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PART I

(Part II begins on page 9131)

HIGHLIGHTS OF THIS ISSUE

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

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REMINDERS

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11710

National Commission for Industrial Peace

By virtue of the authority vested in me as President of the United States and pursuant to the Economic Stabilization Act of 1970, as amended, the Federal Advisory Committee Act, and section 301 of title 3 of the United States Code, it is hereby ordered as follows:

Section 1. There is hereby established a National Commission for Industrial Peace (hereinafter referred to as the Commission).

Sec. 2. The Commission shall consist of a Chairman to be appointed by the President, and such members representing labor, management, and the public at large as the President may, from time to time, appoint.

Sec. 3. (a) The Commission shall explore methods by which labor and management may best reconcile their differences through the collective bargaining process consistent with the public interest in the outcome of negotiations; investigate means by which the Government may be most helpful in achieving this goal; encourage labor and management representatives in particular industries or sectors to develop and implement procedures to facilitate resolution of disputes and constructive bargaining in the public interest; and make recommendations to the President concerning these and related matters.

(b) The Commission shall establish additional labor-management-public advisory panels with respect to particular sectors of the economy to provide special expertise to the Commission and to develop programs in these particular sectors.

(c) The Commission shall convene at the call of the Chairman or the President or the President's designee.

Sec. 4. The Department of Labor, the Department of Commerce, and the Cost of Living Council, to the extent permitted by law, shall provide support and technical assistance for the Commission; and the Department of Labor shall perform such other functions with respect to the Commission as may be required by the provisions of the Federal Advisory Committee Act (Public Law 92-463; 86 Stat. 770).

Sec. 5. To assist the Commission, the Secretary of Labor, the Secretary of Commerce, the Chairman and the Director of the Cost of Living Council, and the Director of the Federal Mediation and Conciliation

Service shall be *ex officio* members available to the Commission for advice and consultation.

Sec. 6. The President's Advisory Committee on Labor-Management Policy is hereby abolished and Executive Order No. 10918 of February 16, 1961, is revoked.

Richard Nixon

THE WHITE HOUSE,
April 4, 1973.

[FR Doc.73-7019 Filed 4-9-73;11:01 am]

Rules and Regulations

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Treasury Department

Section 213.3305 is amended to reflect the following title change: from one Legislative Liaison Officer to one Staff Assistant to the Assistant to the Secretary for Legislative Affairs.

Effective on April 10, 1973, § 213.3305 (a) (33) is amended as set out below.

§ 213.3305 **Treasury Department.**

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

(33) One Staff Assistant to the Assistant to the Secretary for Legislative Affairs.

* * * * *

(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.73–6848 Filed 4–9–73;8:45 am]

PART 213—EXCEPTED SERVICE

Treasury Department; Correction

In the FEDERAL REGISTER of April 2, 1973, (FR Doc. 73–6242) appearing on page 8448, a new paragraph (a) (41) was erroneously added to § 213.3305, it should appear as paragraph (a) (43) as set out below.

§ 213.3305 **Treasury Department.**

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

(43) One Confidential Assistant to the Deputy Assistant Secretary (Enforcement, Tariff and Trade Affairs, and Operations).

(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.73–6849 Filed 4–9–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Agriculture

Section 213.3313 is amended to show that one position of Private Secretary to the Deputy Assistant Secretary for Marketing and Consumer Services is excepted under schedule C.

Effective April 10, 1973, § 213.3313(a) (32) is added as set out below.

§ 213.3313 **Department of Agriculture.**

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

(32) One Private Secretary to the Deputy Assistant Secretary for Marketing and Consumer Services.

* * * * *

(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.73–6844 Filed 4–9–73;8:45 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that one position of Program Advisor to the Special Assistant to the Assistant Administrator for Planning and Management is excepted under schedule C.

Effective April 10, 1973, § 213.3318(h) (2) is added as set out below.

§ 213.3318 **Environmental Protection Agency.**

* * * * *

(h) Office of the Assistant Administrator for Planning and Management. * * *

(2) One Program Advisor to the Special Assistant to the Assistant Administrator.

(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.73–6845 Filed 4–9–73;8:45 am]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that one position of Special Assistant to the Executive Assistant to the Administrator is excepted under schedule C.

Effective April 10, 1973, § 213.3332(u) is added as set out below.

§ 213.3332 **Small Business Administration.**

* * * * *

(u) One Special Assistant to the Executive Assistant to the Administrator.

(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.73–6850 Filed 4–9–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to reflect the following title change: from Executive Secretary to Private Secretary to the Secretary (Counselor to the President for Community Development).

Effective April 10, 1973, § 213.3384(a) (7) is amended as set out below.

§ 213.3384 **Department of Housing and Urban Development.**

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

(7) One Private Secretary to the Secretary (Counselor to the President for Community Development).

* * * * *

(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.73–6846 Filed 4–9–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of Private Secretary to the Special Advisor to the Secretary (Counselor to the President for Community Development) is excepted under schedule C.

Effective April 10, 1973, § 213.3384(a) (45) is added as set out below.

§ 213.3384 **Department of Housing and Urban Development.**

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

(45) One private secretary to the Special Advisor to the Secretary (Counselor

to the President for Community Development).

* * * * *

(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.73-6847 Filed 4-9-73;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

Fees and Charges for Federal Rice Inspection Services

The Agricultural Marketing Act of 1946 provides for the collection of fees equal as nearly as may be to the cost of the inspection services rendered under its provisions. This amendment adjusts the hourly rate for Federal rice inspection service charged by the hour under § 68.42c from $12 to $14.40 per hour and makes corresponding changes in the fee per 100 pounds, the minimum fee for appeal and original lot inspections, and the fee per sample for sample inspections. The changes are necessary due to recent general salary increases to Federal employees and increases in other costs.

The adjustments in the fees and charges include:

(1) An increase in the lot inspection fee per 100 pounds for sampling and inspection for quality from (a) $0.0175 to $0.02 for packaged or bulk rice at rest, or bulk rice during movement to or from a waterborne or land carrier; (b) $0.02 to $0.025 for packaged rice during packaging or movement to or from a waterborne carrier, and (c) $0.0225 to $0.0275 for packaged rice during packaging or movement to or from a land carrier.

(2) An increase in the lot inspection fee per 100 pounds for sampling and inspection for quality when performed with certain special inspection services from $0.02, $0.0225, $0.025, and $0.0275 to $0.025, $0.0257, $0.03, and $0.0325, depending on the service requested.

(3) An increase in the lost inspection fee per $100 pounds for sampling and inspection for origin from $0.01 to $0.0125.

(4) An increase in the fees per sample for sample inspection and the minimum fee per lot for lot inspections from $3, $5, and $6, to $3.60, $6, and $7.20 for milled, brown rice for processing and rough rice, respectively.

(5) An increase in the hourly rate from $12 to $14.40 per hour.

Pursuant to the authority of sections 203 and 205 of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622, 1624), § 68.42c is amended to read as follows:

§ 68.42c Fees and charges for Federal rice inspection services.

The following fees and charges apply to the Federal rice inspection services specified below:

Service	Fee or charge
(a) Appeal inspection:	
(1) Inspection for quality [1]—the applicable fees or charges which would be assessed if the inspection were not an appeal.	
(i) Basis original sample. See paragraphs (b) and (e) of this section.	
(ii) Basis new sample. See paragraphs (b), (d), and (g) of this section.	
(2) Special inspection services per lot. See paragraphs (b), (f), and (g) of this section.	
NOTE: No fees or charges shall be assessed if it is found that there was a material error in the inspection from which an appeal is taken.	
(b) Extra copies of certificates: Per copy	$1.00
(c) Interpretive line samples: Per set	50.00
NOTE: These interpretive line samples illustrate the lower limit for milling degrees only. Interpretive line samples are available for examination at, or may be purchased from, the Grain Inspection Branch, Grain Division, Agricultural Marketing Service, U.S. Department of Agriculture, 6525 Belcrest Road, Hyattsville, MD 20782. Interpretive line samples are also available for examination at selected field offices of the Grain Division. A list of these field offices may be obtained from the above address.	
(d) Original lot inspection:	
(1) For sampling and inspection for quality [1] and special inspection services, not provided for in subparagraphs (2), (3), and (4) of this paragraph, which can be performed at no additional cost to the Grain Division [2] [3]—per 100 pounds:	
(i) Packaged or bulk rice at rest	0.0200
(ii) Bulk rice during movement to or from a waterborne or land carrier	0.0200
(iii) Packaged rice during packaging or movement to or from a waterborne carrier	0.0250
(iv) Packaged rice during packaging or movement to or from a land carrier	0.0275
(2) For sampling and inspection for quality [1] when performed concurrently with observation of loading and special inspection services, not provided for in subparagraphs (3) and (4) of this paragraph, which can be performed at no additional cost to the Grain Division [2] [3]—per 100 pounds: Bulk rice during movement to or from a waterborne or land carrier	0.0250
(3) For sampling and inspection for quality [1] when performed concurrently with checkweighing, checkcounting, or condition examination — whether singly or combined; and special inspection services, not provided for in subparagraphs (2) and (4) of this paragraph, which can be performed at no additional cost to the Grain Division [2] [3]—per 100 pounds:	
(i) Packaged rice at rest	$0.0250
(ii) Packaged rice during packaging or movement to or from a waterborne carrier	0.0275
(iii) Packaged rice during packaging or movement to or from a land carrier	0.0300
(4) For sampling and inspection for quality [1] when performed concurrently with checkweighing and checkloading or checkloading only; and special inspection services, not provided for in subparagraphs (2) and (3) of this paragraph, which can be performed at no additional cost to the Grain Division [2] [3]—per 100 pounds:	
(i) Packaged rice during packaging or movement to or from a waterborne carrier	0.0300
(ii) Packaged rice during packaging or movement to or from a land carrier	0.0325
(5) For sampling and inspection for origin per 100 pounds	0.0125
(6) For sampling and inspection for origin when performed concurrently with sampling and inspection for quality [1] per lot	1.50
(7) Minimum fee per lot:	
(i) Rough rice	7.20
(ii) Brown rice for processing	6.00
(iii) Milled rice	3.60
(e) Sample inspection:	
(1) Inspection for quality [1] per sample:	
(i) Rough rice	7.20
(ii) Brown rice for processing	6.00
(iii) Milled rice	3.60
(2) Factor analysis for any single factor: Per factor	2.00
(f) Special inspection services: Includes, but is not limited to, checkcounting, checkloading, checkweighing, condition examination, facility examination, observing fumigation, observing loading or unloading and stowage or carrier examination—per man-hour	14.40
NOTE: Only one fee will be charged for special inspection services per man-hour — whether performed singly or concurrently.	
(g) Standby time: Per man-hour	14.40

[1] Includes kind, class, grade, factor analyses, equal to type, milling yield, or any other quality designation as defined in the rice standards or instructions—whether singly or combined, except as provided for in paragraph (e).

[2] Weights for billing purposes shall be based on weight tickets, or weight certificates, if available; otherwise, on the marked capacity of the carrier or container.

[3] No extra charge will be assessed for special inspection services performed within a combined total of one hour before and after an inspection for quality: *Provided*, That only one hour shall be allowed per call out or inspection visit.

The need for increases in the fees for services and the amount thereof are dependent upon facts within the knowledge of the Agricultural Marketing Service. Therefore, under the provisions of 5

U.S.C. 553, it is found that notice and other public procedures with respect to this amendment are impractical and unnecessary.

This amendment shall become effective April 29, 1973, with respect to all Federal rice inspection services performed on and after that date.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended; 7 U.S.C. 1622, 1624; 37 FR 28468 and 28476)

Done at Washington, D.C., on April 4, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.73-6886 Filed 4-9-73;8:45 am]

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

[Orange Regulation 71, Amdt. 9]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

This amendment lowers the minimum grade requirements on the handling of Murcott Honey oranges, grown in the production area in Florida. A determination as to the need for less restrictive requirements on shipments of Murcott Honey oranges was based upon all available information on market prices for oranges, level of supplies on hand at the principal markets, condition and remaining supply of regulated varities in the production area.

Findings.—(1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Growers Administrative Committee for less restrictive grade limitations on fresh shipments of Murcott Honey oranges is consistent with the external appearance and remaining supply of such oranges in the production area and the current and prospective demand for such fruit by fresh market outlets.

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

Order.—The provisions of paragraph (a)(7) of § 905.545 (Orange Regulation 71; 37 FR 21799, 24432, 25036, 27619, 28606; 38 FR 3396, 4569, 7565, 8169) are amended to read as follows:

§ 905.545 Orange Regulation 71.

(a) * * *

(7) Any Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 2;

* * * * *

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

Dated April 5, 1973, to become effective April 6, 1973.

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

[FR Doc.73-6887 Filed 4-9-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Amdt 2]

PART 1468—MOHAIR

Subpart—Payment Program for Mohair (1971–73)

NO PAYMENTS FOR 1972 MARKETING YEAR

This amendment is issued to include in the regulations a statement that no payments will be made on mohair sold by producers during the calendar year 1972 because the average price received by producers who marketed mohair during 1972 exceeded the support level of 80.2 cents a pound. Since mohair producers received more than the support level in the marketplace from 1972 sales, Commodity Credit Corporation will not make supplemental payments.

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the payment program for mohair for the 1971, 1972, and 1973 marketing years, as amended (36 FR 5577; 37 FR 6994), are further amended by adding the following new paragraph (c) at the end of § 1468.8:

§ 1468.8 Rate of payment.

* * * * *

(c) No payments will be made on mohair sold in the 1972 marketing year because the national average price of 81.4 cents a pound, grease basis, received by producers for mohair marketed during that year exceeded the support price of 80.2 cents a pound (§ 1468.3).

(Sec. 4, 62 Stat. 1070; sec. 5, 62 Stat. 1072; secs. 702–708, 68 Stat. 910–912, as amended; secs. 401–403, 72 Stat. 994–995; sec. 151, 75 Stat. 306; sec. 201, 79 Stat. 1188, 82 Stat. 996; sec. 301, 84 Stat. 1362; 15 U.S.C. 714b, 714c, 7 U.S.C. 1781–1787, as amended)

Effective date.—This amendment shall become effective April 10, 1973. The announcement that no payments will be made on mohair marketed by producers in the 1972 marketing year is in accordance with the formula published March 25, 1971, in § 1468.8 (36 FR 5578). Since there is no latitude for making payments, a delay in the effective date of this amendment would only delay the announcement. It is, therefore, found that compliance with the notice of proposed rulemaking and public participation procedure is unnecessary and impracticable.

Signed at Washington, D.C., on April 4, 1973.

KENNETH E. FRICK,
Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-6885 Filed 4-9-73;8:45 am]

[Amdt. 3]

PART 1472—WOOL

Subpart—Payment Programs for Shorn Wool and Unshorn Lambs (Pulled Wool) (1971–73)

PAYMENT AND DEDUCTIONS RATES FOR 1972 MARKETING YEAR

This amendment includes in the regulations the payment and deduction rates applicable to shorn wool and unshorn lambs sold by producers during the calendar year 1972. With these rates producers can determine the amount of payments earned on their 1972 marketings.

The regulations issued by Commodity Credit Corporation containing the requirements with respect to the payment program for shorn wool and unshorn lambs (pulled wool) for 1971, 1972, and 1973 marketing years, as amended (36 FR 3884, 6561, 8136; 37 FR 6994), are further amended as follows:

1. Section 1472.1305 is amended by adding the following new paragraph (d):

§ 1472.1305 Price support payments.

* * * * *

(d) *1972 Marketing year.*—The national average price received by producers for shorn wool marketed during the 1972 marketing year was 35 cents a pound, grease basis, which was 37 cents a pound below the price support level of 72 cents for that year. Therefore, the rate of payment for the 1972 marketing year is 105.7 percent.

2. Section 1472.1321 is amended by adding the following new paragraph (d):

§ 1472.1321 Price support payments.

