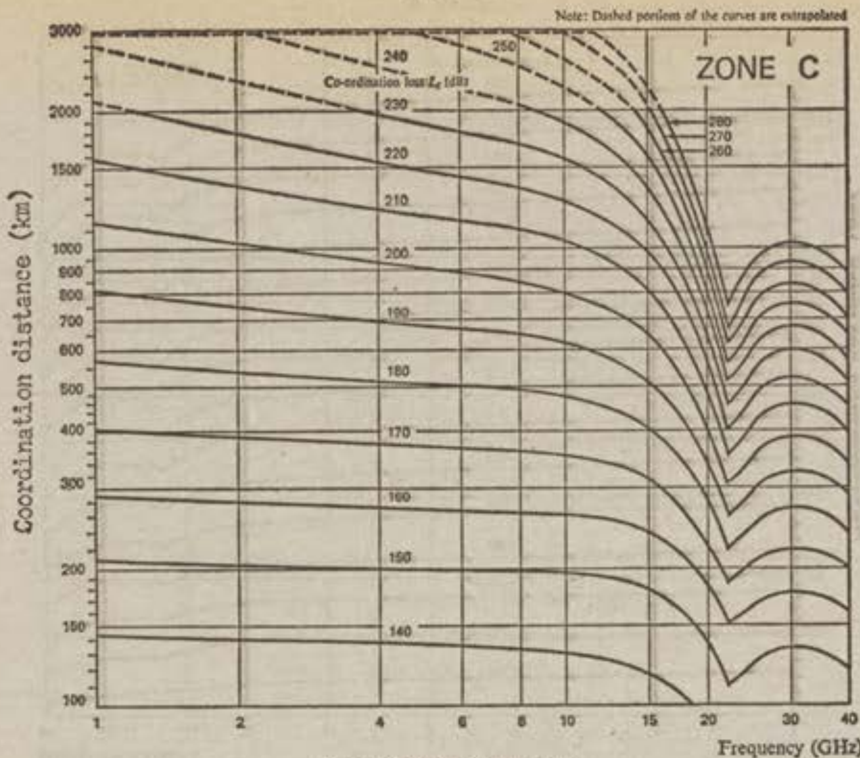
FCC § 25.253, FIGURE 6(a).

COORDINATION DISTANCE AS A FUNCTION OF FREQUENCY AND COORDINATION LOSS, ZONE B



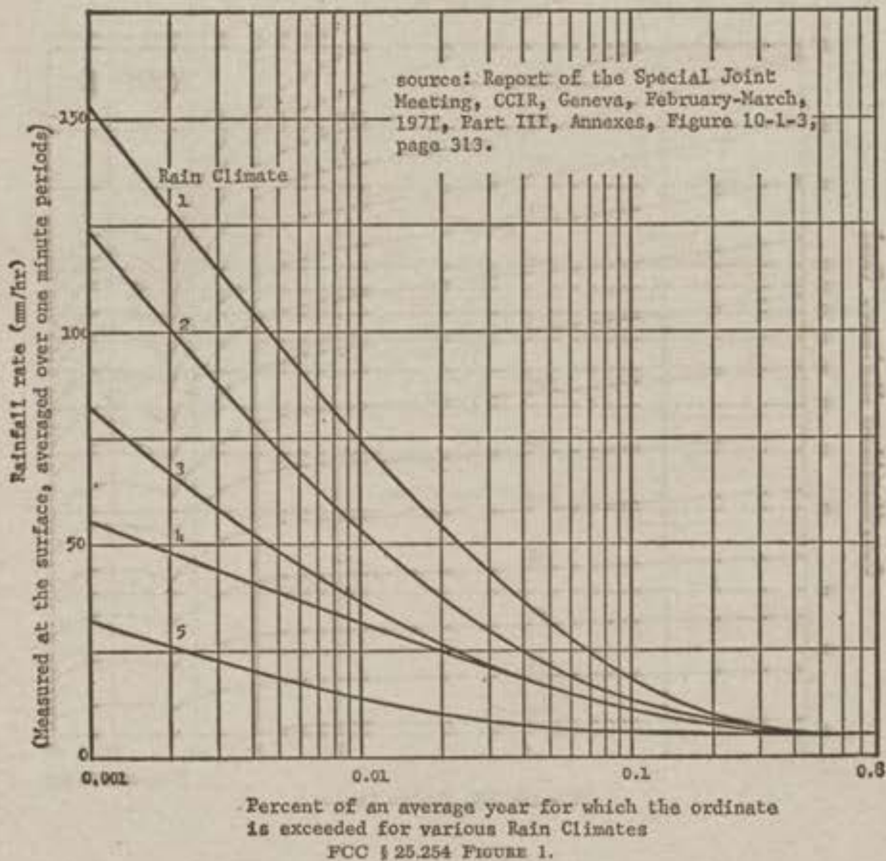
FCC § 25.253, FIGURE 6(b).

COORDINATION DISTANCE AS A FUNCTION OF FREQUENCY AND COORDINATION LOSS, ZONE C



FCC § 25.253, FIGURE 6(c).

DISTRIBUTION OF RAINFALL RATES FOR SEVERAL RAIN CLIMATES



Percent of an average year for which the ordinate is exceeded for various Rain Climates

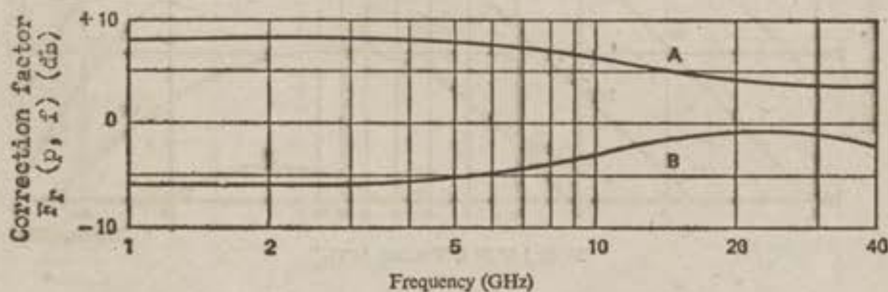
FCC § 25.254 FIGURE 1.

UNITED STATES

RAIN CLIMATES OF THE UNITED STATES

FCC § 25.254 Figure 2

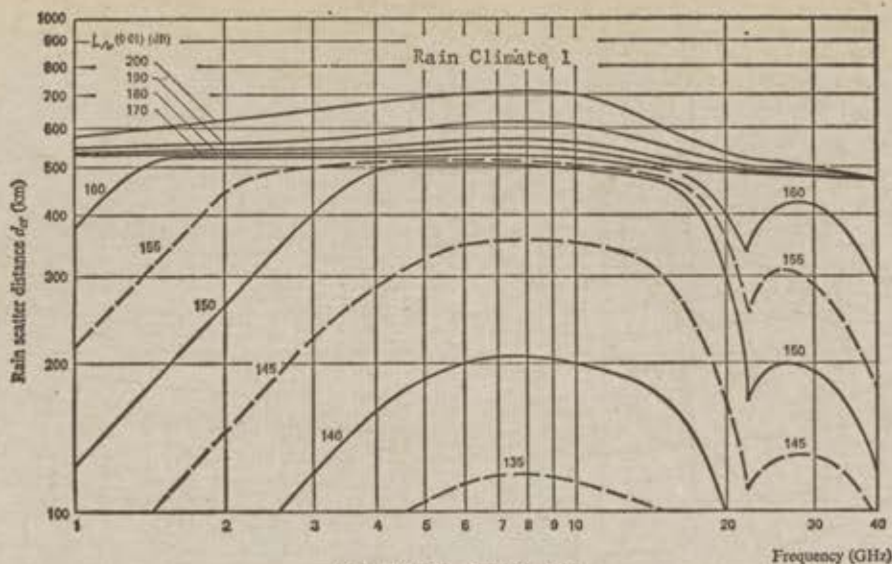
CORRECTION FACTOR TO RELATE THE EFFECTIVE PERCENTAGE OF TIME TO 0.01 PERCENT, AS A FUNCTION OF FREQUENCY FOR PROPAGATION MODES ASSOCIATED WITH PRECIPITATION SCATTER



A: Correction for 0·1% of the time }
B: Correction for 0·001% of the time } for all rain climate zones

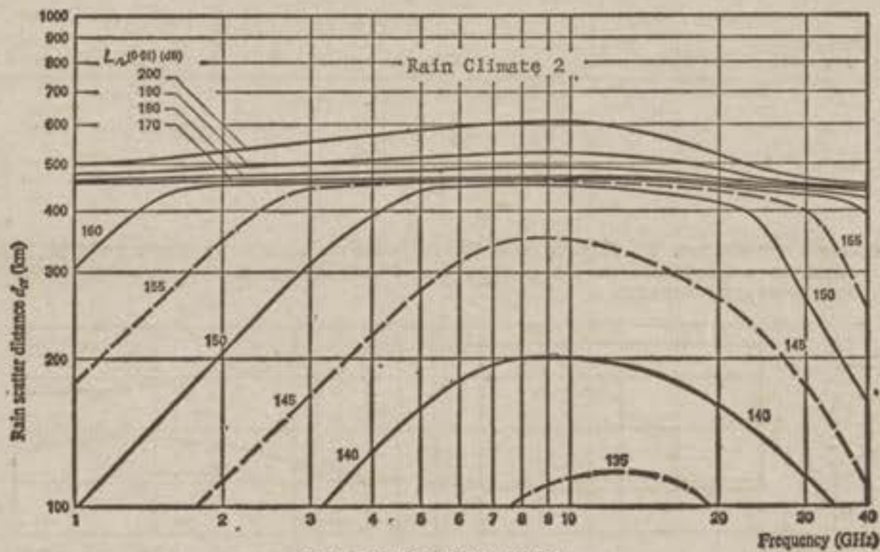
FCC § 25.254, FIGURE 3.

RAIN SCATTER DISTANCE AS A FUNCTION OF FREQUENCY
AND NORMALIZED TRANSMISSION LOSS
RAIN CLIMATE 1



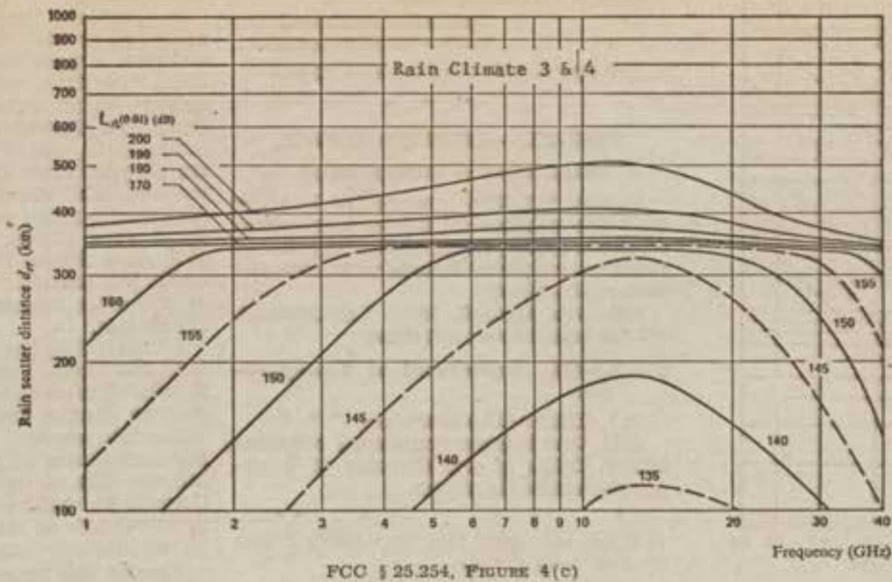
FCC § 25.254, FIGURE 4(a)

RAIN SCATTER DISTANCE AS A FUNCTION OF FREQUENCY
AND NORMALIZED TRANSMISSION LOSS
RAIN CLIMATE 2



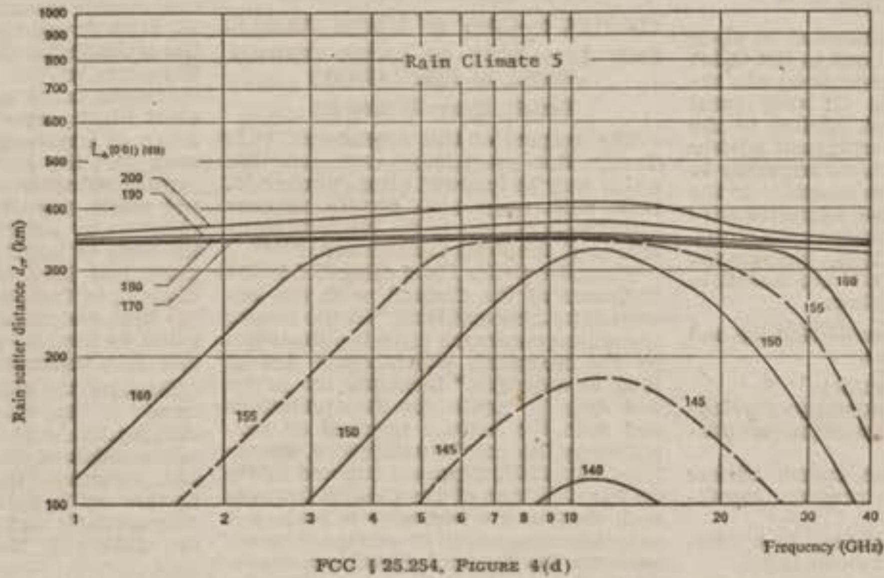
FCC § 25.254, FIGURE 4(b)

RAIN SCATTER DISTANCE AS A FUNCTION OF FREQUENCY
AND NORMALIZED TRANSMISSION LOSS
RAIN CLIMATE 3 & 4



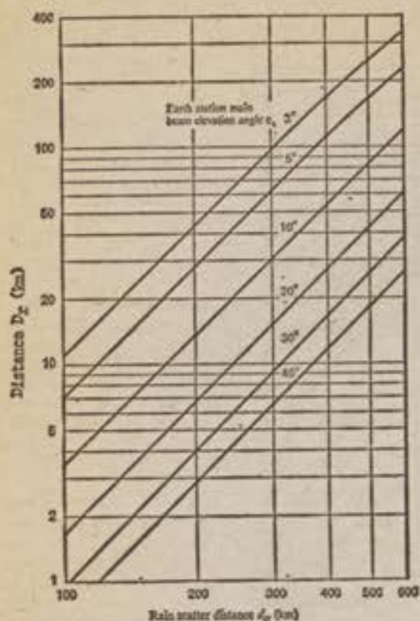
FCC § 25.254, FIGURE 4(c)

RAIN SCATTER DISTANCE AS A FUNCTION OF FREQUENCY
AND NORMALIZED TRANSMISSION LOSS
RAIN CLIMATE 5



FCC § 25.254, FIGURE 4(d)

DISTANCE D_c AS A FUNCTION OF RAIN SCATTER DISTANCE d_{cr} AND EARTH STATION MAIN BEAM ELEVATION ANGLE ϵ



FCC § 25.254, FIGURE 5

[FR Doc.73-6262 Filed 4-3-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that the following positions in the Office of Urban Program Coordination are excepted under schedule C: One rural community development adviser to the Director, one mass urban transit adviser to the Director, one private secretary to the Director, one private secretary to the Deputy Director, and one administrative aide to each of two Assistant Directors.

Effective April 4, 1973, paragraphs (a)(38) through (a)(42) are added to § 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

(a) *Office of the Secretary.* * * *

(38) One rural community development adviser to the Director, urban program coordination.

(39) One mass urban transit adviser to the Director, urban program coordination.

(40) One private secretary to the Director, urban program coordination.

(41) One private secretary to the Deputy Director, urban program coordination.

(42) One administrative aide to each of two Assistant Directors, urban program coordination.

* * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6455 Filed 4-3-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of intergovernmental relations officer, Office of the Director of Intergovernmental Relations, is excepted under schedule C.

Effective April 4, 1973, § 213.3394(a) (37) is added as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(37) One intergovernmental relations officer, Office of the Director of Intergovernmental Relations.

* * * * *

(5 U.S.C. secs. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-6456 Filed 4-3-73;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Certain Phase II Matters

The purpose of this amendment is to clarify the procedures and remedies which may be followed after January 10, 1973, with respect to certain matters which were subject to the Phase II regulations of the Price Commission.

Executive Order 11695 delegated to the chairman of the Council, with one exception not relevant here, "all the powers and duties conferred upon the President by the Economic Stabilization Act of 1970, as amended," including the power and duty to "make the determinations and take the actions required or permitted by the Act." Furthermore, Executive Order 11695 expressly imposed a duty on the chairman of the Council to "take such steps as are necessary to make appropriate disposition of actions in process under the Economic Stabilization program and to effect an orderly transfer of stabilization functions" pursuant to the order.

In order to carry out the responsibility of making an appropriate disposition of actions in process under the program and of implementing an orderly transfer of functions into Phase III, a new § 130.1 is being added to clarify the procedures and remedies which may be used by the Cost of Living Council in fulfilling that responsibility.

In practical terms, the amendment makes clear that the Council may issue remedial orders for profit margin and filing violations, order additional information to be supplied, decide appeals from IRS decisions, reach compromise settlements, and utilize any other chapter III provisions applicable to Phase II matters. The amendment reaffirms the fact that a profit margin violation for a fiscal year ending before January 11, 1973, is a Phase II matter and that a profit margin violation for a fiscal year ending after January 10, 1973, is a Phase III matter.

Additionally, the new section provides that the Council may order that Phase II-related price refunds or reductions occurring during Phase III may not be taken into account by a firm in calculating compliance with the Phase III regulations. The section also authorizes the Council to require that the benefits of price refunds or reductions be passed on to the ultimate consumer.

Finally, the amendment provides that a firm which was a tier III firm under the Phase II regulations and which exceeded its profit margin for a fiscal year which ended before January 11, 1973, may avail itself of the Price Commission's Special Regulation No. 1 to avoid a profit margin penalty provided that it acts by May 4, 1973. The creation of this new remedy recognizes the fact that tier III firms do not have the same capabilities of predicting fiscal year profit margin violations as tier I and II firms and, therefore, merit special remedial treatment which accords with the Phase III policy of encouraging voluntary compliance with the standards established for private behavior. The amendment does not affect any Phase II profit margin violation by a tier III firm which before the date of publication of this amendment had been either (1) voluntarily brought to the attention of the IRS by the firm and disposed of or (2) investigated by the IRS in the absence of any voluntary admission by the firm.

Because the purpose of this amendment is to provide guidance and information with respect to the administration of the Economic Stabilization Program, the Council finds that further notice and procedure thereon is impracticable and that good cause exists for making it effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, sec. 2, Public Law 92-210, 85 Stat. 743, E.O. 11695, 38 FR 1473. Cost of Living Council Order No. 14, 38 FR 1489)

In consideration of the foregoing, part 130 of chapter I of title 6 of the Code

of Federal Regulations is amended as follows, effective January 11, 1973.

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

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

§ 130.1 [Amended]

1. Paragraph (a) of § 130.1 is amended by deleting the period at the end of the first sentence thereof and adding the following: ", and except as provided in § 130.7."

2. A new § 130.7 is added as follows:

§ 130.7 Procedures and remedies applicable to certain Phase II matters.

(a) The procedures and remedies specified in chapter III of this title remain in effect with respect to all matters which were subject to that chapter before January 11, 1973. A profit margin violation for a fiscal year ending before January 11, 1973, is a matter subject to chapter III of this title and a profit margin violation for a fiscal year ending after January 10, 1973, is a matter subject to Chapter I, Part 130.

(b) In taking any remedial action with respect to a matter referred to in paragraph (a) of this section, the Cost of Living Council may order:

(1) That any financial loss or detriment sustained by a firm because of that action shall not, at any time before or after January 10, 1973, be treated as a cost justifying a price increase or as a loss, expense or cost in calculating the firm's profit margin; and

(2) That steps be taken to assure that the benefits of any price refunds or reductions are, so far as possible and appropriate, passed on to ultimate consumers.

(c) Notwithstanding the fact that a fiscal year in which a profit margin violation occurred has ended, the provisions of special regulation No. 1 of the Price Commission remain in effect with respect to price category III firms subject to that regulation before January 11, 1973, with the following modifications:

(1) A firm which was a price category III firm under the Phase II regulations which experienced a profit margin violation for a fiscal year which ended prior to January 11, 1973, may, within 30 days of the date of publication of this section, initiate action to repurify pursuant to numbered paragraph 1 of special regulation No. 1.

(2) Such a firm is not subject to any profit margin limitation applicable to that fiscal year if (i) by May 4, 1973, it submits for the prior approval of the District Director of Internal Revenue for the key district in which the firm's executive offices are located a letter of intent to remit revenues and a revenue remission plan in accordance with the procedures required for prenotification and reporting firms by numbered paragraph 2 of special regulation No. 1; and (ii) the firm carries out its revenue remission plan within 6 months of the date of submission of its letter of intent.

(3) A price category III firm which experienced a profit margin violation for a fiscal year which ended prior to January 11, 1973, and which does not submit a letter of intent under the terms and within the time prescribed by this section is not eligible for the repurification procedure described in paragraph (c)(2) of this section and is subject to all sanctions and remedies which pertain to full fiscal year profit margin violations.

(4) Any financial loss or detriment sustained by a firm because of repurification pursuant to this section shall not, at any time before or after January 10, 1973, be treated as a cost justifying a price increase or as a loss, expense or cost in calculating the firm's profit margin.

[FR Doc.73-6607 Filed 4-3-73;9:19 am]

Title 7—Agriculture

CHAPTER XVII—RURAL ELECTRIFICATION ADMINISTRATION

PART 1701—PUBLIC INFORMATION

REA Bulletins

Part 1701, title 7, is hereby amended to include additions and revisions to the appendix A listing and summary descriptions of REA bulletins providing the program policies, procedures, and requirements of the Agency. In major part, they reflect new and revised REA bulletins issued after prior publication in the FEDERAL REGISTER to secure public comment and participation under proposed rulemaking procedures.

No comments were received from the public on the new or revised REA bulletins included in this update of appendix A.

The following new or revised listings and summary descriptions of REA bulletins are additions and replacements, as specified, to the listings in appendix A to Part 1701 (36 F.R. 19075).

APPENDIX A—REA BULLETINS

REA bulletin number and date of last issuance	*Description of content*
JOINT RURAL ELECTRIFICATION AND TELEPHONE PROGRAM BULLETINS	
185-2:465-2; November 1972 (new).	The policy and procedure of REA requiring appropriate working papers to support the audit of REA borrowers' accounting records.
RURAL ELECTRIFICATION PROGRAM BULLETINS	
43-5; July 1972 (replacing July 1971).	List of materials acceptable to REA for use in the construction of its borrowers' electric systems.
44-1; January 1973 (replacing 6/69).	The specifications and standards of REA for material and equipment used by REA electric borrowers.
61-5; May 1956 (deletion).	Remove from appendix A. September 1972 revision removed this bulletin from rulemaking category.
62-1; September 1972 (replacing 5/61).	Specifications and other requirements of REA for the design of transmission lines.
62-3; November 1972 (new).	Criteria of REA for the use of narrow profile transmission line structure designs, and general guidelines on the design and construction of such structures.
81-6; May 1972 (replacing 8/58).	Steps to be followed and documents required to close out REA financed contract construction of distribution and transmission facilities.
105-7; September 1972 (new).	Policy and recommendations of REA for its power supply borrowers with respect to the preparation of long-range system and financial plans.
108-1; October 1972 (replacing 11/70).	The requirements of REA on the preparation and submission by electric distribution borrowers of financial and statistical reports on their operations.
112-6; September 1972 (replacing 5/61).	The procedure and requirements of REA for obtaining its approval of borrowers' contracts for extending electric service to large power installations.
115-1; December 1972 (replacing 3/72).	The policy and procedure of REA concerning the sale of capital assets by electric borrowers.
115-2; November 1972 (new).	Policy and recommendations of REA with respect to the merger of its electric distribution borrowers.
180-2; June 1972 (replacing 3/57).	Requirements of REA with respect to the preservation of records by electric borrowers.
RURAL TELEPHONE PROGRAM BULLETINS	
327-1; June 1972 (replacing 7/65).	The requirements of REA for the advance of loan funds to rural telephone borrowers.
344-2; January 1973 (replacing 1/72).	List of materials acceptable to REA for use in the construction of borrowers' telephone systems.

REA bulletin number and date of last issuance	Description of Content
345-18; March 1973 (replacing 1/64).	Specification of REA for plastic-insulated; plastic-jacketed station wire on borrowers' telephone systems.
345-49; June 1968 (deletion).	Remove from appendix A. Bulletin superseded by April 1972 revision of REA Bulletin 345-26.
345-56; August 1972 (replacing 6/71).	Specifications of REA for station carrier equipment installed on borrowers' telephone systems.
345-62; June 1972 (deletion).	Remove from appendix A. Bulletin superseded by April 1972 revision of REA Bulletin 345-26.
345-65; October 1972 (new).	Specifications of REA for cable shield bonding connectors installed on borrowers' telephone systems.
345-66; October 1972 (new).	Specifications of REA for equipment installed on borrowers' telephone systems.
345-67; December 1972 (new).	Specifications of REA for filled telephone cables installed on borrowers' telephone systems.

Dated: March 29, 1973.

DAVID A. HAMIL,
Administrator.

[FR Doc.73-6053 Filed 4-3-73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 1—DEFINITIONS

Immigration Judge

Pursuant to 5 U.S.C. 552 and the authority contained in 8 U.S.C. 1103 and 8 CFR 2.1, part 1 of chapter I of title 8 of the Code of Federal Regulations, as hereinafter set forth, is amended to provide that the terms "immigration judge" and "special inquiry officer" may be used interchangeably.

Section 1.1 is amended by adding at the end thereof a new paragraph (l) to read as follows:

§ 1.1 Definitions.

* * * * *

(l) The term "immigration judge" means special inquiry officer and may be used interchangeably with the term special inquiry officer wherever it appears in this chapter.

Compliance with the provisions of 5 U.S.C. 553 (80 Stat. 383) as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendment to § 1.1 relates to a rule of agency organization.

Effective date. This order shall be effective on April 4, 1973.

Dated March 30, 1973.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.73-6449 Filed 4-3-73;8:45 am]

IMMIGRATION AND NATIONALITY REGULATIONS

Miscellaneous Amendments to Chapter

Pursuant to 5 U.S.C. 552 and the authority contained in 8 U.S.C. 1103 and 8 CFR 2.1, miscellaneous amendments, as set forth herein, are prescribed in parts 103, 212, 214, 264, 299, 312, and 499 of chapter I of title 8 of the Code of Federal Regulations.

In the light of 28 CFR 16.23(b)(2), as amended February 23, 1973 (38 F.R. 4952) delegating to the Commissioner certain authority of the Attorney General to approve the production or disclosure of material or information from the Service files in response to a subpoena, order, or other demand, § 103.1 (c) is amended to delegate such authority of the Commissioner to the General Counsel.

In Part 212, § 212.8(b)(4) is amended to provide that a prospective treaty investor, in support of form I-526, may, under specified conditions, submit certified copies of documents, although unaccompanied by the originals. A minor corollary amendment is made in § 103.2(b)(1).

In Part 214, § 214.2(h) is amended editorially for clarification by repositioning material from existing subparagraph (7) to create new subparagraphs (8), (9), (10), and (11), and by redesignating existing subparagraph (8) as subparagraph (12). In the newly created subparagraph (11), a sentence is added to provide that where an applicant for an extension of stay is the beneficiary of a new nonimmigrant visa petition approved for employment or training other than that previously authorized, an extension of stay may be granted on the basis of that approval. Also, in part 214, § 214.4(a) is amended by adding a new item (6) to clarify that a school approved for the attendance of nonimmigrant students which fails to limit its advertising in accordance with the provisions of § 214.3(i) of that part is no longer entitled to such approval.

Since current form I-102 (Application by Nonimmigrant Alien for Replacement of Arrival Document or for Alien Registration) is no longer used as an application for alien registration, the title of the form has been amended to delete the reference therein to alien registration. Accordingly, corresponding minor technical amendments are made in §§ 264.1 (b) and (f) and 299.1.

In Parts 299 and 499, §§ 299.1 and 499.1 are amended to reflect the current edition dates of the forms specified therein.

In Part 312, § 312.3 is amended to permit the exercise of discretion by the field relative to the calendaring of naturalization petitions for final hearings and the opportunities afforded a petitioner for naturalization to meet the educational and literacy requirements.

In the light of the foregoing, the following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. In § 103.1, paragraph (c) is amended by adding a new sentence at the end thereof. As amended, § 103.1(c) reads as follows:

§ 103.1 Delegations of authority.

* * * * *

(c) *General Counsel.*—The legal advisory, legislative, litigation, and trial attorney (including appellate trial attorney at the Board of Immigration Appeals) activities of the Service. The General Counsel is authorized to approve production or disclosure in response to subpenas or demands of courts or other authorities, as provided in 28 CFR 16.23 (b)(2)(iii).

* * * * *

2. In § 103.2(b), the fourth sentence of subparagraph (1) is amended. As amended, § 103.2(b)(1) reads in part as follows:

§ 103.2 Applications, petitions, and other documents.

* * * * *

(b) *Evidence.*—(1) *Requirements.*—Each application or petition shall be accompanied by the documents required by the particular section of the regulations under which submitted. Form I-134 may be used if an affidavit of support would be helpful in resolving any public charge aspect. All accompanying documents must be submitted in the original and will not be returned unless accompanied by a copy. Except as provided in §§ 204.2(f), 212.8(b)(4), 214.2(h)(5), 214.2(l)(2), and 214.2(k) of this chapter, a copy unaccompanied by an original will be accepted only if the accuracy of the copy has been certified by an immigration or consular officer who has examined the original. * * *

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

In § 212.8(b), subparagraph (4) is amended by adding 2 new sentences at the end thereof. As amended, § 212.8(b) (4) reads as follows:

§ 212.8 Certification requirement of section 212(a)(14).

* * * * *

(b) *Aliens not required to obtain labor certifications.*—The following persons are not considered to be within the purview of section 212(a)(14) of the Act and do not require a labor certification: * * * (4) an alien who establishes on form I-526 that he is seeking to enter the United States for the purpose of engaging in a commercial or agricultural enterprise in which he has invested, or is actively in the process of investing, capital totaling at least $10,000, and who establishes that he has had at least 1 year's experience or training qualifying him to engage in such enterprise. A copy of a document submitted in support of form I-526 may be accepted, though unaccompanied by the original, if the copy bears a certification by an attorney, typed or rubber-stamped in the language set forth in § 204.2(f) of this chapter. However, the original document shall be submitted, if submittal is requested by the Service.

PART 214—NONIMMIGRANT CLASSES

1. In § 214.2, paragraph (h) is amended in the following respects: Existing subparagraph (7) is revised; new subparagraphs (8), (9), (10), and (11) are created; and existing subparagraph (8) is redesignated subparagraph (12). As amended, § 214.2(h) reads in pertinent part as follows:

§ 214.2 Special requirements for admission, extension, and maintenance of status.

* * * * *

(h) *Temporary employees.* * * *

(7) *Validity of approved petitions.*—In a case in which a labor certification is not submitted, the petition shall be valid for not more than 1 year from the date of its approval. If a certification by the Secretary of Labor or his designated representative is attached to a petition to accord an alien a classification under section 101(a)(15)(H)(ii) of the Act, the approval of the petition shall not be valid beyond the date to which the certification is valid. When the certification does not set forth a date until which it is valid, the approval of the petition shall not exceed 1 year from the date on which the certification was issued.

(8) *Termination of approval of petitions.*—The approval of any petition is automatically terminated when the petitioner dies, goes out of business, or files a written withdrawal of the petition before the beneficiary arrives in the United States.

(9) *Admission.*—A beneficiary may apply for admission to the United States only during the period of validity of the petition, or during the period of any extension of his temporary stay authorized on form I-171C. The authorized period of the beneficiary's admission shall be governed by the period of established need for his temporary services or training, but shall not exceed the date of validity of the petition or the date until which his temporary stay had been previously authorized by the Service.

(10) *Suspension of approval of employment.*—Approval of the beneficiary's employment or training is automatically suspended while a strike or other labor dispute involving a work stoppage or layoff of employees is in progress in the occupation and at the place the alien is being employed or trained.

(11) *Extension of stay.*—An extension of stay may be authorized in increments of not more than 12 months each under the same terms and conditions that apply to an admission, except that an applicant for an individual extension on form I-539 shall not require a new petition to continue previously authorized employment or training. A new petition shall be required from an applicant who seeks to pursue employment or training other than that previously authorized and the applicant, if he is maintaining status, may be granted an extension of stay for the period of validity of the approved petition without a form I-539. Form I-129B shall be used when filing an application for a group extension. In the case of an alien defined in section 101(a)(15)(H)(ii) of the act, the application for extension shall be accompanied by a labor certification or a notice that such certification cannot be made; and the alien shall not be granted an extension which would result in an unbroken stay in the United States for more than 3 years.

(12) *Special classes.*—The services of an entertainer beneficiary shall be restricted to the activity, area, and employer specified in the approved petition. Any engagement not specified in the original petition shall require a new petition. A new petition shall also be required if the entertainer's services are engaged by a new employer or by a new agent or are to be performed in another area, except that a new petition will not be required for the appearance of an alien performer on a bona fide charity show without compensation, provided he is already in the United States pursuant to an approved visa petition. A show shall not be considered as "a bona fide charity show" within the meaning of this subparagraph if any of the musicians, entertainers, or other performers receive compensation, including reimbursement for expenses, for their performance therein. A petition shall not be required for an appearance, interview, or demonstration, without remuneration, by any nonimmigrant alien who is not an entertainer by occupation. A separate petition and fee shall be required for each group of variety entertainers comprising a separate and distinct act.

* * * * *

2. In § 214.4, paragraph (a) is amended by adding a new subparagraph (6) at the end thereof. As amended, § 214.4(a) reads as follows:

§ 214.4 Withdrawal of school approval.

(a) *General.*—The approval by the Service, pursuant to section 101(a)(15)(F) of the Act and this part, of a petition by a school or school system for the attendance of nonimmigrant students shall be withdrawn if the school or school system is no longer entitled to such approval for any reason including, but not limited to, the following: (1) Failure to submit reports required by § 214.3(g); (2) issuance of certificates of eligibility, forms I-20, to students lacking scholastic, financial, or language requirements; (3) failure to operate as a bona fide institution of learning; (4) failure to employ qualified professional personnel; (5) failure to maintain proper facilities for instruction; or (6) failure to limit its advertising in the manner prescribed in § 214.3(i).

* * * * *

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

Section 264.1 is amended in the following respects: In paragraph (b), the listing pertaining to form I-102 is amended; and in paragraph (f), the second sentence is amended by substituting a period for the comma following the word "resident" and by deleting the remainder thereof, and the last sentence is amended by deleting therefrom the words "the form I-102, and" immediately following the word "resident,".

As amended, § 264.1 (b) and (f) read in pertinent part as follows:

§ 264.1 Registration and fingerprinting.

* * * * *

(b) *Evidence of registration.*—The following forms constitute evidence of registration:

Form No.	*Class*
* * *	* * *
I-102 Application by Nonimmigrant Alien for Replacement of Arrival Document.	While application is pending nonimmigrants and other aliens not in lawful permanent desident status.

* * * * *

(f) *Registration and fingerprinting of children who reach age 14.*—Within 30 days after reaching the age of 14, any alien in the United States not exempt from alien registration under the act and this chapter shall present himself to a Service office for registration in accordance with section 262(b) of the act, and for fingerprinting unless fingerprinting is waived pursuant to paragraph (e) of this section. He shall submit form I-90 if he is a lawful permanent resident. If such alien is a lawful permanent resident of the United States and is temporarily absent from the United States when he reaches the age of 14, he shall comply with the foregoing within 30 days of his return to the United States. The alien, if a lawful permanent resident of the United States, shall surrender his prior evidence of alien registration and shall be issued form I-151 bearing a photograph submitted by him in accordance with the instructions on form I-90. In the case of an alien who is not a lawful permanent resident, the alien's form I-94 or I-95 shall be noted to show that he has been registered and the date of registration.

* * * * *

PART 299—IMMIGRATION FORMS

The listing of forms in § 299.1 Prescribed forms is amended to reflect a revision in the title of form I-102 and the current edition dates of the following forms:

§ 299.1 Prescribed forms.

* * * * *

Form No., title, and description

I-17 (11-30-72) Petition for Approval of School for Attendance by Nonimmigrant Alien Students.

* * * * *

I-102 (2-1-73) Application by Nonimmigrant Alien for Replacement of Arrival Document.

* * * * *

I-130 (1-1-73) Petition To Classify Status of Alien Relative for Issuance of Immigrant Visa.

* * * * *

I-186 (6-1-72) Nonresident Alien Mexican Border Crossing Card.

* * * * *

I-506 (2-1-73) Application for Change of Nonimmigrant Status.

* * * * *

I-526 (12-20-72) Request for Determination That Prospective Immigrant Is an Investor.

* * * * *

I-550 (2-1-73) Application for Verification of Last Entry of an Alien.

* * * * *

PART 312—EDUCATIONAL REQUIREMENTS FOR NATURALIZATION

Section 312.3 is amended to read as follows:

§ 312.3 Failure to meet educational and literacy requirements.

A petitioner for naturalization who fails to pass the English literacy or educational tests at the preliminary investigation or preliminary examination shall be afforded a second opportunity to pass the tests before the petition for naturalization is calendared for final hearing and, if needed, a final opportunity at the time of final hearing before the naturalization court.

PART 499—NATIONALITY FORMS

The listing of forms in § 499.1 Prescribed forms is amended to reflect the current edition date of the following forms:

§ 499.1 Prescribed forms.

* * * * *

Form No., title, and description

* * * * *

N-400 (12-1-72) Application to File Petition for Naturalization.

* * * * *

N-426 (2-1-73) Certification of Military or Naval Service.

* * * * *

N-455 (4-1-71) Application for Transfer of Petition for Naturalization.

* * * * *

N-600 (11-1-72) Application for Certificate of Citizenship.

* * * * *

Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rulemaking and delayed effective date is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 103.1(c) and 312.3 relate to agency management; the amendments to §§ 103.2(b)(1), 299.1, and 499.1 are editorial in nature; the amendment to § 212.8(b)(4) confers a benefit on the persons affected thereby; the amendments to § 214.2(h) are editorial in nature and relate to agency procedure; the amendment to § 214.4(a) is clarifying in nature; and the amendments to § 264.1 relate to agency procedure.

Effective date. This order shall become effective on April 4, 1973.

Dated: March 30, 1973.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.73-6428 Filed 4-3-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 265—RULES REGARDING DELEGATION OF AUTHORITY

Approval of Extension of Time Regarding Bank Holding Companies Filing Annual Reports

In order to delegate to the Federal Reserve banks authority to grant bank holding companies extensions of time in which to file annual reports to the Board, § 265.2(f) is amended by adding subparagraph (27) to read as follows:

§ 265.2 Specific functions delegated to Board employees and Federal Reserve banks.

* * * * *

(f) Each Federal Reserve bank is authorized, as to member banks or other indicated organizations headquartered in its district or under subparagraph (25) of this paragraph, as to its officers;

* * * * *

(27) Under the provisions of section 5(c) of the Bank Holding Company Act, as amended (12 U.S.C. 1844(c)), to grant to a bank holding company a 90-day extension of time in which to file an annual report; and for good cause shown an additional extension of time, not to exceed 90 days, may be granted.

* * * * *

The provisions of section 553 of title 5, United States Code, relating to notice and public participation and to deferred effective dates, were not followed in connection with the adoption of this amendment, because the rule contained therein is procedural in nature and accordingly does not constitute a substantive rule subject to the requirements of such section.

Effective date. This amendment is effective as of March 23, 1973.

By order of the Board of Governors, March 23, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-6435 Filed 4-3-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-7703]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Miscellaneous Amendments

The Securities and Exchange Commission has adopted certain technical amendments to its rules under the Investment Company Act of 1940 (act) [15 U.S.C. 80a-1 et seq.].

The Investment Company Amendments Act of 1970 (1970 amendments), Public Law 91-547, approved December 14, 1970, 84 Stat. 1413, amended certain sections of the act which are referred to in the rules and regulations promulgated under such act. The purpose of the amendments to the rules is to conform such rules to the changes made in the act by the 1970 amendments. Adoption of the amendments is made pursuant to the authority granted to the Commission in section 38(a) of the act (15 U.S.C. 80a-37(a)).

Section 38(a) of the act authorizes the Commission to make, issue, and amend such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission, including rules prescribing the form or forms in which information required in registration statements and reports shall be set forth.

The 1970 amendments to the act, among other things, amended sections 2(a)(32) (redesignated 2(a)(33)), 2(a)(39) (redesignated 2(a)(41)) and section 19 (redesignated 19 (a) and (b)) [84 Stat. 1413, 1422].[1] These sections are referred to in rules 2a-1, 2a-2, 7d-1, 19a-1, and 30d-1 [2] of the rules and regulations promulgated under the Investment Company Act of 1940.

Accordingly, in order to conform the language in the rules to the amended sections of the act, the Commission adopts the amendments as set forth below:

Commission action.—Part 270 of chapter II of title 17 of the Code of Federal Regulations is amended as indicated below:

Section 270.2a-1 is amended by deleting: (i) From subsection (a) after the phrases "from that prescribed by clause (A) of section" and "valuation prescribed by clause (A) of section"; and (ii) from subsection (b), after the phrase "method prescribed in clause (A) of section"; and (iii) from subsection (d) after the phrase "method prescribed in clause (A) of section", respectively, the designation "2(a)(39)" and by adding in lieu thereof, respectively, the designation "2(a)(41)."

[1] 15 U.S.C. 80a-2(a)(33), 80a-2(a)(41), 80a-19(a), 80a-19(b).

[2] [17 CFR 270.2a-1, 270-2a-2, 270.7d-1, 270-19a-1, 270.30d-1.]

Section 270.2a-2 is amended by deleting from the last sentence the designation "2(a) (39) (A)" and by adding in lieu thereof the designation "2(a) (41) (A)."

Section 270.7d-1 is amended by deleting from the second clause of subdivision (i) in subsection (b) (8), after the phrase "the term 'value' defined in section" the designation "2(a) (39)" and by adding in lieu thereof the designation "2(a) (41)."

Section 270.19a-1 is amended by deleting (i) from subsection (c) (2), after the phrase "as defined in clause (A) or (B) of section" the designations "2(a) (32)" and by adding in lieu thereof the designation "2(a) (33)," and, (ii) from subsection (e), after the phrase "pursuant to section", the designation "19" and by adding in lieu thereof the phrase "19(a) of the Act,", and, (iii) from subsection (f), after the phrase "pursuant to section", the designation "19" and by adding in lieu thereof the phrase "19(a) of the Act."

Section 270.30d-1 is amended by deleting in the parenthetical clause of subsection (d) (1), after the phrase "as defined in section," the designation "2(a) (39) (B)" and by adding in lieu thereof the designation "2(a) (41) (B)".

As amended, § 270.2a-1 (a), (b), and (d); § 270.2a-2; the second clause of subdivision (i) of § 270.7d-1(b) (8); § 270.19a-1 (c), (e), and (f); subdivision (1) of § 270.30d-1(d) read as follows:

§ 270.2a-1 Valuation of portfolio securities in special cases.

(a) Any investment company whose securities are qualified for sale, or for whose securities application for such qualification has been made, in any State in which the securities owned by such company are required by applicable State law or regulations to be valued at cost or on some other basis different from that prescribed by clause (A) of section 2(a) (41) of the act for the purpose of determining the percentage of its assets invested in any particular type or classification of securities or in the securities of any one issuer, may, in valuing its securities for the purposes of sections 5 and 12 of the act, use the same basis of valuation as that used in complying with such State law or regulations in lieu of the method of valuation prescribed by clause (A) of section 2(a) (41) of the act.

(b) Any open-end company which has heretofore valued its securities at cost for the purpose of qualifying as a "mutual investment company" under the Internal Revenue Code, prior to its amendment by the Revenue Act of 1942, shall henceforth, for the purposes of sections 5 and 12 of the act, value its securities in accordance with the method prescribed in clause (A) of section 2(a) (41) of the act unless such company is permitted under paragraph (a) of this section to use a different method of valuation.

* * * * *

(d) If at any time it appears that the method of valuation adopted by any company pursuant to paragraph (a) of this section is no longer justified by the facts, the Commission may require a change in the method of valuation within a reasonable period of time either to the method prescribed in clause (A) of section 2 (a) (41) of the Act or to some other method permitted by paragraph (a) of this section which is justified by the existing facts.

§ 270.2a-2 Effect of eliminations upon valuation of portfolio securities.

During any fiscal quarter in which elimination of securities from the portfolio of an investment company occur, the securities remaining in the portfolio shall, for the purpose of sections 5 and 12 of the act (54 Stat. 800, 808; 15 U.S.C. 80a-5, 80a-12), be so valued as to give effect to the eliminations in accordance with one of the following methods: (a) specific certificate, (b) first in—first out, (c) last in—first out, or (d) average value. For these purposes, a single method of elimination shall be used consistently with respect to all portfolio securities. In giving effect to eliminations pursuant to this section values shall be computed in accordance with section 2(a) (41) (A) of the act (54 Stat. 790; 15 U.S.C. 80a-2(a) (41) (A)).

§ 270.7d-1 Specification of conditions and arrangements for Canadian management investment companies requesting order permitting registration.

* * * * *

(b) * * *

(8) Applicant's charter and bylaws, taken together, will contain, so long as applicant is registered under the Act, in substance the following:

(i) The provisions of the Act as follows: section 2(a): *Provided*, That the term "government securities" defined in section 2(a) (16) may include securities issued or guaranteed by Canada or any instrumentality of the government of Canada; the term "value" defined in section 2(a) (41) may be defined solely for the purposes of sections 5 and 12 in accordance with the provisions of § 270.2a-1 (Rule 2a-1) if the same shall be necessary or desirable to comply with Canadian regulatory or revenue laws or rules or regulations thereunder;

* * * * *

§ 270.19a-1 Written statement to accompany dividend payments by management companies.

* * * * *

(c) Accumulated undistributed net income and accumulated undistributed net profits from the sale of securities or other properties shall be determined, at the option of the company, either (1) from the date of the organization of the company, (2) from the date of a reorganization, as defined in clause (A) or (B) of section 2(a) (33) of the Act (54 Stat. 790; 15 U.S.C. 80a-2(a) (33)), (3) from the date as of which a write-down of portfolio securities was made in connection with a corporate readjustment, approved by stockholders, of the type known as "quasireorganization," or (4) from January 1, 1925, to the close of the period as of which the dividend is paid, without giving effect to such payment.

* * * * *

(e) For the purpose of this section, the source or sources from which a dividend is paid shall be determined (or reasonably estimated) to the close of the period as of which it is paid without giving effect to such payment. If any such estimate is subsequently ascertained to be inaccurate in a significant amount, a correction thereof shall be made by a written statement pursuant to section 19 (a) of the Act or in the first report to stockholders following discovery of the inaccuracy.

(f) Insofar as a written statement made pursuant to section 19(a) of the Act relates to a dividend on preferred stock paid for a period of less than a year, a company may elect to indicate only that portion of the payment which is made from sources specified in paragraph (a) (1) of this section, and need not specify the sources from which the remainder was paid. Every company which in any fiscal year elects to make a statement pursuant to the preceding sentence shall transmit to the holders of such preferred stock, at a date reasonably near the end of the last dividend period in such fiscal year, a statement meeting the requirements of paragraph (a) of this section on an annual basis.

* * * * *

§ 270.30d-1 Reports to stockholders of management companies.

* * * * *

(d) * * *

(1) A statement of its assets (showing its investments at "value", as defined in section 2(a) (41) (B) of the Act) and its liabilities, and of its net assets, and the number and par value or stated value of the shares representing such net assets, all as of the end of the period for which the report is made.

* * * * *

(Sec. 38(a), 54 Stat. 841, 15 U.S.C. 80a-37(a), Public Law 91-547, 84 Stat. 1413, 1422)

The Commission finds that notice and procedure required by section 553 of title 5 of the United States Code is not necessary since the amendments do not involve substantive changes in the rules and are merely technical in nature. Accordingly, the amendments shall become effective on March 16, 1973.

By the Commission, March 5, 1973.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-6444 Filed 4-3-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SLIMICIDES

The Commissioner of Food and Drugs, having evaluated the data in a petition

(FAP 2H2726) filed by Syracuse University Research Corp., Life Sciences Division, Merrill Lane, University Heights, Syracuse, N.Y. 13210, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of N-[α-(1-nitroethyl)benzyl] ethylenediamine as an antimicrobial agent to control slime in the process water used in the production of paper and paperboard intended to contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2505(c) is amended by alphabetically inserting a new item, in the list of substances as follows:

§ 121.2505 Slimicides.

* * * * *

(c) * * *

List of substances	Limitations
* * *	* * *
N-[α-(-nitroethyl)benzyl] ethylenediamine.	----------
* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before May 4, 1973, file with the hearing clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on April 4, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: March 20, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-6367 Filed 4-3-73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

ADHESIVES

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 2B2775) filed by Merck Sharp & Dohme Research Laboratories, Division of Merck and Co., Inc., Rahway, N.J. 07065, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the safe use of benzyl broacetate as a preservative in food-packaging adhesives. The preservative effect is to inhibit microbial growth.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), part 121 is amended in § 121.2520 (c)(5) by alphabetically inserting a new item in the list of substances as follows:

§ 121.2520 Adhesives.

* * * * *

(c) * * *

(5) * * *

COMPONENTS OF ADHESIVES

Substances	Limitations
* * *	* * *
Benzyl bromoacetate	For use as preservative only.
* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time on or before May 4, 1973, file with the hearing clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on April 4, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 14, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-6361 Filed 4-3-73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 2B2797) filed by the American Cyanamid Co., Wayne, N.J. 07470, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to change the basis of the limitation on the amount of glyoxal permitted as an insolubilizing agent in starch- and protein-based coatings that contact nonalcoholic foods from the present maximum of 0.8 percent by weight of the dry coating solids to a level not to exceed 6 percent by weight of the starch or protein fraction of the coating solids. Since the glyoxal reacts only with starch or protein, it is reasonable to express the use limitation for glyoxal in terms of the starch or protein fraction of the coating solids, and at the same time the revision permits greater flexibility in formulating coatings.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120) § 121.2526(b)(2) is amended by revising the limitations column for "glyoxal," to read as follows:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

* * * * *

(b) * * *

(2) * * *

List of substances	*Limitations*
* * *	* * *
Glyoxal	For use only as an insolubilizing agent in starch- and protein-based coatings that contact nonalcoholic foods, and limited to use at a level not to exceed 6 percent by weight of the starch or protein fraction of the coating solids.
* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before May 4, 1973, file with the hearing clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on April 4, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 14, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-6362 Filed 4-3-73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

COMPONENTS OF PAPER AND PAPERBOARD IN CONTACT WITH AQUEOUS AND FATTY FOODS

The Commissioner of Food and Drugs, having evaluated data in a petition (FAP 1B2611) filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the safe use of acrylamide-ethylene-vinyl chloride copolymers as coatings or components of coatings for paper and paperboard intended to contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), part 121 is amended in § 121.2526 (b)(2) by alphabetically inserting in the list of substances the following new item:

§ 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods.

(b) * * *
(2) * * *

List of substances	*Limitations*
* * *	* * *
Acrylamide copolymerized with ethylene and vinyl chloride in such a manner that the finished copolymers have a minimum molecular weight of 30,000 and contain not more than 3.5 weight percent of total polymer units derived from acrylamide, and in such a manner that the acrylamide portion may or may not be subsequently partially hydrolyzed.	For use only as coatings or components of coatings.
* * *	* * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before May 4, 1973, file with the hearing clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on April 4, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348 (c)(1))

Dated: March 20, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-6370 Filed 4-3-73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

SORBITAN MONOPALMITATE, SORBITAN TRIOLEATE, AND SORBITAN TRISTEARATE

In the FEDERAL REGISTER of September 22, 1972 (37 FR 19820), the Commissioner of Food and Drugs proposed that the food additive regulations be amended as follows: (1) By amending § 121.2541 Emulsifiers and/or surface active agents to provide for the safe use of sorbitan monopalmitate, sorbitan trioleate, and sorbitan tristearate as emulsifiers and/or surface active agents employed in the manufacture of articles or components of articles intended for use in producing, manufacturing, packing, processing, preparing, treating, packaging, transporting, or holding food; (2) by deleting for editorial purposes the items sorbitan monopalmitate, sorbitan trioleate, and sorbitan tristearate where they are presently listed under §§ 121.2507 Cellophane, 121.2520 Adhesives, 121.2526 Components of paper and paperboard in contact with aqueous and fatty foods, and 121.2557 Defoaming agents used in coatings, since the proposed amendment to § 121.2541 would provide for such uses of the additives; and (3) by identifying the subject emulsifiers and/or surface active agents under § 121.2541 with appropriate specifications identifying the additives tested and shown to be safe. No comments were received in response to the proposal. Accordingly, the Commissioner concludes that the proposed amendments should be adopted without change.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended as follows:

1. In § 121.2541(c) by alphabetically inserting in the list of substances three new items, as follows:

§ 121.2541 Emulsifiers and/or surface active agents.

* * * * *

(c) List of substances:

* * * * * *

List of substances	*Limitations*
Sorbitan monopalmitate meeting the following specifications: Saponification No. 140-150; and hydroxyl No. 275-305.	
* * *	* * *
Sorbitan trioleate meeting the following specifications: Saponification No. 170-190; and hydroxyl No. 55-70.	
Sorbitan tristearate meeting the following specifications: Saponification No. 176-188; and hydroxyl No. 66-80.	
* * *	* * *

* * * * *

§ 121.2507 [Amended]

2. In § 121.2507 by deleting the items "Sorbitan monopalmitate", "Sorbitan trioleate", and "Sorbitan tristearate" from the list of substances in paragraph (c).

§ 121.2520 [Amended]

3. In § 121.2520 by deleting the items "Sorbitan monopalmitate", "Sorbitan trioleate", and "Sorbitan tristearate" from the list of substances in paragraph (c)(5).

§ 121.2526 [Amended]

4. In § 121.2526 by deleting the item "Sorbitan trioleate" from the list of substances in paragraph (a)(5).

§ 121.2557 [Amended]

5. In § 121.2557 by deleting the item "Sorbitan tristearate" from the list of substances in paragraph (d)(3).

Any person who will be adversely affected by the foregoing order may at any time on or before May 4, 1973, file with the hearing clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen

in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on April 4, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 14, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-6360 Filed 4-3-73;8:45 am]

PART 121—FOOD ADDITIVES

Subpart F—Food Additives Resulting From Contact With Containers or Equipment and Food Additives Otherwise Affecting Food

VINYL CHLORIDE-HEXENE-1 COPOLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 1B2570) filed by Hazelton Laboratories, Inc., P.O. Box 30, Falls Church, Va. 22046, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe use of vinyl chloride-hexene-1 copolymers as articles or components of articles intended for use in contact with food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), part 121 is amended by adding a new section to subpart F as follows:

§ 121.2623 Vinyl chloride-hexene-1 copolymers.

The vinyl chloride-hexene-1 copolymers identified in paragraph (a) of this section vinyl chloride-hexene-1 copolyor as components of articles intended for use in contact with food, under conditions of use D, E, F, or G described in table 2 of § 121.2526(c), subject to the provisions of this section.

(a) *Identity.* For the purposes of this section vinyl chloride-hexene-1 copoolymers consist of basic copolymers produced by the copolymerization of vinyl chloride and hexene-1 such that the finished copolymers contain not more than 3 mole-percent of polymer units derived from hexene-1 and meet the specifications and extractives limitations prescribed in paragraph (b) of this section. The copolymers may optionally contain hydroxypropyl methylcellulose and trichloroethylene used as a suspending agent and chain transfer agent, respectively, in their production.

(b) *Specifications and limitations.* The vinyl chloride-hexene-1 basic copolymers meet the following specifications and extractives limitations:

(1) *Specifications.* (i) Total chlorine content is 53 to 56 percent as determined by any suitable analytical procedure of generally accepted applicability.

(ii) Inherent viscosity in cyclohexanone at 30° C. is not less than 0.59 deciliters per gram as determined by ASTM Method D 1243-66.[1]

(2) *Extractives limitations.* The following extractives limitations are determined by the methods prescribed in § 121.2608(d).

(i) Total extractives do not exceed 0.01 weight percent when extracted with water at 150° F. for 2 hours.

(ii) Total extractives do not exceed 0.30 weight percent when extracted with n-heptane at 150° F. for 2 hours.

(c) *Other specifications and limitations.* The vinyl chloride-hexene-1 copolymers identified in and complying with this section, when used as components of the food-contact surface of any article that is subject to a regulation in this Subpart F, shall comply with any specifications and limitations prescribed by such regulation for the article in the finished form in which it is to contact food.

Any person who will be adversely affected by the foregoing order may at any time on or before May 4, 1973, file with the hearing clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective on April 4, 1973.

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: March 20, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

NOTE: Incorporation by reference provisions approved by the Director of the Federal Register, January 9, 1973.

[FR Doc.73-6359 Filed 4-3-73;8:45 am]

[1] Copies may be obtained from: American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103.

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Sodium Liothyronine Tablets, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (14-366V) filed by Norden Laboratories, Inc., Lincoln, Nebr. 68501, proposing revised labeling for the safe and effective use of sodium liothyronine tablets for the treatment of dogs. The supplement application is approved.

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

§ 135c.98 Sodium liothyronine tablets, veterinary.

(a) *Specifications.*—Sodium liothyronine tablets, veterinary consists of tablets intended for oral administration which contain sodium liothyronine at 5, 25, or 50 micrograms per tablet.

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

(c) *Conditions of use.*—(1) It is indicated in cases of hypothyroidism in dogs.

(2) It is administered orally to dogs at levels up to 12.8 micrograms per kilogram of body weight per day. Dosage should be adjusted according to the severity of the condition and the response of the patient. Dosage at the total replacement level (12.8 μg per kilogram of body weight) should be considered for initiating therapy and then titrated downward for optimum maintenance effect. Twice daily administration is recommended.

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

Effective date. This order shall be effective on April 4, 1973.

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

Dated: March 22, 1973.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.73-6371 Filed 4-3-73;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Ipronidazole Hydrochloride Soluble Powder

The Commissioner of Food and Drugs has evaluated a new animal drug application (91-782V) filed by Hoffman-LaRoche, Inc., Nutley, N.J. 07110, proposing use of ipronidazole hydrochloride soluble powder in drinking water for turkeys for the treatment of blackhead. The application is approved.

A new regulation is being established to provide for use of ipronidazole hydrochloride soluble powder in the drinking water of turkeys. Since such treated water may be used in conjunction with 0.00625 percent ipronidazole in turkey feeds, the regulation covering use of ipronidazole in turkey feed is being amended.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic

Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135c and 135e are amended as follows:

1. Part 135c is amended by adding a new section as follows:

§ 135c.103 Ipronidazole hydrochloride soluble powder.

(a) *Chemical name.*—2-isopropyl-1-methyl-5-nitroimadazole hydrochloride.

(b) *Specifications.*—Each gram of ipronidazole hydrochloride soluble powder contains the equivalent of 823 milligrams of ipronidazole.

(c) *Sponsor.*—See Code No. 020 in § 135.501(c) of this chapter.

(d) *Related tolerances.*—See § 135g.43 of this chapter.

(e) *Special considerations.*—Iponidazole hydrochloride soluble powder may be used as provided for in this section in conjunction with 0.00625 percent ipronidazole in turkey feed as provided for in § 135e.56 of this chapter.

(f) *Conditions of use.*—(1) The drug is used for the treatment of blackhead (histomoniasis) in turkeys.

(2) The drug is added to drinking water in an amount to provide a concentration of 0.0125 percent ipronidazole.

(3) The drug is administered for a treatment period of 7 consecutive days.

(4) Withdraw 5 days before slaughter. Do not administer to turkeys producing eggs for food.

2. Part 153e is amended in § 135e.56 (e) as follows:

§ 135e.56 Ipronidazole.

* * * * *

(e) *Special considerations.*—Ipronidazole may be used as provided for in paragraph (f) item 1 of this section in conjunction with ipronidazole hydrochloride soluble powder in the drinking water of turkeys at a concentration of 0.0125 percent ipronidazole as provided for in § 135c.103 of this chapter.

* * * * *

Effective date. This order shall be effective on April 4, 1973.

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

Dated: March 20, 1973.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.73-6372 Filed 4-3-73;8:45 am]

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Clopidol

The Commissioner of Food and Drugs has evaluated a new animal drug application (91-815V) filed by Central Soya Co., McMillan Feed Division, Fort Wayne, Ind. 46805, proposing the safe and effective use of a premix containing 0.0345 percent clopidol for use in formulating complete feed for chickens as provided for in § 135e.46 (21 CFR 135e.46). The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), part 135e is amended in § 135e.46, paragraph (b)(2) as follows:

§ 135e.46 Clopidol.

* * * * *

(b) *Approvals.* * * *

(2) Premix level 0.0345 percent clopidol granted to firm No. 006 is identified in § 135.501(c) of this chapter.

* * * * *

Effective date. This order shall be effective on April 4, 1973.

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

Dated: March 22, 1973.

FRED J. KINGMA,
Acting Director, Bureau of Veterinary Medicine.

[FR Doc.73-6373 Filed 4-3-73;8:45 am]

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

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

Revocation of Certification Provisions

In the FEDERAL REGISTER of July 22, 1970 (35 FR 11715), the Commissioner of Food and Drugs announced the conclusion of the Food and Drug Administration following evaluation of reports received from the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, on Longicil S; marketed by Fort Dodge Laboratories, Inc., Fort Dodge, Iowa 50501, and Benzetacil-SM; marketed by Wyeth Laboratories, Inc., P.O. Box 8299, Philadelphia, Pa. 19101.

The announcement invited the manufacturers of said drugs and any other interested persons to submit pertinent data on the drugs' effectiveness. Neither Fort Dodge Laboratories, Inc., nor Wyeth Laboratories, Inc., furnished adequate data to support the effectiveness of the above-named products. No other data have been submitted to support the efficacy of the above-named certifiable antibiotic-containing drugs for their recommended use for treating animals.

Accordingly, the Commissioner concludes that the antibiotic drug regulations should be amended to revoke provisions for certification of these drugs due to a lack of substantial evidence that they will have the effectiveness they purport or are represented to have.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512, 59 Stat. 463 as amended, 82 Stat. 343-51; 21 U.S.C. 357, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), parts 141a and 146a are amended by revoking (1) § 141a.68 Benzathine penicillin G and streptomycin veterinary; benzathine penicillin G and dihydrostreptomycin veterinary, (2) § 141a.80 Benzathine penicillin G-procaine penicillin G-streptomycin in oil veterinary; benzathine penicillin G-procaine penicillin G-dihydrostreptomycin in oil veterinary, (3) § 141a.88 Benzathine penicillin G in streptomycin sulfate solution veterinary; benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary (benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution veterinary), (4) § 146a.90 Procaine penicillin and benzathine penicillin G in streptomycin sulfate solution veterinary; procaine penicillin and benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary (procaine penicillin and benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution veterinary), (5) § 146a.91 Benzathine penicillin G and streptomycin veterinary; benzathine penicillin G and dihydrostreptomycin veterinary, (6) § 146a.102 Benzathine penicillin G-procaine penicillin G-streptomycin in oil veterinary; benzathine penicillin G-procaine penicillin G-dihydrostreptomycin in oil veterinary and (7) § 146a.110 Benzathine penicillin G in streptomycin sulfate solution veterinary; benzathine penicillin G in dihydrostreptomycin sulfate solution veterinary (benzathine penicillin G in crystalline dihydrostreptomycin sulfate solution veterinary).

Any person who would be adversely affected by the removal of any such drug from the market may file, on or before May 4, 1973, objections to this order stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing must identify the claimed errors in the NAS/NRC evaluation and identify any adequate and well controlled investigation on the basis of which it could reasonably be concluded that these drugs would have the effectiveness claimed and would be safe for their intended use.

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the hearing clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852. Objections and requests for a hearing which are received in response to this order may be seen in the above office during business hours, Monday through Friday.

Effective date. This order shall become effective May 14, 1973.

(Secs. 507, 512, 59 Stat. 463 as amended, 82 Stat. 343-51; 21 U.S.C. 357, 360b)

Dated: March 14, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-6368 Filed 4-3-73;8:45 am]

PART 149g—PENICILLIN G

Potassium Penicillin G for Injection

The Commissioner of Food and Drugs has evaluated data submitted in accordance with regulations promulgated under section 507 of the Federal Food, Drug,

and Cosmetic Act, with respect to approval of the antibiotic drug potassium penicillin G for injection.