* * * * *

(d) *1792 marketing year.*—The rate of payment on unshorn lambs sold during the 1972 marketing year is $1.48 per hundredweight of live lambs based on a difference of 37 cents a pound between the price-support level of 72 cents and the national average price of 35 cents a pound received by producers for shorn wool during the 1972 marketing year (§ 1472.1305(d)).

3. Section 1472.1346 is amended by adding the following new paragraph (c):

§ 1472.1346 Deductions for promotion.

* * * * *

(c) For the 1972 marketing year, a deduction will be made from each shorn wool payment at the rate of 1.5 cents a pound of wool, grease basis, and from each unshorn lamb payment at the rate of 7.5 cents per hundredweight of live lambs. Those funds will be used to finance the advertising and sales promotion program approved by the Department of Agriculture pursuant to section 708 of the National Wool Act of 1954, as amended.

(Sec. 4, 62 Stat. 1070; sec. 5, 62 Stat. 1072, secs. 702–708, 68 Stat. 910–912, as amended; secs. 401–403, 72 Stat. 994–995; sec. 151, 75 Stat. 306; sec. 201, 79 Stat. 1188, 82 Stat. 996; sec. 301, 84 Stat. 1362; 15 U.S.C. 714b, 714c, 7 U.S.C. 1781–1787, as amended)

Effective date.—This amendment shall become effective April 10, 1973. The payment rates announced by this amendment are in accordance with the formulas published March 2, 1971, in §§ 1472.1305(b) (36 FR 3885) and 1472.1321(b) (36 FR 3887). The deduction rates have been established in accordance with the agreement between the American Sheep Producers Council, Inc., and the Secretary of Agriculture approved by producers in a referendum held June 7 through 18, 1971 (36 FR 8337, 15764). Since there is no latitude for varying rates, a delay in the effective date of this amendment would only delay payments to producers who completed marketings of shorn wool and unshorn lambs during 1972. It is, therefore, found that compliance with the notice of proposed rulemaking and public participation procedure is unnecessary and impracticable.

Signed at Washington, D.C., on April 4, 1973.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-6884 Filed 4-9-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 201—EXTENSIONS OF CREDIT BY FEDERAL RESERVE BANKS

By notice of proposed rulemaking published in the FEDERAL REGISTER on November 28, 1972 (37 F.R. 25177), the Board proposed a revision of its regulation relating to advances and discounts by the Federal Reserve Banks. After consideration of all comments received, the Board has adopted a revision of that regulation in the form of amendments to Part 201, which is substantially the same as the revision earlier proposed, but with certain technical and editorial changes. The revised Regulation will become effective April 19, 1973. The procedure provided by section 553(d) of Title 5, United States Code, with respect to deferment of effective date has not been followed because the amendments relieve restrictions and such deferment would serve no useful purpose and might impair the effective accomplishment of one of the purposes of the amendments.

As indicated in the notice of proposed rulemaking, the principal purposes of this revision of the Board's regulation A are (1) to improve the ability of member banks to meet strong seasonal credit needs of their communities; (2) to eliminate certain restrictions with respect to the eligibility of paper as collateral for Federal Reserve credit; and (3) to condense and simplify technical provisions of the regulation. Short-term Federal Reserve credit will continue to be provided in accordance with present rules. No change in the stance of monetary policy, in either the short or the long run, is intended or expected to result from the revision of regulation A.

To implement its proposal, the Board has amended Part 201, effective April 19, 1973, by changing the heading to read "Extensions of Credit by Federal Reserve Banks" and by changing §§ 201.0 through 201.6 to read as set forth below.

By order of the Board of Governors, April 3, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

Sec.
201.1 Authority and scope.
201.2 General principles.
201.3 Advances to member banks.
201.4 Discounts for member banks.
201.5 General requirements.
201.6 Federal Intermediate Credit banks.
201.7 Emergency credit for others.

AUTHORITY: 12 U.S.C. 84, 248, 301, 330, 343–347, 347b, 347c, 348, 349, 351, 352, 361, 371, 372, 373, 374.

§ 201.1 Authority and scope.

This part is issued under section 13 and other provisions of the Federal Reserve Act and relates to extensions of credit by Federal Reserve Banks.

§ 201.2 General principles.

(a) *Accommodation of credit needs of individual banks.*—Extending credit to member banks to accommodate commerce, industry, and agriculture is a principal function of Reserve Banks. Which open market operations and changes in member bank reserve requirements are important means of affecting the overall supply of bank reserves, the lending function of the Reserve Banks is an effective method of supplying reserves to meet the particular needs of individual member banks.

(b) *Effect on overall monetary and credit conditions.*—The lending functions of the Federal Reserve System are conducted with due regard to the basic objectives of the Employment Act of 1946 and the maintenance of a sound and orderly financial system. These basic objectives are promoted by influencing the overall volume and cost of credit through actions affecting the volume and cost of reserves to member banks. Borrowing by individual member banks, at a rate of interest adjusted from time to time in accordance with general economic and money market conditions, has a direct impact on the reserve positions of the borrowing banks and thus on their ability to meet the needs of their customers. However, the effects of such borrowing do not remain localized but have an important bearing on overall monetary and credit conditions.

(c) *Short-term adjustment credit.*—Federal Reserve credit is available on a short-term basis to a member bank, under such rules as may be prescribed, to such extent as may be appropriate to assist such bank in meeting temporary requirements for funds or to cushion more persistent outflows of funds pending an orderly adjustment of the bank's assets and liabilities.

(d) *Seasonal credit.*—Federal Reserve credit is available for longer periods to assist a member bank that lacks reasonably reliable access to national money markets in meeting seasonal needs for funds arising from a combination of expected patterns of movement in its deposits and loans. Such credit will ordinarily be limited to the amount by which the member bank's seasonal needs exceed 5 percent of its average total deposits in the preceding calendar year and will be available if (1) the member bank has arranged in advance for such credit for the full period, as far as possible, for which the credit is expected to be required, and (2) the Reserve Bank is satisfied that the member bank's qualifying need for funds is seasonal and will persist for at least eight consecutive weeks. In making such arrangements for seasonal credit, a Reserve Bank may agree to extend such credit for a period of up to 90 days,[1] subject to compliance with applicable requirements of law at the time such credit is extended. However, in the event that a member bank's seasonal needs should persist beyond such period, the Reserve Bank will normally be prepared to entertain a request by the member bank for further credit extensions under the seasonal credit arrangement.

(e) *Emergency credit for member banks.*—Federal Reserve credit is available to assist member banks in unusual or emergency circumstances such as may result from national, regional, or local difficulties or from exceptional circumstances involving only a particular member bank.

(f) *Emergency credit for others.*—Federal Reserve credit is available to individuals, partnerships, and corporations that are not member banks in emergency circumstances in accordance with § 201.7 if, in the judgment of the Reserve Bank involved, credit is not practicably available from other sources and failure to obtain such credit would adversely affect the economy.

(g) *Credit for capital purposes.*—Federal Reserve credit is not a substitute for capital and ordinarily is not available for extended periods.

(h) *Compliance with law and regulation.*—All credit extended pursuant to

[1] As provided in the law and in this part, the maturity of advances to member banks is limited to 90 days, except as provided in § 201.3(b).

this part must comply with applicable requirements of law and of this part. Among other things, the law requires each Reserve Bank (1) to keep itself informed of the general character and amount of the loans and investments of its member banks with a view to ascertaining whether undue use is being made of bank credit for the speculative carrying of or trading in securities, real estate, or commodities or for any other purpose inconsistent with the maintenance of sound credit conditions and (2) to give consideration to such information in determining whether to extend credit.

§ 201.3 Advances to member banks.

(a) *Advances on obligations or eligible paper.*—Reserve Banks may make advances to member banks for not more than 90 days if secured by obligations or other paper eligible under the Federal Reserve Act for discount or purchase by Reserve Banks.

(b) *Advances on other security.*—A Reserve Bank may make advances to a member bank for not more than 4 months if secured to the satisfaction of the Reserve Bank, whether or not secured in conformity with paragraph (a) of this section, but the rate on such advances shall be at least one-half of one percent per annum higher than the rate applicable to advances made under paragraph (a) of this section.

§ 201.4 Discounts for member banks.

If a Reserve Bank should conclude that a member bank would be better accommodated by the discount of paper than by an advance on the security thereof, it may discount for such member bank any paper endorsed by the member bank and meeting the following requirements:

(a) *Commercial or agricultural paper.*—A note, draft, or bill of exchange issued or drawn or the proceeds of which have been or are to be used (1) in producing, purchasing, carrying, or marketing goods in the process of production, manufacture, or distribution, (2) for the purchase of services, (3) in meeting current operating expenses of a commercial, agricultural, or industrial business, or (4) for the purpose of carrying or trading in direct obligations of the United States; provided that (i) such paper has a period remaining to maturity of not more than 90 days, except that agricultural paper (including paper of cooperative marketing associations) may have a period remaining to maturity of not more than 9 months and (ii) the proceeds of such paper have not been and are not to be used merely for the purpose of investment, speculation, or dealing in stocks, bonds, or other such securities, except direct obligations of the United States.

(b) *Bankers' acceptances.*—A banker's acceptance (1) arising out of an importation or exportation or domestic shipment of goods or the storage of readily marketable staples or (2) drawn by a bank in a foreign country or dependency or insular possession of the United States for the purpose of furnishing dollar exchange: *Provided*, That such acceptance complies with applicable requirements of section 13 of the Federal Reserve Act.

(c) *Construction paper.*—A note representing a loan made to finance construction of a residential or farm building, whether or not secured by a lien upon real estate, which matures not more than 9 months from the date the loan was made and has a period remaining to maturity of not more than 90 days, if accompanied by an agreement requiring some person acceptable to the Reserve Bank to advance the full amount of the loan upon completion of such construction.

§ 201.5 General requirements.

(a) *Information.*—A Reserve Bank shall require such information as it deems necessary to insure that paper tendered as collateral or for discount is acceptable and meets any pertinent eligibility requirements and that the credit granted is used consistently with this part.

(b) *Amount of collateral.*—A Reserve Bank shall require only such amount of collateral as it deems necessary or advisable.

(c) *Indirect credit for nonmember banks.*—Except with the permission of the Board of Governors, no member bank shall act as the medium or agent of a nonmember bank (other than a Federal Intermediate Credit bank) in receiving credit from a Reserve Bank and, in the absence of such permission, a member bank applying for credit shall be deemed to represent and guarantee that it is not so acting.

(d) *Limitation as to one obligor.*—Except as to credit granted under § 201.3 (b), a member bank applying for credit shall be deemed to certify or guarantee that as long as the credit is outstanding no obligor on paper tendered as collateral or for discount will be indebted to it in an amount exceeding the limitations in section 5200 of the Revised Statutes (12 U.S.C. 84), which for this purpose shall be deemed to apply to State member as well as national banks.

§ 201.6 Federal intermediate credit banks.

A Reserve bank may discount for any Federal Intermediate Credit bank (a) agricultural paper, or (b) notes payable to and bearing the endorsement of such Federal Intermediate Credit bank covering loans or advances made under subsections (a) and (b) of section 2.3 of the Farm Credit Act of 1971 (12 U.S.C. 2074) which are secured by paper eligible for discount by Reserve banks. Any paper so discounted shall not have a period remaining to maturity of more than 9 months or bear the endorsement of a nonmember State bank.

§ 201.7 Emergency credit for others.

In emergency circumstances a Reserve bank may extend credit for periods of not more than 90 days to individuals, partnerships, and corporations (other than member banks) on the security of direct obligations of the United States or any obligations which are direct obligations of, or fully guaranteed as to principal and interest by, any agency of the United States, at such rate in excess of the rate in effect at the Reserve bank for advances under § 201.3(a) as its board of directors may establish subject to review and determination of the Board of Governors.

[FR Doc.73-6874 Filed 4-9-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-SO-11]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

Correction

In FR Doc. 73-5950 appearing on page 8134 in the issue of Thursday, March 29, 1973, in the fifth paragraph, delete the fourth line.

Title 21—Food and Drugs

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

PART 8—COLOR ADDITIVES

PART 9—COLOR CERTIFICATION

Termination of Provisional Listing and Certification of F.D. & C. Violet No. 1

Section 8.501 of the color additive regulations (21 CFR 8.501) designates those color additives that are provisionally listed, pursuant to section 203(b) of the Color Additive Amendments of 1960, on an interim basis pending completion of scientific investigations needed as a basis for making determinations as to listing of such additives pursuant to section 706 of the Federal Food, Drug, and Cosmetic Act.

F.D. & C. Violet No. 1 has been in use for some 22 years and is provisionally listed under § 8.501 for food, drug, and cosmetic use and is subject to certification under § 9.90 of the regulations (21 CFR 9.90). Over the years a number of studies have been conducted with F.D. & C. Violet No. 1 for the purpose of establishing its safety pursuant to section 706 of the act. These studies included multiple acute and chronic studies on laboratory animals which demonstrated no significant adverse effects as a result of the feeding or topical application of F.D. & C. Violet No. 1.

Other studies, e.g., the Canadian investigation by Mannell, W. A., et al. with rats and a 2-year dog study conducted by the FDA, suggested possible carcinogenesis as a result of exposure to the test material. After carefully evaluating the available data, however, the Food and Drug Administration concluded that such data did not clearly support the finding that F.D. & C. Violet No. 1 is a carcinogen. In the case of the Canadian study it could not be determined whether the material fed was certifiable F.D. & C. Violet No. 1.

Nevertheless, because of concern about the safety of F.D. & C. Violet No. 1, on June 2, 1971, the Commissioner of Food and Drugs referred the available data on

F.D. & C. Violet No. 1 to an advisory committee for a report and recommendations pursuant to section 706(b)(5)(C)(i) of the act. Members of the advisory committee, nominated by the National Academy of Sciences, were experts in the field of pathology and emminently qualified to evaluate the data referred to them. After considering the data, it was the judgment of the advisory committee that F.D. & C. Violet No. 1 was not carcinogenic but that additional studies should be conducted. The advisory committee recommended that F.D. & C. Violet No. 1 remain on the provisional list pending completion of these additional studies. The FDA concurred in the recommendations of the advisory committee, and these studies, including teratology and multigeneration reproduction studies, are currently underway.

Recently, however, the FDA has been informed of unpublished data from two studies in which rats of the Sprague-Dawley strain were fed Violet No. 1 at a level of 5 percent of the diet. Although these data are preliminary in nature, they nonetheless suggest that the material fed may be carcinogenic. In one of these studies the color used was not certifiable F.D. & C. Violet No. 1. In the other study, however, preliminary analysis by FDA indicates the color used to be certifiable as F.D. & C. Violet No. 1 although not enough of the color was available to FDA for performance of a confirmatory duplicate analysis. In view of these preliminary findings the Commissioner is of the opinion that prudence dictates the removal of F.D. & C. Violet No. 1 from food, drug, and cosmetic use until such time as the color additive may be established as being safe for such use.

Accordingly, on the basis of the scientific evidence before him, the Commissioner concludes that the postponement of the closing date of the provisional listing of F.D. & C. Violet No. 1 should be terminated, that all certificates heretofore issued for batches of F.D. & C. Violet No. 1 should be canceled as of April 10, 1973, and that after that date use of F.D. & C. Violet No. 1 in any food, drug, or cosmetic will cause such product to be adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act and subject to regulatory action. The Commissioner further concludes that the protection of the public health does not require the recall from the market of foods, drugs, and cosmetic containing the color additive.

Therefore, pursuant to provisions of title II of the Color Additive Amendments of 1960 (title II, Public Law 86-618; 74 Stat. 404 et seq.; 21 U.S.C., note under 376) and under authority delegated to the Commissioner (21 CFR 2.120), parts 8 and 9 of the color additives regulations are amended as follows:

A. In part 8 under subpart—provisional regulations:

§ 8.501 [Amended]

1. The entry for F.D. & C. Violet No. 1 under § 8.501(a) is deleted.

2. The following new paragraph (e) is added to § 8.502.

§ 8.502 Termination of provisional listings of color additives.