He concludes that data supplied by the manufacturer concerning the subject antibiotic drug is adequate to establish its safety and efficacy when used as directed in the labeling and that the regulations should be amended to provide for the certification of this drug.

Currently, other potassium penicillin G preparations for injection are being certified under § 146a.37. Since it is the intention of the Food and Drug Administration to update and recodify the regulations regarding antibiotics, a new part 149g is being established to provide for certification of the subject reformulated product rather than amending the existing regulations in part 146a. When the updating and recodification is completed, all penicillin G preparations will be in part 149g. In the meantime batches will be certified under both §§ 146a.37 and 149g.11 as appropriate.

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 the Commissioner (21 CFR 2.120), a new part 149g is established, consisting at this time of one section as follows:

§ 149g.11 Potassium penicillin G for injection.

(a) *Requirements for certification.*—(1) *Standards of identity, strength, quality, and purity.*—Potassium penicillin G for injection is a dry mixture of potassium penicillin G and the buffer sodium citrate in a quantity not less than 4 percent and not more than 5 percent by weight of its total solids. Its potency is satisfactory if it is not less than 90 percent and not more than 120 percent of the number of units of penicillin G that it is represented to contain. It is sterile. It is nonpyrogenic. It passes the safety test. Its loss on drying is not more than 1.5 percent. When reconstituted as directed in the labeling, its pH is not less than 7 and not more than 8.5. The potassium penicillin G used conforms to the standards prescribed by § 146a.24(a) of this chapter. The sodium citrate conforms to the standards prescribed therefor by the U.S.P.

(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 potassium penicillin G used in making the batch for potency, loss on drying, pH, penicillin G content, and crystallinity.

(*b*) The batch for potency, sterility, pyrogens, safety, loss on drying, and pH.

(ii) Samples required:

(*a*) The potassium penicillin G used in making the batch: 10 packages, each containing approximately 60 milligrams.

(*b*) The batch:

(*1*) For all tests except sterility: A minimum of 10 immediate containers.

(*2*) For sterility testing: 20 immediate containers, collected at regular intervals throughout each filling operation.

(b) *Tests and methods of assay*—(1) *Potency*—(i) *Sample preparation.*—Reconstitute as directed in the labeling. Dilute the resultant solution with 1 percent potassium phosphate buffer, pH 6.0 (solution 1), to give a stock solution of convenient concentration.

(ii) *Assay procedures.*—Assay for potency by any of the following methods; however, the results obtained from the microbiological agar diffusion assay shall be conclusive.

(*a*) *Microbiological agar diffusion assay.*—Proceed as directed in § 141.110 of this chapter, diluting an aliquot of the stock solution with solution 1 to the reference concentration of 1 unit of penicillin-G per milliliter (estimated).

(*b*) *Iodometric assay.*—Proceed as directed in § 141.506 of this chapter, diluting an aliquot of the stock solution with solution 1 to the prescribed concentration.

(*c*) *Hydroxylamine colorimetric assay.*—Proceed as directed in § 141.507 of this chapter, diluting an aliquot of the stock solution with solution 1 to the prescribed concentration.

(2) *Sterility.*—Proceed as directed in § 141.2 of this chapter, using the method described in paragraph (e)(1) of that section.

(3) *Pyrogens.*—Proceed as directed in § 141.4(b) of this chapter, using a solution containing 2,000 units of penicillin-G per milliliter.

(4) *Safety.*—Proceed as directed in § 141.5 of this chapter.

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

(6) *pH.*—Proceed as directed in § 141.503 of this chapter, using the solution obtained when the drug is reconstituted as directed in the labeling.

Since the conditions prerequisite to providing for certification of subject antibiotic drug have been complied with and since the matter is noncontroversial, notice and public procedure and delayed effective date are not prerequisite to this promulgation.

Effective date. This order shall be effective on April 4, 1973.

(Sec. 507, 59 Stat. 463 as amended; 21 U.S.C. 357)

Dated: March 23, 1973.

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

[FR Doc.73-6369 Filed 4-3-73;8:45 am]

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 1033—CAR SERVICE

[S.O. 1130]

Illinois Central Gulf Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 28th day of March 1973.

It appearing that the Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees (PC), is unable to operate over its line between Hillsboro, Ill., and Litchfield, Ill., because of track damage resulting from high water and flooding; that the Illinois Central Gulf Railroad Co. (ICG) has agreed to serve shippers located on PC tracks at Litchfield, Ill.; that the PC has consented to such use of its tracks by the ICG; that operation by the ICG over tracks of the PC at Litchfield, Ill., is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1030-1130 Service Order No. 1130.

(a) *Illinois Central Gulf Railroad Co. authorized to operate over tracks of Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees.*—The Illinois Central Gulf Railroad Co. (ICG) be, and it is hereby, authorized to operate over tracks of the Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees (PC) at Litchfield, Ill.

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

(c) *Rates applicable.*—Inasmuch as this operation by the ICG over tracks of the PC is deemed to be due to carrier's disability, the rates applicable to traffic moved by the ICG over these tracks of the PC shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.*—This order shall become effective at 11:59 p.m., March 29, 1973.

(e) *Expiration date.*—The provisions of this order shall expire at 11:59 p.m., April 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

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

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

By the Commission, Railroad Service Board.

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

[FR Doc.73-6458 Filed 4-3-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Tewaukon National Wildlife Refuge, N. Dak.

The following special regulation is issued and is effective on April 4, 1973.

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

NORTH DAKOTA

TEWAUKON NATIONAL WILDLIFE REFUGE

Sport fishing on the Tewaukon National Wildlife Refuge, Cayuga, N. Dak., is permited only on the areas designated by signs as open to fishing. These open areas are Lake Tewaukon, Mann Lake, and Sprague Lake, comprising 1,440 acres, and are shown on maps available at refuge headquarters and from the office of the area manager, Bureau of Sport Fisheries and Wildlife, Box 1897, Bismarck, N. Dak., 58501. Sport fishing shall be in accordance with all applicable State regulations subject to the following special conditions:

(1) The open season for sport fishing on Sprague Lake and Mann Lake extends from May 5, 1973, through September 30, 1973, daylight hours only.

(2) The open season for sport fishing on Lake Tewaukon extends from May 5, 1973, through October 31, 1973, daylight hours only.

(3) Fishing on Lake Tewaukon will be limited to certain designated shoreline areas from October 1, 1973, through October 31, 1973, and fishing from boats is not permitted.

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

HERBERT G. TROESTER,
Refuge Manager, Tewaukon National Wildlife Refuge, Cayuga, N. Dak.

MARCH 23, 1973.

[FR Doc.73-6413 Filed 4-3-73;8:45 am]

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 HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 273]

BIOLOGICAL PRODUCTS

Proposed Requirements Regarding Temperatures During Shipment of Live Measles, Mumps, and Rubella Virus Vaccines

The food and drug regulations (21 CFR 273.505) provide that certain biological products shall be maintained during shipment at specified temperatures. These provisions were promulgated because it was recognized that it is necessary for the safety, purity, or potency of these products that they be kept under constant refrigeration, including the time that they are shipped.

The Commissioner of Food and Drugs finds, on the basis of recent information before him, that there may be a loss of potency of live measles, mumps, or rubella virus vaccines (when prepared as single products or multiple component products) if they are not maintained under refrigeration during the entire length of the dating period. Accordingly, the Commissioner proposes to amend § 273.505 (21 CFR 273.505) by requiring that these vaccines, in all marketed forms, be maintained under refrigeration during shipment.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702 as amended; 42 U.S.C. 262) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes that part 273 (21 CFR, part 273) be amended in § 273.505 by alphabetically inserting the following new items:

§ 273.505 Temperatures during shipment.

* * * * *

Product	*Temperature*
* * *	* * *
Measles, mumps, and rubella virus vaccine, live	10° C or colder.
Measles and rubella virus vaccine, live	10° C or colder.
Measles-smallpox vaccine, live	10° C or colder.
Measles virus vaccine, live, attenuated	20° C or colder.
Mumps virus vaccine, live	10° C or colder.
Rubella and mumps, virus live	10° C or colder.
Rubella virus vaccine, live	10° C or colder.
* * *	* * *

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 27, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-6391 Filed 4-3-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 73-1; Notice 2]

VEHICLE SEATING REFERENCE

Proposed Motor Vehicle Safety Standard; Extension of Comment Period

A proposal to issue a new motor vehicle safety standard, vehicle seating reference, in part 571 of title 49, Code of Federal Regulations, was published on January 17, 1973 (38 F.R. 1645).

The announced closing date for comments on this proposal was April 16, 1973. The Motor Vehicle Manufacturers Association of the United States has petitioned for an extension of the closing date to permit complete evaluation and testing of the manikin installation procedures (paragraph S6. of the proposed standard) in order to prepare a constructive response to the docket.

In response to this request, the closing date for comments is hereby extended to July 16, 1973.

(Secs. 103, 112, 119, Pub. L. 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1401, 1407; delegations of authority 49 CFR 1.51, 49 CFR 501.8)

Issued on March 29, 1973.

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

[FR Doc.73-6432 Filed 4-3-73;8:45 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 433]

PRESERVATION OF CONSUMERS' CLAIMS AND DEFENSES

Additional Hearing Dates and Extension of Time for Submitting Data, Views, or Arguments

Notice of a public hearing regarding the revised proposed trade regulation rule was published in the FEDERAL REGISTER January 5, 1973, at page 892 (38 FR 892). The notice also set forth the text of the revised proposed rule.

The Federal Trade Commission has scheduled additional hearings on the above-captioned rule to be held in Chicago, Ill., commencing May 7, 1973. The hearings will be held beginning at 10 a.m., c.d.t., each day in the Century room, 19th floor, LaSalle Hotel, 10 North LaSalle Street, Chicago, Ill.

All interested persons desiring to orally present views at the hearings should so inform Mr. Jerome S. Lamet, assistant regional director, Federal Trade Commission, suite 1437, 55 East Monroe Street, Chicago, Ill. 60603, not later than April 30, 1973, and state the estimated time required for such oral presentation. Reasonable limitations upon the length of time allotted to any person may be imposed. In addition, all parties desiring to deliver a prepared statement at the hearing should file such statement with Mr. Lamet, on or before April 30, 1973.

The Commission has extended until June 11, 1973, the closing date for the submission of written data, views, or arguments concerning the revised proposed rule. These should be submitted to the Assistant Director for Rules and Guides, Bureau of Consumer Protection, Federal Trade Commission, Pennsylvania Avenue and Sixth Street NW., Washington, D.C. 20580.

To the extent possible, persons filing written presentations or prepared statements in excess of two pages should submit 20 copies.

Copies of the original notice including the revised proposed rule may be obtained upon request to the Federal Trade Commission at either of the addresses shown herein.

Issued on April 4, 1973.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.73-6469 Filed 4-3-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 230]

[Release No. 33-5379, IC-7738, File No. S7-476]

INVESTMENT COMPANY

Advertising and Required Prospectus, Extension of Time for Comments

Notice is hereby given that the Securities and Exchange Commission has extended the period for comment on the proposed amendment to rule 134 (17 CFR 230.134) and proposed new rule 425B (17 CFR 230.425b) from March 30 until April 20, 1973. The proposal was published on January 17, 1973 in Securities Act release No. 5357 (also Investment Company Act release No. 7632) and in the FEDERAL REGISTER issue of February 14, 1973 (38 FR 4417. The proposed amendment of rule 134 relates to investment company

advertising and proposed new rule 425B concerns delivery of investment company prospectuses in connection with advertisements pursuant to rule 134 amended as proposed. Written views and comments should be addressed to Ronald F. Hunt, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before April 20, 1973. All such communications will be considered available for public inspection.

By the Commission.

RONALD F. HUNT,
Secretary.

MARCH 28, 1973.

[FR Doc.73-6417 Filed 4-3-73;8:45 am]

[17 CFR Part 270]

[Release No. IC-7739, File No. S7-467]

QUANTITY DISCOUNTS FOR CERTAIN GROUP PURCHASES OF MUTUAL FUND SHARES

Extension of Time for Written Comments

Notice is hereby given that the Securities and Exchange Commission has extended the period for comment on the proposed amendment to rule 22d-1 (17 CFR 270.22d-1) from March 30, until April 20, 1973. The proposal was published on December 21, 1972, in Investment Company Act release No. 7571 and in the FEDERAL REGISTER issue of January 11, 1973 (38 F.R. 1284). The proposed amendment would permit quantity discounts for certain group purchases of redeemable securities issued by investment companies. Written views and comments should be addressed to Ronald F. Hunt, Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before April 20, 1973. All such communications will be considered available for public inspection.

By the Commission.

RONALD F. HUNT,
Secretary.

MARCH 28, 1973.

[FR Doc.73-6416 Filed 4-3-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Parts 1300, 1303, 1304, 1306, 1307, 1308, 1309]

[Docket No. 35819]

ICC DESIGNATIONS ON TARIFFS AND SCHEDULES, AND ASSIGNMENT OF ALPHA CODE CARRIER AND AGENT DESIGNATIONS

Regulations Governing Form

In these proceedings we propose to consider the amendment of existing tariff publishing regulations regarding the ICC number designation system used on tariff and schedule publications filed with this Commission. The proposals at hand contemplate replacing the consecutive-number system with a new type of designation consisting of an alpha code indicating the publishing carrier or agent, plus the carrier's or agent's own tariff number, and finally a suffix letter indicating the particular reissue.

It appearing, That by application No. H-160, dated February 23, 1972, Traffic Executive Association-Eastern Railroads, by its tariff publishing officer, B. B. Maurer, for, and on behalf of all carriers, applied for special permission authority to depart from the terms of the Commission's tariff-publishing regulations (49 CFR 1300, 1303, 1304, 1306, 1307, 1308, and 1309) by replacing the present system of designating tariffs by ICC numbers printed thereon, and of referring thereto between tariffs, with a system which will, in the order shown, consist of (1) the carrier's or publishing agent's alpha-code designation comprised of from two to four letters, which will be unique for each such carrier and agent, (2) the carrier's or agent's own present tariff number (instead of the present system, which applies consecutive ICC numbers to each new issue published), consisting of not more than four digits, and (3) a letter suffix signifying the particular reissue of a tariff, starting with A for the first reissue of a particular tariff and progressing from B through Z as reissues are published;

It further appearing, That the National Motor Freight Traffic Association, for, and on behalf of motor carriers whose names and abbreviations are published in the national motor freight classification, and their agents, filed an application No. 24, dated January 10, 1972, amended by an addendum dated December 1, 1972, requesting a special permission covering similar authority, except that the numerical digits would be limited to three and the assignment of a number would be determined by the particular type of tariff (100 to 199 being available for governing publications of all kinds; etc.);

It further appearing, That the alpha-code designations possibly already represent, to an undetermined extent, designations presently in use by carriers to whom assigned, as requested, in such as car, trailer, and container markings, in routings on shipping and forwarding papers, and in computer practices of shippers and carriers, in domestic and perhaps international traffic; and designations published for certain uses and purposes in the carriers' classifications and many other tariffs on file;

It further appearing, That no proposals have been received from freight forwarders, water carriers, passenger carriers, express companies, or pipeline companies, except as implied in the general requests of the two applicants;

It further appearing, That the Commission's special permission board, by special permission order No. 73-2800-M, dated January 23, 1973, acted upon the application of National Motor Freight Traffic Association and granted authority to all motor common carriers and their tariff publishing agents, to use such an alpha-numeric system for ICC designations, subject to terms and restrictive provisions set forth in said order for the purpose of insuring its proper use;

It further appearing, That the use of said authority by any motor-freight common carrier and any agent thereof is optional; that the present numbering system provided by the Commission's tariff publishing regulations may be continued by any such carrier or agent; but that a carrier or agent once adopting the new plan must thenceforth continue its use; and that it is required to use the alpha-code designation which is to be shown for it in a tariff proposed to be filed by the National Motor Freight Traffic Association listing such codes covering all or substantially all existing carriers, although such carriers or agents need not give National Motor Freight Traffic Association a power of attorney, nor post the code tariff as it would its own or a governing tariff, nor does the authority specify in any other manner any requirement for possession of a copy of such tariff;

It further appearing, That the success of such a system of ICC designations for any and all modes, particularly with respect to further computerization by shippers, carriers, and other tariff users for rate retrieval purposes, requires that each such tariff have a unique ICC designation, and, therefore, that an alpha-code portion not be used by any other carrier or tariff publishing agent;

And it further appearing, That although the plans proposed by both applicants do not preclude a carrier or agent from choosing to continue the present practices, nevertheless (1) the indefinite use of dual systems of ICC number designations on tariffs and schedules is not in the interest of the Commission or of the public, (2) there may be a more appropriate or desirable means to achieve and maintain uniqueness of alpha-code designations, and for obtaining and assigning alpha-code designations to carriers and agents, and (3) the desirability and practicability of unifying the numbering and grouping (by type) practices of all modes filing with this Commission needs to be explored, including the possibility of the Commission assigning code designations to existing carriers and agents, and to new carriers when issuing operating or other authority or upon request of such parties, and the matter of making such new system, if adopted, mandatory instead of permissive;

And good cause appearing therefor:

It is ordered, That a rulemaking proceeding be, and it is hereby, instituted herein under the provisions of the Interstate Commerce Act and section 553 of the Administrative Procedure Act, for the purpose of considering the amendment of Chapter X, Subchapter D, of Title 49 of the Code of Federal Regulations, governing the assignment of ICC MF-ICC, MP-ICC, ME-ICC, and ICC-FF numbers by carriers and tariff publishing agents to tariffs and schedules, or to provide an alternative to the present regulations; the modified regulations or the alternative regulations, as the case may be, to provide for tariff and schedule designations to be generally constructed in the manner proposed in the

applications for special permission authority hereinabove described, or in some other manner; and that the matters concerned in the said special permission applications be, and they are hereby, incorporated in this proceeding;

It is further ordered, That unless, and until, a different regulation is prescribed, or the special permission authority granted is subsequently modified, motor common carriers of property may use the authority of special permission No. 73-2800-M as granted January 23, 1973, or as may be amended, subject to the terms and conditions contained therein;

It is further ordered, That any person intending to participate in these proceedings by submitting initial or reply statements, or otherwise, shall notify this Commission, by filing with the office of proceedings, Interstate Commerce Commission, on or before May 10, 1973, the original, and one copy of a statement of his intention to participate. Inasmuch as the Commission desires wherever possible (a) to conserve time, (b) to avoid unnecessary expense to the public, and (c) the service of pleadings by parties in proceedings of this type only upon those who intend to take an active part in these proceedings, the statement of intention to participate shall include a detailed specification of the extent of such person's interest, including (1) whether such interest extends merely to receiving Commission releases in these proceedings, (2) whether he genuinely wishes to participate by receiving or filing initial and/or reply statements, (3) if he so desires to participate as described in "(2)," whether he will consolidate or is capable of consolidating his interests with those of other interested parties by filing joint statements in order to limit the number of copies of pleadings that need be served, such consolidation of interests being strongly urged by the Commission, and (4) any other pertinent information which will aid in limiting the service list to be issued in these proceedings; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties desiring to participate in these proceedings and upon whom copies of all statements must be filed; and that at the time of service of this service list the Commission will fix the time for filing and serving statements under the modified procedure;

It is further ordered, That any interested persons subsequently submitting initial written statements of facts, views, and arguments should include statements bearing on (1) the proposed ICC tariff and schedule designation should be optional or mandatory for carrier and publishing agent use, (2) who should assign alpha-code designations and maintain the register of designations for carrier and agent use on tariffs and schedules—carrier industry organizations or the Interstate Commerce Commission, and (3) the appropriateness or lawfulness of restricting the use of any particular alpha-code designation to the carrier or agent who shall have first obtained an assignment of such designation.

It is further ordered, That while this proceeding does not currently appear to be a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, statements filed by parties participating in these proceedings shall indicate the presence or absence of any effect of the recommendations made therein to this Commission on the quality of the human environment. Cf. Implementation—National Environmental Policy Act, 1969, 340 ICC 431 (1972).

And it is further ordered, That a copy of this order be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection and that another copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

Written material or suggestions submitted will be available for public inspection at the office of the Interstate Commerce Commission, 12th and Constitution Avenue, Washington, D.C., during regular business hours.

By the Commission.

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

[FR Doc.73-6457 Filed 4-3-73;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

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE 10TH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the 10th National Bank Region will be held at 10 a.m. on April 25, 1973, in the board room of the Boatmen's National Bank of St. Louis, 300 North Broadway, St. Louis, Mo.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and polices. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the 10th national bank region.

It is hereby determined pursuant to section 10(d) of Public Law 92-463 that the meeting is concerned with matters listed in section 552(b) of title 5 of the United States Code and particularly with exceptions (3), (4), and (8) thereof, and is therefore exempt from the provisions of section 10(a)(1) and (a)(3) of the Act (Public Law 92-463) relating to open meetings and public participation therein.

Dated: March 28, 1973.

[SEAL] J. T. WATSON,
Acting Comptroller of the Currency.

[FR Doc.73-6425 Filed 4-3-73;8:45 am]

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE 14TH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the 14th national bank region will be held at The Newporter Inn, Newport Beach, Calif., on Friday, May 4, 1973.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the 14th national bank region.

It is hereby determined pursuant to section 10(d) of Public Law 92-463 that the meeting is concerned with matters listed in section 552(b) of title 5 of the United States Code and particularly with exceptions (3), (4), and (8) thereof, and is therefore exempt from the provisions of section 10(a)(1) and (a)(3) of the Act (Public Law 92-463) relating to open meetings and public participation therein.

Dated: March 28, 1973.

[SEAL] J. T. WATSON,
Acting Comptroller of the Currency.

[FR Doc.73-6426 Filed 4-3-73;8:45 am]

Office of the Secretary

COLD ROLLED STAINLESS STEEL SHEET AND STRIP FROM FRANCE

Withholding of Appraisement Notice

Information was received on August 24, 1972, that cold-rolled stainless steel sheet and strip from France are being sold at less than fair value within the meaning of the Antidumping Act, 1921, 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 22, 1972, on page 19838. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of cold-rolled stainless steel sheet and strip from France is less, or is likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons.—The information before the Bureau of Customs tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price will probably be based on the f.o.b. foreign port price with deductions for sales commissions and foreign inland freight.

Adjusted home market price will probably be based on a weighted average of f.o.b. delivered prices in the home market with a deduction for inland freight. Adjustments will probably be made for sales commissions, selling expenses, technical assistance, and packing charges.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than adjusted home market price.

Customs officers are being directed to withhold appraisement of cold-rolled stainless steel sheet and strip from France in accordance with section 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons 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, D.C. 20229, in time to be received by his office not later than April 16, 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 4, 1973.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective on April 4, 1973. It shall cease to be effective on October 4, 1973, unless previously revoked.

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

MARCH 30, 1973.

[FR Doc.73-6556 Filed 4-3-73;8:45 am]

SURGICAL RUBBER GLOVES FROM AUSTRIA

Notice of Tentative Negative Determination

Information was received on July 28, 1972, that surgical rubber gloves from Austria were being sold at less than fair value within the meaning of the Antidumping Act, 1921, 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 August 31, 1972, on page 17768.

I hereby make a tentative determination that surgical rubber gloves from

Austria 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.—Information currently before the Bureau of Customs indicates that the quantity sold for home consumption is so small in relation to the quantity sold for exportation to countries other than the United States as to form an inadequate basis for fair value comparisons. As a result, sales to a third country will be used as the basis for fair value. The proper basis of comparison for fair value purposes is between purchase price and the third country price of such or similar merchandise.

Purchase price was calculated on a delivered U.S. destination price. Deductions were made for United States, Austrian, and German inland freight and insurance, ocean freight and marine insurance, German port and handling charges, commissions, and U.S. duty, as appropriate. Adjustments were made for taxes not collected by reason of the exportation of the merchandise.

The third country price was based on an f.o.b. Austrian-border price of such or similar merchandise with deductions for commissions and inland freight. An adjustment was made for differences in commissions, and an addition was made for Austrian taxes.

Using the above criteria, purchase price was found to be higher than the third country price of such or similar merchandise.

In accordance with §§ 153.33(a) and 153.37, Customs regulations (19 CFR 153.33(a), 153.37), interested 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, D.C. 20229, in time to be received by his office not later than April 16, 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 4, 1973.

This tentative determination and the statement of reason therefor are published pursuant to § 153.33 of the Customs regulations (19 CFR 153.33).

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

MARCH 28, 1973.

[FR Doc.73-6476 Filed 4-3-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

[PL 92-347]

CIVIL WORKS WATER RESOURCE PROJECTS

Recreation Use Fees

MARCH 23, 1973.

Set forth below is a summary of the regulation furnishing guidance to Division and District Engineers of the U.S. Army Corps of Engineers for implementing the recreation use fee schedule.

For the Chief of Engineers.

JAMES L. KELLY,
Brigadier General, USA,
Acting Director of Civil Works.

1. *Purpose.*—The purpose of this regulation is to provide guidance for the establishment and management of an effective recreation use fee program at Civil Works water resource projects.

2. *Applicability.*—This regulation is applicable to all divisions and districts having Civil Works responsibilities.

3. *General.*—Public Law 90-483 (82 Stat. 746), as supplemented by Public Law 92-347 (86 Stat. 459), provides that fair and equitable fees will be assessed the users of specialized sites, facilities, equipment, or services provided at substantial Federal expense within the scope of the following criteria:

a. Comparable fees among the Federal agencies for comparable services and facilities.

b. Consideration of comparable recreation fees charged by non-Federal public agencies.

c. Economic and administrative feasibility of fee collection.

d. Consideration of Government investment, regular maintenance costs, services provided, and personal benefit to the user.

4. *Golden Eagle Passport.*—Entrance or admission fees are prohibited at projects operated by the corps. Corps offices will not offer Golden Eagle Passports for sale.

5. *Golden Age Passport.*—In accordance with Public Law 92-347 (86 Stat. 459), the Corps of Engineers has been authorized to issue Golden Age Passports to applicants who are 62 years of age or older. Golden Age Passports will be made available at project and district offices of the corps. The bearer of such a passport and those who accompany him will be given a 50-percent reduction in the prescribed recreation use fee at corps project areas. Golden Age Passports will not be accepted for reduction of group fees unless a substantial proportion of the group display such passports.

6. *Criteria for fee areas and fee schedules.*—Recreation use fees will be collected for use of specialized facilities and services as indicated below. To attain comparability between Federal and non-Federal public agency fee schedules the Division Engineer may recommend fees outside of the range prescribed. Such recommendations will be accompanied by justification and forwarded to HQDA (DAEN-CWO-R) Washington, D.C. 20314, for approval and implementation.

a. *Family camping areas.*—Fees will be collected from users of family camping areas (as opposed to use of designated group areas) which meet the criteria shown in appendix A. The first column in the chart refers to designated overflow camping areas which will be utilized after the designated camping areas have been filled to capacity. In addition to the basic camping fee, where electrical hookups are provided, an additional charge of 50 cents per unit per day will be made for their use. A range of fees has been provided to allow for adjustment to recreation fee schedules of non-Federal public agencies.

b. *Group use areas.*—At those areas designated for either day or overnight group use and meeting the criteria as shown below, special recreation use fees will be charged as follows:

Facilities	Use fee per group per day [1]		
	Minimum $3	$6-$20	$11-[illegible]
Access and circulatory roads.	Unpaved	Dust proof	Paved.
Parking	do	do	Do.
Potable water	Yes	Yes	Yes.
Restrooms	Portable/pit	Vault	Flush.
Refuse containers	Yes	Yes	Yes.
Fireplace or grills	Yes	Yes	Yes.
Shelter house	No	Yes	Yes.
Open play area	Yes	Yes	Yes.

[1] Fee will be established comparable with fees for comparable areas operated by other public agencies. Fee may be modified by District Engineers to reflect adjustment for different size groups within the prescribed range of fees.

c. *Highly developed day use areas.*—Section 210 of Public Law 90-483, 82 Stat. 746, provides that no entrance or admission fees shall be collected at public recreation areas located at lakes and reservoirs under the jurisdiction of the Corps of Engineers, nor are use fees to be collected for access to, or use of, water areas, undeveloped or lightly developed shoreland, picnic grounds, overlook sites, scenic drives, or boat launching ramps where no mechanical or hydraulic equipment is provided. Use fees can be collected for highly developed facilities requiring the continuous presence of personnel for maintenance and supervision. A day use fee may be collected for a highly developed integral site (a site containing several of the facilities listed in paragraph d, below), even though a site contains a boat launching ramp for which a separate use fee cannot be collected. Accordingly, the corps will not charge for the use of highly developed picnic areas, visitor centers, overlook

sites, access to the water, and access to primitive or lightly developed areas. There will be no charge for boat launching. Those visitors who desire to use only boat launching ramps will be accommodated by one of the following two methods:

(1) They will be referred to a launching ramp in the immediate vicinity outside the fee area; or

(2) They will be permitted to launch their boat and park their car and trailer within the fee area at no charge. If they desire to use additional facilities provided in the fee area they will be charged the day use rate.

All lake and reservoir projects will have lightly developed nonfee areas in which picnicking may take place without charge. No person will be permitted to use the facilities of a fee area for recreation purposes free of charge except for the sole purpose of boat launching and parking related thereto.

d. *Criteria for day use areas.*—As to what constitutes a highly developed site for which the District Engineer will recommend a use fee schedule ranging from $0.50 to $1.50 per car per day, the following factors will be taken into consideration:

(1) Paved circulatory roads built at Federal expense.

(2) Paved car/trailer parking.

(3) Restrooms (vault or flush) with regular maintenance.

(4) Refuse containers with regular maintenance.

(5) Courtesy piers.

(6) Sanitary disposal stations for boats.

(7) Fish cleaning stations.

(8) Playgrounds.

(9) Swimming beaches.

(10) Other day use facilities which represent a significant Federal investment.

7. *Effective dates for fee collection.*—District Engineers will assess each project or proposed fee areas with regard to visitation distribution patterns to determine the recreation season for which a recreation use fee program will be in effect. It is anticipated that fees will be charged at some projects through the summer months, while other projects having more even visitation distribution patterns will collect fees throughout the year.

8. *Method of collection.*—The method of collection of use fees will be determined by the District Engineer on an individual basis. In making this determination, consideration should be given to availability of rangers, physical control of recreation areas, and economic and administrative feasibility of fee collection. All fee collection is to be made by uniformed ranger personnel. Fee collection methods are as follows:

a. *Controlled gate.*—Employed where access to the use fee area is limited and fees are collected by a ranger on duty at the entrance to the area.

b. *Roving ranger.*—Fees are collected by a ranger on a daily basis as he makes his patrol through the recreation area.

c. *Honor system.*—Where smaller and more inaccessible recreation areas are included in the fee collection system the honor system will be used to reduce the cost of collection and afford the opportunity for the ranger staff to concentrate on larger recreation areas.

9. *Enforcement.*—The assessment of penalties for violations of Public Law 92–347, 86 Stat. 549, and regulations promulgated thereunder will be handled under the citation authority program of the Corps of Engineers.

10. *Signs.*—All areas designated as recreation use fee areas will be marked with appropriate signs that state the authority for the fee program and give necessary instructions to users of the area with regard to collection of fees. The official U.S. Fee Area logo will be incorporated into entrance signs at designated use fee areas.

APPENDIX A

Use fee criteria and schedule of fees, family camping areas, corps of engineers

Facilities	$1 [1]	$1–$2	$2–$3	$3–$4.50
	Class D	Class C	Class B	Class A
Restrooms	Portable/Pit	Pit/Vault	Vault	Flush
Potable water (in or adjacent to).	Yes	Yes	Yes	Yes.
Showers	No	No	No	Yes.
Sanitary disposal station.	No	No	Yes	Yes.
Picnic tables	No	Yes	Yes	Yes.
Fireplaces	No	Yes	Yes	Yes.
Refuse containers.	Yes	Yes	Yes	Yes.
Access and circulatory roads.[3]	Yes	Yes	Yes	Yes.[2]
Designated tent or trailer spaces.	No	Yes	Yes	Yes.
Visitor protection control.[4]	Yes	Yes	Yes	Yes.

[1] $1 fee charged for camping in overflow areas.
[2] Except where campsites are accessible only by boat.
[3] Roads must be dust proofed or paved.
[4] Reasonable control for protection of campers consists of regular ranger or local law enforcement surveillance or controlled access roads with gates.

[FR Doc.73–6320 Filed 4–3–73;8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

STIMULANTS

Proposed Aggregate Production Quotas

Section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) requires that the Attorney General establish aggregate production quotas for all controlled substances in schedules I and II by July 1 of each year. This responsibility has been delegated to the Director of the Bureau of Narcotics and Dangerous Drugs pursuant to § 0.100 of title 28 of the Code of Federal Regulations.

On January 3, 1973, a notice was published in the FEDERAL REGISTER (38 F.R. 67) establishing interim production quotas for stimulants pending analysis of the anorectic review conducted by the Food and Drug Administration. The Bureau has now completed this analysis, together with a review of data obtained from quota applicants regarding estimates of production, sales, and stocks on hand.

The 1973 aggregate production quotas for stimulants are to be adequate to provide for:

(1) The estimated medical, scientific, research, and industrial needs of the United States;

(2) Lawful export requirements; and

(3) The establishment and maintenance of reserve stocks.

In determining the 1973 production quotas for stimulants, the Bureau considered the following, in addition to those general factors required by section 306 of the Controlled Substances Act (21 U.S.C. 826) and § 303.11 of title 21 of the Code of Federal Regulations:

AMPHETAMINES

1. *Parenteral use of amphetamine in human beings.*—On February 12, 1972, the Commissioner of the Food and Drug Administration revised § 130.46 of title 21 of the Code of Federal Regulations, regarding amphetamine, dextroamphetamine, and their salts for human use. (38 FR 4249.) Paragraph (d) of that revision reads as follows:

In view of the well-documented history of abuse of parenteral amphetamines, the severe risk of drug dependence, and the availability of safer alternative parenteral drugs which are equally effective for recognized nonanorectic indications, the Food and Drug Administration regards parenteral amphetamines as lacking evidence of safety.

On the basis of this conclusion, the Bureau has determined that no quantity of amphetamine should be manufactured for production of amphetamine preparations for parenteral use in human beings.

2. *Parenteral use of amphetamine in animals.*—One manufacturer has applied for a procurement quota for amphetamine for use in parenteral administration to animals. The Bureau of Veterinary Medicine of the Food and Drug Administration has informed BNDD that a New Animal Drug Application has been approved for the product of this manufacturer. A total of 30 kilograms (kg) of amphetamine has been allowed for this product.

3. *Trend in use of single-entity oral amphetamine preparations.*—By letter dated January 17, 1973, the Acting Assistant Secretary for Health of the Department of Health, Education, and Welfare advised the Bureau that amphetamines and methamphetamine have limited effectiveness in anorectic therapy and that FDA intended to publicize these conclusions in order to discourage the widespread use of these drugs in the treatment of obesity. The Acting Assistant Secretary stated that "the requirements for single-entity amphetamines * * * will continue to decrease and [we] estimate that decrease to be 20 percent for 1973." Based upon the downward trend in use of these products during the last 12 months, the fact that this trend has continued long after the initial sharp drop that resulted when the stimulants were transferred to schedule II, and the voluntary restrictions adopted by the medical community on the use of amphetamines, the Director has concluded that the estimate of the

Department of Health, Education, and Welfare is reasonable and will be utilized in determining manufacturing requirements in accordance with section 701(j) of the Controlled Substances Act (42 U.S.C. 242(a)).

4. *Conversion in use from combination anorectic drugs to single-entity preparations.*—On February 12, 1973, a notice was published in the FEDERAL REGISTER (38 F.R. 4279) by the Food and Drug Administration proposing to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of certain new drug applications for anorectic drugs containing amphetamine or dextroamphetamine, in combination with other active ingredients including, for example, sedatives, tranquilizers, and vitamins. The primary grounds for this proposal are that new evidence, taken with evidence earlier evaluated by the Food and Drug Administration, shows that (1) there is a lack of substantial evidence that the drugs as fixed combinations will have all the effects they purport or are represented to have, and (2) the drugs are not shown to be safe for use under the conditions of use prescribed, recommended, or suggested in the labeling. This proposal will apply equally to all products which are identical, related, or similar to the designated preparations. See also 38 F.R. 4249-50; § 130.46(e).

The Bureau has determined that no quantity of amphetamine should be manufactured for use in the preparation of combination anorectic drugs. Pharmacies and physicians remain in possession of quantities of finished goods sufficient to fulfill patient needs for several months. In the event that an interested person elects to exercise the opportunity for a hearing before the Food and Drug Administration on the foregoing proposal of that agency and requires amphetamine in order to continue production of the combination products which are the subject of the hearing, the Bureau will review this determination to decide whether interim production is necessary prior to final resolution of the matter before the Food and Drug Administration.

The Bureau has further determined that production of single-entity amphetamine preparations equivalent to approximately 20 percent of the quantity of combination anorectic drugs produced in 1972 will be adequate to provide for conversion of patient usage during 1973 from the combination to the single-entity products. Even without additional production of combination drugs in 1973, existing stocks in the hands of manufacturers, distributors and dispensers will continue to provide for medical usage until a recall is effectuated. Further, it is unlikely that a recall will be fully effective until late in the year. Thus, discontinuance by patients of use of combination products will not become widespread during the greater part of 1973. If and when combination preparations become unavailable, the physician faces three courses of action: He may discontinue drug therapy; he may utilize a single-entity amphetamine preparation; or he may utilize a nonamphetamine preparation. The Acting Assistant Secretary for Health of the Department of Health, Education, and Welfare, in his letter to the Director dated January 17, 1973, expressed his belief that "the very great majority of patients for whom combination amphetamines were prescribed will now receive nonamphetamine drugs." The Director concurs in this estimate in light of the serious risks inherent in the use of single-entity amphetamines alone, the high costs of prescribing secondary drugs to offset the negative effects of the single-entity amphetamines, and the increased variety of nonamphetamine anorectics available to physicians.

5. *Contingency for inventory changeover.*—Certain manufacturers requested special contingency be made for replacement of inventory held in the form of combination amphetamine products by inventory held in the form of single-entity preparations, especially at the distribution and dispenser levels. Because the decline in usage of single-entity preparations (see par. 3) will be approximately offset by the conversion in usage from combination products to single-entity products (see par. 4), and because stocks held by distributors and dispensers appear to be at or above levels necessary to supply existing demand for single-entity products, the Director finds that extra production of single-entity products to provide for an inventory changeover is not necessary at this time.

6. *Total procurement quotas.*—At this time the Bureau intends to issue to dosage manufacturers procurement quotas for no more than 732 kg of amphetamine. Additional procurement quotas may be issued during 1973 to accommodate those manufacturers who have not yet filed all data requested by BNDD in order to process their applications, to provide for any increases in procurement quotas during the year resulting from shifts in the relative market shares of competitors, and to allow companies formerly manufacturing only combination products to begin production of single-entity products (upon compliance with appropriate New Drug Application procedures of the Food and Drug Administration).

7. *Aggregate production quota; sources of raw materials.*—Several dosage manufacturers have agreed with the Bureau to redistribute stocks of amphetamine held in bulk form by them to other dosage manufacturers holding open procurement quotas; the total quantity so available is estimated to be at least 504 kg. Thus, only 228 kg will be needed to be manufactured in 1973 to fulfill procurement quotas. Section 303.24 of title 21 of the Code of Federal Regulations requires that an inventory allowance must be provided equal to 50 percent of the estimated disposal of amphetamine from current production. Therefore, the aggregate production quota for amphetamine for 1973 for fulfillment of procurement quotas and for maintenance of inventories is 342 kg based on the Bureau's current intentions.

The Bureau proposes to authorize the issuance of an additional 650 kg of production and procurement quotas during 1973. This amount will not be issued except under the circumstances outlined in paragraph 6 or in the event that the Bureau determines that interim production of amphetamine for use in preparation of parenteral material for use in human beings or for use in preparation of combination anorectic drugs is necessary under the circumstances outlined in paragraphs 1 and 5.

METHAMPHETAMINE

8. *Parenteral use of methamphetamine.*—On February 12, 1973, a notice was published in the FEDERAL REGISTER (38 FR 4282) by the Food and Drug Administration proposing to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of certain New Drug Applications for methamphetamine hydrochloride for parenteral use. The grounds for this proposal are that new evidence, taken with evidence earlier evaluated by the Food and Drug Administration, shows that methamphetamine for parenteral administration is not shown to be safe for use under the conditions of use upon the basis of which the applications were previously approved. The Commissioner of FDA has concluded that "the well-documented history of abuse of parenteral methamphetamine, together with the severe risk of dependence and the presence of effective alternative drugs, creates an unfavorable balance of risk to benefit." In light of this proposed action, the Bureau has determined that no quantity of methamphetamine should be produced for use in the preparation of methamphetamine for parenteral use. In the event that an interested person elects to exercise the opportunity for a hearing before the Food and Drug Administration on the proposal of that agency, the Bureau will review this determination to decide whether interim production is necessary prior to final resolution of the matter before the Food and Drug Administration.

9. *Trend in use of single-entity oral methamphetamine preparations.* — By letter dated January 17, 1973, the Acting Assistant Secretary for Health of the Department of Health, Education, and Welfare advised the Bureau that amphetamines and methamphetamine have limited effectiveness in anorectic therapy and that FDA intended to publicize these conclusions in order to discourage the widespread use of these drugs in the treatment of obesity. The Acting Assistant Secretary stated that "the requirements for single-entity * * * methamphetamine will continue to decrease and [we] estimate that decrease to be 20 percent for 1973." Based upon the downward trend in use of these products during the last 12 months, the fact that this trend has continued long after the initial sharp drop that resulted when the stimulants were transferred to schedule II, and the

voluntary restrictions adopted by the medical community on the use of methamphetamine, the Director has concluded that the estimate of the Department of Health, Education, and Welfare is reasonable and will be utilized in determining manufacturing requirements in accordance with section 701(j) of the Controlled Substances Act (42 U.S.C. 242 (a)).

10. *Conversion in use from combination anorectic drugs to single-entity preparations.*—On February 12, 1973, a notice was published in the FEDERAL REGISTER (38 F.R. 4279) by the Food and Drug Administration proposing to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of certain new drug applications for anorectic drugs containing methamphetamine in combination with other active ingredients included, for example, sedatives, tranquilizers, and vitamins. The primary grounds for this proposal are that new evidence, taken with evidence earlier evaluated by the Food and Drug Administration, shows that (1) there is a lack of substantial evidence that the drugs as fixed combinations will have all the effects they purport or are represented to have, and (2) the drugs are not shown to be safe for use under the conditions of use prescribed, recommended, or suggested in the labeling. This proposal will apply equally to all products which are identical, related, or similar to the designated preparations. See also 38 F.R. 4249-50; § 130.46(e).

The Bureau has determined that no quantity of methamphetamine should be manufactured for use in the preparation of combination anorectic drugs. Pharmacies and physicians remain in possession of quantities of finished goods sufficient to fulfill patient needs for several months. In the event that an interested person elects to exercise the opportunity for a hearing before the Food and Drug Administration on the foregoing proposal of that agency and requires methamphetamine in order to continue production of the combination products which are the subject of the hearing, the Bureau will review this determination to decide whether interim production is necessary prior to final resolution of the matter before the Food and Drug Administration.

The Bureau has further determined that production of single-entity methamphetamine preparations equivalent to approximately 20 percent of the quantity of combination anorectic drugs produced in 1972 will be adequate to provide for conversion of patient usage during 1973 from the combination to the single-entity products. Even without additional production of combination drugs in 1973, existing stocks in the hands of manufacturers, distributors, and dispensers will continue to provide for medical usage until a recall is effectuated. Further, it is unlikely that a recall will be fully effective until late in the year. Thus, discontinuance by patients of use of combination products will not become widespread during the greater part of 1973. If and when combination preparations become unavailable, the physician faces three courses of action: He may discontinue drug therapy; he may utilize a single-entity methamphetamine preparation; or he may utilize a nonmethamphetamine preparation. The Acting Assistant Secretary for Health of the Department of Health, Education, and Welfare, in his letter to the Director dated January 17, 1973, expressed his belief that "the very great majority of patients for whom combination amphetamines were prescribed will now receive nonamphetamine drugs." The Director concurs in this estimate and believes that it is equally applicable to methamphetamine combination drugs because of the serious risks inherent in the use of single-entity methamphetamine alone, the high cost of prescribing secondary drugs to offset the negative effects of the single-entity methamphetamine, and the increased variety of nonamphetamine or methamphetamine anorectics available to physicians.

11. *Mediatric.*—One product utilizing a small quantity of methamphetamine per dosage unit (Mediatric) is the subject of litigation under the Federal Food, Drug and Cosmetic Act. It is the position of the Food and Drug Administration in "American Home Products Corp." v. "Richardson," Civil Action No. 72-679-N (U.S. Dist. Ct., D. Maryland) that Mediatric is not marketable at this time in the United States. The Bureau has determined that because this matter is under adjudication in another forum, it is inappropriate for the Bureau to deny the quota applications for methamphetamine for production of Mediatric at this time. In the event that the litigation ends in the favor of the Food and Drug Administration, the Bureau will act promptly to suspend any remaining quotas for Mediatric.

12. *Contingency for inventory changeover.*—Certain manufacturers requested special contingency be made for replacement of inventory held in the form of combination amphetamine products by inventory held in the form of single-entity preparations, especially at the distribution and dispenser levels. Because the decline in usage of single-entity preparations (see par. 9) will be approximately offset by the conversion in usage from combination products to single-entity products (see par. 10), and because stocks held by distributors and dispensers appear to be at or above levels necessary to supply existing demand for single-entity products, the Director finds that extra production of single-entity products to provide for an inventory changeover is not necessary at this time.

13. *Total procurement quotas.*—At this time the Bureau intends to issue to dosage manufacturers procurement quotas for no more than 374 kg of methamphetamine. Additional procurement quotas may be issued during 1973 to accommodate those manufacturers who have not yet filed all data requested by BNDD in order to process their applications, to provide for any increases in procurement quotas during the year resulting from shifts in the relative market shares of competitors, and to allow companies formerly manufacturing only combination products to begin production of single-entity products (upon compliance with appropriate new drug application procedures of the Food and Drug Administration).

14. *Aggregate production quota; sources of raw materials.*—As stated in the preceding paragraph, 374 kg will be needed to be manufactured in 1973 to fulfill procurement quotas. Section 303.24 of title 21 of the Code of Federal Regulations requires that an inventory allowance must be provided equal to 50 percent of the estimated disposal of amphetamine from current production. Therefore, the aggregate production quota for methamphetamine for 1973 for fulfillment of procurement quotas and for maintenance of inventories is 561 kg.

METHYLPHENIDATE

15. *Current usage of methylphenidate.*—The aggregate production quota for methylphenidate includes production for current usage approximately 31 percent greater than allowed in 1972. The increase reflects the fact that the 1972 aggregate production quota was below estimated current usage during that year. In establishing that quota, the Bureau recognized that the 1972 quota was less than actual and projected 1972 sales of methylphenidate. See 37 F.R. 23580 (November 4, 1972). The difference between sales and production was satisfied by a reduction in stocks of methylphenidate held by the manufacturer, distributors, and dispensers. Inventories have dropped to more reasonable levels and it now appears appropriate to expand production to accommodate current usage and maintain inventories at existing levels. The proposed quota is 2,440 kg of methylphenidate base.

16. *Potential labor strike.*—The quota for methylphenidate includes a special contingency reserve in contemplation of a possible strike against the manufacturer of the finished dosage form in early 1974. The reserves constitute 18 percent of the proposed quota for methylphenidate. The manufacturer has agreed that, in the event the strike does not occur, production during the latter part of 1973 will be reduced to lower the contingency reserves and quotas for 1974 will be adjusted to absorb any remaining contingency reserve during that year.

PHENMETRAZINE

17. *Procurement quota.*—The Bureau intends to issue to the dosage manufacturer a procurement quota for 2,010 kg of phenmetrazine base. This includes a special contingency reserve in contemplation of a possible strike against that company in 1974. The reserves constitute 20 percent of the estimated sales of Preludin during 1973. The manufacturer has agreed that, in the event the strike does not occur, production during the latter part of 1973 will be reduced to

lower the contingency reserves and quotas for 1974 will be adjusted to absorb any remaining contingency reserve during that year.

18. *Aggregate production quota.*—Because phenmetrazine is manufactured in bulk a year in advance of the time that it is utilized in dosage manufacture, the 1973 aggregate production quota would be utilized to fulfill the 1974 procurement quota. According to information provided by the bulk manufacturer of phenmetrazine, there is sufficient inventory on hand at the present time to satisfy the 1973 procurement quota and a substantial part of the estimated 1974 procurement quota (as presently projected). In order to provide for the balance of the estimate 1974 procurement quota, and to provide for adequate reserves to be held by the bulk manufacturer at the end of 1974, the Bureau has concluded that 1,204 kg of phenmetrazine is required to be manufactured during 1973.

GENERAL MATTERS

19. *Existing Inventories; sales quotas.*—During 1972 manufacturers were asked to restrict distributions of existing inventories to quantities equivalent to their respective procurement quotas. The Bureau imposed this limitation because of the excessive inventories held by all handlers of stimulants. Thus, manufacturers' sales during 1972 were below estimated patient usage and the difference was supplied by reductions in inventories of distributors and dispensers. Evidence indicates that wholesale and retail inventories remain larger than normal (given current levels of usage), but no comprehensive hard data exists regarding these inventories. For 1973 quotas, the manufacturers submitted information regarding their inventories for the first time. The Bureau was able to apply these existing stocks against projected needs to determine the net quantities required to provide for estimated sales, exports, and reserve requirements.

As a result, it is no longer necessary for the Bureau to ask manufacturers to restrict distributions to levels of the procurement quotas. Manufacturers may utilize all existing stocks, plus authorized 1973 production, to fill legitimate medical needs. Each manufacturer still must maintain effective controls against diversion of its products into other than legitimate medical channels, as required by section 303(a)(1) of the Controlled Substances Act (21 U.S.C. 823(a)(1)), and production and distribution in excess of projected patient usage will be scrutinized closely by the Bureau. Any manufacturer found to distribute in quantities or patterns significantly different from 1972 distributions may be asked to justify such changes at the time of renewal of registration. The removal of specific "sale quotas" will mean that the ample reserve supplies of stimulants will be available to satisfy any legitimate needs not foreseen by the Bureau at this time.

20. *Interim quotas.* The Bureau issued interim quotas on January 3, 1973, sufficient to continue production through the first quarter of 1973, pending evaluation of the anorectic review and quota recommendations of the Food and Drug Administration (38 F.R. 67). Because this proposal cannot be made effective before May 1, 1973 (or later, if hearings are held), the Bureau will issue additional interim quotas for the second quarter of 1973. The second interim quota, for any manufacturer, taken together with its first interim quota, will be no greater than 50 percent of its total 1973 procurement quota if and when this proposal becames effective. Each manufacturer will be notified of the effect of this action in its individual circumstance. No bulk production or procurement is authorized until the manufacturer receives an interim individual manufacturing quota or interim procurement quota from the Bureau. The quantities of stimulants authorized by the interim production quotas will be included as part of the individual manufacturing and procurement quotas to be issued if and when this proposal becomes final. Any production or procurement made under the interim quotas will be considered as if it occurred under the final 1973 quotas. In other words, the final quotas to be issued to applicants if and when this proposal becomes effective are in lieu of and not in addition to the interim quotas previously issued.

CONCLUSION

Based upon consideration of the above factors, the Director of the Bureau of Narcotics and Dangerous Drugs, under the authority vested in the Attorney General by section 306 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 826) and delegated to the Director by § 0.100 of title 28 of the Code of Federal Regulations, hereby proposes that the aggregate production quotas for stimulants for 1973, expressed in kilograms of the anhydrous free base, be established as follows:

Basic class	Granted 1972	Requested 1973	Proposed 1973
Amphetamine	1,564	2,159	992
Methamphetamine	[1] 969	[1] 2,752	561
Methylphenidate	1,857	2,820	2,440
Phenmetrazine	2,672	5,300	1,204

[1] Not including 242 kg authorized in 1972 exclusively for conversion into a noncontrolled substance. A request was received from a bulk manufacturer for 2,000 kg for this purpose, but no corresponding request was filed by the user for a procurement quota. No similar uthorization has been granted in 1973.

All interested persons are invited to submit their comments and objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. A person may object to or comment on the proposals relating to any one or more of the four stimulants without filing comments or objections regarding the others. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Attention: Hearing Clerk, Bureau of Narcotics and Dangerous Drugs, Department of Justice, room 611, 1405 Eye Street NW., Washington, DC 20537, and must be received by May 1, 1973. If a person believes that one or more issues raised by him warrant a full adversary-type hearing, he should so state and summarize the reasons for his belief.

In the event that comments or objections to this proposal raise one or more issues which the Director finds, in the sole discretion, warrant, a full adversary-type hearing, the Director shall order a public hearing in the FEDERAL REGISTER summarizing the issues to be heard and setting the time for the hearing (which shall not be less than 30 days after the date of publication).

Dated: March 29, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-6357 Filed 4-3-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

COLONIAL NATIONAL HISTORICAL PARK

Notice of Intention to Issue a Concession Permit

Pursuant to the provisions of section 5, of the act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20) public notice is hereby given that on May 4, 1973, the Department of the Interior, through the Superintendent, Colonial National Historical Park, proposes to issue a concession permit to Roger High and John P. Scotton (Yorktown Shoppe, Ltd.), authorizing them to provide concession facilities and services for the public at Colonial National Historical Park for a period of 3 years from January 1, 1973, through December 31, 1975.

The foregoing concessioners have performed their obligations under a prior permit to the satisfaction of the National Park Service and, therefore, pursuant to the act cited above, are entitled to be given preference in the renewal of the permit and in the negotiation of a new permit. However, under the act cited above, the National Park Service is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before May 4, 1973. Interested parties should contact the Superintendent, Colonial National Historical Park, Yorktown, Va. 23490, for information as to the requirements of the proposed permit.

Dated: February 2, 1973.

JAMES R. SULLIVAN,
Superintendent, Colonial National Historical Park.

[FR Doc.73-6447 Filed 4-3-73;8:45 am]

INDEPENDENCE NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a special meeting of the Independence National Historical Park Advisory Commission will be held on April 12, 1973 at 10:30 a.m., 313 Walnut Street, Philadelphia, Pa.

The Commission was established by Public Law 80-795 to render advice on such matters relating to the park as may from time to time be referred to them for consideration.

The members of the Commission are as follows:

Mr. Arthur C. Kaufmann (chairman), Philadelphia, Pa.
Hon. Michael J. Bradley, Philadelphia, Pa.
Mr. John P. Bracken, Philadelphia, Pa.
Hon. James A. Byrne, Philadelphia, Pa.
Mr. William L. Day, Philadelphia, Pa.
Hon. Edwin O. Lewis, Philadelphia, Pa.
Hon. Filindo B. Masino, Philadelphia, Pa.
Mr. Frank C. P. McGlinn, Philadelphia, Pa.
Mr. John B. O'Hara, Philadelphia, Pa.
Mr. Howard D. Rosengarten, Villanova, Pa.
Mr. Charles R. Tyson, Philadelphia, Pa.

The meeting will be closed to the public in order that the Commission may discuss matters relating to architectural features of the visitor center, and the contract between the National Park Service and the contractor. The Commission will also discuss with the donor a possible gift to be made to the United States in aid of the bicentennial celebration.

Persons desiring information concerning this meeting may contact Hobart G. Cawood, superintendent, Independence National Historical Park, Philadelphia, Pa., at 215-597-7120.

A report of this meeting shall be prepared in accordance with the Federal Advisory Committee Act.

Dated: March 27, 1973.

STANLEY W. HULETT,
Associate Director,
National Park Service.

[FR Doc.73-6404 Filed 4-3-73;8:45 am]

LAKE MEAD NATIONAL RECREATION AREA

Notice of Intention to Negotiate Concession Contract

Pursuant to the provisions of section 5 of the act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on May 4, 1973, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Las Vegas Boat Harbor, Inc., authorizing it to provide concession facilities and services for the public at Lake Mead National Recreation Area for a period of approximately 15 years from date of execution of the contract through October 31, 1987.

The foregoing concessioner has performed its obligations under the expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before May 4, 1973.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: March 23, 1973.

LAWRENCE C. HADLEY,
Assistant Director,
National Park Service.

[FR Doc.73-6445 Filed 4-3-73;8:45 am]

LAKE MEAD NATIONAL RECREATION AREA

Notice of Intention To Extend Concession Contract

Pursuant to the provisions of section 5 of the act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that on May 4, 1973, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract with Overton Beach Resort, Inc., authorizing it to provide concession facilities and services for the public at Overton boat landing within Lake Mead National Recreation Area for a period of 2 years, from January 1, 1972, through December 31, 1973.

The foregoing concessioner has performed its obligations under the expired contract to the satisfaction of the National Park Service, and therefore, pursuant to the act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted on or before May 4, 1973.

Interested parties should contact the Chief of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: March 23, 1973.

LAWRENCE C. HADLEY,
Assistant Director,
National Park Service.

[FR Doc.73-6446 Filed 4-3-73;8:45 am]

Office of the Secretary

[INT DES 73-18]

PLANNED TOWNSITE LAND EXCHANGE, ARIZONA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bureau of Land Management, Department of the Interior, has prepared a draft environmental statement for a proposed transfer of 9,646 acres of public lands by exchange for other lands for the purpose of assembly of a tract for development of a townsite for 20,000 people. The lands are located in Mohave County, Ariz.

The environmental statement considers the impacts of transfer of these lands out of Federal ownership and their subsequent development.

Copies are available for inspection at the following locations:

Kingman Resource Area Headquarters, Bureau of Land Management, Radar Hill, Kingman, Ariz.
Phoenix District Office, Bureau of Land Management, 2929 West Clarendon Avenue, Phoenix, Ariz.
Arizona State Office, Bureau of Land Management, room 3204, Federal Building, 230 North First Avenue, Phoenix, Ariz.
Office of Public Affairs, Bureau of Land Management, room 5643, Interior Building, Washington, D.C. 20240.

A limited number of single copies may be obtained by writing the Arizona State Director, Bureau of Land Management, 3022 Federal Building, Phoenix, Ariz. 85025; otherwise copies may be obtained for $7.25 each by writing to the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Comments on the draft environmental statement should be sent to the State Director, Bureau of Land Management, room 3204, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025. These comments must be made on or before May 21, 1973, to be considered in the preparation of the final environmental statement.

Dated: March 29, 1973.

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

[FR Doc.73-6414 Filed 4-3-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

JOHN L. WARD ET AL.

Notice of Hearing on Application for Tobacco Inspection and Price Support Services

Notice is hereby given of a public hearing to be held upon the application of the Tabor City, N.C., tobacco market for additional inspection and price support services to cover one additional sale. The application was submitted by Mr. John L. Ward, Mr. H. B. Buffkin, Jr., and Mr. Eugene R. Grainger.

The hearing upon this application will be held April 26, 1973, at the District Court House in Tabor City, beginning at 9:30 a.m.

The aforesaid public hearing will be conducted and evidence received pursuant to the joint policy statement and regulations governing the extension of tobacco inspection and price support

services to new markets and to additional sales on designated markets, as amended (7 CFR, part 29, subpart A).

Done at Washington, D.C., this 30th day of March 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-6473 Filed 4-3-73;8:45 am]

MEAT IMPORT LIMITATIONS

Second Quarterly Estimate

Public Law 88-482, approved August 22, 1964 (hereinafter referred to as the act), provides for limiting the quantity of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep, except lamb (TSUS 106.20), which may be imported into the United States in any calendar year. Such limitations are to be imposed when it is estimated by the Secretary of Agriculture that imports of such articles, in the absence of limitations during such calendar year, would equal or exceed 110 percent of the estimated quantity of such articles, prescribed by section 2(a) of the act.

In accordance with the requirements of the act, the following second quarterly estimate is published:

1. The estimated aggregate quantity of such articles which would, in the absence of limitations under the act, be imported during calendar year 1973 is 1,450 million pounds.

2. The estimated quantity of such articles prescribed by section 2(a) of the act during the calendar year 1973 is 1,046.8 million pounds.

Since the estimated quantity of imports continues to exceed 110 percent of the estimated quantity prescribed by section 2(a) of the act, under the act limitations for the calendar year 1973 on the importation of fresh, chilled, or frozen cattle meat (TSUS 106.10) and fresh, chilled, or frozen meat of goats and sheep (TSUS 106.20), are required to be imposed but may be suspended. Such limitations were imposed by Proclamation 4183 of January 29, 1973, and were suspended during the balance of the calendar year 1973 unless because of changed circumstances further action under the act becomes necessary.

Done at Washington, D.C., this 30th day of March 1973.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.73-6474 Filed 4-3-73;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

REGIONAL DIRECTORS, NATIONAL MARINE FISHERIES SERVICE

Delegation of Authority

1. The Regional Directors, National Marine Fisheries Service, are hereby redelegated the authority to designate certain officers and employees of any State or of any possession of the United States to enforce the provisions of the Marine Mammal Protection Act of 1972 (86 Stat. 1027; Public Law 92-522).

2. The authority redelegated above was delegated to the Director, National Marine Fisheries Service, by NOAA Circular 73-17, dated February 9, 1973, and published in the FEDERAL REGISTER on February 22, 1973 (38 F.R. 4795).

Issued at Washington, D.C., and dated March 29, 1973.

PHILIP M. ROEDEL,
Director,
National Marine Fisheries Service.

[FR Doc.73-6475 Filed 4-3-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA patent licensing regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title. Inquiries and requests for licensing information should be directed to the address cited on the first page of each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Inquiries and requests for licensing information should be directed to the "Assignee" as indicated on the copy of the patent.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

DEPARTMENT OF THE INTERIOR

Patent 3,712,821. Production of Fisheries Products. Filed January 5, 1970. Patented January 23, 1973. Not available NTIS.

Patent application 316,935. Poly(N-Amido) imides as Semipermeable Membranes. Filed December 20, 1972. PC $3/MF $0.95.

Patent application 325,969. Filament Wound Reverse Osmosis Support Tubes. Filed January 23, 1973. PC $3/MF $0.95.

Patent application 248,705. Device and Process for Magneto-Gravimetric Particle Separation Using Non-Vertical Levitation Forces. Filed April 28, 1972. PC $3/MF $0.95.

TENNESSEE VALLEY AUTHORITY

Patent application 286,848. Explosive Effluent gen Solutions and Suspensions. Filed July 31, 1972. PC $3/MF $0.95.

Patent application 268,520. Improved Coating Processes. Filed July 3, 1972. PC $3.50/MF $0.95.

DEPARTMENT OF TRANSPORTATION

Patent aplication 286,848. Explosive Effluent Detector. Filed September 7, 1972. PC $3/MF $0.95.

Patent application 310,340. Non-Linear Amplification Technique for Improving Signal to Noise Contrast. Filed November 29, 1972. PC $3/MF $0.95.

Patent application 273,746. Lime Silico-Phosphate Cement. Filed July 21, 1972. PC $3/MF $0.95.

[FR Doc.73-6322 Filed 4-3-73;8:45 am]

Office of Import Programs

TEXAS TECH UNIVERSITY SCHOOL OF MEDICINE

Notice of Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

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

Docket No. 73-00251-33-46500. Applicant: Texas Tech University School of Medicine, Department of Anatomy, P.O. Box 4596, Lubbock, Tex. 79409. Article: Ultramicrotome, Model OM U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used for teaching medical and paramedical students the theory and use of thermal advance and different cutting speeds for various tissues in the following courses: MED 9301—Clinical applications of electron microscopy; MED 9304—Advanced cytochemistry; MED 9306—Biodynamics of bone. The article will also be used for research on endocrine organs and bone, involving examination of dynamics and interrelationships as well as microstructure and function of bone. Application received by Commissioner of Customs: November 20, 1972. Advice submitted by Department of Health, Education, and Welfare on: March 15, 1973.

Docket No. 73-00252-33-46500. Applicant: Louisiana State University Medical Center, Department of Anatomy, 1542 Tulane Avenue, New Orleans, La. 70112. Article: Ultramicrotome, model OM U3. Manufacturer: C. Reichert Optische Werke, Austria. Intended use of article: The article is intended to be used for sectioning several tissues in varied studies. One project involves serial sections of uniform thickness of about 50 angstroms in order to view connections between cells during organogenesis. Another project involves the study of crystalline materials in hard tissues in normal and abnormal cartilage. Application received by Commissioner of Customs November 20, 1972. Advice submitted by Department of Health, Education, and Welfare on March 15, 1973.

Comments: No comments have been received with respect to any of the foregoing applications.