* * * * *

(e) *F.D. & C. Violet No. 1.*—The Commissioner of Food and Drugs, in order to protect the public health, hereby terminates the provisional listing of F.D. & C. Violet No. 1 (§ 9.90 of this chapter) for use in foods, drugs, and cosmetics.

3. A new paragraph (h) is added to § 8.510 as follows:

§ 8.510 Cancellation of certificates.

* * * * *

(h)(1) Certificates issued for F.D. & C. Violet No. 1 (§ 9.90 of this chapter) and all mixtures containing this color additive are canceled and have no effect after April 10, 1973, and use of such color additive in the manufacture of foods, drugs, or cosmetics after that date will result in adulteration.

(2) The Commissioner finds that no action needs to be taken to remove foods, drugs, and cosmetics containing this color additive from the market on the basis of the scientific evidence before him.

§ 8.515 [Amended]

4. By deleting paragraph (b) from § 8.515.

B. In subpart B of part 9:

§ 9.90 [Revoked]

1. By revoking § 9.90 F.D. & C. Violet No. 1.

Notice and public procedure are not necessary prerequisites to the promulgation of this order because section 203(d)(2) of the Public Law 86-618 so provides.

Effective date.—This order shall be effective on April 10, 1973.

(Title II, Public Law 86-618; 74 Stat. 404 et seq.; 21 U.S.C., note under 376)

Dated April 5, 1973.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.73-6791 Filed 4-9-73;8:45 am]

Title 29—Labor

CHAPTER XVII—OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Revocation of Standard Concerning Retiring Rooms for Women

1. *Background.* On June 7, 1972, notice was published in the FEDERAL REGISTER (37 FR 11340) for a proposal to revoke the standard in paragraph (f) of 29 CFR 1910.141, which requires at least one retiring room for the use of female employees, or, where fewer than 10 women are employed and a restroom is not furnished, some other equivalent space to be provided and made suitable for the use of female employees.

The notice invited interested persons to submit written data, views, and arguments concerning the proposal. In addition, interested persons were permitted an opportunity to file written objections to the proposal and to request a hearing on the objections. Several written comments, views, and arguments were received in response to the notice. Petitions were filed requesting a public hearing on the proposal.

On August 5, 1972, a notice of an informal hearing was published in the FEDERAL REGISTER (37 FR 15880) inviting interested persons to submit data, views, and arguments concerning the proposed revocation. Pursuant to the notice, a hearing was held on October 3, 1972. On or about October 24, 1972, the presiding administrative law judge certified the record of the proceeding.

2. *Issues.* The proposal has elicited numerous comments, all of which have been carefully examined and considered. The basic issue raised in this rulemaking proceeding is whether the provision of retiring rooms for any employee, male or female, is reasonably necessary or appropriate in order to provide a safe and healthful place of employment. There were other related issues raised, such as, whether separate facilities should be provided for female and male employees, and whether the present standard, requiring retiring rooms for women only, discriminates against men, within the meaning of the Equal Employment Opportunity Commission guidelines which prohibit sex discrimination in any fringe benefits of employment. Since it is concluded that the retention of the standard is not necessary or appropriate for the safety or health of employees of either sex, it is not necessary to reach those collateral issues.

3. *Public comments.* Many of those objecting to the proposed revocation contend that any employee, female or male, may become ill on the job. It is argued that any employee who becomes ill may need to lie down and rest, and that a retiring room should be provided where he may do so. More specifically, it is stated that pregnant women and persons employed in areas of noise and heat stress may need to lie down and rest during the workday in a retiring room located away from the stress and strain of the work environment. With respect to the telephone and telegraph industry, it is stated that irregular shifts, split shifts, day and night duty and long overtime hours make retiring rooms necessary for employees who must make adjustments in their sleeping patterns.

Those supporting the proposed revocation argue essentially that employees who are ill should be referred to a medical facility for treatment or be sent home, rather than be permitted to rest in unattended rooms. It is contended that in instances where conditions of health require an employee to lie down, it should be done in a medically supervised facility. One medical director of a company asserts that the use of retiring rooms by ill employees delays and impedes the administration of proper medical treatment.

4. *Discussion.* The present requirement of retiring rooms "applies to all permanent places of employment except where domestic, mining, or agricultural work only is performed," 29 CFR 1910.141(f). We think that a retiring room standard of such wide application cannot be justified by considerations which may be relevant only to a few and special work environments. Accordingly, we put to one side arguments based on an asserted need to recline in order to recuperate from exposure to excessive heat or noise. We point out that two advisory committees appointed under section 7(b) of the act are now considering the need for standards on exposure to noise and heat stress. Whether retiring rooms should be required in workplaces subject to such exposure will be considered in the development of these particular standards.

Of course employees, male and female, may become ill while at work. But this possibility does not require the conclusion that retiring rooms are "reasonably necessary or appropriate to provide safe or healthful employment and places of employment." (Definition of "Occupational Safety and Health Standard," 29 U.S.C. 652(8).)

Implicit in the argument for retiring rooms is the premise that their use would restore the health and normal capacity of employees who are ill, who could therefore return to perform their duties with unimpaired efficiency and alertness.

From the information before us, it is concluded that the premise is faulty and that the use of retiring rooms will probably detract from safety or health at places of employment. Retiring rooms would not be provided for the occasional breaks, such as coffeebreaks. They would be provided for employees who may be so ill that they cannot even sit, but must lie down in bed. We agree with those who stress that, in general, it is not safe to let employees in such conditions rest in retiring rooms without medical supervision, and then return to their normal duties. It is not safe for the employees, because necessary or appropriate medical attention and medication may be delayed, with a risk of complications. Further, it may not be safe for their fellow workers if the ill employees return after a brief rest and possibly only a transitory relief from the initial symptoms of perhaps serious illness. This is especially true where work involves strenuous physical exertion, or operation of heavy machinery or equipment.

Of course, this decision to revoke a general requirement for retiring rooms is based on information before us relating to the general use of retiring rooms as a minimum safety and health standard. It does not preclude the possibility that in particular employments retiring rooms may be reasonably necessary or appropriate to provide safety. Nor does the revocation prohibit retiring rooms in such circumstances, or in any other circumstances when their use does not constitute a hazard foreclosed under section 5(a)(1) of the act.

Therefore, pursuant section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), 29 CFR 1910.4, 29 CFR Part 1911, and Secretary of Labor's Order No. 12–71 (36 FR 8754), paragraph (f) of 29 CFR 1910.141 is hereby revoked, effective April 10, 1973.

Signed at Washington, D.C., this 4th day of April 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-6893 Filed 4-9-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 72-218R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

North Fork, Mokelumne River, Calif.

The amendment changes the regulations for the highway (Miller Ferry) bridge across the North Fork, Mokelumne River near Walnut Grove to add periods during which the draw shall open on signal. This amendment was circulated as a public notice dated November 13, 1972 by the Commander, Twelfth Coast Guard District and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 72-128P) on November 8, 1972 (37 FR 23731). Seven comments were received. Three supported the proposal and four had no objection.

Accordingly, part 117 of title 33 of the Code of Federal Regulations is amended by revising subparagraph (2) of paragraph (h) of § 117.714 to read as follows:

§ 117.714 San Joaquin River and its tributaries, Calif.

* * * * *

(h) * * *

(2) North Fork; Sacramento and San Joaquin Counties highway bridge (Millers Ferry Bridge). From May 15 through September 15, from 9 a.m. to 5 p.m., the draw shall open on signal. At all other times the draw shall open on signal if at least 12 hours notice is given.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5), 33 CFR 1.05-1(c)(4)).

Effective date: This revision shall become effective on May 7, 1973.

Dated March 30, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

[FR Doc.73-6863 Filed 4-9-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-50—ADMINISTRATIVE MATTERS

Subpart 3-50.3—Preparation of Negotiation Memorandums

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. The purpose of these amendments is to establish a standardized format for the preparation of negotiation memorandums.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to participate in the rulemaking process. However, the amendments herein involve administrative matters. Therefore, the public rulemaking process is deemed unnecessary in this instance.

1. The following is added to the table of contents:

Subpart 3-50.3—Preparation of Negotiation Memorandums

Sec.
3-50.300 Scope of subpart.
3-50.301 Contents of the Negotiation Memorandum.
3-50.302 Requirement for Prenegotiation Memorandum.

AUTHORITY: 5 U.S.C. 301, 40 U.S.C. 486(c).

2. Part 3-50 is amended to add a new subpart which reads as follows:

§ 3-50.300 Scope of subpart.

The purpose of this regulation is to establish a standardized format for the preparation of negotiation memorandums (Summary of Negotiations).

§ 3-50.301 Contents of the negotiation memorandum.

The negotiation memorandum is a complete record of all actions leading to award of a contract. It should be in sufficient detail to explain and support the rationale, judgments, and authorities upon which all actions were predicated. The memorandum will document the negotiation process and reflect the negotiator's actions, skills, and judgments in concluding a satisfactory agreement for the Government. Negotiation memorandums shall contain discussion of the following or a statement of nonapplicability, however, information already contained in the contract file need not be reiterated. A reference as to the document which contains the required information is satisfactory.

(a) *Description of articles and services and period of performance.*—A description of articles and services, quantity, unit price, total contract amount, and period of contract performance shall be set forth (if Supplemental Agreement—show previous contract amount as revised as well as information with respect to the period of performance).

(b) *Negotiation authority.*—Cite the particular paragraph of 41 U.S.C. 252 permitting the negotiations and an indication of the date of approval of the required "Findings and Determinations" (F&D) authorizing the negotiation. If a class F&D is cited, indicate expiration date.

(c) *Procurement planning.*—Summarize any procurement planning activities that have taken place. Include such items as meetings with programs and staff personnel and the development of procurement planning schedules (See HEWPR Subpart 3-3.50 for further details relative to procurement planning).

(d) *Synopsis of proposed procurement.*—A statement as to whether the

procurement has or has not been publicized in accordance with FPC 1–1.10. A brief statement of explanation shall be included with reference to the specific basis for exemption under the FPR.

(e) *Contract type.*—Provide sufficient detail to support the type of contractual instrument recommended for the procurement and cite any required "Findings and Determination." If the contract is a cost-sharing type, explain the essential cost-sharing features.

(f) *Extent of competition.*—The extent to which competition was solicited and obtained will be discussed. The discussion shall include the date of solicitation, sources solicited, and solicitation results. If a late proposal was received, discuss whether or not the late proposal was evaluated and the rationale for the decision. If the procurement is to be awarded on a noncompetitive basis, discuss the rationale for the decision. The "Justification for Noncompetitive Procurement" must be prepared and approved in accordance with HEWPR 3–3.802–50.

(g) *Technical evaluation.*—Summarize the results presented in the technical evaluation report and delineate the basis of acceptability or unacceptability of the proposal from a technical standpoint. Discussion should be in nontechnical terms.

(h) *Business evaluation.*—Summarize the results presented in the business report and delineate the basis for the determination of acceptability or unacceptability of the business proposal.

(i) *Zone of consideration.*—If the procurement is competitive, describe how the zone of consideration or competitive range was determined and state the offerors who were included in the zone of consideration and the ones who were not. Explain why any offeror who submitted a technically acceptable proposal was not included in further discussions. Comment on any changes made in the offeror's proposal as a result of the discussions. The requirement for "written or oral discussions" with concerns whose proposals are "within a competitive range" are set forth in Subpart 3–3.51, Selection of Offerors for Negotiation and Award, in the HEWPR.

(j) *Cost breakdown and analysis.*—Include a complete cost breakdown together with the negotiator's analysis of the estimated cost by individual cost elements. The negotiator's analysis should contain such information as:

(1) A comparison of cost factors proposed in the instant case with actual cost factors used in earlier contracts, using the same cost centers of the same supplier or cost centers of other sources having recent contracts for the same or similar item.

(2) Any pertinent Government-conducted audit of the proposed contractor's records of any pertinent cost advisory report (see FPR 1–3.807–2).

(3) Any pertinent technical evaluation inputs as to necessity, allocability and reasonableness of labor, materials and other direct expenses.

(4) Any other pertinent information to fully support the basis for and rationale of your cost analysis.

(5) If the contract is an incentive type, discuss the rationale for the following:

(i) Cost plus award fee.
(A) Base fee.
(B) Maximum fee.
(C) Award fee.
(ii) Cost plus incentive fee.
(A) Minimum fee.
(B) Target fee.
(C) Maximum fee.
(D) Incentives relative to performance and/or delivery.
(E) Sharing ratios.
(iii) Fixed price incentives.
(A) Target profit.
(B) Target price.
(C) Ceiling price.
(D) Sharing ratios.
(E) Incentives relative to performance and/or delivery.

(6) A justification of the reasonableness of the proposed contractor's estimated profit or fixed fee, considering such factors as any competitive elements, established efficiency or performance, extent of the risk assumed by the proposed contractor, character of the proposed contractor's normal business, the extent of subcontracting in the instant case and the reasons therefor, capital employed, and such other factors as are appropriate including type of organization. (See §§ 1–3.808–2, 1–3.405–5(c)(2) of this title and 3–3.303–52 of this chapter.)

(k) *Government-furnished property and Government-provided facilities.*—with respect to Government-furnished material or Government-provided facilities, equipment, tooling, or other property, include the following. A separate finding and determination is required for facilities construction (see HEWPR subpart 3–3.3).

(1) Where no such property is to be provided, a statement to that effect.

(2) Where such property is to be provided (i) a full description thereof, (ii) the estimated dollar value thereof, (iii) the basis of price comparison with competitors, and (iv) the basis of rental charge, if rental is involved.

(3) Where the furnishing of any property or the extent thereof has not been determined and is left open for future resolution, a detailed explanation.

(l) *Negotiations.*—Include a statement as to the date and place negotiations were conducted and identify members of both the Government and contractor negotiating teams by area of responsibility. Details relative to such areas as the statement of work, terms and conditions, and special provisions shall also be included. The detailed results of price negotiations shall include items such as the information required by FPR 1–3.811, record of price negotiations, and FPR 1–15.107, advance understanding on particular items of cost.

(m) *Other considerations.*—Include coverage of such areas as:

(1) Financial data with respect to a contractor's capacity and stability.

(2) Determination of contractor responsibility (refer to HEWPR subpart 3–1.12).

(3) Details as to why method of payment-progress payment, advance payment, etc., is necessary. Also cite any required findings and determination.

(4) Information with respect to obtaining of a certificate of current cost or pricing data.

(5) Such other required special approvals as follows:

(i) Data processing systems.
(ii) Management consultant.
(iii) Foreign research contracts.
(iv) Questionnaires—forms.
(v) Printing.
(vi) Clinical investigations with human subjects.
(vii) Audiovisual productions.
(viii) Classified projects.
(ix) Safety and health.
(x) Federal assistance program projects.
(xi) Omission of the examination of records clause.

(6) If the contract represents an extension of previous work, the status of funds and performance under the prior contract(s) should be reflected. Also determination should be made that the Government has obtained enough actual or potential value from the work previously performed to warrant continuation with the same contractor. (Project officer should furnish the necessary information.)

(7) If the contract was awarded on a competitive basis, state where the unsuccessful offerors' proposals are filed.

(8) State that equal opportunity provisions of the proposed contract have been explained to the contractor and he is aware of his responsibilities. Also state whether or not a clearance is required. (See HEWPR 3–12.805–1(d)(3).)

(n) *Terms and conditions.*—Identify the general provisions. Also identify any special clauses and conditions that are contained in the contract such as option arrangements, incremental funding, anticipatory costs, deviations from the standard clauses, etc. The basis and rationale for inclusion of any special terms and conditions will be stated and, where applicable, identify the document which granted approval for its use.

(o) *Recommendation.*—A brief statement setting forth the recommendations for award.

(p) *Signature and approval.*—The memorandum must be signed by the contract negotiator who prepared the memorandum and the contracting officer must approve it.

§ 3–50.302 Requirement for prenegotiation memorandum.

Any requirement for preparation and approval of prenegotiation memorandum shall be in accordance with the procedures of each operating agency.

Effective date.—These amendments shall be effective on April 11, 1973.