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

Reasons: Each of the foreign articles provides a range of cutting speeds from equal to or less than 0.5 mm/sec to equal to or greater than 10 mm/sec. The most closely comparable domestic instrument is the model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The model MT-2B has a range of cutting speeds from 0.09 to 3.2 mm/sec. The conditions for obtaining high quality sections that are uniform in thickness depend to a large extent on the hardness, consistency, toughness, and other properties of the specimen materials, the properties of the embedding materials and the geometry of the block.

In connection with a prior application (docket No. 69-00118-33-46500) which relates to the duty-free entry of an article in the category of instruments to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting [among such (other) obvious factors as knife edge condition and angle], is adjusted to the characteristics of the material being sectioned." In connection with another prior case (docket No. 69-00665-33-46500) relating to the duty-free entry of an article in the same category as those described above, HEW advised that "The range of cutting speeds and a capability for the higher cutting speeds is * * * a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with still another prior case (docket No. 70-00077-33-46500) relating to the duty-free entry of an article similar to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that "The production of ultrathin serial sections of specimens that have great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 mm/sec are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments.

For these reasons, we find that the Sorvall model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

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

[FR Doc.73-6393 Filed 4-3-73;8:45 am]

Office of the Secretary

[Organization Order 25-4B, Amdt. 1]

OFFICE OF MINORITY BUSINESS ENTERPRISE

Organization and Functions

This order, effective March 14, 1973, amends the material appearing at 37 F.R. 26745, December 15, 1972.

Department Organization Order 25-4B, effective December 5, 1972, is hereby amended as follows:

1. In Section 1. Purpose, the present paragraph is numbered ".01" and a new paragraph .02 is added as follows:

.02 This amendment provides for an Eligibility Review Board to assist the Director, OMBE.

2. In Section 3. Office of the Director, paragraph .01 is revised and a new paragraph .03 is added to read as follows:

.01 The Director shall formulate policies and programs for, and direct and manage all activities of OMBE. The Director or his designee shall serve as Chairman of the OMBE Eligibility Review Board.

* * * * *

.03 The Eligibility Review Board, upon adverse information supplied by the Departmental Office of Investigations and Security, and other sources, shall review the suitability of potential or current grantees and contractors to receive OMBE funds. The Board will be composed of the Assistant Secretary for Administration, or his designee, the General Counsel, or his Deputy, and the Director of OMBE, or his designee, and a recording secretary.

* * * * *

HENRY B. TURNER,
Acting Assistant Secretary for Administration.

[FR Doc.73-6453 Filed 4-3-73;8:45 am]

[Administrative Order 217-13]

RELOCATION ASSISTANCE AND REAL PROPERTY ALLOWANCE

Organization and Functions

The following order was issued by the Secretary of Commerce on March 7, 1973.

SECTION 1. Purpose.—This order establishes procedures for implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (the act), Public Law 91-646, 42 U.S.C. 4601, et seq. (January 2, 1971).

SEC. 2. Authority.—.01 OMB Circular A-103, dated May 1, 1972, "Guidelines for Issuance of Regulations and Procedures Implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act," is incorporated by reference and will provide the overall basis for any action by the Department.

SEC. 3. Policy.—.01 It is the policy of the Department that all persons who may be displaced either directly by the Department, or indirectly by federally assisted Department programs pursuant to the terms of the act, shall be accorded fair and equitable treatment.

.02 a. In connection with the federally assisted programs, the Department's Economic Development Administration (EDA) which provides assistance to governmental entities for public works and business development projects has regulations implementing the act, 13 CFR 308, 37 F.R. 28047 (December 20, 1972). These regulations and procedures are appended hereto and shall apply as the regulations and procedures of the Department for such programs.[1]

b. In connection with direct Commerce acquisitions of property, the provisions of this order shall apply.

SEC. 4. *Responsibilities.*—.01 The *Director, Departmental Office of Administrative Services* (OAS). The Director, OAS, shall:

a. Provide assistance to heads of primary operating units when any questions arise involving the interpretation of the provisions of this order.

b. Designate a liaison representative for the Department, who shall coordinate the Department's relocation activities with OMB and meet with other Federal agency liaison representatives as necessary to review the impact of their respective programs on communities or areas.

c. Establish an appropriate channel for communication and coordination when the Department is involved with another Federal agency in displacement activities in any given community or area, and coordinate the establishment of a schedule for replacement housing payments under such circumstances.

.02 *Heads of primary operating units.* The heads of primary operating units which acquire real property shall:

a. Carry out all such acquisitions in accordance with the provisions of the act, Circular A-103, and this order.

b. Develop criteria and relevant procedures for:

1. Providing rental replacement housing payments to enable a displacee to rent comparable decent, safe, and sanitary housing; and,

2. Determining the manner of disbursement of payment, considering the displacee's status and wishes.

c. Designate a representative to work with the Department's representative to OMB (designated under subparagraph .01b of this section).

d. Assure, prior to any acquisition of property involving relocation, that:

1. Consideration is given to contracting with the central relocation agency in the community, providing such agency can be held to the same standards of performance as would be required by the

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[1] Appendix filed as part of the original document.

operating unit in carrying out such acquisitions;

2. An OMB clearance is obtained;

3. The Departmental Office of General Counsel is consulted on any legal problems;

4. Appropriate local officials are consulted; and,

5. Current FHA "Moving Expense Schedules" are utilized.

SEC. 5. *Property appraisal*.—.01 In order to promote uniformity under section 301(3) of the act, which requires that just compensation be paid for real property, the Director, OAS, will, prior to the initiation of any negotiations for acquisition of property involving relocation, appoint a departmental committee which shall (a) establish standards to be used by appraisers in evaluating the property, and (b) select the appraisers from a GSA-qualified list.

.02 The Committee's action should be consistent with the "Uniform Appraisal Standards for Federal Land Acquisition" published by the Interagency Land Conference (1972).

.03 The appraisers shall recommend to the Secretary an amount they determine to be just compensation for the property involved.

SEC. 6. *Relocation assistance advisory program*.—The Assistant Secretary for Administration will appoint a committee consisting of the Director, OAS, the representative to the OMB (designated under subparagraph .01b of section 4) and the representatives designated under .02c of section 4 to provide the assistance required under section 205(c) of the act and section 7 of Circular A-103.

SEC. 7. *Administrative review*.—.01 The written notices of displacement shall contain information concerning the right of the displaced person to apply to the Assistant Secretary for Administration for a reconsideration of the initial determination as to eligibility or amount, and shall clearly explain the manner in which such request should be made.

.02 A request for reconsideration must be made in writing within 60 days of the receipt of the original determination. The request, which may be accompanied by supporting data, should give as full an explanation as possible concerning why the matter has been incorrectly determined.

.03 The Assistant Secretary for Administration, as an agent of the Secretary, is responsible for reviewing the application of any party aggrieved by a determination as to eligibility for payment authorized or as to the amount of such payment. He should consult with the head of the operating unit responsible for the initial determination, and may, where necessary, consult with the Office of General Counsel.

.04 The decision of the Assistant Secretary for Administration will be final. He will notify the claimant immediately after his decision is made. If the decision is favorable to the claimant, the Assistant Secretary will cause the necessary steps to be taken to effect an adjustment.

SEC. 8. *Reporting requirements*.—.01 The Assistant Secretary for Economic Development and the heads of operating units which have acquired real property in any given fiscal year shall render annual reports to the Department in accordance with the provisions of section 214 of the act and section 9 of the OMB circular. These reports shall:

Be prepared in the format reflected in exhibits 1 and 2 of Circular A-103;

Be submitted in the original plus four copies;

Be addressed to the Director, OAS; and

Be delivered no later than September 10, i.e., approximately 10 weeks after the end of the fiscal year.

.02 The Director, OAS, shall combine the above submissions into a single Department report which will be forwarded to OMB (original and four copies) and HUD (two copies) no later than September 30.

Effective date March 7, 1973.

HENRY B. TURNER,
Acting Assistant Secretary for Administration.

[FR Doc.73-6454 Filed 4-3-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings; Correction

In F.R. Doc. 73-5359, appearing at page 7409 in the issue of Wednesday, March 21, 1973, the place of meeting on April 13 and 14 for Committee No. 6 (Radiological Health Research and Training Grants Review Committee) reading "room 400, 12720 Twinbrook Parkway, Rockville, Md." is corrected to read "The Chase-Park Plaza Hotel, St. Louis, Mo."

Dated March 29, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.73-6392 Filed 4-3-73;8:45 am]

National Institutes of Health

COMMITTEE ON CANCER IMMUNODIAGNOSIS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Committee on Cancer Immunodiagnosis, National Cancer Institute, Wednesday, April 11, 1973, from 4:45 p.m. until adjournment, Chalfont-Haddon Hall, Boardwalk and North Carolina Avenue, Atlantic City, N.J. The meeting will be closed to the public to review contract proposals, in accordance with the provisions set forth in section 552(b) (4) of title 5, United States Code, and section 10(d) of Public Law 92-463.

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

Dorothy B. Windhorst, M.D., Executive Secretary, Building 10, room 4B-11, National Institutes of Health, Bethesda, Md. 20014, 301-496-3639, will provide substantive program information.

Dated: March 28, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.73-6433 Filed 4-3-73;8:45 am]

NATIONAL BLOOD RESOURCE PROGRAM ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of an informal subcommittee meeting of the National Blood Resource Program Advisory Committee, National Heart and Lung Institute, on April 25, 1973, 8:30 a.m. to 12 noon, National Institutes of Health, conference room 4. This meeting is solely for the purpose of review of approximately 20 renewal proposals for the hepatitis contracts and therefore is closed to the public in accordance with the provisions set forth in section 552(b) 4 of title 5, United States Code, and section 10(d) of Public Law 92-463.

Dr. Jerome G. Green, Director, Division of Extramural Affairs, NHLI, NIH Westwood Building, room 5A18, phone 496-7416, will furnish summaries of the meeting and rosters of the participants. Additional information may be obtained from the Executive Secretary, Dr. James M. Stengle, NHLI, NIH Building 31, room 4A03, phone 496-5911.

Dated: March 28, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.73-6434 Filed 4-3-73;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

Notice of Public Meeting

1. Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), that a meeting of Subcommittee No. 2 of the National Advisory Council on Equality of Educational Opportunity will be held from 10 a.m. to 5 p.m. Saturday, April 7, 1973, and from 10 a.m. to 3 p.m. Sunday, April 8, 1973, in the Dupont Plaza Hotel, Dupont Circle, Washington, D.C.

Notice is further given that a meeting of the Executive Committee of the National Advisory Council on Equality of Educational Opportunity will be held from 1 to 3:30 p.m. Monday, April 9, 1973, in room 2091, 400 Maryland Avenue S.W., Washington, D.C.

The above-described meetings shall be open to the public. The proposed agenda for Subcommittee No. 2 of the Council, which is concerned with curriculum and personnel matters affecting equality of educational opportunity, includes discussion of methods for determining whether

minority group students are developing competencies to function as members of society. The proposed agenda for the Executive Committee of the Council, which consists of the Chairman of the full Council and of Subcommittees No. 1 and 2, includes discussion of routine details of Council operations.

2. The National Advisory Council on Equality of Educational Opportunity is established pursuant to section 716 of the Emergency School Aid Act (Public Law 92-318, title VII). The charter of the Council, adopted pursuant to section 9(c) of the Federal Advisory Committee Act, provides as follows:

Purpose. The Emergency School Aid Act (title VII, Public Law 92-318) charges the Assistant Secretary for Education with responsibility for providing local educational agencies and other agencies, institutions, and organizations financial assistance to meet the special needs incident to the elimination of minority group segregation and discrimination, to encourage voluntary elimination, reduction or prevention of minority group isolation, and to aid school children in overcoming the educational disadvantages of minority group isolation. Discharge of this responsibility requires the advice of, and the program reviewed by, the National Advisory Council on Equality of Educational Opportunity.

Authority. Established June 23, 1972, by section 716(a) of the Emergency School Aid Act (title VII, Public Law 92-318), this Council operates in accordance with the provisions of (20 U.S.C. 1233) part D of the General Education Provisions Act (Public Law 91-230) and of Executive Order 11671 which set forth standards for the formation and use of advisory committees.

Function. The Council shall be advisory to the Secretary of Health, Education, and Welfare and the Assistant Secretary for Education. More specifically, the Council shall:

(1) Advise the Assistant Secretary for Education with respect to the operation of the Emergency School Aid Act, including the preparation of regulations and the development of criteria for the approval of applications;

(2) Review the operation of the program (a) with respect to its effectiveness in achieving the purposes of the act and (b) with respect to the Assistant Secretary's conduct in the administration of the program;

(3) Submit through the Secretary to the Congress, at least two interim reports, which shall include a statement of its activities and of any recommendations it may have with respect to the operation of the program;

(4) Not later than December 1, 1973, submit to the Congress a final report on the operation of the program; and

(5) Not later than March 31 of each year, submit an annual report of its activities, findings, and recommendations to the Congress.

Structure.—The Council shall consist of 15 members, at least one-half of whom shall be representatives of minority groups, invited to serve by the President for terms not to exceed 3 years which in the case of initial appointments shall be staggered. Appointments beyond January 4, 1975, will be subject to the extension of the Council's authorization by Congress. Management and staff services will be provided by the Associate Commissioner for Equal Educational Opportunity, U.S. Office of Education, who shall serve as the agency's delegate to the Council. The Council is authorized to appoint, or otherwise obtain the services of, such professional, technical, and clerical personnel as may be necessary to enable it to carry out its functions as prescribed by law.

Meetings.—The Council shall meet at the call of the chairman and in the presence of the Assistant Secretary or his designee, but not less than twice per year or less than four times during the period of fiscal years 1973 and 1974. Meetings shall be called with the approval of the Assistant Secretary or his designee.

Meeting agenda shall be approved by the Assistant Secretary for Education or his designee.

Meetings shall be open to the public except as may be determined otherwise by the Secretary; notice of all meetings shall be given in advance to the public.

Meetings shall be conducted, and records of the proceedings kept, as required by Executive Order 11671 and applicable Department regulations.

Compensation.—Members of the Council who are not full-time employees of the Federal Government shall be entitled to receive compensation at a rate of $100 per day while in service to the Council, plus per diem and travel expenses in accordance with standard Government travel regulations.

Annual cost estimate.—Estimated annual cost for operating the Council, including compensation and travel expenses but excluding staff support, is $90,000. Estimated annual man-years of staff support required is 4 man-years, at an estimated annual cost of $60,000.

Reports.—The Council shall submit through the Secretary to the Congress at least two interim reports, which shall include a statement of its activities and of any recommendations it may have with respect to the operation of the program. Not later than December 1, 1973, the Council shall submit to the Congress a final report on the operation of the program.

The Council shall submit to the Congress and to the Secretary through the Assistant Secretary for Education on or before March 31 of each year, a report of its activities, findings, and recommendations. This report shall contain a list of members and their business addresses and the dates and places of meetings held during the year. A copy of the report shall be provided the Department committee management officer.

Termination date.—Unless renewed by appropriate action prior to its expiration, the National Advisory Council on Equality of Educational Opportunity will terminate on January 4, 1975.

3. The members of the Council are:

Dr. Dale P. Parnell (chairman), State superintendent of public instruction, 2115 Jewell NW., Salem, Oreg. 97304;
Mr. Lawrence F. Davenport (chairman, subcommittee No. 1), vice president for development, Tuskegee Institute, Tuskegee, Ala. 36088;
Mr. Richard E. Pesqueira (chairman, subcommittee No. 2), vice president for student affairs, New Mexico State University, Las Cruces, N. Mex. 88001;
Mrs. Wells Awsumb, Memphis City Council, 4411 Walnut Grove Road, Memphis, Tenn. 38117;
Mrs. June G. Cameron, Mount Lebanon Board of Education, 812 White Oak Circle, Pittsburgh, Pa. 15228;
Mr. Loftus Carson, executive director, Monroe County Human Relations Commission, 9 Round Trail Drive, Pittsford, N.Y. 14534;
Dr. T. Winston Cole, Sr., dean of academic affairs, University of Florida, room 231, Tigert Hall, Gainesville, Fla. 32601;
Abbot Joseph Gerry, O.S.B., chancellor, St. Anselm's College, Manchester, N.H. 03102;
Dr. Jacquelyne J. Jackson, associate professor of medical sociology, Department of Psychiatry, Duke University Medical School, Durham, N.C. 27707;
Mr. Jackson F. Lee, mayor, Kyle House, 234 Green Street, Fayetteville, N.C. 28301;
Mr. Edward Meyers, student, Holy Cross College, Worcester, Mass. 01110;
Ms. Haruko Morita, principal, Garvanza Elementary School, 401 South Lafayette Park Place, Los Angeles, Calif. 90057;
Dr. Frederick Mosteller, professor of mathematics, Harvard University, 28 Pierce Road, Belmont, Mass. 02178;
Mr. Lyman F. Pierce, chairman, education committee, New York State Iroquois Indian Conference, 4515 Edinburg Drive, Dale City, Va. 22191;
Mrs. Carmen A. Rodriquez, special assistant to the superintendent, District 7, New York City Board of Education, 564 Leland Avenue, Bronx, N.Y. 10472.

4. Records shall be kept of all proceedings, and shall be available for public inspection at the Office of Education, Bureau of Equal Educational Opportunities, room 2029, 400 Maryland Avenue SW., Washington, D.C.

Signed at Washington, D.C. on March 31, 1973.

HERMAN R. GOLDBERG,
Associate Commissioner for Education, Equal Educational Opportunity.

[FR Doc.73-6520 Filed 4-2-73;10:28 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Notice of Meeting

MARCH 30, 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 Safety Guides will hold a meeting on April 11, 1973, in room 1062, at 1717 H Street NW., Washington, D.C.

The subjects scheduled for discussion are proposed regulatory guides.

The subcommittee is meeting to formulate recommendations to the ACRS and the regulatory staff regarding the above subject.

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.73-6518 Filed 4-3-73;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Agenda and Notice of Meeting

MARCH 30, 1973.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Seismic Activity will hold a meeting on April 11, 1973, in room 1046, at 1717 H Street NW., Washington, D.C. The subjects scheduled for discussion are a draft, dated March 1, 1973, of proposed appendix A to 10 CFR part 100, "Seismic and Geologic Siting Criteria," and a draft of a proposed regulatory guide entitled, "Design Response Spectra for Seismic Design of Nuclear Power Plants" (draft 2, Mar. 20, 1973).

The subcommittee is meeting to formulate recommendations to the full ACRS and regulatory staff 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.73-6570 Filed 4-3-73;8:45 am]

[Dockets Nos. 50-277, 50-278]

PHILADELPHIA ELECTRIC CO., ET AL.

Notice of Hearing on a Facility Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), the National Environmental Policy Act of 1969 (NEPA), and the regulations in title 10, Code of Federal Regulations, part 50, "Licensing of Production and Utilization Facilities," and part 2, "Rules of Practice," notice is hereby given that, subject to conditions set forth in a memorandum and order of March 30, 1973, a hearing will be held on the boiling water reactors identified as the Peach Bottom Atomic Power Station, units 2 and 3 (the facilities) of the applicants, Philadelphia Electric Co., Public Service & Gas Co., Delmarva Power & Light Co., and Atlantic City Electric Co. The hearing will be held at a time and place to be set in the future by the Atomic Safety and Licensing Board (Licensing Board) designated herein, to begin in the vicinity of the facilities in York County, Pa. Construction of the facilities was authorized by provisional construction permits Nos. CPPR-37 and CPPR-38, issued by the Atomic Energy Commission on January 31, 1968. The hearing will consider (1) whether, considering those matters covered by appendix D to 10 CFR part 50, the construction permit for unit 3 should be appropriately conditioned to protect environmental values, and (2) whether a facility operating license should issue for units 2 and 3.

Both units are subject to the provisions of section C of appendix D to 10 CFR part 50, which sets forth procedures applicable to review of environmental considerations for production and utilization facilities for which construction permits were issued prior to January 1, 1970.

The Licensing Board shall consist of Daniel M. Head, Esq. (chairman), Dr. Dale F. Babcock and Dr. Ernest O. Salo. Dr. Kenneth A. McCollom has been designated as a technically qualified alternate, and Frederick T. Suss, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

A "Notice of Consideration of Issuance of Facility Operating License and Notice of Opportunity for Hearing" was published in the FEDERAL REGISTER on October 3, 1972 (37 FR 20739). The notice provided that, within 30 days from the date of publication, any person whose interest may be affected by the proceeding could file a petition for leave to intervene in accordance with the requirements of 10 CFR part 2, "Rules of Practice". A joint petition for leave to intervene was thereafter filed by York Committee for a Safe Environment, Save Solanco's Environment, and Environmental Coalition on Nuclear Power (petitioners). The State of Pennsylvania also petitioned to participate as a State pursuant to 10 CFR 2.715(c). As set out in the memorandum and order referred to above, a public hearing will be held; petitioners will be admitted as a party, and Pennsylvania as an interested State.

A prehearing conference or conferences will be held by the Licensing Board, at a date and place to be set by it, to consider pertinent matters in accordance with the Commission's "Rules of Practice". The date and place of the hearing will be set by the Board at or after the prehearing conference. Notices as to the dates and places of the prehearing conference and the hearing will be published in the FEDERAL REGISTER. The specific issues to be considered at the hearing will be determined by the Licensing Board.

For further details pertinent to the matters under consideration, see the application for the facility operating licenses dated August 31, 1970, as amended, the applicants' Environmental Report, dated June 4, 1971, as supplemented, the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses, dated September 21, 1972, the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR part 50, appendix D, dated October 11, 1972, and the safety evaluation prepared by the Directorate of Licensing, dated August 11, 1972, supplement dated December 11, 1972, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Martin Memorial Library, 159 East Market Street, York, Pa., 17401. As they become available, the following documents will be available at the above locations: (1) The Commission's final detailed statement on environmental considerations; (2) the proposed facility operating licenses; and (3) the technical specifications, which will be attached to the proposed facility operating licenses.

Any person who wishes to make an oral or written statement in this proceeding but who has not filed a petition for leave to intervene as noted above, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Licensing Board, within such limits and on such conditions as may be fixed by it. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C., 20545, not later than May 4, 1973.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR 2.705 of the Commission's "Rules of Practice", must be filed by the parties to this proceeding (other than the regulatory staff) not later than April 24, 1973.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretray of the Commission, U.S. Atomic Energy Commission, Washington, D.C., 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Pending further order of the Licensing Board, parties are required to file pursuant to the provisions of 10 CFR 2.708 of the Commission's "Rules of Practice", an original and 20 conformed copies of each such paper with the Commission.

Dated at Germantown, Md., this 30th day of March 1973.

UNITED STATES ATOMIC ENERGY COMMISSION,
PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-6572 Filed 4-3-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24488; Order 73-3-118]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of March 1973.

Agreements have been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The subject agreements, as designated by the above CAB agreement numbers, were adopted at the Reconvened TC1 Passenger Traffic Conference (Caribbean), and the Special 49th Meeting of Traffic Conference 1 held in Miami in November 1972 and January 1973, respectively.

The agreements would extend the present fares in the U.S./Caribbean and U.S./Mexico markets which are scheduled to expire on March 31, 1973, by 1 month through April 30, 1973, at which time new fare structures, currently before the Board for approval, are scheduled to become effective. Additionally, the agreements propose technical and clarifying changes to existing resolutions governing economy-class conditions of service and sleeper surcharges. Finally, the agreement would amend a current resolution by prohibiting absorption of passenger expenses en route for travel wholly within the Western Hemisphere.

The Board finds that continuation of present fares for another month in order to avoid a hiatus in IATA-agreed fares is appropriate and the agreements will therefore be approved.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find that the following resolutions, which are incorporated in the agreements as indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
23459:			
R-1	001b I	Special Effectiveness Resolution (Tie-in)	1
R-3	001hh	Special Effectiveness Resolution (New)	1
R-4	002 I	Standard Revalidation Resolution	1
R-7	060	Economy-Class Conditions of Service (Revalidating and Amending).	1
R-20	102	Passenger Expenses En Route (Revalidating and Amending)	1
R-21	250	Sleeper Surcharge (Amending)	1
23572:			
R-1	001kk	Special Effectiveness Resolution (Amending)	1
R-2	002 I	Standard Revalidation Resolution (Amending)	1

Accordingly, it is ordered, That:

Those portions of Agreements CAB 23459 and 23572 as set forth above be and hereby are approved: *Provided*, That approval is subject, where applicable, to conditions previously imposed by the Board.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-6345 Filed 4-3-73;8:45 am]

[Docket No. 25009]

WILMINGTON SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 8, 1973, at 10 a.m., local time, in room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge John E. Faulk.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before April 19, 1973, and the other parties on or before April 30, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., March 30, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-6472 Filed 4-3-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[I.F. & R. Docket No. 146]

ALLIED CHEMICAL CORP.

Determination and Order

In re Allied Chemical Corporation, Petitioner, Registration Numbers 218-495, -516, -548, -564, -565, -586, -590, -628, and -638.

Pursuant to section 4.c of the Federal Insecticide, Fungicide, and Rodenticide Act (the 1947 FIFRA) (7 U.S.C. 135b (c)), the Administrator issued a determination and order, filed May 4, 1972, and published in the FEDERAL REGISTER on June 1, 1972 (37 F.R. 10987), cancelling Allied Chemical Corp's registrations of pesticides containing Mirex, providing that such registrations would be reinstated if Allied Chemical complied with the conditions outlined in the determination and order. Subsequently, upon the registrant's compliance with the original order, the Administrator issued a second determination and order on Mirex, filed June 30, 1972, and published in the FEDERAL REGISTER on July 6, 1972 (37 F.R. 13299), reinstating all of Allied Chemical Corp's registrations of Mirex pesticides. These orders prohibit all aerial broadcast application, in coastal counties or parishes, and all broadcast application, aerial or otherwise, on or near estuaries, rivers, streams, lakes, swamps, ponds, other aquatic areas, and heavily forested areas, but permit ground broadcast application of registered Mirex pesticides in all other areas when such application is accomplished with ground application equipment which can be calibrated to deliver the recommended dosages.

A. In the May 3 order, the Administrator stated his concern about possible damage to the aquatic life posed by Mirex and his reluctance to permit distribution of Mirex bait in a manner that might contaminate estuaries, lakes, and streams. He, therefore, declared that all aerial broadcast application, must be prohibited in coastal counties or parishes, and all broadcast applications, aerial or otherwise on or near rivers, streams, lakes, ponds, and other aquatic areas. At the same time, the Administrator expressed his belief that judicious use of aerial application may be preferable to hand distribution of bait which may result in overtreating obvious ant mounds but missing inapparent young colonies with a resultant rapid infestation. He also expressed the belief that it was necessary to restrict aerial or other broadcast application in noncoastal, nonaquatic areas to Federal, State, county, or local authorities. Since the 1972 fall application of Mirex for the control of the imported fire ant in nine southern States, these authorities have submitted information to EPA emphasizing that the total exclusion of aerial application from all regions of coastal counties creates certain inconsistencies which are in part contradictory to the intent of the orders. Because of serious concern for the coastal aquatic environment, it has been decided not to change the existing definition for the spring 1973 application season and to continue the prohibition of aerial application in coastal counties. In view of the considerable areas that are involved and the differences existing, an in-depth study of the coastal estuarine systems will be made and considered prior to a change in definition for any future application.

B. In reviewing the broad prohibition against aerial application on or near aquatic areas and heavily forested areas, difficulties of aerial application over areas where occasional small farm ponds and intermittent streams are located, if all water is to be avoided, were noted. In some of these areas treatment by ground application may not be possible. While recognizing the critical importance of avoiding contamination of sensitive areas, including aquatic

areas, the contention that the purpose of the control program would be seriously impaired if major untreated infestations adjacent to treated areas remain to reinfest the treated areas was also recognized. EPA, therefore, has decided at this time to exclude some very small aquatic areas of such limited size as not to be shown on maps of the scale of 1:24,000, together with certain farm ponds not used for food production or human consumption, and dry intermittent streams, from the term aquatic site for the duration of the spring application season.

C. It was further noted that there is some confusion as to the precise meaning of the term heavily forested areas, especially for application. It is well known that the imported fire ants do not colonize in heavily-shaded areas, and thus, avoid forest areas with heavy canopy. There may be infestation along the fringes of forest bordering an open land where the sun may penetrate the lesser crown cover and along roads and clearings within the forests. In many instances these are areas where ground application equipment may not be able to reach the infested areas. It has been determined that judicious aerial application may be permitted on these fringe areas but is definitely prohibited in any forest area having at least an 80 percent crown cover.

D. In previous orders, it was pointed out that some residues had been found in invertebrates and vertebrates. The limited monitoring data from the 1972 spring application is insufficient to provide clear evidence of any significant adverse effects on natural populations of fish, amphibians, reptiles, birds, and mammals. Data from the 1972 fall application is now being correlated and analyzed. Since there was prior evidence that Mirex may do significant damage to some aquatic species, this hazard cannot be disregarded and the interpretations set forth herein have maintained this protection of the aquatic environment, which must be rigidly enforced. Therefore, EPA is permitting the 1973 spring application to proceed within the restrictions of the previous orders as interpreted herein. In addition to clarifying the existing orders on fire ant control through this order, it is our intention to hold public hearings under section 6(b)(2) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, tentatively in July, or as soon thereafter as feasible, to permit an in-depth evaluation of all factors known to this time concerned with the risks and benefits of using Mirex. Based upon these hearings EPA will issue new orders or modify the existing orders on Mirex.

ORDER

The May 3 and the June 30, 1972, orders on Mirex are modified to provide more explicit interpretation of terms as follows:

For the 1973 spring application, aerial broadcast application, of Mirex pesticides, is prohibited within coastal counties; and all broadcast application, aerial or otherwise, of Mirex pesticides is prohibited in or near aquatic areas and heavily forested areas as defined herein.

Aquatic areas are defined as: Any aquatic system including estuaries, rivers, streams, swamps, marshes, lakes, bays, ponds, or other bodies of water which are shown on U.S. Geological Topographic Surveys maps at a scale of 1:24,000, excluding intermittent streams as defined herein, but not excluding intermittent streams with a flow during the period of application, and farm ponds as defined herein, but not excluding ponds used for food production or human consumption.

Farm ponds are defined as: Man-made impoundments of water occurring on farms to be utilized for purposes such as irrigation, stockwatering, recreation.

Intermittent streams are defined as: Those streams that have continuous flow during periods of heavy rainfall, but with little or no flow during the remainder of the year.

Heavily forested areas are defined as: Forest stands having 80 percent or more crown closure with trees of any size.

All other provisions and restrictions of the May 3 determination and order and the June 30 determination and order on Mirex remain in full force and effect.

Dated: March 28, 1973.

DAVID D. DOMINICK,
Assistant Administrator,
Office of Categorical Programs.

[FR Doc.73-6431 Filed 4-3-73;8:45 am]

[I.F. & R. Docket No.—[1]]

MIREX

Notice of Intent To Hold Hearing

Please take notice that pursuant to the authority vested in me by section 6(b) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, I hereby issue a notice of my intention to hold a hearing to determine whether or not the registrations of Mirex (dodecachloro-octahydro - 1,3,4-metheno-2H cyclobuta [cd] pentalene), Registration numbers 218-495, -516, -548, -564, -565, -585, -586, -590, -628, and -638 should be canceled or amended.

Please take further notice that any person wishing to become a party to this hearing shall file a response to the accompanying statement of issues, published herewith, with the hearing clerk on or before May 4, 1973.

Dated: March 28, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.73-6429 Filed 4-3-73;8:45 am]

[I.F. & R. Docket No. —[1]]

MIREX

Statement of Issues

Pursuant to the accompanying notice of intention to hold a hearing, issued pursuant to the authority vested in me by section 6(b) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, I desire the following issues to be addressed by such hearing, in addition to any other that the administrative law judge deems relevant, namely:

I. Whether Mirex or its present labeling or other material submitted in support of its registrations complies with the provisions of the Federal Insecticide, Fungicide, and Rodenticide Act; and

II. Whether, when used in accordance with widespread and commonly recognized practice, Mirex generally causes unreasonable adverse effects on the environment, as defined by the Federal Insecticide, Fungicide, and Rodenticide Act;

III. The answer to these questions should include answers to several subsidiary questions attendant upon them, namely:

a. The chemical properties of Mirex, such as its persistence, mobility, and potential for bioconcentration.

b. The hazards to man.

c. The hazards to the environment with emphasis on hazards to aquatic life.

d. The benefits arising from the use of Mirex with emphasis on:

(1) The nature and extent of the problem posed by the fire ant and the other insects at issue; (2) the effectiveness of areawide use of Mirex to control the spread of fire ants; (3) the effectiveness of a program of localized use of Mirex to control human health and agricultural problems caused by the fire ant; (4) the benefits expected to be achieved by each such control program, measured against the damage which will occur if such a program were not undertaken; (5) the availability and effectiveness of, and the hazards connected with, alternative control measures; (6) the adequacy of the existing label directions in protecting sensitive areas from Mirex contamination; and (7) application control measures which are necessary to avoid Mirex contamination of sensitive areas and the reliability of such measures.