Dated April 3, 1973.

N. B. HOUSTON,
Deputy Assistant Secretary for Administration.

[FR Doc.73-6856 Filed 4-9-73;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

PART 114–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Subpart 114–47.2—Utilization of Excess Real Property

MISCELLANEOUS AMENDMENTS

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), subpart 114–47.2 of chapter 114, title 41 of the Code of Federal Regulations is amended as set forth below.

Since this regulation merely corrects the titles of certain departmental officials and a cross-reference to title 43 of the Code of Federal Regulations it is determined that the public rulemaking procedure is unnecessary and these amendments shall become effective on April 10, 1973.

In § 114–47.201–3(a), change the reference to "43 CFR 2312.0–1 through 2312.1–3" to read "43 CFR 2370.0–1 through 2374.2".

In § 114–47.202–1(b), change the reference to "Assistant Secretary—Management and Budget" to read "Assistant Secretary—Management".

In § 114–47.203–7(a), change the reference to "Office of the Assistant Secretary—Management and Budget" to read "Office of the Assistant Secretary—Management."

In § 114–47.203–1(d), change the reference to "Assistant Secretary—Water and Power Resources" to read "Assistant Secretary—Energy and Minerals".

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

APRIL 3, 1973.

[FR Doc.73-6843 Filed 4-9-73;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER H—PASSENGER VESSELS

[CGD 72-187R]

PART 70—GENERAL PROVISIONS

PART 80—DISCLOSURE OF SAFETY STANDARDS AND COUNTRY OF REGISTRY

Notification of Safety Standards

The purpose of these amendments to the passenger vessel regulations is to eliminate requirements for disclosure of construction details on passenger vessels that meet prescribed safety standards. These amendments are made in conformity with the act of December 24, 1969 (83 Stat. 427; 46 U.S.C. 362).

A notice of proposed rulemaking appeared in the October 31, 1972 issue of the FEDERAL REGISTER (37 FR 23191) proposing these amendments. One comment was received on the proposal. The commenter, representing a trade association, supported the substantive requirements but made the following suggestions:

a. Since the "country of registry" requirement is not directly related to "safety standards," it should be referred to in §§ 70.05–1, 70.05–3, and added to the heading of part 80, to assist those persons interested in locating the regulations concerned with notification of vessel registry.

b. The emphasis on the notification of safety standards instead of the country of registry should be reconsidered. Since all vessels seeking clearance to transport passengers from U.S. ports must comply with international safety standards, the detailed provisions relating to noncomplying vessels have no application to those serving U.S. trades, and a submitted rearrangement of the proposed regulations, with requirements for promotional literature or advertising preceding other requirements, should be adopted.

c. Delete the proposed §§ 80.25(a)(3)(i) and 80.30(b)(3)(i) since vessels that comply with all Coast Guard and international safety standards are not required to give notification of such standards.

The proposed heading of part 80 was incomplete since it failed to state the essential subjects of the regulations. Accordingly, the suggestion to add the word "country of registry" to the heading and to the references in §§ 70.05–1 and 70.05–3 is hereby adopted.

The second suggestion was not adopted. Despite the fact that, as a result of the act of December 24, 1969, the requirement for the notification of safety standards might have no practical application, it is incumbent on the Coast Guard to implement all the requirements of the act. The suggested change concerns style and not substance. The style of the proposed regulations conforms to accepted drafting principles and to the requirements for publication in the FEDERAL REGISTER. Since the suggested changes did not follow these standards, they were not accepted.

The third suggestion was to eliminate the statement, "This vessel complies with all Coast Guard and international safety standards" from §§ 80.25(a) and 80.30(a). The reason given for the suggestion is that vessels complying with such rules and standards are exempt from notification and the inclusion of the statement only tends to confuse the reader. The comment was accepted and the statement has been deleted from the regulations.

In consideration of the foregoing, the amendment is adopted with the changes as stated and is set forth below.

Effective date: These regulations shall become effective on May 11, 1973.

Dated March 30, 1973.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

Subchapter H of title 46, Code of Federal Regulations is amended as follows:

1. By revising § 70.05–1(b) to read as follows:

§ 70.05–1 U.S.-flag vessels.

* * * * *

(b) The requirements for notification of safety standards and for safety information and country of registry in promotional literature or advertising of a domestic passenger vessel of 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers are contained in part 80 of this chapter.

2. By amending § 70.05–3 by revising paragraph (d) to read as follows:

§ 70.05–3 Foreign vessels.

* * * * *

(d) The requirements for notification of safety standards and for safety information and country of registry in promotional literature or advertising of a foreign passenger vessel of 100 gross tons or over having berth or stateroom accommodations for 50 or more passengers are contained in part 80 of this chapter.

* * * * *

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3. By revising part 80 to read as follows:

Sec.
80.01 Purpose.
80.10 Applicability.
80.15 Persons subject to regulations.
80.20 Exception to requirements.
80.25 Notification of safety standards.
80.30 Promotional literature or advertising.
80.40 Civil penalty.

AUTHORITY: R.S. 4400, as amended, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 362, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

§ 80.01 Purpose.

The purpose of the regulations in this part is to implement subsection (b) of R.S. 4400, as amended (46 U.S.C. 362(b)).

§ 80.10 Applicability.

This part applies to—

(a) Except as exempted in § 80.20, domestic or foreign passenger vessels of 100 gross tons or over, having berth or stateroom accommodations for 50 or more passengers, on ocean and United States coastwise voyages; and

(b) All promotional literature or advertising in or over any medium of communication within the United States offering passage or soliciting passengers for ocean voyages anywhere in the world.

§ 80.15 Persons subject to regulations.

Each owner, operator, agent, or person who sells passage on a foreign or a domestic vessel specified in § 80.10 is subject to the provisions of this part.

§ 80.20 Exception to requirements.

(a) This part does not apply to vessels that comply with the safety standards set forth in the International Convention for the Safety of Life at Sea, 1960, as modified by the amendments adopted by the Assembly of the Intergovernmental

Maritime Consultative Organization contained in annexes I through IV of a resolution dated November 30, 1966 A/ES.III/RES. 108 except that the inclusion of the country of registry of the vessel must be specified as required in paragraph (b) of this section.

(b) If the exception in paragraph (a) of this section applies, the country of registry must appear in a type that is the same size as the text in the printed promotional literature or advertising.

§ 80.25 Notification of safety standards.

(a) A person specified in § 80.15 shall give to a prospective passenger, in writing, at the time or before passage is booked, separately from any promotional literature or advertising used, a document containing the following information for each vessel concerned—

(1) The name of the vessel;

(2) The country of registry;

(3) One of the following statements as appropriate:

(i) This vessel complies with international safety standards, except the 1966 fire safety standards.

(ii) This vessel complies with international safety standards developed prior to 1960. There is (*or*, is not) an automatic sprinkler system fitted in the passenger living and public spaces. The hull, decks, deckhouses, structural bulkheads, and internal partitions are (*or*, are not) composed of combustible materials.

(iii) This vessel does not comply with any international safety standard. There is (*or*, is not) an automatic sprinkler system fitted in the passenger living and public spaces. The hull, decks, deckhouses, structural bulkheads, and internal partitions are (*or*, are not) composed of combustible materials.

(b) The information required in paragraph (a) of this section must be printed in a type no smaller than six points, American point system.

(c) The information required in paragraph (a) of this section must be headed—

(1) "SAFETY INFORMATION";

(2) With each letter in the heading capitalized; and

(3) In boldfaced type of a size equal to the size of the text required in paragraph (a) of this section.

§ 80.30 Promotional literature or advertising.

(a) Except as provided in paragraph (f) of this section, all promotional literature or advertising in or over any medium of communication within the United States that offers passage or solicits passengers for ocean voyages anywhere in the world must contain the safety information statement prescribed in paragraph (b) of this section if—

(1) A vessel is named; or

(2) A voyage is described by—

(i) A stated port or area of departure;

(ii) A stated port or area of destination; or

(iii) A schedule of days of departure or arrival.

(b) The safety information statement required in paragraph (a) of this section must include—

(1) The name of the vessel;

(2) The country of registry; and

(3) One of the following statements, as appropriate:

(i) This vessel complies with international safety standards, except the 1966 fire safety standards.

(ii) This vessel complies with international safety standards developed prior to 1960. There is (*or*, is not) an automatic sprinkler fitted in the passenger living and public spaces. The hull, decks, deckhouses, structural bulkheads, and internal partitions are (*or*, are not) composed of combustible materials.

(iii) This vessel does not comply with any international safety standard. There is (*or*, is not) an automatic sprinkler fitted in the passenger living and public spaces. The hull, decks, deckhouses, structural bulkheads, and internal partitions are (*or*, are not) composed of combustible materials.

(c) The safety information statement prescribed in paragraph (b) of this section must be—

(1) Printed in a type no smaller than 6 points, American point system, that is the same size as any other textual matter of the promotional literature or advertising, including any headings;

(2) Headed "SAFETY INFORMATION" in the same size type that is used in the safety information statement; and

(3) Separated from other portions of the text by double spacing or box ruling.

(d) If the promotional literature or advertising lists two or more passenger vessels, the owner or operator shall clearly indicate the safety information prescribed in paragraph (b) of this section for each vessel, but unnecessary repetition is not required.

(e) Each brochure, pamphlet, schedule, and similar publication required in paragraph (a) of this section to contain safety information must—

(1) State the safety information prescribed in paragraph (b) of this section at least once for each vessel named; and

(2) Include a reference in the index of contents or the cover regarding the page number where the safety information for each vessel is located.

(f) The section does not apply to—

(1) An advertising sign that is towed, displayed, or written by aircraft;

(2) An advertisement in a trade publication that is directed to the professional counselors in the travel industry and not intended or used for general distribution to the public for solicitation of passage on a vessel; or

(3) An advertisement within a magazine, newspaper, periodical, or similar publication that is—

(i) Produced outside of the United States;

(ii) Not an American edition; and

(iii) Primarily distributed in the country in which it is produced.

§ 80.40 Civil penalty.

For each violation of the regulations in this part, the owner, operator, agent, or other person involved is subject to the penalties prescribed in 46 U.S.C. 362(b).

[FR Doc.73-6862 Filed 4-9-73;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-69]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegations of Authority To Act as a Director of the National Railroad Passenger Corporation

The purpose of this amendment is to designate the Under Secretary as the representative of the Secretary on the Board of Directors of the National Railroad Passenger Corp. (AMTRAK) and the General Counsel as the alternate representative of the Secretary when the Under Secretary is not present at meetings of the Board, and to delegate to each when so serving the functions vested in the Secretary as a member of the Board by section 303 of the Rail Passenger Service Act of 1970 (Public Law 91-518, section 303, October 30, 1970, 84 Stat. 1330; 45 U.S.C. 543).

Since this amendment relates to departmental management, procedures, and practices, notice and public procedure there on are unnecessary and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

In consideration of the foregoing, effective April 10, 1973, §§ 1.53 and 1.59 of Part 1 of Title 49, Code of Federal Regulations, is amended by adding a new paragraph (l), to read as follows:

§ 1.53 Delegations to Under Secretary.

* * * * *

(l) Serve as the representative of the Secretary on the board of directors of the National Railroad Passenger Corp. and carry out the functions vested in the Secretary as a member of the board by section 303 of the Rail Passenger Service Act of 1970 (84 Stat. 1330).

§ 1.59 Delegations to General Counsel.

* * * * *

(l) Serve as the alternate representative of the Secretary on the board of directors of the National Railroad Passenger Corp. when the Under Secretary is not present at meetings of the board and carry out the functions vested in the Secretary as a member of the board by section 303 of the Rail Passenger Service Act of 1970 (84 Stat. 1330).

This action is taken under the authority of the Rail Passenger Service Act of 1970 (84 Stat. 1327) and section 9(e) of the Department of Transportation Act (49 U.S.C. 1657(e)).

Issued in Washington, D.C., on March 28, 1973.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.73-6836 Filed 4-9-73;8:45 am]

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—OFFICE OF PIPELINE SAFETY

[Amdt. 192-13; Docket No. OPS-9]

PART 192—TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE: MINIMUM FEDERAL SAFETY STANDARDS

Definition of Service Line

The purpose of this amendment to Part 192 of Title 49 of the Code of Federal Regulations is to broaden the definition of the term "service line" contained in § 192.3.

This amendment is based on a notice of proposed rulemaking (OPS notice 71-1) issued on May 24, 1971, and published in the FEDERAL REGISTER (36 FR 9667) on May 27, 1971. Interested persons were afforded an opportunity to participate in the rulemaking by submitting written information, views, or arguments. The opinions and data presented in the comments that were subsequently received have been fully considered and are reflected in this final rule.

As proposed in the notice, a service line would have gone to the outlet of the customer meter, a service line valve, a service regulator, or the point at which the line enters the customer's building, whichever of the four is farther downstream. The public comments made in response to the notice were divided into three general classes. One group of commentators favored retention of the original defintion without amendment; a second group recommended deletion of various elements of the proposed definition; the third group suggested a number of variations, each intended to place a limit on the definition of service line to exclude from it the piping belonging to the ultimate gas consumer. None of the comments received were favorable to the definition of service line in its entirety as proposed in notice 71-1.

Those commentators who favored no change believed that the original definition is consistent with an operator's responsibility. In their view, any extension of the definition of a service line beyond the meter and out of the ownership of the operator would place such line beyond the operator's control in terms of construction and operating standards. It was also pointed out that the proposed extension of the definition would raise the question whether the private owner of a service line would become an operator subject to the Federal safety standards.

One commentator of the second group of comments stated that, as points for determining the end of a service line, the service line valve and service regulator are superfluous since neither would be present downstream of the meter in a normal situation where gas is delivered to a customer at 4 to 6 ounces. Several other comments in this group recommended that "the point at which the line enters the customer's building" be eliminated from the definition on the ground that for piping downstream of the meter, installed by other than the operator, the operator would have no control as to materials used or method of installation.

The third group, comprising the greatest number of comments opposing the proposal, suggested further changes intended to avoid bringing within the definition of service line any customer-owned pipe over which the operator could not assert control. Such further changes were believed necessary to avoid having homeowners or other final consumers of gas considered as engaging in the transportation of gas, or as owning or operating pipeline facilities subject to the Federal standards. Moreover, in the view of these commentators, the definition should be consistent with the usual situation in which, downstream of the meter, an operator has no general authority over facilities beyond his own equipment and no responsibility for maintenance or repair of any line or equipment owned by others. In effect, these commentators would define service line as a distribution line that transports gas from a common source of supply to a customer meter or, in the absence of a meter, to a service line valve or point of connection with the customer's piping.

A number of commentators made various recommendations which would have qualified the definition to cover special situations. In this category were suggested special definitions applicable only to consumers' privately owned lines, distribution lines on private property, and pipelines within the definition which would be exempted from the regulations. These comments are clearly not directed to the proposed definition of service line and, since they exceed the scope of the notice, will not be considered in this rulemaking action.

In addition to the many comments received in response to the public notice as summarized above, the proposal was extensively discussed with the full Technical Pipeline Safety Standards Committee. That committee raised objections to the proposed definition on essentially two grounds.

First, the committee pointed out that there was an internal inconsistency in the definition as proposed. The proposed definition stated that a service line "transports gas from a common source of supply to a customer * * *," but then went on to list points which may well be beyond the point where the gas is delivered "to a customer." In the committee's view, transportation of gas to a customer involves both a transfer of ownership of the gas to the customer and the entry of the gas into the facilities of the customer. Thus, if the concept of transportation of gas "to a customer" is to be retained as the essential element of the definition, the subsequent part of the definition giving examples of what is included should be consistent with the phrase "to a customer."

Second, the committee objected to a definition under which a "service line" could include a customer-owned portion downstream of the meter as well as an operatorowned portion of one service line. It was their concern that extension of the definition to include customer-owned piping downstream of the meter would require someone to have safety responsibility for the lines newly brought within the definition. In their view, however, it would be illogical to make the gas distribution company (the operator) responsible for service lines it did not own on property it had no right to enter, and it was equally illogical for a homeowner to be made subject to the regulations as an operator.

In proposing to amend the definition of service line, the intent was not only to retain within the definition the pipelines currently covered, but to extend the definition to cover those portions of the distribution system that would present an exposure to the public. The proposed definition, therefore, was cast in terms relating to the lines themselves, without considerations of ownership of either the line or the gas. The Technical Pipeline Safety Standards Committee, on the other hand, because the regulations are directed to the operators, believed that for consistency the definition of service line should not bring customer-owned piping within the reach of the regulations. It was the committee's view, therefore, that a service line should be considered to include that portion of an operator's facilities used to convey gas from a distribution main to the customer's facilities downstream of the meter and that any definition adopted must express that one basic characteristic. This view recognizes that after the gas changes ownership and passes into facilities not owned by the operator, the operator has no general legal right or obligation to go into those facilities for inspection or maintenance and could not be penalized for failure to do so.

The Department has jurisdiction under the Natural Gas Pipeline Safety Act to regulate the transportation of gas to the point where it is used by the consumer This jurisdiction has not heretofore been fully implemented in the distribution area, and it is the purpose of this rulemaking action to extend the limits of the definition of "service line" to insure that all such lines included in the Department's jurisdiction are adequately covered by safety regulations. As stated in notice 71-1, it was not intended that a redefinition of the term "service line" become involved with the further question of who has responsibility for assuring that service lines are installed and maintained in accordance with safety standards. However, as the committee has emphasized, the two issues are not readily separable. Since accidents may be caused by defects on either operator-owned or customer-owned portions of service lines, this redefinition is of great importance in determining the responsibility of operators for service lines.

The OPS does not agree that customers owning lines that come within the definition of service line thereby become operators. An operator means a person who engages in the transportation of gas. Transportation of gas means the gathering (with certain exceptions), transmission, or distribution of gas by

pipeline or the storage of gas in or affecting interstate or foreign commerce. Transportation of natural gas ends with the sale coupled with delivery of the gas to the ultimate consumer so that, after the sale, the gas becomes a consumer item and is no longer in commerce. The OPS is of the opinion that a homeowner who receives gas for consumption is not an individual engaged in the transportation of gas, and should not be penalized for failure to comply with a regulation involving transportation of gas. Since a homeowner is not considered an operator, an inconsistency would result if the lines he owns downstream of the meter were to be defined as "service lines" and thereby subjected to standards applicable to distribution lines transporting gas.

The OPS recognizes that every part of the gas distribution system down to the point where the gas is burned should be subjected to some form of safety regulation. Most but not all customer-owned services are installed under a local code. With the adoption of this definition, both OPS and State agencies anticipate that local codes will cover the remaining portion of the service, i.e. to the burner tip. In those cases in which the local code purports to cover piping from the main to the meter, but is actually in conflict with part 192, the Federal standards will, of course, prevail.

Customer-owned lines between the distribution main and meter are presently classed as service lines and no objections were made to the proposal which would have continued such classification. Invariably the meter itself is owned by the distribution company and, as a practical matter, the safe condition of the line to that meter is made the responsibility of the company. Therefore, whether the line upstream of the meter is owned by the distribution company or the customer, that line is involved in the transportation of gas and brought within the regulations by its classification as a service line. The responsibility that this places on the distribution company is consistent with the fact that ownership of the gas does not change normally until the gas goes through the meter.

To meet the foregoing comments and objections with which OPS agrees, and to carry out the purpose of the amendment, "service line" is now defined as including a customer meter or the connection to a customer's piping, whichever is farther downstream. What constitutes a customer meter does not depend on its ownership, but rather on its function which is to measure the transfer of gas from an operator to an ultimate consumer. To clarify what is meant by customer meter, its function has therefore been stated within the amended definition of service line. The term "customer's piping" as used in the revised definition means the piping owned by the customer.

The definition has been further amended to clarify the situation where there is no customer meter. In such case, a service line terminates at the connection to the customer's piping.

In a so-called "master meter system," a municipal housing authority or the landlord of a mobile home park is supplied gas by a public utility through a master meter and, in turn, distributes the gas through its own mains and services to the ultimate users of the gas who may or may not be individually metered. A master meter is not a customer meter "that measures the transfer of gas from an operator to a consumer" as that term is used in the amended definition of service line nor is the line upstream of a master meter a service line. The mains and lines distributing the gas downstream of a master meter are a distribution system that is subject to the Natural Gas Pipeline Safety Act, and the housing authority or the landlord of the mobile home park is an operator under part 192. Within a master meter system, a "service line," as that term is now defined, transports gas from the distribution main to the customer meter measuring the transfer of gas to the ultimate user of the gas or to the connection to that user's piping if such connection is farther downstream than the customer meter or if there is no customer meter.

The change in the final definition from that proposed in the notice is substantive in nature and is based both on the public comments received in response to the notice and the recommendations of the Technical Pipeline Safety Standards Committee. However, the change to the definition is within the general scope of the notice on which it was based.

Section 4(a) of the Natural Gas Pipeline Safety Act requires that all proposed standards and amendments to such standards be submitted to the Technical Pipeline Safety Standards Committee, and that the Committee be afforded a reasonable opportunity to prepare a report on the "technical feasibility, reasonableness, and practicability of each such proposal." This amendment to part 192 has been submitted to the Committee, and it has returned a favorable report. The Committee's report and the proceedings of the Committee which led to that report are set forth in the public docket for this amendment which is available at the Office of Pipeline Safety.

In consideration of the foregoing, § 192.3 of part 192 of title 49 of the Code of Federal Regulations is amended by changing the definition of "Service Line" to read as follows, effective May 10, 1973:

§ 192.3 Definitions.

* * * * *

"Service line" means a distribution line that transports gas from a common source of supply to (1) a customer meter or the connection to a customer's piping, whichever is farther downstream, or (2) the connection to a customer's piping if there is no customer meter. A customer meter is the meter that measures the transfer of gas from an operator to a consumer.

* * * * *

(Sec. 3, Natural Gas Pipeline Safety Act of 1968, 49 U.S.C. 1692, § 1.58(d), regulations of the Office of the Secretary of Transportation, 49 CFR 1.58(d); redelegation of authority to the Director, Office of Pipeline Safety, set forth in appendix A of part 1 of the regulations of the Office of the Secretary of Transportation, 49 CFR Part 1)

Issued in Washington, D.C. on April 5, 1973.

JOSEPH C. CALDWELL,
Director,
Office of Pipeline Safety.

[FR Doc.73-6842 Filed 4-9-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Medicine Lake National Wildlife Refuge, Montana

The following special regulation is issued and is effective on April 10, 1973.

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

MONTANA

MEDICINE LAKE NATIONAL WILDLIFE REFUGE

Sport fishing by rod, reel, pole, and set lines, including use of live bait on the Medicine Lake National Wildlife Refuge, Medicine Lake, Mont., is permitted from June 15, through September 15, 1973 and December 1, 1973 through March 31, 1974, inclusive, but only on the area designated by signs as open to fishing. This open area comprises 800 acres and is delineated on maps available at refuge headquarters, 3 miles southeast of Medicine Lake, Mont. 59247 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, 10597 West Sixth Avenue, Denver, Colo. 80215. Sport fishing shall be in accordance with all applicable State regulations.

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 March 31, 1974.

DONALD N. WHITE,
Refuge Manager, Medicine Lake National Wildlife Refuge, Medicine Lake, Mont.

APRIL 3, 1973.

[FR Doc.73-6825 Filed 4-9-73;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. F-100]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Kentucky	Jessamine	Except Nicholasville, City of.				Apr. 16, 1973. Emergency.
Maryland	Carroll	Union Bridge, Town of.				Do.
Massachusetts	Barnstable	Truro, Town of	I 25 001 1299 01 through I 25 001 1299 03	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Office of the Town Assessors, Provincetown, Mass. 02657.	Nov. 26, 1971. Emergency. Apr. 20, 1973. Regular.
Michigan	Berrien	Shoreham, Village of.				Apr. 16, 1973. Emergency.
Missouri	St. Francois	Flat River, City of.	I 29 187 2750 01 through I 29 187 2750 04	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	City Hall, 10 Wood Dr., Flat River, Mo. 63601.	Dec. 3, 1971. Emergency. Apr. 20, 1973. Regular.
Pennsylvania	Dauphin	Swatara, Township of.				Apr. 16, 1973. Emergency.
Do.	Erie	Millcreek, Township of.				Do.
Do.	Huntingdon	Huntingdon, Borough of.				Do.
Do.	Lackawanna	Clarks Summit, Borough of.				Do.
Do.	Luzerne	Nescopeck, Borough of.				Do.
Do.	Tioga	Lawrence, Township of.				Do.
Do.	Westmoreland	Hempfield, Township of.				Do.
Utah	Utah	Unincorporated areas.	I 49 049 0000 01 through I 49 049 0000 16	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Office of the County Surveyor, Utah County, City and County Bldg., Provo, Utah 84601.	Nov. 12, 1971. Emergency. Apr. 20, 1973. Regulations.
Wisconsin	Crawford	Unincorporated areas.	I 55 023 0000 01 through I 55 023 0000 05	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wisc. 53703.	Office of the County Clerk, Courthouse, Prairie du Chien, Wis. 53821.	Mar. 10, 1971. Emergency. Apr. 20, 1973. Regular.
Do.	do.	Steuben, Village of.	I 55 023 4610 01	do.	Office of the Village Clerk, Village of Steuben, Steuben, Wis. 54657.	May 21, 1971. Emergency. Apr. 20, 1973. Regular.
Do.	do.	Wauzeka, Village of.	I 55 023 5140 01 I 55 023 5140 02	do.	Office of the Village Clerk, Village of Wauzeka, Wauzeka, Wis. 53826.	Apr. 9, 1971. Emergency. Apr. 20, 1973. Regular.

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

Issued April 3, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-6736 Filed 4-9-73;8:45 am]

[Docket No. F-100]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Illinois	McHenry	Fox River Grove, Village of.				Apr. 17, 1973.
New York	Livingston	Dansville, Village of.				Do.
Do	do	North Dansville, Town of.				Do.
Do	do	Livonia, Town of.				Do.
Do	do	Mount Morris, Town of.				Do.
Do	do	Mount Morris, Village of.				Do.
Oregon	Tillamook	Nehalem, City of				Do.
Pennsylvania	Centre	Mill Hall, Borough of.				Do.
Do	Lackawanna	Olyphant, Borough of.				Do.
Do	Lancaster	Ephrata, Borough of.				Do.
Do	Lebanon	Cornwall, Borough of.				Do.
Do	Luzerne	Pittston, City of				Do.
Do	Schuylkill	Pine Grove, Borough of.				Do.
Do	Tioga	Blossburg, Borough of.				Do.
Do	do	Tioga, Township of.				Do.

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

Issued April 3, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-6727 Filed 4-9-73;8:45 am]

[Docket No. F-100]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective on April 9, 1973. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
California	Los Angeles	La Puente, City of.	H 06 037 1845 05 H 06 037 1845 06	Department of Water Resources, P. O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	Office of the City Clerk, City Hall, 15900 East Main St., La Puente, Calif. 91744.	June 26, 1971.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Connecticut	Hartford	Glastonbury, Town of.	H 09 003 0255 01 through H 09 003 0255 06	Department of Environmental Protection, Director of Water and Related Resources, room 207 State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Office of the Town Clerk, Town Office Bldg., 2108 Main St., Glastonbury, Conn. 06033.	Apr. 20, 1973.
Massachusetts	Barnstable	Truro, Town of	H 25 001 1299 01 through H 25 001 1299 03	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Office of the Town Assessors, Provincetown, Mass. 02657.	Do.
Missouri	St. Francois	Flat River, City of.	H 29 187 2750 01 through H 29 187 2760 04	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	City Hall, 10 Wood Dr., Flat River, Mo. 63601.	Do.
New Jersey	Bergen	River Vale, Township of.	H 34 003 2842 01 H 34 003 2842 02	Bureau of Water Control, Department of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Township Administrator's Office, Township of River Vale, 300 Rivervale Rd., River Vale, N.J. 07675.	Do.
Do.	Burlington	Mount Holly, Township of.	H 34 005 2080 01	do.	Township Clerk's Office, Municipal Bldg., 23 Washington St., Mount Holly, N.J. 08060.	Do.
Do.	Cumberland	Downe, Township of.	H 34 011 0678 01 through H 34 011 0678 06	do.	Office of the Township Clerk, 33 Union St., Dividing Creek, N.J. 08315.	Do.
Do.	Middlesex	Highland Park, Borough of.	H 34 023 1880 01 through H 34 023 1880 04	do.	Borough of Highland Park, 21 South Fourth Ave., Highland Park, N.J. 08904.	Do.
Do.	Monmouth	Keansburg, Borough of.	H 34 025 1530 01	do.	Keansburg Borough Hall, Church St., Keansburg, N.J. 07734.	Do.
Pennsylvania	Northampton	Palmer, Township of.	H 42 095 2270 01 through H 42 095 2270 03	Department of Community Affairs, Commonwealth of Pa., Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Municipal Bldg., 3245 Freemansburg Ave., Easton, Pa. 18042.	Do.
Utah	Utah	Unincorporated areas.	H 49 049 0000 01 through H 49 049 0000 16	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Office of the County Surveyor, Utah County, City and County Bldg., Provo, Utah 84601.	Do.
Wisconsin	Crawford	Unincorporated areas.	H 55 023 0000 01 through H 55 023 0000 05	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Office of the County Clerk, Courthouse, Prairie du Chien, Wis. 53821.	Do.
Do.	do.	Steuben, Village of.	H 55 023 4610 01	do.	Office of the Village Clerk, Village of Steuben, Steuben, Wis. 54657.	Do.
Do.	do.	Wauzeka, Village of.	H 55 023 5140 01 H 55 023 5140 02	do.	Office of the Village Clerk, Village of Wauzeka, Wauzeka, Wis. 53826.	Do.

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

Issued April 3, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-6737 Filed 4-9-73;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 78—BRUCELLOSIS

Change in List of Public Stockyards

These amendments delete the "Union Stockyard and Transit Company, Chicago, Illinois"; "Parsons Stockyard Company, Parsons, Kansas"; "Niagara Frontier Stockyards, Inc., Buffalo, New York"; "Cleveland Livestock Market, Inc., Cleveland, Ohio"; "Sioux Falls Stockyard Company, Sioux Falls, South Dakota"; and "Dixie National Stockyards, Memphis, Tennessee" from the list of public stockyards set forth in 9 CFR 78.14(a), as such stockyards are no longer operating as public stockyards where Federal inspection is maintained.

Pursuant to the provisions of sections 4, 5, and 13 of the act of May 29, 1884, as amended, sections 1 and 2 of the act of February 2, 1903, as amended, and section 3 of the act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), Part 78, Title 9, Code of Federal Regulations is hereby amended in the following respects:

In § 78.14(a), all references to "New York" and all references to "South Dakota" and the references to "Parsons Stockyards Company" in Kansas; "Cleveland Union Stockyard Company" in Ohio; "Union Stockyard and Transit Company" in Illinois and "Dixie National Stockyards" in Tennessee are deleted.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 1265, as amended, sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 37 FR 28464, 28477; 9 CFR 78.16(b).)

Effective date.—The foregoing amendments shall become effective April 10, 1973.

It does not appear that public participation in this rule making proceeding would make additional relevant information available to the Department and since interested persons should be informed promptly of such change, it is

found upon good cause under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and they should be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 4th day of April 1973.

E. E. SAULMON,
Deputy Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-6838 Filed 4-9-73;8:45 am]

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Permitted Movements From Areas Quarantined

The purpose of this amendment is to provide for the interstate movement of hard plastic or metal poultry coops from areas quarantined because of exotic Newcastle disease.