Dated: March 28, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.73-6430 Filed 4-3-73;8:45 am]

[1] To be assigned at later date.

AIR POLLUTION CHEMISTRY AND PHYSICS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the Air Pollution Chemistry and Physics Advisory Committee will be held at 9 a.m., April 26 and 27, 1973, at Wave Propagation Laboratory, NOAA Research Laboratories, Boulder, Colo.

This is the regular spring meeting of this committee. The agenda includes a state of the art report on long path spectroscopic measurement of air pollutants, improved NO_2 measurement techniques

and a status report on the regional air pollution study.

The meeting will be open to the public. Any member of the public wishing to participate or present a paper should contact Dr. Alfred H. Ellison, Deputy Director, Chemistry and Physics Laboratory, Environmental Protection Agency, Research Triangle Park, N.C., 919-549-8411, extension 2191.

ROBERT W. FRI,
Acting Administrator.

MARCH 29, 1973.

[FR Doc.73-6448 Filed 4-3-73;8:45 am]

EXPORT-IMPORT BANK OF THE UNITED STATES

ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, the Federal Advisory Committee Act, notice is hereby given that a meeting of the Advisory Committee of the Export-Import Bank of the United States will take place in Washington, D.C., on April 13, 1973.

The purpose of the meeting is to review the programs and recent activities of the Export-Import Bank of the United States.

Based on 5 U.S.C. 522(b), the meeting will not be open to public participation. It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. Joseph H. Regan, 811 Vermont Avenue NW., Washington, D.C. 20571.

Dated: April 2, 1973.

JOSEPH H. REGAN,
Advisory Committee Management Officer.

[FR Doc.73-6555 Filed 4-3-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-7775]

APPALACHIAN POWER CO.

Order Denying Motion To Reject Initiation Proceeding

MARCH 27, 1973.

On February 15, 1973, the cities of Bedford, Danville, Martinsville, Radford, and Salem and Virginia Polytechnic Institute and State University (Five Cities and VPI), intervenors in the above-docketed proceeding, filed a "Motion To Reject the Initiation of a Section 206 Proceeding" (motion).

By order issued December 15, 1972, we instituted a section 206 proceeding in this docket as to Five Cities and VPI, because we found that Appalachian Power Co. (Apco), was contractually forbidden from unilaterally increasing its rates under section 205 of the Federal Power Act. Five Cities and VPI now allege that such a proceeding cannot be initiated upon complaint by a public utility when its own rates are in question.

Apco filed an answer opposing the motion on March 5, 1973. Apco also requests that we clarify our order of February 14, 1973, which Apco alleges might be construed to improperly limit the evidence they can adduce in the section 206 proceeding.

Five Cities and VPI by the instant motion, in effect, seek rehearing of our order of December 14, 1972. Since the time for filing applications for rehearing of our December 14, 1972, order has expired, we shall treat the subject pleading as a motion for reconsideration.

Contrary to the assertion made by Five Cities and VPI, section 206 of the Federal Power Act places no restrictions on when the Commission may initiate a proceeding under section 206. This fact was recognized by the Supreme Court in the Mobile case.[1]

As the Five Cities and VPI correctly point out, the Commission may invoke a section 206 proceeding to determine whether a rate is so low as to adversely affect the public interest. In this proceeding, our concern is not simply whether the private interests of Apco are affected, but we are concerned with whether or not Apco's rates to Five Cities and VPI are so low that they "might impair the financial ability of the public utility to continue its service, * * *"[2] Therefore, our investigation here is consistent with our responsibilities in furthering the public interest.

Apco also seeks clarification of our order of February 14, 1973. Simply stated, their allegation is that the factual situation in this proceeding differs from that in Sierra and they will attempt to show this in the scheduled hearing. Our order of February 14, 1973, should not be read as a limitation on any evidence Apco may offer to show that their relationship with Five Cities and VPI is not governed by the general guidelines laid down in Sierra. Since Apco's specific allegations require development of an evidentiary record, any decision by us can only be made after the decision of the presiding administrative law judge.

The Commission finds:

Section 206 of the Federal Power Act places no restriction on when the Commission may institute a proceeding under that section.

The Commission orders:

The Motion of Five Cities and VPI, filed February 15, 1973, is hereby denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6397 Filed 4-3-73;8:45 am]

[1] United Gas Pipe Line v. Mobile Gas Service Corp., 350 U.S. 332, 344-5 (1956).

[2] F.P.C. v. Sierra Pacific Power Co., 350 U.S. 348, 355 (1956).

[Project 2712]

BANGOR HYDRO-ELECTRIC CO.

Notice of Application for License for Constructed Major Project

MARCH 28, 1973.

Notice is hereby given pursuant to section 4(e) of the Federal Power Act (16 U.S.C. 791a-825r) that an application for license was filed on November 27, 1970 (supplemented on April 26, and August 23, 1971; April 13, and June 1, 1972) by the Bangor Hydro-Electric Co. (Correspondence to: Mr. Earle R. Webster, vice president, Bangor Hydro-Electric Co., 33 State Street, Bangor, Maine 04401) for project No. 2712, known as the Stillwater project, located on the Stillwater Branch of the Penobscot River, a navigable waterway of the United States, in the city of Old Town, Penobscot County, Maine.

The Stillwater project which has an installed capacity of 1,950 kW (2,660 hp) consists of: (1) A concrete gravity dam comprising (a) a spillway section 377 feet long and 20 feet high surmounted by 2-foot flashboards, (b) a wing dam 531 feet long and 21 feet high, and (c) nonoverflow sections 704 feet long with an average height of about 12 feet; (2) a 300-acre reservoir which extends upstream 3.1 miles to applicant's Gilman Falls Dam of Milford Project No. 2534; (3) a forebay intake; (4) eight timber slide gates 7 feet-8 inches wide and 11 feet high; (5) a powerhouse containing four generators with an aggregate capacity of 1,950 kW; (6) a step-up transformer; and (7) all other facilities and interests appurtenant to operation of the project.

Applicant states that the river in the project area is so highly polluted by raw sewage and chemical waste as to render the area unsuitable for recreational purposes. Applicant requests that a recreation plan not be required at this time, but states its intent to cooperate with appropriate governmental agencies in formulating a recreation development plan when the quality of the water in the river has improved to the extent required by State law for such purpose.

Project energy flows into the applicant's electric system for distribution within the State of Maine.

Any person desiring to be heard or to make protest with reference to said application should on or before May 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6398 Filed 4-3-73;8:45 am]

[Docket No. E-8033]

DEPARTMENT OF THE INTERIOR, BONNEVILLE POWER ADMINISTRATION

Notice of Request for Approval of Rates and Charges

MARCH 27, 1973.

Notice is hereby given that the Secretary of the Interior (Secretary), acting on behalf of Bonneville Power Administration (BPA) and pursuant to the provisions of the Bonneville Act, as amended, and the Flood Control Act of 1944, on February 12, 1973, filed with the Federal Power Commission a request in docket No. E-8033 for confirmation and approval of certain rates and charges for the sale of electric energy to region 3, Lower Colorado region, of the Bureau of Reclamation, U.S. Department of the Interior (Bureau).

The proposed rates and charges are included in the letter agreement dated August 15, 1972 (agreement), between BPA and the Bureau. The agreement, designated as BPA contract No. 14-03-09239 and B/R contract No. 14-06-300-2329, a copy of which was submitted with the Secretary's request, provides that the Bureau will pay BPA at the rate of 3 mils/kWh (and otherwise in accordance with BPA's general rate schedule provisions) for electric energy delivered to the Bureau's Mead substation in Nevada (at or near Hoover Dam) by the city of Los Angeles, Calif. (Los Angeles), or by Southern California Edison Co. (Edison) for a period of 20 years commencing on March 1, 1972. Deliveries of energy are to be for the account of BPA in accordance with its contractual exchange arrangements with Los Angeles and Edison. Under the terms of these exchange arrangements, the contracting parties will make available for interchange energy determined by them to be surplus to the needs of their respective customers.

The Secretary seeks to have the Commission's approval of the aforementioned 3-mill rate be made effective as of March 1, 1972. In addition, the Secretary seeks the Commission's approval of that rate for any sales of electric energy which BPA may hereafter make to other regions of the Bureau of Reclamation, the State of California, or to other entities contemplated in the contractual exchange arrangements, referred to above, and similar arrangements entered into by BPA with Pacific Gas & Electric Co., San Diego Gas & Electric Co., and the cities of Burbank, Glendale, and Pasadena, Calif.

The proposed rates and charges are on file with the Commission and available for public inspection. Any person desiring to make comments or suggestions for the Commission's consideration with respect to said rates and charges should submit the same in writing on or before April 20, 1973, to the Federal Power Commission, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6407 Filed 4-3-73;8:45 am]

[Docket No. RP72-119]

McCULLOCH INTERSTATE GAS CORP.

Notice of Proposed Changes in Rates and Charges

MARCH 27, 1973.

Take notice that McCulloch Interstate Gas Corp. (McCulloch), on March 12, 1973, tendered for filing FPC gas tariff original volume No. 1, substitute second revised sheet No. 11. McCulloch states that this filing is being done pursuant to ordering paragraph (B) of the Commission's order of February 6, 1973, which order approved settlement of McCulloch's May 1972, rate increase application reflecting a jurisdictional rate increase of $1.70 per Mcf applicable to McCulloch's deliveries to Colorado Interstate to be effective as of November 1, 1972. McCulloch requests, pursuant to § 154.51 of the Commission's regulations that the notice requirements be waived and that the tariff sheets identified above be permitted to become effective as of November 1, 1972. McCulloch states that a copy of this tariff sheet and a copy of the enclosures has been served upon all parties of record in docket No. RP72-119.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Wahington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 13, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6402 Filed 4-3-73;8:45 am]

[Docket No. E-7834]

MINNESOTA POWER & LIGHT CO.

Notice of Proposed Changes in Rates and Charges

MARCH 27, 1973.

Take notice that Minnesota Power & Light Co. (MPL), on November 14, 1972, tendered for filing a proposed fuel clause which excludes adjustments for energy generated from hydroelectric sources.

The proposed fuel clause will offset the fuel clause contained in agreements with the following customers:

	Rate schedule FPC No.
City of Staples	23
Public Utilities Commission, village of Nashwauk	30
Itasca-Mantrap Cooperative Electric Association (near Park Rapids)	52
Itasca-Mantrap Cooperative Electric Association (near Nevis)	53
Stuntz Cooperative Light & Power Association	69
Village of McKinley	75
Village of Proctor	76
Village of Mountain Iron	78
City of Two Harbors	87
Village of Buhl	93
Public Utilities Commission, village of Aitkin	94
City of Brainerd	96
Village of Pierz	98
Village of Randall	99
Public Utilities Commission, village of Grand Rapids	100
Water and Light Commission, city of Virginia	102
City of Biwabik	103
City of Ely	104
Public Utilities Commission, village of Hibbing	105
City of Gilbert	106
Public Utilities Commission, village of Keewatin	107

MPL states that the proposed fuel clause will also change the base cost of fuel neutral zone from 34-35 cents per million Btu to MPL's approximate current cost of fuel of 37-38 cents per million Btu. MPL also states that for the 12-month period ending October 1973, the present fuel clause will yield revenues of $133,946 while the proposed fuel clause will yield revenues of $130,577. MPL requests that the proposed fuel clause be accepted for filing to become effective as soon as permissible.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest, with the Federal Power Commission, 441 G Street, NW., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 12, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6399 Filed 4-3-73;8:45 am]

[Dockets Nos. E-7800, E-7700, E-7729]

NEW ENGLAND POWER CO.

Order Accepting for Filing and Permitting To Become Effective Certain Initial Contracts and Contract Amendments

MARCH 27, 1973.

On November 1, 1972, New England Power Co. (NEPCO), filed in docket No. E-7800 a number of initial contracts and contract amendments concerning existing and proposed service to be rendered to 17 municipal customers in the State of Massachusetts, all of which have entitlements from the Vermont and Maine

Yankee nuclear power projects.[1] The subject filing by NEPCO included: (1) Amendments dated April 1, 1971, to NEPCO's existing primary service for resale contracts with the municipal customers to establish partial requirements service to supplement the customers' Vermont and Maine Yankee entitlements, (2) initial subtransmission contracts dated April 1, 1971, covering the transmission by NEPCO of the Vermont and Maine Yankee entitlements, and (3 and 4) immediately superceding amendments to the filings described in (1) and (2) above. NEPCO requested that the entire filing be made effective 30 days after filing or on the earlier date of commercial operation of either the Vermont or Maine Yankee plants.

Upon review, NEPCO's filing was found to be deficient under the Commission's applicable regulations, and NEPCO was requested to provide additional information further clarifying and explaining the nature and purpose of the various documents submitted. In response, NEPCO submitted the necessary additional information on December 26, 1972, and February 28, 1973. Accordingly, NEPCO's filing in this docket will be assigned a formal filing date of February 28, 1973.

Notice of NEPCO's filing was issued on December 12, 1972, providing for protests or petitions to intervene to be filed on or before December 26, 1972. On December 26, NEPCO's directly and potentially affected customers filed a protest and petition to intervene. The customers request that certain portions of NEPCO's filing be suspended for 1 day, that other portions be suspended for 3 to 5 months, and that other portions be rejected. They also move that the filing in docket No. E-7800 be consolidated with NEPCO's presently pending proceedings in dockets Nos. E-7700 and E-7729. NEPCO answered the above protest on January 11, 1973. While NEPCO's answer was not filed within the prescribed time, nevertheless in the interest of fairness it will be considered as though timely filed.

We will first consider the partial requirements amendments and subtransmission contracts dated April 1, 1971. The municipals point out that the partial requirements and subtransmission agreements of April 1, 1971, were further amended by an agreement between NEPCO and the customers dated April 10, 1972. This agreement was submitted by NEPCO on December 26, 1972, in response to the Commission's request for further information. We agree with the municipals that the agreement of April 10, 1972, should be given proper recognition, and therefore the partial requirements amendments and subtransmission contracts dated April 1, 1971, as filed by NEPCO, will be accepted for filing as modified by the agreement of April 10, 1972. The municipals request that the partial requirements amendments and subtransmission contracts even as modified by the April 10, 1972, agreement be suspended for 1 day and then permitted to go into effect subject to refund. However, it appears that in order to effectuate the purpose and intent of the agreements, they should and indeed must be permitted to become effective as of November 30, 1972, the date on which the Vermont Yankee nuclear plant became operational. The requests for suspension and for an effective date of November 30, 1972, are mutually inconsistent. We believe, on balance, that the partial requirements amendments and subtransmission contracts should be permitted to become effective on November 30, 1972, particularly in view of our decision to give full effect to the provisions of the April 10, 1972, agreement as requested by the municipals. We would also note that the subtransmission contracts are initial filings and not subject to suspension in any event.

With respect to the immediately superseding amendments to both the partial requirements and subtransmission agreements discussed above, we find that NEPCO has properly complied with the Commission's filing requirements, and that the superseding amendments are therefore not subject to rejection. At the same time we find that the record before us does not permit a finding of reasonableness as to the proposed amendments, and that accordingly they should be suspended and permitted to become effective subject to refund. The municipal customers request that the immediately superseding amendments be suspended for a period of from 3 to 5 months. However, in view of the fact that the April 1, 1971, and April 10, 1972, agreements have been permitted to become effective as requested by NEPCO on November 30, 1972, and since those agreements will remain in effect without refund obligation during any suspension of the superseding amendments, it appears that the municipal customers will receive maximum protection through a suspension of minimum duration. Accordingly, the immediately superseding amendments to the partial requirements and subtransmission agreements will be suspended for 1 day.

The municipals' request for consolidation of this docket with dockets Nos. E-7700 and E-7729 appears reasonable, is not opposed by NEPCO, and will therefore be granted.

The participation in the proceedings in this docket by the municipal customers is in the public interest, and their petitions to intervene will be granted.

The Commission orders:

(A) The partial requirements and subtransmission agreements dated April 1, 1971, and as modified by the agreement of April 10, 1972,[1] are accepted for filing as of February 28, 1973.

(B) Section 35.3 of the Commission's regulations under the Federal Power Act is waived, and the agreements described in paragraph (A) above are permitted to become effective as of November 30, 1972.

(C) The proposed superseding amendments to the partial requirements and subtransmission agreements described in paragraph (A) above, as filed by New England Power Co., and as designated in appendix B hereto, are accepted for filing as of February 28, 1973, suspended for 1 day, and permitted to become effective subject to refund on April 1, 1973.

(D) The proceeding in docket No. E-7800 is consolidated for purposes of hearing and decision thereon with the proceedings currently set for hearing in docket Nos. E-7700 and E-7729.

(E) The motion of the Massachusetts municipal customers for partial rejection of NEPCO's filing in docket No. E-7800 is denied.

(F) The power planning committee of the Municipal Electric Association of Massachusetts, the electrical departments and plants of Groton, Holden, Hudson, Mansfield, Merrimac, and Princeton, Mass.; Manchester Electric Co.; New Hampshire, Electric Cooperative; and the municipalities listed on page 1 of this order, are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in their petitions to intervene; and *Provided, further*, That the admission of such intervenors shall not be construed as recognition that they might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6400 Filed 4-3-73;8:45 am]

[1] The towns of Ashburnham, Boylston, Danvers, Georgetown, Hingham, Hull, Ipswich, Littleton, Marblehead, Middleton, North Attleboro, Paxton, Peabody, Shrewsbury, Sterling, Templeton, and West Boylston.

[1] Filed as part of the original document.

[Dockets Nos. E-7737 and E-7739]

ORANGE & ROCKLAND UTILITIES, INC., ROCKLAND ELECTRIC CO.

Notice of Further Extension of Time and Postponement of Hearing

MARCH 27, 1973.

On March 20, 1973, Orange & Rockland Utilities, Inc., filed a motion for an extension of the procedural dates as established by the order issued November 3, 1972, and amended by notice issued March 6, 1973, in the above matter.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of evidence by staff, May 3, 1973.
Service of evidence by intervenor, May 17, 1973.
Prehearing conference, May 24, 1973, 10 a.m., e.d.t.
Rebuttal evidence by Orange & Rockland, Inc., and Rockland Electric Co., June 1, 1973.
Cross-examination on consolidated issues, June 12, 1973, 10 a.m., e.d.t.
Hearing on remaining issues in Docket No. E-7739, June 19, 1973, 10 a.m., e.d.t.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6401 Filed 4-3-73;8:45 am]

[Project 2101]

SACRAMENTO MUNICIPAL UTILITY DISTRICT

Notice of Application

MARCH 27, 1973.

Public notice is hereby given that application was filed on January 23, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by the Sacramento Municipal Utility District (correspondence to: Mr. E. K. Davis, general manager, Sacramento Municipal Utility District, 6201 S Street, Box 15830, Sacramento, Calif. 95813) for Commission approval of revised exhibit K for project No. 2101, known as the Upper American River project, located on the South Fork American River and Silver Creek in El Dorado County, Calif.

The application requests approval of exhibit K maps which have been revised to reflect two land transfers. The first, accomplished in 1964, transferred to the Forest Service 1,131.2 acres of private land within the project boundaries adjacent to the Ice House and Union Valley Reservoirs. The Union Valley Reservoir occupies the center portion of T. 12 N., R. 14 E. The Ice House Reservoir occupies parts of sections 5, 6, 7, 8 of T. 11 N., R. 15 E. and section 1 of T. 11 N., R. 14 E. The district received in exchange the so-called Big Hill property, consisting of 1,005.17 acres, 1 mile south of Union Valley Reservoir.

In 1968, the district transferred the nonproject Big Hill property and the remaining 276.31 acres of private land within the project boundary to the United States to satisfy part of a fire damage claim by the Forest Service. This remaining private land is located adjacent to the Ice House, Union Valley, Loon Lake, Gerle Creek, and Junction Reservoirs, and the Camino Tunnel Adit.

The application also seeks approval of the following recreational facilities.

Existing recreational facilities at Loon Lake Reservoir consist of two campgrounds, one picnic area, two swimming areas, and a boat ramp, all occupying a total of 24 acres; and proposed facilities consist of a 15-acre campground and a parking area.

The existing recreational facilities at Gerle Reservoir consist of a 17-acre campground and a swimming area.

Existing recreational development at Union Valley Reservoir include four campgrounds, a swimming area, a picnic area, two boating sites, a trailer sewage disposal area, a parking area, all occupying a total of 93 acres; and proposed facilities include four campsites, a parking area, and a boat launching ramp all occupying a total of 73 acres.

Present recreational facilities at Ice House Reservoir include a campsite, a picnic area, a swimming area, a trailer sewage disposal area, a parking area, and a boating ramp; and proposed development includes a campground.

Any person desiring to be heard or to make protest with reference to said application should on or before April 30, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6403 Filed 4-3-73;8:45 am]

[Docket No. CP73-245]

TENNESSEE GAS PIPELINE CO., A DIVISION OF TENNECO INC.

Notice of Application

MARCH 28, 1973.

Take notice that on March 20, 1973, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (applicant), P.O. Box 2511, Houston, Tex. 77001, filed in Docket No. CP73-245 and application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction, aquisition, and operation of facilities and the transportation of natural gas for NI-Gas Supply, Inc. (NI-Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant, NI-Gas and Midwestern Gas Transmission Co. (Midwestern), have entered into a gas transportation agreement, dated October 27, 1972, as amended February 23, 1973, providing for the proposed service. The application indicates that the gas to be transported will be delivered to applicant by Mobil Oil Corp. (Mobil), and sold by Mobil to NI-Gas. Applicant is to receive such gas at Mobil's production platform in East Cameron Block 81, offshore Louisiana, and applicant states, at least one-third of the daily contract quantity delivered to applicant is to be resold by NI-Gas to applicant. NI-Gas' remaining share of the gas will be transported by applicant and delivered to Midwestern for the account of NI-Gas at the existing interconnection near Portland, Tenn. The application indicates that the initial daily contract quantity of the proposed transportation service would be 18,000 Mcf and that NI-Gas, within the first 4 years of service, may request an increase up to 42,000 Mcf.

Applicant proposes to construct 4.9 miles of 36-inch loop line on its mainline facilities in Lamar County, Ala., and 4.6 miles of 12-inch pipe from a platform in East Cameron Block 81 to West Cameron Block 192 and to acquire certain metering and platform facilities installed by NI-Gas on the platform in East Cameron Block 81. Applicant states that the total estimated cost of these facilities is $3,099,400, which cost will be financed initially from general funds and/or from borrowing under applicant's revolving credit agreements.

The application indicates that the rate to be paid by NI-Gas for firm transportation service shall consist of a demand charge equal to the daily contract quantity multiplied by the monthly demand rate then effective for applicant's contract demand rate schedule for deliveries at Portland, Tenn., and a commodity charge per Mcf equal to the difference between the commodity rate specified in applicant's then effective contract demand rate schedule for deliveries at Portland and the average cost of gas purchased by applicant included in such commodity rate.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

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

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6404 Filed 4-3-73;8:45 am]

[Docket No. RP71-130]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Proposed Change in Tariff

MARCH 28, 1973.

Take notice that on March 12, 1973, Texas Eastern Transmission Corp., tendered for filing as part of its FPC Gas Tariff, the following:

Third Revised Volume No. 1:
First Revised Sheet No. 4.
First Revised Sheet No. 5.
Original Sheet No. 5A.
First Revised Sheet No. 8.
First Revised Sheet No. 9.
First Revised Sheet No. 10.
First Revised Sheet No. 11.
First Revised Sheet No. 164.
First Revised Sheet No. 174.
First Revised Sheet No. 177.
Original Volume No. 2
Twelfth Revised Sheet No. 1B.
Sixth Revised Sheet No. 1C.
Original Sheet No. 1D.

The company maintains that the purpose of this filing is to bring up to date the table of contents, system maps, and the index of purchasers. The proposed effective date of these sheets is April 15, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6405 Filed 4-3-73;8:45 am]

[Docket No. RP72-156]

TEXAS GAS TRANSMISSION CORP.

Notice of Proposed Change in Tariff

MARCH 28, 1973.

Take notice that on March 14, 1973, Texas Gas Transmission Corp. (Texas Gas) submitted for filing, the following revised sheets of Texas Gas' FPC Gas Tariff, Original Volume No. 2.

Title Page.
Fifth Revised Sheet No. 1.
Second Revised Sheet No. 1-A.
Second Revised Sheet No. 1-B.
Original Sheet No. 1-C.

The purpose of this filing is to bring up to date the title page and table of contents of Original Volume No. 2.

It is proposed that the enclosed sheets become effective on April 16, 1973, which date will be approximately 30 days after receipt of this filing by the Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 10, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene.

Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6406 Filed 4-3-73;8:45 am]

[Project 733]

WESTERN COLORADO POWER CO.

Notice of Issuance of Annual License

MARCH 28, 1973.

On February 27, 1969, The Western Colorado Power Co., licensee for Ouray Project No. 733 located on the Uncompahgre River in Ouray County, Colo., filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Applicant also made a supplemental filing pursuant to Commission Order No. 384 on November 13, 1969.

The license for project No. 733 was issued effective April 13, 1960, for a period ending April 12, 1970. Since that time, the project has been operated under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to The Western Colorado Power Co. for continued operation and maintenance of project No. 733.

Take notice that an annual license is issued to The Western Colorado Power Co. (licensee) under section 15 of the Federal Power Act for the period April 13, 1973, to April 12, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Ouray Project No. 733, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6409 Filed 4-3-73;8:45 am]

[Dockets Nos. CP73-239 and CP73-240]

VALLEY GAS TRANSMISSION, INC., AND REGIS GAS SYSTEM, INC.

Notice of Applications

MARCH 28, 1973.

Take notice that on March 16, 1973, Valley Gas Transmission, Inc. (Valley), P.O. Box 1188, Houston, Tex. 77001, filed in Docket No. CP73-239 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon certain natural gas facilities by sale to Regis Gas Systems, Inc. (Regis), in Texas, and that also on March 16, 1973, Regis, 1616 West Loop South, Houston, Tex. 77027, filed in Docket No. CP73-240 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the acquisition and operation of certain natural gas facilities owned by Valley and the continuation of the sale for resale and delivery of natural gas to Trunkline Gas Co. (Trunkline) heretofore made by Valley through the facilities Valley proposes to abandon and Regis proposes to acquire, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Valley proposes to sell and Regis proposes to buy the following facilities at the depreciated book value as of the closing date ($138,263 as of December 31, 1972):

1. The Maetze System, comprising approximately 2.3 miles of 2-inch pipe, 0.3 mile of 4-inch pipe, one glycol dehydrater and appurtenant facilities, connecting wells in the Maetze Field, Goliad County, Tex.; and

2. The Terrell Point System, comprising approximately 1.8 miles of 3-inch pipe, 0.8 mile of 4-inch pipe, one WBF/52 Joy Gas Compressor and appurtenant facilities, connecting wells in the Terrell Point Field, Goliad County, Tex.

Valley states that a review of its operations in October 1972 indicated that it would lose approximately $21,000 during the next 12 months on its deliveries to Trunkline. Inasmuch as the Maetze and Terrell Point systems are remote from its other operations and are the only operations which require it to compress the gas prior to sale to Trunkline, Valley concluded that it would be in its best interest to sell these systems. Valley further states that Trunkline plans to attach additional gas supplies to its 6-inch Maetze Lateral which will increase the pressure on Trunkline's line by 600 pounds, thereby requiring Valley to add additional compression facilities on its Maetze facilities or causing two producers to be forced off its line. Valley also alleges that the leases proving gas to these systems are very marginal and that unless some price relief is afforded, the producers will be forced to abandon operations. Valley indicates it offered to sell to Trunkline these two lines but Trunkline refused the offer.

Besides acquiring and operating the Maetze and Terrell Point systems, Regis proposes to continue the sale for resale and delivery of natural gas to Trunkline at an increased rate. Regis states that the daily throughput of gas in the subject facilities has declined to approximately 4,000 M ft^3 per day and that Valley has advised that the facilities' continued operation at present rates is economically infeasible because additional inducements are necessary to producers for well recompletions, the drilling of new wells, and the installation of additional compressor equipment. Regis states that it has offered to amend existing contracts between producers and Valley, when it becomes assignee and successor-in-interest to Valley, in order to provide additional incentives to producers. Regis proposes:

1. To increase the wellhead price of gas to 19 cents per Mcf for "old gas" as defined by Commission Opinion No. 595 and to 24 cents per Mcf for all gas produced from wells drilled or recompleted subsequent to January 1, 1973 (currently the price being paid by Valley is 14 cents per Mcf);

2. To increase wellhead prices by 1 cent per Mcf on October 1, 1973, and each succeeding 4-year period thereafter provided that it is permitted to recover such increases from Trunkline; and

3. To provide for the inclusion of an area rate escalation provision in the contracts.

In exchange for these incentives, Regis states that it will require the producers to agree to the continued operation and installation of all necessary equipment to insure the maximum production from the leases, and the producers must also agree to rework and recomplete wells where economically feasible and to keep the subject contracts in effect until the recoverable gas reserves are produced.

Regis proposes to sell gas to Trunkline at 27.5 cents per Mcf for "old gas" and 32.5 cents per Mcf for "new gas." Regis states that such rates will permit it to pay producers the incentive rates as heretofore mentioned and receive an additional 8.5-cent per Mcf spread to cover its cost of service, all as contemplated in a contract amendment which Trunkline has agreed to execute following the grant of Regis' application. Regis indicates that Valley is presently restricted to a rate of 15.75 cents per Mcf plus one-fourth cent per Mcf for dehydration, plus 1½ cents per Mcf for compression for sales made to Trunkline.

The application in Docket No. CP73-240 indicates that Regis will obtain additional funds, which could be used for the acquisition of the facilities hereinbefore described by the issuance of stock and by borrowings.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 20, 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 Commissions' rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications 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 and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

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

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6408 Filed 4-3-73;8:45 am]

FEDERAL RESERVE SYSTEM

BANCOHIO CORP.

Acquisition of Bank

BancOhio Corp., Columbus, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Cummings Bank Co., Carrollton, Ohio. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Cleveland. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 23, 1973.

Board of Governors of the Federal Reserve System, March 26, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-6410 Filed 4-3-73;8:45 am]

CITIZENS BANCSHARES CORP.

Formation of Bank Holding Co.

Citizens Bancshares Corporation of Atlanta, Ga., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Citizens Trust Company of Atlanta, Ga. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 23, 1973.

Board of Governors of the Federal Reserve System, March 27, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-6411 Filed 4-3-73;8:45 am]

SOUTHEAST BANKING CORP.

Acquisition of Banks

Southeast Banking Corp., Miami, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The First National Bank of Maitland, Maitland, Fla., and Deland State Bank, Deland, Fla. The factors that are considered in acting on these two separate applications are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The applications may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the applications should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than April 23, 1973.

Board of Governors of the Federal Reserve System, March 27, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-6412 Filed 4-3-73;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Order 93]

KANSAS CITY, MISSOURI

Resolution and Order Approving Application for Foreign-Trade Zone, Denying Subzone, and Authorizing Issuance of Grant

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.: resolution and order.

Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following resolution and order:

The Board, having considered the matter hereby orders:

After consideration of the application of the Greater Kansas City Foreign-Trade Zone, Inc., a Missouri not-for-profit corporation, filed with the Foreign-Trade Zones Board on July 25, 1972, requesting a grant of authority for the establishing, operating and maintaining of a foreign-trade zone, consisting of two sites (the zone), and a subzone, at Kansas City, Mo., the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied with respect to the zone, approves that part of the application; but, finding that such requirements have not been satisfied with respect to the subzone part of the application, denies the request for a subzone. Approval of the zone part of the application is not intended to endorse a concept of multiple zone sites throughout a port of entry. A foreign-trade zone should be consolidated at a single or limited number of sites within a

port of entry to the greatest extent possible, with space available for expansion. The grantee shall notify the Board's Executive Secretary for clearance prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized and directed to sign and issue a grant of authority in accordance with this resolution in favor of the Greater Kansas City Foreign-Trade Zone, Inc.

GRANT TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE AT KANSAS CITY, MO.