Pursuant to the provisions of sections 1, 2, 3, and 4 of the act of March 3, 1905, as amended, sections 1 and 2 of the act of February 2, 1903, as amended, sections 4, 5, 6, and 7 of the act of May 29, 1884, as amended and sections 3 and 11 of the act of July 2, 1962 (21 U.S.C. 111, 112, 113, 115, 117, 120, 123, 124, 125, 126, 134b, 134f), Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respects:

In § 82.4, paragraph (d) is redesignated as paragraph (e) and a new paragraph (d) is added to read:

§ 82.4 Restrictions on interstate movement from quarantined areas.

* * * * *

(d) Poultry coops made of hard plastic or metal may be moved interstate from quarantined areas if they have been cleaned and disinfected with a permitted disinfectant specified in §§ 71.10 and 71.11 of this subchapter under the supervision of a Federal or State inspector.

* * * * *

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

Effective date.—The foregoing amendment shall become effective April 10, 1973.

The amendment relieves certain restrictions presently imposed and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 4th day of April 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-6839 Filed 4-9-73;8:45 am]

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

SUBCHAPTER A—MANDATORY MEAT INSPECTION

PART 316—MARKING PRODUCTS AND THEIR CONTAINERS

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

F.D. & C. Violet No. 1

In this issue of the FEDERAL REGISTER the Commissioner of the Food and Drug Administration has concluded that the postponement of the closing date of the provisional listing of F.D. & C. Violet No. 1 should be terminated, and that all certificates heretofore issued for batches of F.D. & C. Violet No. 1 should be canceled as of April 10, 1973, and that after that date, use of F.D. & C. Violet No. 1 in any food, drug, or cosmetic will cause such product to be adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act and subject to regulatory action. Based on that action, the Secretary has determined that the use of any ink containing F.D. & C. Violet No. 1 to apply ink brands bearing the official marks of inspection, in accordance with the provisions of the Federal Meat Inspection Act and regulations issued thereunder, to any meat or meat products after April 10, 1973, would cause such products to be adulterated within the meaning of the Federal Meat Inspection Act and subject to regulatory action. Therefore, any ink containing F.D. & C. Violet No. 1 used for applying such brands to such product shall not be used for such purpose after April 10, 1973. F.D. & C. Violet No. 1 will not be considered an approved coal tar dye under § 318.7(c)(4), chart of substances, after that date.

Further, § 316.5(b) of the meat inspection regulations is amended as follows:

§ 316.5 Branding ink; to be furnished by official establishments; approval by program; color.

* * * * *

(b) Only ink approved for the purpose shall be used to apply ink brands bearing official marks to carcasses of cattle, sheep, swine, or goats and fresh meat cuts derived therefrom. Any ink containing F.D. & C. Violet No. 1 shall not be considered an approved ink within the meaning of this paragraph.

* * * * *

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 601 et seq.; 37 FR 28464, 28477.)

This amendment is made as a result of the action taken by the Federal Food and Drug Administration with respect to F.D. & C. Violet No. 1 and announced in this issue of the FEDERAL REGISTER. It does not appear that additional information or data could be brought before the Department which would be of such nature to warrant another action. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure concerning the amendment are impracticable and unnecessary, and good cause is found for making the amendment effective less than 30 days after publication hereof in the FEDERAL REGISTER.

This amendment shall become effective April 10, 1973.

Done at Washington, D.C., on April 6, 1973.

JAMES H. LAKE,
Deputy Assistant Secretary.

[FR Doc.73-7013 Filed 4-9-73;9:40 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revisions

On May 31, 1972 (37 FR 10482), pursuant to section 110 of the Clear Air Act and 40 CFR part 51, the Administrator approved portions of a State plan for implementation of the national ambient air quality standards in the State of Massachusetts. This publication contains revisions to that approval.

Massachusetts, after notice and public hearings, submitted proposed revisions to its implementation plan for several air quality control regions within the plan. The revisions involve regulation 5.1 which establishes a maximum sulfur content for residual fuel oil and coal. Four of the proposed revisions seek to permit the following sources, all in regions classified priority I for sulfur oxides, to burn 2.2 percent sulfur fuel for limited periods of time, instead of 1 percent sulfur fuel required by Regulation 5.1.2: Deerfield Specialty Papers, Inc., and Stevens Paper Mills, Inc., in the Hartford, New Haven, Springfield region; Hollingsworth and Vose Co., in the Boston region; Pepperell Paper Co., in the Merrimack Valley region. A fifth proposed revision seeks to permit Tileston and Hollingsworth Co., also in the Boston region, to burn 2.2 percent sulfur fuel for a limited time, instead of the 0.5 percent required by regulation 5.1.1.

The Administrator has determined that these five revisions are consistent with the requirements of the Clean Air Act and 40 CFR part 51. Accordingly, these proposed revisions are approved.

A sixth proposed revision seeks to permit all industries in the Berkshire Intrastate Air Quality Control region, classified priority III for sulfur oxides, to burn 2.2 percent sulfur fuel for a specific period of time, instead of the 1 percent sulfur fuel required by regulation 5.1.2.

The Administrator has determined that this revision is consistent with the requirements of the act and 40 CFR part 51 regarding maintenance of the primary and secondary national ambient air quality standards. Accordingly, this proposed revision is approved.

The above approvals are effective on April 10, 1973. The Agency finds that good cause exists for not publishing the actions as a notice of proposed rulemaking and for making them effective immediately upon publication for the following reasons:

1. The implementation plan revisions were adopted in accordance with procedural requirements of State and Federal law, which provided for adequate public participation through notice and public hearings and comments, and further participation is unnecessary and impracticable.

2. Immediate effectiveness of the actions enables the sources involved to proceed with certainty in conducting their affairs, and persons wishing to seek judicial review of the actions may do so without delay.

(42 U.S.C. 1857c-5.)

Dated April 6, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator.

2. A new section § 52.1126, is added as follows:

§ 52.1126 Control Strategy: Sulfur Oxides.

(a) The revisions to the control strategy resulting from the modification to the emission limitations applicable to the sources listed below or resulting from the change in the compliance date for such sources with the applicable emission limitation is hereby approved. All regulations cited are air pollution control regulations of the State, unless otherwise noted. (See § 52.1125 for compliance schedule approvals and disapprovals pertaining to one or more of the sources listed below.)

Source	Location	Regulation involved	Date of adoption
Deerfield Specialty Papers, Inc.	Monroe Bridge.	5.1.2	Oct. 17, 1972
Hollingsworth & Vose Co.	East Walpole.	5.1.2	June 29, 1972
Pepperell Paper Co.	Pepperell.	5.1.2	Nov. 20, 1972
Stevens Paper Mills, Inc.	Westfield and South Hadley.	5.1.2	July 27, 1972
Tileston and Hollingsworth Co.	Hyde Park.	5.1.1	Nov. 21, 1972
All sources in Berkshire APCD.		5.1.2	Do.

Part 52 of chapter I, title 40, of the Code of Federal Regulations is amended tion 5.1.2.

Subpart W—Massachusetts

1. In § 52.1125, paragraph (b) is revised to read as follows:

§ 52.1125 Compliance schedules.

* * * * *

(b) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted. (See § 52.1126 for control strategy revision approvals and disapprovals pertaining to one or more of the sources listed below.)

Source	Location	Regulation involved	Date of Adoption	Effective date	Final compliance date
Deerfield Specialty Papers, Inc.	Monroe Bridge.	5.1.2	Oct. 17, 1972	Immediately.	Oct. 1, 1973
Hollingsworth & Vose Co.	East Walpole.	5.1.2	June 29, 1972	do.	June 30, 1973
Pepperell Paper Co.	Pepperell.	5.1.2	Nov. 20, 1972	Apr. 1, 1973	June 1, 1973
Stevens Paper Mills, Inc.	Westfield and South Hadley.	5.1.2	July 27, 1972	do.	Oct. 1, 1973
Tileston and Hollingsworth Co.	Hyde Park.	5.1.1	Nov. 21, 1972	Immediately.	Feb. 28, 1973
All sources in Berkshire APCD.		5.1.2	do.	Apr. 1, 1973	Oct. 1, 1973

[FR Doc.73-6999 Filed 4-9-73;9:03 am]

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 162—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE AND RODENTICIDE ACT

Registration of Products Containing DDT

Pursuant to the provisions of sections 3 and 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (86 Stat. 979, 997), the following regulation relating to the registration of products containing DDT is hereby promulgated.

Prior to October 21, 1972, the Environmental Protection Agency had authority to register and control only those pesticide products which moved in interstate ever, the Federal Insecticide, Fungicide, and Rodenticide Act was amended by the Federal Environmental Pesticide Control Act of 1972 to give the Environmental Protection Agency the authority to register intrastate pesticide products as well. Congress provided the Agency with up to 2 years to implement this new authority over intrastate products, allowing the Agency to phase in the authority during this 2-year period if it chose to do so. In the past, this Agency has depended on State registration programs to supplement the Federal registration program in order to achieve total control over pesticide products. The Agency feels it is important to phase in the new authority over intrastate products in order to work out the details of the relationship between the Federal and State programs and to overcome any difficulties created by the imposition of Federal control over operations already ongoing which are now sanctioned by State agencies.

This regulation promulgated herewith represents the first phase of the implementation of the intrastate product authority under section 3 of the act. The Agency has chosen to cover all intrastate DDT products in this first phase.

On June 14, 1972, after a comprehensive proceeding covering the span of some 7 months and record of over 10,000 pages, the Administrator issued an order canceling the registration of all interstate products containing DDT with certain exceptions. That order became effective on December 31, 1972. Since the enactment of the amendments to the Federal Insecticide, Fungicide, and Rodenticide Act it has come to our attention that there are significant quantities of intrastate DDT products—that is, products which are manufactured, sold, and used within the boundaries of a single State. Because of the importance of DDT in terms of its potential for long term effects on the environment and human health, the Agency has decided to bring such intrastate products within the authority of the Federal Insecticide, Fungicide, and Rodenticide Act immediately. This will allow the Agency to determine whether or not such products should be continued to be used.

Under normal procedures this Agency would allow for a 30-day-comment period on proposed regulations of this type. However, because the growing season is almost ready to begin and because it is important to provide potential users of these products with sufficient leadtime for their decisions, the Agency has found for good cause that it is unnecessary and contrary to the public interest to engage in public rulemaking procedures and thereby postpone the effective date of this regulation until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553(d)).

Congress provided a 60-day-transition period between promulgation of regulations pursuant to section 3 and their effective date. During this 60-day period the Agency will depend on the State registration agencies to perform the same function as they have before—namely, to consider decisions of the Administrator related to interstate products and to make appropriate decisions with regard to similar products within their own jurisdiction. The hearings on the interstate DDT products, covered a number of important uses but did not cover all uses for which there are State registrations. In those cases where State registrations cover the same uses as were considered in the Federal hearing, the Agency sees no reason for State agencies to allow these products to be used. Where there are additional uses which were not considered in the hearing this Agency is not in a position to give definitive guidance to the State agencies at this time. Nevertheless, the State agencies are expected to give due consideration to the spirit of the June 14 decision which sought to minimize or eliminate the use of DDT throughout the United States. This Agency expects to reach a decision

on all intrastate uses in a very short period of time on the basis of data submitted to this Agency under this regulation by persons wishing to register with this agency products which had formally been registered with the State agencies or which had not been registered in the past.

Therefore, effective on April 10, 1973, a new § 162.18 of the regulations for the enforcement of the Federal Insecticide, Fungicide, and Rodenticide Act is published to read as follows:

§ 162.18 DDT products.

All persons who distribute, sell, offer for sale, hold for sale, ship, deliver for shipment, or receive and (having so received) deliver or offer to deliver, any pesticide containing DDT [1,1,1-trichloro-2,2-bis (p-chlorophenyl) ethane], whether or not such pesticide is sold, offered for sale, held for sale, shipped, delivered for shipment, or received in intrastate commerce, are required to apply for registration pursuant to section 3 of the Federal Insecticide, Fungicide, and Rodenticide Act as amended (86 Stat. 979), under the rules and regulations of this part as they relate to the registration of pesticides.

Dated April 6, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.73-6995 Filed 4-9-73;8:45 am]

Proposed Rules

DEPARTMENT OF THE INTERIOR

Office of Oil and Gas

[32A CFR Ch. X]

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

CRUDE AND UNFINISHED OILS, DISTRICTS I–IV AND V

Notice of Proposed Rulemaking

Section 1(d) of Proclamation 3279, as amended, provides that:

> The Secretary may by regulation provide that no license or allocation shall be required in connection with the transportation to the United States by pipeline through a foreign country of crude oil, unfinished oils, or finished products produced in the customs territory of the United States or, in the event of commingling with foreign oils of like kind and qualities incidental to such transportation, of quantities equivalent to the quantities produced in and shipped from such customs territory.

For the purpose of implementing this proclamation it is proposed to amend, section 22(j) of Oil Import Regulation 1 (Rev. 5), as amended.

Because some allocation holders now receive allocations equaling as much as 100 percent of their feedstock requirements, it is impossible for them to comply with the requirement of subparagraph (4) of paragraph (b) of section 17 that domestic oil received in exchange be processed within 120 days of the importation of the imported oil. It is proposed to extend this period to 30 days after expiration of the license authorizing importation of the imported oil.

Interested persons are invited to submit written comments on the proposed amendment on or before May 10, 1973, to the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240.

DUKE R. LIGON,
Director, Office of Oil and Gas.

APRIL 6, 1973.

1. Paragraph (j) of section 22 of Oil Import Regulation 1 (Rev. 5) would be amended to read as follows:

SEC. 22 Definitions.

* * * * *

(j) the words "importation," importing," "import," "imports," and "imported" include both entry for consumption and withdrawal from warehouse for consumption; but do not include crude oil, unfinished oils, or finished products which were produced in the United States and are transported by pipeline through a foreign country into the customs territory of the United States or in the event of commingling with foreign oils of like kind and qualities incidental to such transportation of quantities equivalent to the quantities produced in and shipped from such customs territory.

* * * * *

2. Paragraph (b) of section 17 of Oil Import Regulation 1 (Rev. 5), would be amended to read as follows:

SEC. 17 Use of imported crude oil and unfinished oils.

* * * * *

(b)(1) Subject to the provisions of this paragraph (b), a person who imports crude oil or unfinished oils under an allocation made under sections 9, 10, 11, 11A, paragraph (a) of section 15, or section 25 of this regulation, may exchange his imported crude oil either for domestic crude oil or for domestic unfinished oils or exchange his imported unfinished oils either for domestic unfinished oils or for domestic crude oil. However, a person receiving an allocation under section 9 may be restricted in the exchange of imported unfinished oils, as provided in paragraph (c) of that section.

(2) A proposed agreement for each such exchange must be reported to the Director before any action involved in the exchange is taken.

(3) Each such exchange must be effected on a ratio of not less than 1 barrel of domestic oil for each barrel of imported oil unless a different exchange ratio is approved by the Director.

(4) In any such exchange, the person who is exchanging oil imported pursuant to an allocation under sections 9, 10, 11, 11A, 15, or 25 for domestic oil must take delivery of the domestic oil and process it in his own refinery or petrochemical plant, located in the same district for which the allocation is granted, not later than 30 days after the expiration date of the license pursuant to which the imported oil involved in the exchange was imported.

(5) Each such exchange must be on an oil-for-oil basis; however, settlements, credits, monetary, or accounting adjustments reflecting the relative values of the oils involved in the exchange are permissible.

(6) Any such exchange must not be otherwise unlawful.

[FR Doc.73-7016 Filed 4-9-73;10:24 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 11134]

BRITISH AIRCRAFT CORP. MODEL 1–11 200 AND 400 SERIES AIRPLANES

Proposed Airworthiness Directive

Amendment 39–1293 (36 FR 18462), AD 71–20–1 requires inspection of the secondary flap drive shaft bearing assembly every 1,350 landings after the initial inspection on BAC Model 1–11, 200 and 400 series airplanes. After issuing amendment 39–1293, the FAA determined that a bearing failure occurred, resulting in drive shaft disconnection and restriction of flap operation, only 950 landings after the previous inspection. Therefore, the FAA is considering amending amendment 39–1293 to require repetitive inspection of the secondary flap drive shaft bearing assembly every 750 landings after the initial inspection.