Whereas, by an act of Congress approved June 18, 1934, an act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," as amended (19 U.S.C. 81a–81u) (hereinafter referred to as "the Act"), the Foreign-Trade Zones Board (hereinafter referred to as "the Board") is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the Greater Kansas City Foreign-Trade Zone, Inc. (hereinafter referred to as "the Grantee"), a Missouri not-for-profit corporation, has made application (filed July 25, 1972) in due and proper form to the Board requesting the establishment, operation, and maintenance of a foreign-trade zone consisting of two sites (the zone) (sites 1 and 2), and a subzone (site 3) at Kansas City, Mo.;

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the act and the Board's regulations (15 CFR part 400) are satisfied with respect to the proposed plans and location for the zone (sites 1 and 2) and has approved that part of the application;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as zone No. 15, at the two specific locations mentioned above and more particularly described on the maps accompanying the application requesting authority for a foreign-trade zone at Kansas City, Mo., marked as exhibits No. IX and No. X, and in the Board's FEDERAL REGISTER notice of August 3, 1972 (37 FR 15535) as sites 1 and 2, said grant being subject to the provisions, conditions, and restrictions of the act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to-wit:

The Grantee shall make no deviation from the maps, plans, specifications, drawings, and blueprints accompanying the said application and marked as exhibits Nos. I to XIII inclusive, before or after completion of the structures or work involved, unless such deviation has previously been submitted to and has received the approval of the Board.

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States of America free and unrestricted access to and throughout the foreign-trade zone in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operation within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States of America be liable therefor.

The grant is further subject to settlement locally by the district director of Customs and the district engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, Frederick B. Dent, at Washington, D.C., this 23d day of March 1973, pursuant to Order of the Board.

FOREIGN-TRADE ZONES BOARD,
FREDERICK B. DENT,
Chairman and Executive Officer.

Attest:

JOHN J. DA PONTE,
Executive Secretary.

[FR Doc.73-6394 Filed 4-3-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

ISLAND CREEK COAL CO., ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for renewal permits for noncompliance with the interim mandatory dust standard (2 mg/m³) have been received as follows:

(1) ICP Docket No. 20023, Island Creek Coal Co., Beatrice Mine, USBM ID No. 44 00238 0, Keen Mountain, Va.
Section ID No. 016 (No. 1 Unit).
Section ID No. 014 (No. 2 Unit).
Section ID No. 005 (No. 3 Unit).
Section ID No. 007 (No. 5 Unit).
Section ID No. 011 (No. 6 Unit).
Section ID No. 009 (No. 7 Unit).
Section ID No. 010 (No. 8 Unit).
Section ID No. 015 (No. 9 Unit).
Section ID No. 013 (No. 1 Longwall).
Section ID No. 012 (No. 2 Longwall).

(2) ICP Docket No. 20044, Island Creek Coal Co., Virginia Pocahontas No. 2 Mine, USBM ID No. 44 01009 0, Keen Mountain, Va.
Section ID No. 002 (No. 2 Unit).
Section ID No. 004 (No. 4 Unit).
Section ID No. 006 (No. 6 Unit).
Section ID No. 005 (No. 5 Unit).
Section ID No. 008 (No. 8 Unit).
Section ID No. 010 (No. 9 Unit).

(3) ICP Docket No. 20045, Island Creek Coal Co., Virginia Pocahontas No. 4 Mine, USBM ID No. 44 02134 0, Keen Mountain, Va.
Section ID No. 001 (No. 1 Unit).
Section ID No. 002 (No. 2 Unit).
Section ID No. 003 (No. 3 Unit).
Section ID No. 004 (No. 4 Unit).
Section ID No. 005 (No. 5 Unit).

(4) ICP Docket No. 20095, Pittsburgh Coal Co., Montour No. 4 Mine, USBM ID No. 36 00966 0, Lawrence, Pa.
Section ID No. 029 (3 West).
Section ID No. 028 (5 South).
Section ID No. 023 (3 Butt).
Section ID No. 027 (7 North).
Section ID No. 025 (4 South).

(5) ICP Docket No. 20158, Hanna Coal Co., Central Division, Consolidation Coal Co., Franklin Highwall Mine, USBM ID No. 33 01065 0, Cadiz, Ohio.
Section ID No. 001 (Main East).
Section ID No. 003 (3 Left off Main North).
Section ID No. 004 (4 Left off Main North).

(6) ICP Docket No. 20154, Hanna Coal Co., Central Division, Consolidation Coal Co., Oak Park No. 7 Mine, USBM ID No. 33 01158 0, Cadiz, Ohio.
Section ID No. 001 (Left West).
Section ID No. 002 (Right West).
Section ID No. 017 (2 Left North).
Section ID No. 015 (1 Left North off Main North).
Section ID No. 003 (Left North).
Section ID No. 004 (Right North).

(7) ICP Docket No. 20156, Hanna Coal Co., Central Division, Consolidation Coal Co., Friendship Highwall No. 15 Mine, USBM ID No. 33 01176 0, Cadiz Ohio.
Section ID No. 003 (3 Left off Main North).
Section ID No. 004 (4 Left off Main North).
Section ID No. 001 (Main North).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91–173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before April 19, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, room 800, 1730 K Street NW., Washington D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MARCH 30, 1973.

[FR Doc.73-6396 Filed 4-3-73;8:45 am]

PITTSBURGH COAL CO., ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for renewal permits for noncompliance with the interim mandatory dust standard (2 mg/m³) have been received as follows:

(1) ICP Docket No. 20089, Pittsburgh Coal Co., Renton Mine, USBM ID No. 36 00807 0, Pittsburgh, Pa.

Section ID No. 012 (2 East).
Section ID No. 011 (7 North).
Section ID No. 004 (13 North East).
Section ID No. 007 (3 South).

(2) ICP Docket No. 20264, Westmoreland Coal Co., Wentz No. 1 Mine, USBM ID No. 44 00302 0, Stonega, Va.

Section ID No. 007 (No. 13 Right off 3 East).
Section ID 010 (No. 4 Main North Headings).
Section ID No. 012 (No. 2 Main East Headings).
Section ID No. 014 (No. 4 Main West Headings).
Section ID No. 015 (4 East).
Section ID No. 016 (No. 1 Right off 4 North).
Section ID No. 017 (5 North ("B" Portal)).

(3) ICP Docket No. 20267, Westmoreland Coal Co., Prescott No. 1 Mine, USBM ID No. 44 00303 0, Osaka, Va.

Section ID No. 001 (No. 15 Left off 3 East).
Section ID No. 004 (No. 3 West).

(4) ICP Docket No. 20268, Westmoreland Coal Co., Bullitt No. 1 Mine, USBM ID No. 44 00304 0, Appalachia, Va.

Section ID No. 001 (Main South Headings).
Section ID No. 002 (No. 1 Right off No. 1 Left off Main South Headings).
Section ID No. 003 (No. 7 Left off Main South).
Section ID No. 005 (Main West Headings).
Section ID No. 006 (No. 9 Left off Main South Headings).
Section ID No. 008 (No. 1 Right off No. 1 North).

(5) ICP Docket No. 20545, The North American Coal Corp., Conemaugh No. 1 Mine, USBM ID No. 36 00928 0, Seward, Pa.

Section ID No. 003 (New Mains).
Section ID No. 010 (2nd Left off New Mains.)
Section ID No. 012 (3d Right off New Mains).
Section ID No. 013 (3d Left off New Mains).

(6) ICP Docket No. 20688, Christopher Coal Co., Jordan No. 93 Mine, USBM ID No. 46 01432 0, Osage, W. Va.

Section ID No. 001-0 (Main East).
Section ID No. 003-0 (1 West).
Section ID No. 006-0 (2 North).
Section ID No. 007-0 (6 Left).
Section ID No. 009-0 (1 Left).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before April 19, 1973. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), as amended, copies of which may be obtained from the panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MARCH 29, 1973.

[FR Doc.73-6395 Filed 4-3-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-28]

PHYSICAL SCIENCES COMMITTEE OF THE NASA SPACE PROGRAM ADVISORY COUNCIL

Notice of Date and Place of Meeting

The Physical Sciences Committee of the NASA Space Program Advisory Council will meet at the Headquarters of the National Aeronautics and Space Administration on April 9 and 10, 1973. The meeting will be held in room 5026 of Federal Office Building 6, located at 400 Maryland Avenue, SW., Washington, D.C. 20546. The meeting is open to members of the public, from 9:30 a.m. to 4:30 p.m. on April 9, 1973, and from 9:30 a.m. to 12 noon on April 10, 1973, on a first-come, first-served basis to within the 60-seat capacity of the room. Visitors will be requested to sign a visitors register.

The Physical Sciences Committee serves only in an advisory capacity to NASA. The committee is concerned with all aspects of the physical sciences which are relevant to the space program, including lunar and planetary exploration, astronomy, and space physics. The committee has 12 members including the chairman, Dr. Michael B. McElroy. For further information regarding the meeting, please contact Mr. George H. Duncan: area code 202-755-3700. The agenda for the meeting is as follows:

APRIL 9, 1973

Time	*Topic*
9:30 a.m....	Budget Outlook, fiscal year 1975 and Beyond—(Action: NASA and the committee will discuss the budget outlook for fiscal year 1975 and beyond, including the projection of space science programs through the 1970's and into the Shuttle era.)
10:30 a.m....	Role of the Physical Sciences Committee—(Action: The committee is requested to advise NASA on this subject. NASA and the committee will discuss the role of the Physical Sciences Committee and its relationship to the overall NASA advisory structure.)
11:00 a.m....	Space Shuttle Payload Planning—(Action: Members of the committee will have received copies of the draft reports of the Shuttle working groups prior to the meeting. The committee is requested to comment and advise NASA on the phasing and science payload planning for the Space Shuttle.)
12:30 p.m....	Lunch.
1:30 p.m....	Space Shuttle Payload Planning, continued.
4:30 p.m....	Adjourn.

APRIL 10, 1973

Time	*Topic*
8:30 a.m....	Executive Session—(Action: The charter of the Space Program Advisory Council and its related committees specifies that some membership changes will be made each year. The chairman and members will discuss the rotation of membership for the coming year.)
9:30 a.m....	Status of Viking Site Selection—(Action: Prior to this meeting, the Viking project office will have recommended the sites on Mars for the two Viking landings. The rationale for the selections will be explained to the committee for its discussion and comment.)
10:30 a.m....	Status of Planetary Program Planning — (Action: Dr. Wetherill is chairman of the Post-Viking Mars Science Advisory Committee as well as a member of the Physical Sciences Committee. He will discuss the planning for the exploration of Mars in the post-Viking period. Dr. Rasool will discuss plans for other future planetary programs. The committee is asked to comment and advise NASA on these plans.)
12:00 noon..	Lunch.
1:00 p.m....	Executive Session — (Action: NASA and the committee will formulate and assign responsibility for drafting the committee conclusions and recommendations relative to the topics of the meeting including membership changes. The Deputy Administrator of NASA will participate during the last hour of this session.
3:00 p.m....	Adjourn.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.73-6358 Filed 4-3-73;8:45 am]

NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

DANCE ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Dance Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m. on April 7, 1973, 9:30 a.m. on April 8, 1973, and 9:30 a.m. on April 9, 1973, in Washington, D.C.

This meeting is for the purpose of Council review, discussion, and evaluation of grant applications. It has been determined by the chairman in accordance with section 10(d) of the act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2854.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-6602 Filed 4-3-73;8:45 am]

FEDERAL-STATE SPECIAL PROJECTS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Federal-State Special Projects Advisory Panel to the National Endowment for the Arts will be held at 9:30 a.m. on April 5, 1973, and 9:30 a.m. on April 6, 1973, in Washington, D.C.

This meeting is for the purpose of Council review, discussion, and evaluation of grant applications. It has been determined by the chairman in accordance with section 10(d) of the act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A. Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2854.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-6600 Filed 4-3-73;8:45 am]

PUBLIC MEDIA ADVISORY PANEL

Notice of Meeting

Pursuant to sction 10(a)(2) of the Federal Advisory Committe Act (Public Law 92-463), notice is hereby given that a closed meeting of the Public Media Advisory Panel to the National Endowment for the Arts will be held at 9:15 a.m. on April 5, 1973, and 9:30 a.m. on April 6, 1973, in Boston, Mass.

This meeting is for the puprose of Council review, discussion, and evaluation of grant applications. It has been determined by the chairman in accordance with section 10(d) of the act, that the meeting involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)).

Further information with reference to this meeting can be obtained from Mrs. Eleanor A Snyder, Advisory Committee Management Officer, National Endowment for the Arts, 806 15th Street NW., Washington, D.C. 20506, or call area code 202-382-2854.

PAUL BERMAN,
Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc. 73-6601 Filed 4-3-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File 500-1]

AADAN CORP.

Order Suspending Trading

MARCH 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Aadan Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 29, through April 7, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6439 Filed 4-3-73;8:45 am]

[File 500-1]

BOLTON GROUP, LTD.

Order Suspending Trading

MARCH 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Bolton Group, Ltd. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11 a.m. e.s.t. on March 28, 1973 through April 6, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6441 Filed 4-3-73;8:45 am]

[File No. 500-1]

CLINTON OIL CO.

Order Suspending Trading

MARCH 27, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.03⅓ par value, and all other securities of Clinton Oil Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from March 28, 1973, through April 6, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6420 Filed 4-3-73;8:45 am]

[File 500-1]

EKG SERVICE CORP.

Order Suspending Trading

MARCH 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of EKG Service Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11 a.m. e.s.t. on March 28, 1973 through April 6, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6440 Filed 4-3-73;8:45 am]

[File 500-1]

GOODWAY INC.

Order Suspending Trading

MARCH 28, 1973.

The common stock, $0.10 par value of Goodway Inc. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily

suspended, this order to be effective for the period from March 29 through April 7, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary*.

[FR Doc.73-6438 Filed 4-3-73;8:45 am]

[File 500-1]

INDUSTRIES INTERNATIONAL, INC.

Order Suspending Trading

MARCH 28, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Industries International, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 11 a.m. e.s.t. on March 28, 1973, through April 6, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary*.

[FR Doc.73-6442 Filed 4-3-73;8:45 am]

[File No. 24NY-7365]

MINUTE APPROVED CREDIT PLAN, INC.

Order Permanently Suspending Exemption

MARCH 27, 1973.

I. Minute Approved Credit Plan, Inc. (Minute) is a New York corporation located at 2 Ralph Avenue, Brooklyn, N.Y. It was organized on June 8, 1961, and was engaged in the business of purchasing installment credit consumer obligations from retail dealers.

On June 25, 1971, it filed a notification pursuant to regulation A in connection with a proposed offering of 100,000 shares of its $0.05 par value common stock at $5 per share. The offering was conducted by A. C. Kluger & Co. (underwriter) as underwriter on a "best efforts 50 percent or none" basis. After several posteffective amendments, the offering was actually commenced on June 9, 1972. A "closing" was held on July 17, 1972, covering the sale of 50 percent of the 100,000 shares being offered.

This filing was made for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3(b) thereof and regulation A promulgated thereunder.

II. The Commission on September 26, 1972, temporarily suspended the regulation A exemption of Minute, stating that it had reasonable cause to believe, from information reported to it by the staff, that:

A. The notification and offering circular filed by Minute contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The failure to state that a substantial portion of the proceeds of the offering would be used to make loans and payments to certain individuals.

2. The failure to conduct the offering in accordance with the terms set forth therein, which provided that funds received under the offering would be returned to subscribers unless a minimum number of shares were sold within 120 days and that the money received during the 120-day period would be deposited in a special account.

3. That a substantial portion of the funds received by Minute did not represent shares sold in a bona fide distribution, but were given by the underwriter to Minute merely to make the minimum (the sale of 50,000 shares).

4. The failure to state that Michael Hellerman (Hellerman) and Ivan Ezrine (Ezrine) would participate as underwriters in the offering, as that term is defined in section 2(11) of the Securities Act of 1933.

5. The omission to state material facts concerning injunctions filed against Hellerman and Ezrine from further violations of the antifraud provisions of the Federal Securities Laws in connection with the sale of Globus International, Ltd. stock and Manor Nursing Centers, Inc. stock, respectively.

B. The terms and conditions of regulation A had not been complied with in that Hellerman and Ezrine, undisclosed underwriters, and the subjects of injunctions restraining them from further violations of the antifraud provisions of the Federal Securities Laws, commenced participation in the offering after the filing of the notification and such participation is an event which renders the exemption unavailable to the issuer of the offering.

C. The offering was made in violation of section 17 of the Securities Act of 1933.

III. Pursuant to an offer of settlement dated December 27, 1972, Minute Approved Credit Plan, Inc., without admitting or denying any of the allegations contained in the order temporarily suspending its regulation A exemption, has hereby consented to the entry of a permanent suspension order of the above and foregoing regulation A filing.

Subject to the said offer of settlement, and in the public interest and for the protection of investors,

It is ordered, Pursuant to rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of Minute Approved Credit Plan, Inc. under regulation A, file No. 24NY-7365, be, and hereby is, permanently suspended.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary*.

[FR Doc.73-6418 Filed 4-3-73;8:45 am]

[Release No. 34-10073]

NEW YORK, AMERICAN, MIDWEST, PBW, AND PACIFIC COAST STOCK EXCHANGES, AND NASD

Notice of Receipt of Exhibits and Related Documents Regarding Plan

The Commission announced that the New York, American, Midwest, Pacific, and PBW Stock Exchanges and the NASD have filed various exhibits and related documents with respect to the joint plan which they filed with the Commission on March 2, 1973, pursuant to rule 17a-15 under the Securities Exchange Act of 1934, providing for reporting of prices and volume of completed transactions with respect to securities registered on exchanges.[1] The exhibits and related documents will be available for public inspection in the Commission's public reference room, and all interested persons may submit written comments on them. All comments should be directed to John M. Liftin, Associate Director, Division of Market Regulations, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 25049, on or before April 27, 1973, and should refer to file No. S7-433.

By the Commission.

RONALD F. HUNT, *Secretary*.

MARCH 29, 1973.

[FR Doc.73-6443 Filed 4-3-73;8:45 am]

[File No. 81-126]

OWENS-ILLINOIS OVERSEAS CAPITAL CORP.

Notice of Application and Opportunity for Hearing

MARCH 28, 1973.

Notice is hereby given that Owens-Illinois Overseas Capital Corp. (the company) has filed an application pursuant to section 12(h) of the Securities Exchange Act of 1934, as amended (the act), for an order exempting the company from the registration provisions of section 13 of the act.

Section 12(g) of the act requires the registration of the equity securities of every issuer which is engaged in a business affecting interstate commerce, or whose securities are traded by use of the mails or any means or instrumentality of interstate commerce, and on the last day of the fiscal year has total assets exceed-holders of the registered class of securities held of record initially by 500 or more persons. Registration is terminated 90 days after the issuer files a certification with the Commission that the number of holder of the registered class of securities is fewer than 300 persons.

Section 12(h) empowers the Commission to exempt, in whole or in part, any

[1] Notice of receipt of plan and extension of deadline for submitting comments were published on March 9, 1973 (38 FR 6443) and March 28, 1973 (38 FR 8102), respectively.

issuer or class of issuers from the registration, periodic reporting, and proxy solicitation sections of the act, if the Commission finds by reason of the number of public investors, amount of trading interest in the securities, the nature and extent of the activities of the issuer, income or assets of the issuer, or otherwise, that such exemption is not inconsistent with the public interest or the protection of investors.

The application of the company states in part:

The company, a Delaware corporation, and a wholly-owned subsidiary of Owens-Illinois, Inc. (Owens-Illinois), an Ohio corporation registered under section 12(g) of the act, was organized by Owens-Illinois on December 27, 1966, for the principal purpose of obtaining funds for the capital requirements of Owens-Illinois' international operations in a manner consistent with the then voluntary balance-of-payments programs of the U.S. Government. In January 1967 the company issued in the Eurodollar market, $20 million principal amount of debentures convertible into common shares of Owens-Illinois and unconditionally guaranteed by Owens-Illinois (the debentures).

The debentures are listed on the Luxembourg Stock Exchange and the New York Stock Exchange. Trading in the debentures on the New York Stock Exchange has been minimal. Holders of the debentures have the benefit of the disclosure and reporting requirements of the act as applied to Owens-Illinois, as well as the continuing annual registration under the Securities Act of 1933 of the common shares of Owens-Illinois into which the debentures are convertible. The company contends in part that as a result of the guarantee by Owens-Illinois, the debenture holders do not require the protection afforded by the act.

For a more detailed statement of the information presented, all persons are referred to said application which is on file in the offices of the Commission at 500 North Capitol Street NW., Washington, D.C.

Notice is further given, that any interested person not later than April 23, 1973, may submit to the Commission in writing, his views or any substantial facts bearing on this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street NW., Washington, D.C. 20549, and should state briefly the nature of the interest of the person submitting such information or requesting the hearing, the reason for such request, and the issues of fact and law raised by the application which he desires to controvert. At any time after said date, an order granting the application may be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6419 Filed 4-3-73;8:45 am]

[File No. 500-1]

PHOTON, INC.

Order Suspending Trading

MARCH 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value and all other securities of Photon, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10:30 a.m. (e.s.t.) on March 26 through April 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6421 Filed 4-3-73;8:45 am]

[70-5261]

SOUTHERN CO. ET AL.

Notice of Post-Effective Amendment Regarding Issue and Sale of Notes to Banks and Dealers

MARCH 29, 1973.

In the matter of Southern Co., P.O. Box 720071, Atlanta, Ga. 30346. Alabama Power Co., Gulf Power Co., Georgia Power Co., Mississippi Power Co. (70-5261).

Notice is hereby given that the Southern Co. (Southern), a registered holding company, and two of its electric utility subsidiary companies, Alabama Power Co. (Alabama) and Georgia Power Co. (Georgia) have filed with this Commission a fourth posteffective amendment to their application-declaration in this proceeding pursuant to sections 6(a), 6(b), 7, and 12 of the Public Utility Holding Company Act of 1935 (Act) and rules 45 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration as so amended, which is summarized below, for a complete statement of the proposed transactions.

By order dated December 26, 1972 (Holding Company Act Release No. 17824) the Commission, among other things, authorized Southern, Georgia, and Alabama to issue and sell unsecured notes to banks and/or commercial paper to dealers from time to time through March 31, 1974, up to an aggregate principal amount outstanding at any one time of $130 million, $160 million, and $65 million, respectively. These companies now propose to increase the amount of bank notes and/or commercial paper which may be outstanding at any one time to $175 million, $300 million, and $130 million for Southern, Georgia, and Alabama, respectively.

Alabama states that it proposes maximum aggregate borrowings of $200 million after the filing of a post-effective amendment setting forth such increment over its present authorization and upon the issuance of a further order of the Commission granting and permitting such post-effective amendment to become effective. In all other respects the transactions as heretofore authorized in the above-mentioned Commission order remain unchanged.

Applicants state that in addition to the existing lines of credit totaling $60 million with New York City banks to provide backup for the previously authorized sums, arrangements have been made with five New York City banks for supplemental interim lines of credit (Supplemental Interim Lines of Credit) to be available to the applicants for the sole purpose of providing backup for the payment of outstanding commercial paper during the period of estimated peak borrowing. No deposit balances are to be required in respect of the Supplemental Interim Lines of Credit, but in lieu thereof each bank will charge a fee. The fees will range from a minimum of 0.50 of 1 percent per annum to a maximum of 0.63 of 1 percent per annum based on the current prevailing prime rate of 6.50 percent. Should the prevailing prime rate increase by 1 percent the maximum fee would increase to 0.73 of 1 percent. Under the arrangements, interest rates on borrowings under the Supplemental Interim Lines of Credit will vary depending on the prevailing prime rate and its relationship to the prevailing interest rate on dealer placed commercial paper with 90-119 day maturities as published weekly by the Federal Reserve. The minimum interest rate on such borrowings would be 108 percent of the prime rate in effect at the lending bank (7.02 percent per annum based on a prime rate of 6.50 percent) and the maximum would be the greater of a rate per annum equal to 1 percent over the prime rate of the lending bank or 1½ percent over the commercial paper rate referred to above (or based on the current prevailing prime rate and commercial paper quotations, a maximum of 8.38 percent).

The banks with which Supplemental Interim Lines of Credit have been arranged and the maximum principal amount of the lines with each are as follows:

Bank	Amount
Bankers Trust Co.	$20,000,000
Chemical Bank	20,000,000
First National City Bank	20,000,000
Irving Trust Co.	10,000,000
Morgan Guaranty Trust Co. of New York	10,000,000
Total	80,000,000

It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. A statement of the fees and expenses to be incurred by the proposed transactions will be supplied by amendment.

Applicants request authority to file certificates of notification under Rule 24 in respect of sales of their proposed commercial paper notes within 30 days after the end of each calendar quarter.

Notice is further given that any interested person may, not later than April 25,

1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said fourth post-effective amendment to the application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as now amended or as it may be further amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6437 Filed 4-3-73;8:45 am]

[File No. 500-1]

TEXTURED PRODUCTS, INC.

Order Suspending Trading

MARCH 26, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value and all other securities of Textured Products, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.s.t.) on March 26, 1973, and continuing through April 4, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6422 Filed 4-3-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License 04/05-0016]

SMALL BUSINESS INVESTMENT CORP. OF GEORGIA

Notice of License Surrender

Notice is hereby given that Small Business Investment Corp. of Georgia, 516 Fulton Federal Building, 11 Pryor Street, Atlanta, Ga., 30303, has surrendered its license to operate as a small business investment company pursuant to § 107.105 of the Small Business Administration's rules and regulations governing small business investment companies (13 CFR 107.105 (1971)).

Small Business Investment Corp. of Georgia was licensed as a small business investment company on December 14, 1960, to operate solely under the Small Business Investment Act of 1958 (the act), as amended (15 U.S.C. 661 et seq.), and the regulations promulgated thereunder.

Under the authority vested by the act and pursuant to the cited regulation, the surrender of the license is hereby accepted and all rights, privileges, and franchises therefrom are canceled.

Dated: March 23, 1973.

DAVID A. WOLLARD,
Associate Administrator for Finance and Investment.

[FR Doc.73-6415 Filed 4-3-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

ASSIGNMENT OF HEARINGS

[Notice 212]

MARCH 30, 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.

MCC-7925, Southeastern Freight Lines et al. v. Crescent Motor Line, Inc., now being assigned June 25, 1973 (2 days), at Columbia, S.C., in a hearing room to be later designated.

MC 117574 Sub 220, Daily Express, Inc., now assigned May 7, 1973, at Chicago, Ill., is postponed to September 17, 1973, at Chicago, Ill., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-6459 Filed 4-3-73;8:45 am]

[No. MC-C-258 (Sub-No. 3)]

BLUE SPRINGS CHAMBER OF COMMERCE

Redefining of Commercial Zone

MARCH 30, 1973.

Kansas City, Mo.-Kansas City, Kans., commercial zone. Joint petitioners: The Blue Springs Chamber of Commerce, Blue Springs Industry, Inc. Petitioners' representatives: Charles D. Horner, Dennis L. Davis, Hillix, Brewer & Myers, 2715 Commerce Tower, Kansas City, Mo. By joint petition filed March 5, 1973, the above-named petitioners request that the Commission institute a rulemaking proceeding for the purpose of redefining the limits of the Kansas City, Mo.-Kansas City, Kans., commercial zone, which were most recently defined on August 28, 1970, in Kansas City, Mo.-Kansas City, Kans., 112 M.C.C. 103 (49 CFR 1048.8), so as to extend the partial exemption under section 203(b)(8) of the Interstate Commerce Act to include Blue Springs, Mo., and specified areas adjacent to Blue Springs.

Petitioners seek amendment of 49 CFR 1048.8 so that the pertinent portion reads as follows:

"* * * thence south along U.S. Bypass 71 to its junction with the Independence, Mo., corporate limits, thence along the eastern Independence, Mo., corporate limits to its junction with Interstate Highway 70, thence along Interstate Highway 70 to its junction with the Blue Springs, Mo., corporate limits, thence along the western, northern and eastern corporate limits of Blue Springs, Mo., to its junction with U.S. Highway 40, thence east along U.S. Highway 40 to its junction with Brizen-Dine, thence south along the southerly extension of Brizen-Dine Road to its junction with Missouri Highway AA, thence along Missouri Highway AA to its junction with the Blue Springs, Mo., corporate limits, thence along the southern and western corporate limits of Blue Springs, Mo., to its junction with U.S. Highway 40, thence west along U.S. Highway 40 to its junction with the Lee's Summit, Mo., corporate limits, thence along the eastern Lee's Summit corporate limits to the Jackson-Cass County line, * * *"

No oral hearing is contemplated at this time, but anyone wishing to make representations in favor, or against, the relief sought in the petition may do so by the submission of written data, views, or arguments. An original and 15 copies of such data, views, or arguments shall be filed with the Commission on or before May 18, 1973. A copy of each representation should be served upon petitioner's representatives. Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

Notice to the general public of the matter herein under consideration will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission.

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

[FR Doc.73-6464 Filed 4-3-73;8:45 am]

[Ex Parte No. MC-19 (Sub-No. 17)]

COMMON CARRIERS OF HOUSEHOLD GOODS

Notice of Filing of Petition

MARCH 30, 1973.

Petition: Household Goods Carriers' Bureau, 2425 Wilson Boulevard, Arlington, Va. 22201. Petitioner's representatives: Franics L. Wyche and Dabney T. Waring, Jr. (same address as petitioner). By petition filed March 7, 1973, petitioner seeks the amendment of § 1056.9 of the Commission's general rules and regulations (49 CFR 1056.9) so as to permit waiver of the requirement for an order for service on all shipments moving on a Government bill (not limited to shipments moving for the account of the Department of Defense) when so requested in writing by the shipper. Petitioner contends that such an amendment will permit all Federal agencies (including the General Services Administration) utilizing the Government bill of lading to waive the requirement for an order for service. Petitioner states that Government bills of lading are issued by knowledgeable, trained personnel thoroughly instructed in the technicalities involved in ordering moving services and that nothing contained in the order for service is of any value to the Government agency or its transportation department.

Petitioner asserts that the order for service in these circumstances constitutes a burden to both shipper and carrier and that practical considerations demand that any Government agency wishing to take the positive step of requesting waiver of the requirement for order for service in writing should be permitted to exercise that prerogative. Any interested person desiring to participate shall file an original and seven copies of his written representations, views, and arguments in support of, or against, the relief sought on or before May 15, 1973. A copy of such representations should be served upon petitioner at the address indicated above. Written material or suggestions submitted will be available for public inspection at the offices of the Interstate Commerce Commission, 12th and Constitution, Washington, D.C., during regular business hours.

By the Commission.

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

[FR Doc.73-6463 Filed 4-3-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MARCH 30, 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 19, 1973.

FSA No. 42654—*Grain Products and Related Articles from, to and between points in IFA, southwestern and WTL territories*. Filed by Western Trunk Line Committee, agent (No. A-2683), for interested rail carriers. Rates on grain products and related articles, as described in the application, from, to and between points in Illinois Freight Association, southwestern, and western trunkline territories.

Grounds for relief—Revision of carload minimum weights.

By the Commission.

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

[FR Doc.73-6460 Filed 4-3-73;8:45 am]

[Notice 8]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 30, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTER CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 646) (Cancels Deviation No. 561), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed March 22, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From New Orleans, La., over Interstate Highway 10 to junction U.S. Highway 49, thence over U.S. Highway 49 to Gulfport, Miss., with the following access route: From junction U.S. Highway 90 and Mississippi Highway 607 over Mississippi Highway 607 to junction Interstate Highway 10, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: Between New Orleans, La., and Gulfport, Miss., over U.S. Highway 90.

By the Commission.

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

[FR Doc.73-6465 Filed 4-3-73;8:45 am]

[Notice 12]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MARCH 30, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application) to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules-Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-29910 (Deviation No. 21), ARKANSAS-BEST SYSTEM, INC., 301 South 11th Street, Fort Smith, Ark. 72901, filed March 21, 1973. Carrier proposes to operate as a *common carrier*, by

motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highway 50 and Interstate Highway 57, at or near Salem, Ill., over Interstate Highway 57 to junction Illinois Highway 13, at or near Marion, Ill., thence over Illinois Highway 13 to Murphysboro, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Chicago, Ill., over Illinois Highway 50 to junction U.S. Highway 54, thence over U.S. Highway 54 to junction Business Route U.S. Highway 54 (formerly portion U.S. Highway 54), thence over Business Route U.S. Highway 54 to Kankakee, Ill., thence over U.S. Highway 45 to junction Illinois Highway 37, thence over Illinois Highway 37 to Salem, Ill., thence over U.S. Highway 50 to Sandoval, Ill., thence over U.S. Highway 51 to Duquoin, Ill., thence over Illinois Highway 152 to Pyatts, Ill., thence over Illinois Highway 13 to Murphysboro, Ill., thence over Illinois Highway 149 (formerly Illinois Highway 144) to junction Illinois Highway 3, thence over Illinois Highway 3 to McClure, Ill., thence over Illinois Highway 146 to the Mississippi River, thence across the Mississippi River to Cape Girardeau, Mo., and return over the same route.