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

In consideration of the foregoing, it is proposed to amend § 39.13 of part 39 of the Federal Aviation Regulations, amendment 39–1293 (36 FR 18462), AD 71–20–1 as follows:

1. Paragraphs (a) and (c) would be amended by striking the number "1,350" and inserting the number "750" in place thereof; and by striking the words "dated September 28, 1970" and inserting the words "Issue 2, dated July 14, 1972" in place thereof.

2. Paragraph (d) would be amended by striking the number "1,350" and inserting the number "750" in place thereof.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(a) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 4, 1973.

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

[FR Doc.73-6933 Filed 4-9-73;8:45 am]

[14 CFR Part 39]

[Docket No. 12720]

BRITISH AIRCRAFT CORP. MODEL 1-11, 200 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to BAC model 1-11, 200 series airplanes. There have been reports of surface cracks in the radius at the base of the nose landing gear sustaining ram on BAC model 1-11, 200 series airplanes that could result in collapse of the nose landing gear. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require inspection for cracking and repair or replacement, as necessary, of the nose landing gear sustaining ram on BAC model 1-11, 200 series airplanes.

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

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend § 39.13 of part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to BAC model 1-11, 200 series airplanes.

Compliance is required as indicated.

To detect and repair cracks in the nose landing gear sustaining ram, accomplish the following:

(a) Within the next 500 landings after the effective date of this AD or before the accumulation of 20,500 landings, whichever occurs later, unless already accomplished within the last 1,000 landings, and thereafter at intervals not to exceed 1,500 landings from the last inspection, inspect the nose landing gear sustaining ram, P/N AB44A-1399, for cracks using a permanent magnet or suitable electromagnetic process in accordance with "British Aircraft Corporation Alert Service Bulletin No. 32-A-PM 5070, Issue 1," dated March 14, 1972, or an FAA-approved equivalent.

(b) If cracks are found during an inspection required by paragraph (a) which exceed a 2½ inch continuous length around the circumference of the ram, before further flight, replace the nose landing gear sustaining ram, P/N AB44A-1399, with a serviceable part of the same part number.

(c) If cracks are found during an inspection required by paragraph (a) which are 2½ inches in continuous length or less around the circumference of the ram, before further flight, either—

(1) Replace the nose landing gear sustaining ram, P/N AB44A-1399, with a serviceable part of the same part number; or

(2) Remove the crack and reprotect the ram in accordance with "BAC Alert Service Bulletin No. 32-A-PM 5070, Issue 1," dated March 14, 1972, or an FAA-approved equivalent.

(d) For the purpose of complying with this AD, subject to acceptance by the assigned FAA maintenance inspector, the number of landings may be determined by dividing each airplane's hours' time in service by the operator's fleet average time from takeoff to landing for the BAC 1-11 airplane.

Issued in Washington, D.C., on April 4, 1973.

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

[FR Doc.73-6934 Filed 4-9-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 72-SO-108]

CONTROL AREA

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to part 71 of the Federal Aviation Regulations that would designate additional controlled airspace within control 1232.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before May 10, 1973, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

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

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO international standards and recommended practices.

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

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

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

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

1. The airspace action proposed in this docket would alter the description of the airspace with control 1232 by amending 71.163 to read as follows:

That airspace extending upward from 2,000 feet MSL, bounded by a line beginning at latitude 28°41'20" N., longitude 80°-35'20" W., to latitude 29°08'35" N., longitude 79°00'00" W., thence to latitude 24°40'00" N., longitude 79°00'00" W., to latitude 24°00'00" N., longitude 78°00'00" W., thence to latitude 24°00'00" N., longitude 80°56'30" W., to latitude 24°45'40" N., longitude 80°48'20" W., thence northward 3 nautical miles from and parallel to the shoreline to point of beginning; excluding the airspace within the Nassau control area.

2. The nonrulemaking action associated with the proposal to alter W-465 would be as follows:

Add:

a. Controlling agency: Federal Aviation Administration, Miami ARTC Center.

b. Using agency: Commanding officer, NAS Key West, Fla.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510), Executive Order 10854 (24 FR 9565) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 3, 1973.

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

[FR Doc.73-6935 Filed 4-9-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-SW-22]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending part 71 of the Federal Aviation Regulations to alter the Uvalde, Tex., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before May 10, 1973, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (38 FR 435), the Uvalde, Tex., transition area is amended to read:

UVALDE, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Garner Field (latitude 29°12'54'' N., longitude 99°44'30'' W.) and within 3.5 miles each side of the 154° bearing from the Uvalde RBN (latitude 29°13'06'' N., longitude 99°44'29'' W.) extending from the 5-mile-radius area to 8.5 miles southeast of the RBN.

The proposed amendment to the transition area will provide controlled airspace for aircraft executing the proposed amended NDB runway 33 standard instrument procedure.

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

Issued in Fort Worth, Tex., on March 30, 1973.

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

[FR Doc.73-6936 Filed 4-9-73;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 FOURTH 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 Fourth National Bank Region will be held at 9 a.m. on April 27, 1973 at the Hospitality Motor Inn, Lexington, Ky.

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 Fourth 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 April 4, 1973.

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

[FR Doc.73-6891 Filed 4-9-73;8:45 am]

Office of the Secretary

IRON POWDER (EXCLUDING ALLOY AND SPONGE POWDERS) FROM CANADA

Amendment of Antidumping Proceeding Notice

An "Antidumping Proceeding Notice" with respect to iron powder (excluding alloy and sponge iron powders) from Canada was published in the FEDERAL REGISTER of January 19, 1973 (38 FR 1945, FR Doc. 73-1332).

That notice is hereby amended to include sponge iron powders from Canada within the scope of the investigation.

Accordingly, the "Antidumping Proceeding Notice" referred to above is amended by changing the caption to read "IRON AND SPONGE IRON POWDERS (EXCLUDING ALLOY POWDERS) FROM CANADA," and by substituting the words "iron and sponge iron powders (excluding alloy powders)" for "iron powder (excluding alloy and sponge iron powder))" in the first paragraph.

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

APRIL 5, 1973.

[FR Doc.73-6987 Filed 4-9-73;8:45 am]

STAINLESS STEEL WIRE RODS FROM FRANCE

Determination of Sales at Less Than Fair Value

Information was received on December 9, 1971, that stainless steel wire rods from France 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").

A "Withholding of Appraisement Notice" issued by the Acting Commissioner of Customs was published in the FEDERAL REGISTER of January 8, 1973 (38 FR 1066).

I hereby determine that, for the reasons stated below, stainless steel wire rods from France are being, or 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 determination is based. The information before the Bureau of Customs indicates that the proper basis of comparison for fair value purposes is between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the basis of a cost, insurance, and freight price, with deductions for ocean freight, insurance, inland freight, shipping charges, commission, and Customs duties, as appropriate.

Home market price was calculated on the basis of a weighted-average delivered price with deductions made, where applicable, for inland freight and discounts. Adjustments were made, where applicable, for differences in the merchandise, credit costs, and packing costs. An adjustment was also made for selling costs in the home market not exceeding the amount of the export commission.

Using the above criteria, purchase price was found to be lower than the adjusted home market price of such or similar merchandise.

Stainless steel wire rods produced by Creusot-Loire of Paris, France, are excluded from the withholding of appraisement ordered in this case and this determination of sales at less than fair value since 100 percent of its export sales during the period under consideration were examined and the home market price of Creusot-Loire's merchandise was found to be lower than the purchase price of such or similar merchandise in every instance.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

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

APRIL 6, 1973.

[FR Doc.73-7008 Filed 4-9-73;9:32 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

MILITARY AIRLIFT COMMITTEE

Notice of Meeting

APRIL 3, 1973.

The Military Airlift Committee of the National Defense Transportation Association will hold meetings on May 3, 1973, from 1:30 p.m. until 5 p.m., e.d.t., and on May 4, 1973, from 8:15 a.m., until 12 noon, e.d.t., at Charleston Air Force Base Officers' Open Mess, Charleston, S.C. 29404.

The NDTA Military Airlift Committee, serving as an industry advisory committee, will advise the Commander of the Military Airlift Command on broad management problems pertaining to the security of facilities, cargo, equipment, and aircraft. Briefings and presentations, in consonance with the theme, "Theft, Security, and Hijacking," will be featured. Summary of agenda:

THURSDAY, MAY 3, 1973

1:30	Welcome.
1:45	Department of Transportation presentation on transportation security.
2:20	Federal Aviation Administration policy guidelines.
2:40	Cargo security and antitheft procedures.
3:10	Break.
3:30	Aircraft and passenger terminal security.
4:00	Freight terminal security.
4:40	Executive session.
5:00	Adjournment.

FRIDAY, MAY 4, 1973

8:15	Reconvene meeting.

8:20 Computer ticketing and automated passenger processing.
8:50 Customs inspection/contraband control.
9:10 Break.
9:30 Military airlift command air operations security program.
9:50 Hijacking film.
10:30 Tour of passenger and cargo terminals.
12:00 Adjournment.

The meeting is open for general public attendance, but this does not include participating in the proceedings or questioning the briefers and Committee members. Seating for the general public is limited and will be on a first-come-first-served basis. If a member of the general public wishes to make a formal oral statement germane to the meeting, he may submit a formal application, including the substance of the statement, to the Commander, Military Airlift Command, in advance of the meeting (address: Headquarters Military Airlift Command, Attention: Executive Agent, Military Airlift Committee, Scott Air Force Base, Ill. 62225). Formal written statements may be submitted to the above at any time before or after the meeting.

JOHN W. FAHRNEY,
Colonel, USAF, Chief, Legislative Division, Office of The Judge Advocate General.

[FR Doc.73-6832 Filed 4-9-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

Additions, Deletions, and Corrections

By notice in the FEDERAL REGISTER of February 28, 1973, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 6 (pp. 6084–6086). Further notice is given that certain amendments or revisions in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following are corrections to previous listings in the FEDERAL REGISTER.

NATIONAL REGISTER ENTRIES

Michigan

Huron County

Sebewaing, *Indian Mission, The (Luckhard Museum)*, 590 East Bay Street.

Rhode Island

Bristol County

Warren, *Warren United Methodist Church and Parsonage*, 27 Church Street.

The boundaries for the Pike Place Public Market Historic District have been revised as follows:

Washington

King County

Seattle, *Pike Place Public Market Historic District*, along Pike Place between Western and First Avenues and Virginia and Pike Streets.

The following properties were listed in the wrong order in the February 28 issue of the FEDERAL REGISTER:

American Samoa

Tutuila Island—Eastern District

Fagotoga, *Navy Building 38.*
Fagotoga, *Navy Building 43.*
Pago Pago, *Government House*, Togotoga Ridge.

Western District

Afao Village vicinity, *Atauloma Girls School.*
Leone Village vicinity, *Fagalele Boys School.*

California

Solano County

Collinsville vicinity, *Hastings Adobe*, 0.3 mile north of Collinsville on County Route 68, then east 1.25 miles on County Route 493.

Yolo County

Rumsey, *Rumsey Town Hall*, California 16 at Manzanita Street.

The following properties have been added to the National Register since March 6, 1973:

Alabama

Jefferson County

Bessemar, Southern Railway Terminal Station, 1905 Alabama Avenue.
McCalla vicinity, *Five Mile Creek Bridge*, 1 mile northeast of McCalla off U.S. 11.

California

Riverside County

Riverside, *Heritage House*, 8193 Magnolia Avenue.

Sacramento County

Sacramento, *Alhambra Theatre*, 1101 Alhambra Boulevard.

San Francisco County

San Francisco, *House at 216–20 Elm Street.*
San Francisco, *House at 736–38 Franklin Street.*
San Francisco, *House at 848 Octavia Street.*
San Francisco, *House at 1624 Post Street.*
San Francisco, *House at 1334–36 Scott Street.*
San Francisco, *House at 1356–62 Scott Street.*
San Francisco, *House at 743 Turk Street.*
San Francisco, *House at 751 Turk Street.*
San Francisco, *House at 770 Turk Street.*
San Francisco, *House at 773 Turk Street.*

Colorado

Jefferson County

Golden, *Astor House Hotel*, 822 12th Street.

Las Animas County

Trinidad, *Corazon de Trinidad.*

Connecticut

Hartford County

New Britain, *City Hall—Monument District*, 13–35 West Main Street and Central Park.

Delaware

Kent County

Dover vicinity, *Tyn Head Court (Wethered Court)*, east of Dover on South Little Creek Road.

New Castle County

Middletown vicinity, *Old St. Anne's Church*, south of Middletown off Delaware 71.
New Castle, *The Hermitage*, on Delaware 273.
Newark, *Welsh-Tract Baptist Church*, Welsh Tract Road.

District of Columbia

Washington, *Japanese Embassy*, 2520 Massachusetts Avenue NW.

Georgia

Liberty County

Midway, *Midway Historic District.*

Pulaski County

Hawkinsville, *Hawkinsville City Hall—Auditorium*, corner of Lumpkin and Broad Streets.

Spalding County

Griffin vicinity, *Double Cabins (Mitchell-Walker-Hollberg House)*, northeast of Griffin on Georgia 16.
Griffin, *Pritchard-Moore-Goodrich House*, 441 North Hill Street.

Wilkes County

Washington, *North Washington District.*
Washington, *West Robert Toombs District.*

Hawaii

Honolulu County

Honolulu, *Nuuanu Petroglyph Complex*, south of the intersection of Nuuanu Avenue and Pali Highway.
Kaaawa vicinity, *Small Heiau*, about 1 mile south of Kaaawa off Kaaawa Valley Road.
Kahaluu, *Kahaluu Fish Pond*, northeast of Laenani Street off Kamehameha Highway.
Kahaluu, *Kahaluu Taro Lo'i*, west of west end of Hui Kelu Street.
Pearl Harbor, *Okiokilepe Pond*, northwest of Iroquois Point at Pearl Harbor Entrance.

Kauai County

Lihue vicinity, *Menehune Fish Pond*, south of Lihue on the Huleia River.

Illinois

Hardin County

Rosiclare vicinity, *Illinois Iron Furnace.*

Indiana

Marion County

Indianapolis, *The Athenaeum*, 401 East Michigan Street.
Indianapolis, *Crown Hill Cemetery*, 4302 Boulevard Place.
Indianapolis, *Lockerbie Square Historic District.*
Indianapolis, *Morris-Butler House*, 1204 North Park Avenue.
Indianapolis, *State Soldiers and Sailors Monument*, Monument Circle.

Iowa

Fayette County

Clermont vicinity, *Montauk*, 1 mile northeast of Clermont on U.S. 18.

Kansas

Cowley County

Winfield, *Hackney, W. P., House*, 417 East 10th Street.
Winfield vicinity, *Magnolia Ranch*, 10.5 miles southeast of Winfield.

Franklin County

Ottawa, *Old Santa Fe Railroad Depot*, 135 West Tecumseh Street.

Miami County

Paola, *Miami County Courthouse*, east of the intersection of Miami and Silver Streets.

Mitchell County

Cawker City, *Old Cawker City Library*, Seventh and Lake Streets.

Sedgwick County

Wichita, *Allen, Henry J., House (Arthur W. Kincade House)*, North 225 Roosevelt.

Kentucky

Boyle County

Danville, *McClure-Barbee House*, 304 South Fourth Street.

Fayette County

Lexington, *Botherum*, 341 Madison Place.

McCracken County

Paducah, *Yeiser, Mayor David A., House (Alben W. Barkley Museum)*, 533 Madison Street.

Scott County

Georgetown vicinity, *Choctaw Indian Academy*, 4.5 miles west of Georgetown off U.S. 227.

Louisiana

Tangipahoa Parish

Hammond, *Grace Memorial Episcopal Church*, 100 West Church Street.

Maine

Cumberland County

Portland, *Thompson Block*, 117–125 Middle Street.

Hancock County

Castine, *Castine Historic District*.