No. MC-59120 (Deviation No. 14), EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201, filed March 21, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Clarksburg, W. Va., over U.S. Highway 50 to junction U.S. Highway 220, thence over U.S. Highway 220 to Bedford, Pa., thence over Interstate Highway 76 to Carlisle, Pa., thence over U.S. Highway 11 to Harrisburg, Pa., thence over Interstate Highway 78 to New York, N.Y., and (2) from Clarksburg, W. Va., over U.S. Highway 50 to junction U.S. Highway 220, thence over U.S. Highway 220 to Cumberland, Md., thence over U.S. Highway 40 to junction Interstate Highway 81 near Hagerstown, Md., thence over Interstate Highway 81 to junction U.S. Highway 11, thence over U.S. Highway 11 to Harrisburg, Pa., thence over Interstate Highway 78 to New York, N.Y., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Clarksburg, W. Va., over U.S. Highway 19 to Pittsburgh, Pa., thence over U.S. Highway 22 to Newark, N.J., thence over city streets to New York, N.Y., and return over the same route.

No. MC-59120 (Deviation No. 15), EAZOR EXPRESS, INC., Eazor Square, Pittsburgh, Pa. 15201, filed March 23, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Clarksburg, W. Va., over U.S. Highway 50 to junction U.S. Highway 220, thence over U.S. Highway 220 to Cumberland, Md., thence over U.S. Highway 40 to junction Interstate Highway 81 near Hagerstown, Md., thence over Interstate Highway 81 to junction U.S. Highway 30, thence over U.S. Highway 30 to Philadelphia, Pa., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Clarksburg, W. Va., over U.S. Highway 19 to Pittsburgh, Pa., thence over U.S. Highway 22 to Harrisburg, Pa., thence over Pennsylvania Highway 230 to junction U.S. Highway 30, thence over U.S. Highway 30 to Philadelphia, Pa., and return over the same route.

By the Commission.

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

[FR Doc.73-6466 Filed 4-3-73;8:45 am]

[Notice 25]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS [1]

MARCH 30, 1973.

The following publications are governed by the new special rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 4963 (Sub-No. 33) (Republication), filed March 2, 1972, published in the FEDERAL REGISTER, issue of April 20, 1972, and republished this issue. Applicant: ALLEGHANY CORPORATION, doing business as JONES MOTOR, Bridge Street and Schuylkill Road, Spring City, Pa. 19475. Applicant's representative: Roland Rice, Suite 618, Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. A supplemental order of the Commission, Operating Rights Board, dated March 8, 1973, and served March 22, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *food and foodstuffs* (except commodities in bulk, in tank vehicles), from the facilities of Kraft Foods Division of Kraftco Corp., at or near Fogelsville, Pa., to points in Ohio, restricted to the transportation of traffic originating at the named origin points and destined to points in the above-named State; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136574 (Republication), filed March 31, 1972, published in the FEDERAL REGISTER issue of April 27, 1972, and republished this issue. Applicant: B & P REFRIGERATED LINES, INC., 301 East Greenwood, La Habra, Calif. 90631. Applicant's representative: Walter T. Evans, 615 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. An order of the Commission, Review Board No. 3, dated March 16, 1973, and served March 23, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *foodstuffs* (not frozen), in containers, in vehicles equipped with mechanical refrigeration (1) from the facilities of Avoset Food Corp., at Gustine, Calif., to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin, and the District of Columbia and (2) from the above-named shipper's facilities at Washington Court House, Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, and the District of Columbia, under a continuing contract, or contracts, with Avoset Food Corp., of Oakland, Calif., will be consistent with the public interest and the national transportation policy; that applicant is

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[1] Except as otherwise specifically noted, each applicant (on applications filed after Mar. 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application.

fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which he has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 25443 (Sub-No. 4) (Notice of filing of petition for modification of permit by adding additional shippers), filed March 12, 1973. Petitioner: V. J. MARRIAN TRUCKING CORPORATION, 60 Hudson Street, New York, N.Y. 10013. Petitioner representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Petitioner presently holds a motor *contract carrier* permit in No. MC-25443 (Sub-No. 4), issued February 5, 1969, authorizing transportation, over irregular routes, of *telecommunications machines, equipment, materials, and supplies*, and *such office equipment, materials and supplies*, as are used in the conduct of the business of a telegraph company, (1) between Allentown, Pa., and Mahwah and Fairlawn, N.J., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia, and (2) between New York, N.Y., on the one hand, and, on the other, points in West Virginia and Virginia, restricted in (1) and (2) above to a transportation service to be performed under a continuing contract, or contracts, with The Western Union Telegraph Co. By the instant petition, petitioner seeks to modify its permit by substituting "The Western Union Corp. or its wholly owned subsidiaries" in lieu of "The Western Union Telegraph Co." Any interested person or persons desiring to participate may file an original and six copies of this written representatives, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 111442 (Sub-No. 1) (Notice of filing of petition for modification of permit by adding a shipper), filed March 12, 1973. Petitioner: CENTRAL STATES-EASTERN FOOD TRANSPORT, INC., Box 367, Wheatland, Pa. 16161. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner presently holds a motor *contract carrier* permit in No. MC 111442 (Sub-No. 1), issued July 30, 1971, authorizing, as pertinent, transportation, over irregular routes, of *meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in "Descriptions in Motor Carrier Certificates," 61 MCC 209 and 766, and *bakery products, confectionery, prepared foods*, and *frozen foods*, from Milwaukee, Wis., and Chicago, Ill., to Rochelle Park and Newark, N.J., and New York, N.Y., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, with Lembrecht Foods Co., of Milwaukee, Wis. By the instant petition, petitioner seeks to add the contracting shipper "Kitchens of Sara Lee, at Deerfield, Ill." to its authority described herein. Petitioner also states that it has pending before the Commission a petition to add Patrick Cudahy, Inc., of Cudahy, Wis., to its authority described herein. Any person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 133478 (Sub-No. 3) (Notice of filing of petition for modification of permit), filed March 7, 1973. Petitioner: HEARIN TRANSPORTATION, INC., 4854 Southwest Scholls Ferry Road, Portland, Oreg. 97225. Petitioners representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Alder Street, Portland, Oreg. 97205. Petitioner presently holds a motor *contract carrier* permit in No. MC-133478 (Sub-No. 3) issued June 15, 1972, authorizing transportation, over irregular routes, of: (1) *Prefinished paneling and wood and plywood materials*, from the plantsite of Hearin Products, Inc., at Beaverton, Oreg., to points in the United States (except Alaska and Hawaii), with no transportation for compensation on return except as otherwise authorized; and (2) *plywood paneling stock, paint, mill machinery*, and *materials* used in connection with manufacturing of wood and plywood products, from Torrence, Los Angeles, Riverside, San Francisco, and San Diego, Calif., and Tacoma, Wash., to Beaverton, Oreg., with no transportation for compensation on return except as otherwise authorized, restricted in (1) and (2) above to a transportation service to be performed under a continuing contract, or contracts, with Hearin Products, Inc., of Beaverton, Oreg. By the instant petition, petitioner seeks to: (a) Include as a point of origin in (1) above "the plantsite of D. G. Shelter Products, Inc., at Jacksonville, Fla."; (b) include as points of origin in (2) above "Louisville, Ky., Cincinnati, Ohio, Chicago, Ill., Morganton, N.C., East Point, Ga., and Marion, Va."; (c) include as a point of destination in (2) above "the plantsite of D. G. Shelter Products, Inc. at Jacksonville, Fla."; and (d) add the additional contracting shipper of "D. G. Shelter Products, Inc." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135482 (Sub-No. 1) (Notice of filing or petition for modification of permit by adding origin points), filed March 9, 1972. Petitioner: H. A. BEYER and ROBERT A. BEYER, a partnership doing business as H. A. BEYER & SON, 325 Third Avenue NW., Valley City, N. Dak. 58072. Petitioner's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Petitioner presently holds a motor *contract carrier* permit in No. MC-135482 (Sub-No. 1) issued May 9, 1972, authorizing transportation, over irregular routes, of: (1) *Cement*, in bags, from Duluth, Minn., to points in North Dakota, with no transportation for compensation on return except as otherwise, authorized; and (2) *cement*, in bulk (except in tank vehicles), from Duluth, Minn., to Bismarck and Valley City, N. Dak., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, in both (1) and (2) above with Beyer's Cement, Inc., of Valley City, N. Dak. By the instant petition, petitioner seeks authority to transport "*cement*, from Rapid City, S. Dak., and ports of entry on the international boundary line between the United States and Canada located in North Dakota to points in North Dakota," under contract with the above-named shipper. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 52963 (Sub-No. 4), filed March 16, 1973. Applicant: CAPE COD OVERLAND EXPRESS, INC., Ladge Drive, Avon, Mass. 02322. Applicant's representative: Francis P. Barrett, 60 Adams Street, Milton, Mass. 02187. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points in Massachusetts. NOTE: This application is a matter directly related to the purchase of operating authority in No. MC-F-11824, published in the FEDERAL REGISTER issue of March 28, 1973. Applicant states that the requested authority can be tacked with its existing authority at Boston, Mass., or points within 5 miles thereof to serve points in Rhode Island. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 120634 (Sub-No. 19), filed March 15, 1973. Applicant: JOE HODGES TRANSPORTATION CORPORATION, 1205 South Platte River Drive, Denver, Colo. 80223. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common*

carrier, by motor vehicle, over irregular routes, transporting: *Commodities*, as follows: (1) Oilfield equipment and pipe, when moving as oilfield equipment; (2) Pipe, when it is to be used in the construction of pipelines of any and every other character or use other than oilfield equipment between the points within the area covered by the existing certificate of the applicant; except that the applicant is prohibited from transporting pipe when not moving as oilfield equipment, where both origin and destination are places on the certificated routes of regular route common carrier motor carriers, when such pipe is less than 4-inches in diameter and is also less than 28 feet in length; (3) Trenching machines, tractors, dragline, backfillers, caterpillars, roadbuilding machinery, batch bins, ditching machinery, bulldozers, heavy mixers, finishing machinery, power hoists, cranes, heavy machinery, pile-driving rigs, paving machines and equipment, graders, construction equipment, boilers, scrapers, irrigation and drainage machinery, road maintainers, electric motors, pumps, transformers, circuit breakers, turbines, bridge-construction equipment, shovels, planes, lathes, air compressors, rotaries, prefabricated houses, bulk station storage tanks, heavy tanks, pump machinery, erection machinery and equipment, refinery machinery and equipment, boats and prefabricated steel girders, threshing machines, sawmill machinery, telephone and telegraph poles, creosote and other pilings, heavy furnaces or ovens, pipe (including iron, steel, concrete, composition, or corrugated), punches, presses, iron or steel girders, beams, columns, posts, channels and trusses, generators and dynamos, iron or steel castings, sheets, and plates, industrial hammers, industrial machinery, including laundry, icemaking, air conditioning, baker, bottling, gin, crushing, dredging, mill, brewery, textile, waterplant and wire covering, twisting or laying, derricks, hoists, steam or internal combustion engines, rollers, power shovels, safes, vaults, bank doors, and gasoline, fuel oil and other storage tanks, when said commodities are not moving as oilfield equipment, and the holder of the authority may transport the above-named commodities in (1), (2), and (3) above to- tached parts thereof between incorporat gether with its attachments and its detached parts thereof between incorporated cities, towns, and villages only when the commodity to be transported weighs 4,000 pounds or more in a single piece or when such commodity, because of physical characteristics other than weight, requires the use of "special devices, facilities, or equipment" for the safe and proper loading or unloading thereof; and

(4) Absorbers (scrubbers); air or gas lift equipment; amplifiers, seismic; anodes, magnesium; armatures (heavy) and parts; assemblies, backside, casinghead, Christmas tree, stuffing, knock-off, screen setting, seating and set shoe; asphalt plant; asphalt or pine lince (sic) coating, in barrels or drums; bailers; barges, benders, pipe; blowout preventers, boons, crane, truck, dragline, derrick, and tractor; brakes and parts; bridges, portable; buckets, clam shell, dragline and shovel; bug blowers; cable tool drilling machines; cable tools; cat heads; chains, loading, in barrels; casing spiders; chlorine and other chemicals in steel cylinders or tanks (not tank trucks); gas compressors; connection racks, conveyors, core barrels; coring units; clutches (heavy); crown blocks; crank shafts (heavy); cross-arms and their hardware; cross-ties; cylinder, engine and compressor; dehydration units, derrick ramps, derrick starting leg; derrick skids, derrick steps; derrick substructure; drill bits, drill collars; drilling line; drilling hose; draw works, drilling rig machinery; elevators; elevator bails, engine substructures; empty cylinders, extensions, derrick base; engine compound; finger boards; floor skids; fronts, rig or derrick; fishing tools, fouble boards; fuel oil and gasoline (not including movement in tank trucks or tank trailers); garages, portable, guards, chain and belt, grief stems or kelly joints; guns, mud; gravity meters, heat exchangers; hooks, jack shafts, kelly and pipe straightener; ladders, derrick; light plants; machinery, pipescreening, pipe screwing pipe slotting, pipe threading or cutting, pipe wrapping; water well machinery, water well surveying machinery; milling machine; marsh buggies; magnetic field balances; magnetometers, masts; monorail systems; mud boats; mud houses; mud mixers; mud tanks; mufflers (heavy); mouse holes; nipples, iron, cement; perforators; planers, power; plow; poles; gin, power transmission equipment (towers); pressure devices; rails, steel; railroad engines, cars and equipment; rat holes, radiators (heavy); reamers; reinforcing steel; retorts, iron or steel; river clamps; rods, reinforcing and sucker (single and bundles); recording equipment; road lumber; rig timbers; seismic shooting equipment; slips, shale shakers; screens; substitutes; speed reducers; smoke stacks; starting units; stand pipes; swivels, suctions, spears and fishing tools; take-offs, power; tool joints; towers; treating plants, tongs, traveling blocks; tubing and tubing heads; valves; V-belt drives; utility houses; welding machines; wire line, rope or cable, on reels; lift equipment; anchors, angles (heavy); mud, including drilling mud and conditioners (not including movements in tank trucks or tank trailers); propellers or shafts; blades, including bit, scraper, and grader; boring machines or mills, including parts and equipment; dam and powerplant machinery and equipment (control gates); collars; including drill or pipe; counterbalances, including counter shafts and weights; hopers; printing machines; telephone equipment (cables, reels, switchboards); tools in boxes and houses; trailer, mounted units, including mounted workover units; treaters; blocks, jacks (heavy); joints, including expansion or kelly; core drilling machines; core drilling equipment; protectors (attached to pipe); and heaters, when not moving as oilfield equipment, and the holder of the authority in (4) above may transport the above-named commodities together with its attachments and its detached parts thereof, between points in the pickup and delivery limits of the regular route common carrier motor carriers in incorporated cities, towns and villages only when the commodity to be transported weighs 4,000 pounds or more in a single piece or when such commodity, because of physical characteristics other than weight, require the use of "special devices, facilities or equipment" for the safe and proper loading or unloading and transportation thereof. (The term "special devices, facilities or equipment," is construed to mean only those operated by motive or mechanical power; and all commodities to be transported, beginning with "trenching Machines," together with attached and detached parts thereof, must require specialized equipment for the safe and proper loading or unloading and transportation thereof.), between points in Texas.

NOTE: This application is a matter directly related to a purchase proceeding in No. MC-F-11827, published in the FEDERAL REGISTER issue of March 28, 1973. Applicant states that the requested authority can be tacked with its existing authority at Dallas and Fort Worth, Tex., to enable applicant to perform a through service between its authorized points in Oklahoma, on the one hand, and, on the other, points in Texas. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11677. (Amendment) (BRUSH HILL TRANSPORTATION COMPANY—PURCHASE (PORTION)—UNION STREET RAILWAY COMPANY), published in the October 12, 1972, issue of the FEDERAL REGISTER on page 21572. Amendment filed March 15, 1973, to include authority in MC-9598 (Sub-No. 7), as follows: Passengers and their baggage, in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Lynn, Lowell, Lawrence, Quincy, and Brockton, Mass., and extending to points in the United States, except Massachusetts, Alaska, and Hawaii.

No. MC-F-11808. Authority sought for purchase by BRIGGS TRANSPORTATION CO., 2360 West County Road, "C", St. Paul, Minn. 55113, of a portion of the operating rights of ROMANS MOTOR

FREIGHT, INC., Ord, Nebr. 68862, and for acquisition by GEORGE E. BRIGGS, and MICHAEL P. WARDWELL, both of St. Paul, Minn. 55113, of control of such rights through the purchase. Applicants' attorneys: Einar Viren, 904 City National Bank Building, Omaha, Nebr. 68102, and Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, Nebr. 68106. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Burwell, and Omaha, Nebr., serving certain specified intermediate and off-route points, between Sargent, and Omaha, Nebr., serving certain specified intermediate points, between Comstock, and St. Paul, Nebr., serving certain specified intermediate and off-route points, between Taylor, and Ansley, Nebr., serving all intermediate points, between Westerville, and Stapleton, Nebr., serving certain specified intermediate and off-route points, between Grand Island, and Ansley, Nebr., serving certain specified intermediate and off-route points, between Dunning, and Antioch, Nebr., serving certain specified intermediate and off-route points, between Stapleton, and Thedford, Nebr., serving no intermediate points, over an alternate route for operating convenience only between Ansley and Grand Island, Nebr. Vendee is authorized to operate as a *common carrier* in Minnesota, Missouri, Nebraska, Illinois, Indiana, Iowa, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11809. Authority sought for purchase by THE MARYLAND TRANSPORTATION COMPANY, 1111 Frankfurst Avenue, Baltimore, Md. 21225, of the operating rights of RAYMOND SLATER, 2935 East Victoria Street, Philadelphia, Pa. 19134, and for acquisition by FRED A. WEISS, and RALPH W. WEISS, both of Baltimore, Md. 21225, of control of such rights through the purchase. Applicants' attorney: Spencer T. Money, 110 Park Lane Building, Washington, D.C. 20006. Operating rights sought to be transferred: *Steel* and *metals*, as a *common carrier* over irregular routes, from Philadelphia, Pa., to points in New Jersey and Delaware; *scrap metal*, from points in New Jersey. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New Hampshire, New York, Pennsylvania, Rhode Island, Virginia, and West Virginia. Application has been filed for temporary authority under section 210a (b).

No. MC-F-11830. Authority sought for purchase by FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, Pa. 16229, of a portion of the operating rights of QUALITY CARRIERS, INC., P.O. Box 186, Pleasant Prairie, Wis. 53158, and for acquisition by ANDREW SMETANICK, also of Freeport, Pa. 16229, of control of such rights through the purchase. Applicants' attorney: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, D.C. 20036. Operating rights sought to be transferred: *Dry corn products*, in bulk, as a *common carrier* over irregular routes, from Pittsburgh, Pa., to points in Pennsylvania, New York, Maryland, Ohio, West Virginia, Kentucky, and Virginia. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Ohio, Michigan, West Virginia, Virginia, Maryland, New York, New Jersey, Delaware, Rhode Island, Connecticut, Massachusetts, Indiana, Illinois, Kentucky, Missouri, Wisconsin, Kansas, Maine, New Hampshire, North Carolina, Vermont, Iowa, Minnesota, Nebraska, North Dakota, South Dakota, Tennessee, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, Alabama, Georgia, Florida, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11831. Authority sought for control by WOOSTER EXPRESS, INC., 150 Strong Road, South Windsor, Conn. 06074, of BALTIMORE-NEW YORK EXPRESS, INC., 1100 North Macon Street, Baltimore, Md. 21205, and for acquisition by JOSEPH RAVALESE, 101 Uplands Drive, West Hartford, Conn., PATSY RAVALESE, 59 Hunter Drive, West Hartford, Conn., and JOSEPH RAVALESE, JR., 75 Hunter Drive, West Hartford, Conn., of control of BALTIMORE-NEW YORK EXPRESS, INC., through the acquisition by WOOSTER EXPRESS, INC. Applicants' attorneys: Russell R. Sage, 421 King Street, Alexandria, Va. 22314, and Charles J. Stinchcomb, 10 Light Street, Baltimore, Md. 21202. Operating rights sought to be controlled: (A) *General commodities*, with exceptions, as a *common carrier* over regular routes, serving various intermediate and off-route points in Maryland, New York, and New Jersey, with restriction, between Baltimore, Md., and Washington, D.C., serving all intermediate points and various off-route points in Maryland, with restriction, (B) between Baltimore, Md., and New York, N.Y., serving various intermediate and off-route points in New Jersey, and New York, from Baltimore, Md., to Washington, D.C., serving no intermediate points and serving Washington, D.C., restricted to traffic moving from New York, N.Y., *general commodities*, with exceptions, over irregular routes, between Aberdeen, Md., on the one hand, and, on the other, New York, N.Y., points on Long Island, N.Y., and points in New Jersey, with restriction, between points in Harford County, Md., on the one hand, and, on the other, points in Maryland, within 60 miles of Bel Air, Md., other than Baltimore, Md., and those in Pennsylvania south and east of U.S. Highway 1, within 60 miles of Bel Air, Md., including points on the indicated portion of the highway specified, between Baltimore, Md., on the one hand, and, on the other, points in the District of Columbia, points in that part of Virginia north and east of a line beginning at Diggs, Va., and extending westward to Gloucester, Va., thence along U.S. Highway 17 to Fredericksburg, Va., and thence along U.S. Highway 1 to Washington, D.C., including points on the indicated portions of the highways specified, and points in Maryland except those in Harford County and those east of the Chesapeake Bay and south of the Chesapeake and Delaware Canal, between Oxford and West Grove, Pa., and points in Pennsylvania within 5 miles of West Grove, on the one hand, and, on the other, points in New Jersey, those in New York, N.Y., and on Long Island, N.Y., those in Maryland west of the Chesapeake Bay and on and east of U.S. Highway 1, and those in Delaware north of the Chesapeake and Delaware Canal, between Wilmington, Del., on the one hand, and, on the other, points in that part of Delaware and Pennsylvania on and east of that portion of U.S. Highway 13, between Wilmington, Del., and Philadelphia, Pa., including Wilmington and Philadelphia, between Baltimore, Md., on the one hand, and, on the other, points in Harford County, Md., on U.S. Highways 1 and 40 and Edgewood Arsenal and Aberdeen Proving Ground, Md., with restriction. WOOSTER EXPRESS, INC., is authorized to operate as a *common carrier* in Delaware, Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11833. Authority sought for control by DENVER-MIDWEST MOTOR FREIGHT, INC., a Colorado Corporation, P.O. Box 156, downtown station, 67th and "J" Streets, Omaha, Nebr. 68101, of SCOTT TRUCK LINE, INC., P.O. Box 16346, Denver, Colo. 80216, and for acquisition by DENVER-MIDWEST MOTOR FREIGHT, INC., a Nebraska Corporation, and in turn by GENERAL INDUSTRIES, INC., and HOWARD E. HOLDCROFT, all of Omaha, Nebr. 68101, of control of SCOTT TRUCK LINE, INC., through the acquisition by DENVER-MIDWEST MOTOR FREIGHT, INC., a Colorado corporation. Applicants' attorney Earl H. Schudder, Jr., P.O. Box 82028, Lincoln, Nebr. 68501. Operating rights sought to be controlled: *Advertising matter and such general merchandise* as is dealt in by wholesale and retail grocery and food business houses, restricted to shipments moving from, to, or between warehouses, and wholesale, retail, or chain outlets of grocery and food business houses, as a *common carrier* over regular routes, between Denver, Colo., and Chicago, Ill., and Imperial, Nebr., serving the intermediate and off-route points of Haxtun, Colo., and Lamar, Elsie, Madrid, Grant, Venango, and Champion, Nebr.; *meats*, fresh and frozen, over irregular routes, from the site of the packing plant of National Food Stores, Inc., at Denver, Colo., to Milwaukee, Wis., Indianapolis, Ind., and Lansing and Detroit, Mich. DENVER-MIDWEST MOTOR FREIGHT, INC., a Colorado corporation, is authorized to operate as a *common carrier* in Nebraska, Iowa, Colorado, South Dakota, Missouri, Kansas City, Minnesota, North Dakota, and Illinois.

No. 64——10

Application has been filed for temporary authority under section 210a(b).

No. MC-F-11834. Authority sought for purchase by PENINSULA TRUCK LINES, INC., 6314 Seventh Avenue South, Seattle, Wash. 98108, of the operating rights and property of POULSBO-SEATTLE AUTO FREIGHT, INC., 2100 Alaskan Way, Seattle, Wash. 98121, and for acquisition by GUS VANDERPOL and HENRY VANDERPOL, also of Seattle, Wash. 98108, of control of such rights and property through the purchase. Applicants' attorney: Carl A. Jonson, 400 Central Building, Seattle, Wash. 98104. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Seattle and Port Gamble, Wash., serving various intermediate and off-route points, between Suquamish and Port Gamble, Wash., serving various intermediate and off-route points, between Suquamish and Silverdale, Wash., serving various intermediate and off-route points, between Seattle, and Suquamish, Wash., serving no intermediate points, between Seattle and Silverdale, Wash., serving no intermediate points, between Seattle, Wash., on the one hand, and, on the other, Bremerton, Wash., and under a certificate of registration, in docket No. MC-22392 (Sub-No. 4), covering the transportation of general commodities, as a *common carrier*, in interstate commerce, within the State of Washington. Vendee is authorized to operate as a common carrier in Washington. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIER PASSENGER

No. MC-F-11829. Authority sought for purchase by NOGALES-BISBEE STAGE CO., 424 Grand Avenue, Nogales, Ariz. 85621, of the operating rights and property of LENORE MARSHELLO MORGAN, PEGGY MORGAN SPENCER, PATSY MORGAN HARBOUR and TOM MORGAN, doing business as NOGALES-BISBEE STAGE CO., and for acquisition by CITIZEN AUTO STAGE COMPANY, both of Nogales, Ariz. 85621, of control of such rights and property through the purchase. Applicants' attorney: Robert J. Corber, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between Nogales, Ariz., and Douglas-Bisbee International Airport, north of Douglas, Ariz., serving all intermediate points, between Tucson, Ariz., (including Tucson International Airport) and Fort Huachuca, Ariz., serving all intermediate points. NOGALES-BISBEE STAGE CO., holds no authority from this Commission. However, it is affiliated with CITIZEN AUTO STAGE COMPANY, 424 Grand Avenue, Nogales, Ariz. 85621, which is authorized to operate as common carrier passenger in all of the States in the United States (except Alaska and Hawaii), as common carrier property in Arizona, and as a contract carrier in Arizona and California. Application has not been filed for temporary authority under section 210a(b).

NOTICE

Finance Docket No. 27321 (Correction), GEORGE P. BAKER, RICHARD C. BOND, and JERVIS LANGDON, JR., trustees of the property of PENN CENTRAL TRANSPORTATION COMPANY, debtor, acquisition of trackage rights over a line of railroad of the Pittsburgh and Lake Erie Railroad Co. between New Castle, Lawrence County, Pa., and Struthers, Mahoning County, Ohio, published in FEDERAL REGISTER March 21, 1973, page 7432. Prior notice was Finance Docket No. 27231.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-6467 Filed 4-3-73;8:45 am]

[Notice 245]

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 24, 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-73919. By order of March 9, 1973, the Motor Carrier Board approved the transfer to Farmers Feed & Supply Transportation, Inc., Boyden, Iowa, of Permit No. MC-127482, issued August 11, 1966, to Glenn Ferris, doing business as Ferris Trucking, Crescent, Iowa, authorizing the transportation of: Salt, from Council Bluffs, Iowa, to points in Nebraska. Earl H. Scudder, Jr., P.O. Box 82028, Lincoln, Nebr. 68501, attorney for applicants.

No. MC-FC-74180. By order of March 21, 1973, the Motor Carrier Board approved the transfer to M. C. Trucking Co., Inc., Clifton, N.J., of the operating rights in Certificate No. MC-135441 issued January 4, 1972, to Mid-Coast Trucking, a corporation, Cherry Hill, N.J., authorizing the transportation of such merchandise, as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, equipment, materials, and supplies used in the conduct of such business, between Philadelphia, Pa., on the one hand, and, on the other, Baltimore, Md., and points in the District of Columbia. Arthur J. Piken, Suite 1515—One Lefrak City Plaza, Flushing, N.Y. 11368, attorney for transferee. Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102, attorney for transferor.

No. MC-FC-74186. By order of March 29, 1973, the Motor Carrier Board approved the transfer to R & C Corp., doing business as Wheel Estate Movers, Fairbanks, Alaska, of the operating rights in Certificates Nos. MC-129932 and MC-129932 (Sub-No. 2) issued April 1, 1969, and February 3, 1971, to Procter J. Baker, doing business as P. J. Baker Mobile Home Service, Fairbanks, Alaska, authorizing the transportation of trailers, designed to be drawn by passenger automobiles, from Fairbanks, Alaska, to points in Alaska; and trailers, designed to be drawn by passenger automobiles, in secondary movements, in truckaway service, between points in Alaska. Joseph W. Sheehan, P.O. Box 2551, Fairbanks, Alaska 99707, attorney for applicants.

No. MC-FC-74235. By order of March 9, 1973, the Motor Carrier Board approved the transfer to Bolus Motor Lines, Inc., 700 North Keyser Avenue, Scranton, Pa., of Certificate No. MC-63838 and subs thereunder issued to Frank Bolus, doing business as Bolus Motor Lines, 700 North Keyser Avenue, Scranton, Pa., authorizing the transportation of: Commodities of a general commodity nature, between points in New York, Pennsylvania, and Maryland.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-6468 Filed 4-3-73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MARCH 30, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 53912, filed March 23, 1973. Applicant: RALPH PANELLA, ROBERT A. PANNELLA, AND EUGENE J. PANELLA, a partnership, doing business as RALPH PANELLA TRUCKING, 2150 East Fremont Street, P.O. Box 1941, Stockton, Calif. 95201. Applicant's representative: Daniel W. Baker, 100 Pine Street, Suite 2550, San Francisco, Calif. 94111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of (A) *nuts*, in bulk, transported under rail bills of lading or substituted rail service to points in San Joaquin, Stanislaus, Sutter, and Tulare Counties from points in the following counties: Butte, Colusa, Contra Costa, Glenn, Kern, Lake, Los Angeles, Merced, Monterey, Napa, San Benito, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Shasta, Solano, Stanislaus, Sutter, Tehama, Tulare, Yolo, and Yuba, and (B) *food, foodstuffs, cans, boxes, bins, pallets, and fiberboard boxes*, between points in Merced, Stanislaus, and San Joaquin Counties. In performing the service herein authorized, applicants may make use of any and all streets, roads, highways, and bridges necessary or convenient for the performance of this service. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-6462 Filed 4-3-73;8:45 am]

[Exemption 37; Ex Parte No. 241; Rule 19]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

Exemption Under the Mandatory Car Service Rules

It appearing, that because of flood conditions the St. Louis-San Francisco Railway Co. is unable to move empty cars to and from its lines in Tennessee, Mississippi, and Alabama, and on its lines extending southward from St. Louis, Mo., and southeastward from Springfield, Mo., to Memphis, Tenn.; that sufficient cars of suitable ownership are not available for loading by shippers served by these lines; that numerous other empty cars located on these lines cannot be returned to owners until normal operations can be resumed; that compliance with Car Service rules 1 and 2 would result in these cars standing idle and would prevent their use by shippers unable to receive other cars for loading.

It is ordered, That pursuant to the authority vested in me by Car Service rule 19, the St. Louis-San Francisco Railway Co. is authorized to move, place, and accept from shippers, cars owned by other railroads regardless of the provisions of Car Service rules 1 and 2 on its lines in Tennessee, Mississippi, and Alabama, and on its lines in Arkansas and Missouri extending southward from St. Louis, Mo., and southeastward from Springfield, Mo., to Memphis, Tenn.

Effective March 23, 1973.

Expires April 4, 1973.

Issued at Washington, D.C., March 23, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-6461 Filed 4-3-73;8:45 am]

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