Maryland

Allegany County

Cumberland, *Bell Tower Building (Allegany County League for Crippled Children)*, southwest corner of Bedford and Liberty Streets.

Cumberland, *City Hall*, North Center Street between Frederick and Bedford Streets.

Anne Arundel County

Bristol vicinity, *St. James Church*, 3 miles east of Bristol on Maryland 2.

Iglehart, *Iglehart*, west side of Maryland 178.

Calvert County

Lower Marlboro vicinity, *All Saints' Church*, 3.5 miles east of Lower Marlboro on Maryland 416.

Harford County

Bel Air vicinity, *Tudor Hall*, northeast of Bel Air off Maryland 22.

Kent County

Chestertown vicinity *Carvill Hall*, 10 miles west of Chestertown.

Montgomery County

Glen Echo vicinity, *Cabin John Aqueduct*, MacArthur Boulevard over Cabin John Creek.

Prince Georges County

Upper Marlboro, *Bowieville*, 2300 Church Road.

St. Marys County

Beauvue vicinity, *Mulberry Fields*, about 4.5 miles southeast of Beauvue off Maryland 244.

Leonardtown vicinity, *St. Andrew's Church*, 5 miles east of Leonardtown on St. Andrew's Church Road.

Washington County

Cavetown vicinity, *The Willows*, southwest of Cavetown on Maryland 66.

Massachusetts

Essex County

Beverly, *Balch, John, House*, 448 Cabot Street.

Michigan

Chippewa County

Shelldrake vicinity, *Whitefish Point Lighthouse*, 5 miles northeast of Shelldrake on Whitefish Road.

Oakland County

Bloomfield Hills, *Cranbrook*, Lone Pine Road.

Washtenaw County

Ann Arbor, *Bennett, Henry, House*, 312 South Division Street.

Minnesota

Lake of the Woods County

Angle Inlet vicinity, *Northwest Point*, northwest of Angle Inlet (Sec. 15, T. 168 N., R. 35 W.).

Missouri

Buchanan County

St. Joseph, *Robidoux Row*, 219–225 East Poulin Street.

Jasper County

Joplin, *Connor Hotel*, 324 Main Street.

Nebraska

Buffalo County

Kearney, *Frank, George W., House*, West 25th Street.

Saunders County

Inglewood vicinity, *Woodcliff Burials*, 2.5 miles south of Inglewood off U.S. 77.

New Hampshire

Rockingham County

Portsmouth, *Shapley Town House*, 454–456 Court Street.

New Jersey

Burlington County

Mount Holly, *Mount Holly Historic District*,

Camden County

Camden, *Cooper, Joseph, House*, at Pyne Point Park at Seventh Street.

Essex County

Montclair, *Crane, Israel, House*, 110 Orange Road.

Mercer County

Pennington vicinity, *Hart-Hoch House*, southwest of Pennington on New Jersey 546 at the corner of Scotch Road.

Pennington, *Welling, John, House*, Curlis Avenue.

Middlesex County

Piscataway, *Fitz-Randolph, Ephraim, House*, 430 South Randolphville Road.

Piscataway, *Metlar House*, 1281 River Road.

Passaic County

Paterson, *Westside Park (Van Houten House)* 114–242 Totowa Avenue.

New York

Albany County

Colonie, *Watervliet Shaker Historic District*.

Newtonville, *Newtonville Post Office*, 534 Loudonville Road.

Columbia County

Chatham, *Spangler Bridge*, Spangler Road.

Hudson vicinity, *Bronson, Dr. Oliver, House and Stables*, south of Hudson off U.S. 9.

Erie County

Buffalo, *St. Paul's Episcopal Cathedral*, 125 Pearl Street.

Lewis County

Constableville, *Constable Hall*, off New York 26.

Montgomery County

Amsterdam, *Guy Park*, West Main Street.

Palatine Bridge, *Palatine Bridge Freight House*, east of Palatine Bridge on New York 5.

Palatine Bridge, *Wagner, Webster, House*, East Grand Street.

Nassau County

Hempstead, *St. George's Church*, 319 Front Street.

New York County

New York, *Chamber of Commerce Building*, 65 Liberty Street.

New York, *Mount Morris Park Historic District*.

Onondaga County

Syracuse, *White Memorial Building*, 106 East Washington Street.

Oswego County

Brewerton, *Fort Brewerton*, State and Lansing Streets.

Oswego, *Oswego City Hall*, West Oneida Street.

Rensselaer County

Troy, *Grand Street Historic District*.

Seneca County

Fayette vicinity, *Rose Hill*, west of Fayette on New York 96A.

Westchester County

Van Courtlandtville, *Old St. Peter's Church*, Oregon Road and Locust Avenue.

North Carolina

Lincoln County

Lincolnton vicinity, *Woodside*, on U.S. 182, 0.4 mile west of junction with U.S. 27.

Ohio

Cuyahoga County

Cleveland, *Old Stone Presbyterian Church*, 91 Public Square.

Cleveland, *St. John's Episcopal Church*, 2600 Church Street.

Rocky River-Lakewood, *Detroit Avenue Bridge*, Detroit Avenue at the Rocky River.

Franklin County

Columbus, *Peruna Drug Manufacturing Co. Building*, 115 East Rich Street.

Lucas County

Toledo, *Old West End District*.

Hamilton County

Cincinnati, *Fenwick Club Annex*, 426 East Fifth Street.

Cincinnati, *Lloyd, John Uri, House*, 3901 Clifton Avenue.

Cincinnati, *Resor, William, House*, 254 Greendale Avenue.

Cincinnati, *Scarlet Oaks*, 440 Lafayette Avenue.

Cincinnati, *Waldschmidt-Camp Donnison District*, 7509 and 7567 Glendale-Milford Road.

Henry County

Napoleon, *Henry County Courthouse*, corner of North Perry and East Washington Streets.

Madison County

London, *Madison County Courthouse*, Public Square.

Portage County

Atwater, *Atwater Congregational Church*, 1237 Ohio 183.

Ross County

Chillicothe, *Kendrick-Barrett House*, 475 Western Avenue.
Chillicothe, *Story Mound State Memorial*, East of Cherokee and Delano Streets.

Summit County

Barberton, *Barber, O. C., Barn No. 1*, 115 Third Street.

Washington County

Marietta, *Mound Cemetery Mound (Conus Mound)*, Fifth and Scammel Streets.

Wood County

Bowling Green, *Wood County Courthouse*, 200 East Court Street.

Oklahoma

Caddo County

Fort Cobb vicinity, *Fort Cobb Site*, about 1 mile east of Fort Cobb.

Logan County

Guthrie, *Co-operative Publishing Co. Building*, Harrison Avenue and Second Street.

Pittsburg County

Pittsburg vicinity, *Blackburn's Station Site*, about 9 miles southeast of Pittsburg.

Pottawatomie County

Shawnee vicinity, *Shawnee Friends Mission*, about 2 miles south of Shawnee.

Pennsylvania

Allegheny County

Pittsburgh, *Allegheny County Buildings*, 436 Grant Street, 420 Ross Street.

Berks County

Bally vicinity, *Christman, Philip, House*, 1 mile southeast of Bally.
Reading, *Askew bridge*, North Sixth Street, near Woodward.

Chester County

Birmingham Township, *Edgewood (Charles Sharpless House)*, intersection of L.R. 15067 and 15221.
Easttown, *Waynesborough*, 2049 Waynesborough Road.
Mendenhall vicinity, *Springdale Farm*, northeast of Mendenhall on Hillendale Road.
Romansville vicinity, *Temple-Webster-Stoner House*, east of Romansville off Pennsylvania 162.
Lenape vicinity, *East Bradford Boarding School for Boys*, 1 mile east of Lenape at Westchester and Sconnelltown Roads.

Delaware County

Chadds Ford vicinity, *Twaddell's Mill and House*, south of Chadds Ford on Rock Hill Road.
Wawa, *Forge Hill*, off U.S. 1.

Franklin County

Kauffman, *Old Brown's Mill School*, off *U.S.* 11.

Montgomery County

Merion, *Upper House, Episcopal Academy*, City Line Avenue and Berwick Road.
Skippack, *Cole House (Kidder-DeHaven House)*, Skippack Pike and Evansburg Road.

Rhode Island

Newport County

Jamestown, *Artillery Park*, North Road and Narragansett Avenue.
Jamestown, *Friends Meeting House*, North Road and Weeden Lane.
Tiverton, *Fort Barton Site*, Lawton and Highland Avenues.

Providence County

Providence, *Bailey, William L., House*, Eaton Street (Providence College campus).
Providence, *Carr House*, 29 Waterman Street.
Providence, *Union Trust Co. Building*, 62 Dorrance Street.

South Carolina

Charleston County

Edisto Island vicinity, *Bleak Hall Plantation Outbuildings*, about 4 miles off South Carolina 174.

McCormick County

Willington vicinity, *Gillebeau House*, about 2.5 miles southeast of Willington off South Carolina 81.

South Dakota

Brown County

Aberdeen, *Easton's Castle*, 1210 Second Avenue NW.

Custer County

Custer, *Way Park Museum*, corner of Fourth and Mount Rushmore Road.
Custer vicinity, *Badger Hole*, 9 miles east of Custer off U.S. 16A.
Custer vicinity, *Cold Springs Schoolhouse*, southeast of Custer off C.R. 336.

Tennessee

Coffee County

Manchester, *Old Stone Fort*, on the Duck River off U.S. 41.

Hamilton County

Chattanooga, *Terminal Station*, 1434 Market Street.

Hawkins County

Rogersville, *Rogersville Historic District*.

Sullivan County

Blountville, *Blountville Historic District*.

Texas

Carson County

Panhandle, *Carson County Square House Museum*, Fifth and Elsie Streets.

San Augustine County

San Augustine vicinity, *Blount, Capt. Thomas William, House*, 2.5 miles west on Texas 21.

Travis County

Austin, *St. Edward's University Main Building and Holy Cross Dormitory*, 3001 South Congress.

Virginia

Hampton (independent city)

Old Point Comfort Lighthouse, Fenwick Road, 0.2 mile southwest of the east gate of Fort Monroe.

Louisa County

Zion Crossroads vicinity, *Green Springs Historic District*, northeast of Zion Crossroads on U.S. 15.

Mathews County

New Point vicinity, *New Point Comfort Lighthouse*, at intersection of Chesapeake Bay and Mobjack Bay.

Richmond (independent city)

2900 Block Grove Avenue Historic District, 2901, 2905, 2911, and 2915 Grove Avenue.

Roanoke County

Salem, *Roanoke College, Main Campus Complex*.

Washington

Kitsap County

Port Orchard, *Sidney Hotel (Navy View Apartments)*, 700 Prospect Street.

Pierce County

Tacoma, *Camp Six*, Within Point Defiance Park.

Whitman County

Pullman, *Thompson, Albert W., Hall*, Administration Road on Washington State University campus.

Wisconsin

Columbia County

Portage, *Fox-Wisconsin Portage Site*, Wauona Trail.

Dane County

Madison, *Bashford, Robert M., House*, 423 North Pinckney Street.
Madison, *Gilmore, Eugene A., House*, 120 Ely Place.

Iowa County

Spring Green vicinity, *Taliesin*, 2 miles south of Spring Green on Wisconsin 23.

Milwaukee County

Milwaukee, *Federal Building*, 515–519 East Wisconsin Avenue.
Milwaukee, *Milwaukee City Hall*, 200 East Wells Street.
Milwaukee, *Milwaukee County Historical Center (Second Ward Savings Bank)*, 910 North Third Street.
Milwaukee, *North Point Water Tower*, East North Avenue between North Lake Drive and North Terrace Avenue.
Milwaukee, *Old St. Mary's Church*, 844 North Broadway.
Milwaukee, *St. Josaphat Basilica*, 601 West Lincoln Avenue.

Ozaukee County

Cedarburg vicinity, *Covered Bridge*, 3 miles northwest of Cedarburg on Covered Bridge Road.

ROBERT M. UTLEY,
Director, Office of Archeology and Historic Preservation.

[FR Doc.73-6315 Filed 4-9-73;8:45 am]

SECRETARY'S ADVISORY BOARD ON NATIONAL PARKS, HISTORIC SITES, BUILDINGS, AND MONUMENTS

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that meetings of the Advisory Board on National Parks, Historic Sites, Buildings, and Monuments will be held on April 16, 17, and 18, at the Department of the Interior, 18th and C Streets NW., Washington, D.C.

The purpose of the Advisory Board is to advise the Secretary of the Interior on matters relating to the National Park System, and the administration of the Historic Sites Act of 1935.

The members of the Advisory Board are as follows:

Dr. Melvin M. Payne, Chairman, Washington, D.C.
Mr. James W. Whittaker, Vice Chairman, Seattle, Wash.
Mrs. Lyndon B. Johnson, Secretary, Stonewall, Tex.
Hon. E. Y. Berry, Rapid City, S. Dak.
Dr. A. Starker Leopold, Berkeley, Calif.
Mr. Peter C. Murphy, Jr., Springfield, Oreg.
Mr. Linden C. Pettys, Ludington, Mich.
Mr. Steven L. Rose, Arcadia, Calif.
Capt. Walter M. Schirra, Jr., Englewood, Colo.
Dr. Douglas W. Schwartz, Santa Fe, N. Mex.
Dr. William G. Shade, Charlottesville, Va.

Meetings will be conducted in different locations as follows:

April 16: 9 a.m., room 5160—The Advisory Board will meet on April 16 for administrative matters pertaining to the Board and to hear reports on several topics, including Park Service interpretation, national trails, Colorado River use, backcountry use, off-road vehicle use, and the camping reservation system. This session is open to the public.

April 17: The entire Board will not meet together, but will hold committee sessions. At 9 a.m., North Penthouse, room 8068, the Natural Areas Committee will meet, and the session is open to the public.

The Committee will hear reports on studies in progress, and on those completed, and will consider 50 to 75 natural areas as potential additions to the National Registry of Natural Landmarks.

At 9 a.m., room 5160, the Historical Areas Committee and the Recreation Area Committee will hold a joint meeting to consider reports on five areas. This portion of the session is open to the public.

At the conclusion of their consideration of these five matters the committees shall meet in executive session, to consider legislative reports on proposed additions to the National Park System. This portion of the meeting shall be closed to the public.

April 18: room 5160—Commencing at 9 a.m., the Advisory Board shall be reconvened to receive reports from committee meetings, and from ad hoc committees. The meeting will be in executive session in order for the Advisory Board to formulate its comments and recommendations. This meeting will be closed to the public.

The meeting will be open to the public only as indicated above. The Secretary of the Interior has made a determination in accordance with section 10(d) of the Federal Advisory Committee Act that the portions of the meeting to be closed will involve matters exempt from public disclosure under the provisions of 5 U.S.C. 552(b).

Any member of the public may file with the Advisory Board a statement in writing concerning any of the matters to be discussed. In regard to the meeting on April 16, facilities and space to accommodate members of the public is limited and it is expected that not more than 35 people will be able to attend. Persons desiring further information concerning this meeting or who wish to file written statements, may contact Mrs. Helen C. Saults, National Park Service, Washington, D.C., at 202-343-2012.

Minutes of the meeting will be available for public inspection 8 to 10 weeks after the meeting in room 3123, Interior Building, Washington, D.C.

Dated April 6, 1973.

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

[FR Doc.73-7000 Filed 4-9-73;9:17 am]

Office of Coal Research

ADVISORY COMMITTEE AND PANELS

Notice of Meeting

Notice is hereby given, pursuant to Executive Order 11671, and as required by the Federal Advisory Committee Act (96 Stat. 770), that a meeting of the General Technical Advisory Committee of the Office of Coal Research will convene at 9:30 a.m., May 8, 1973, at Bituminous Coal Research, Inc., Monroeville, Pa.

The Committee is composed of qualified technical representatives from industry and research organizations.

The following agenda items will be discussed, and the meeting will be open to the public:

Convene and opening remarks, Director of Office of Coal Research.
Review of High Btu Coal Gasification Program—
  Status reports regarding:
    IGT contract.
    Consol contract.
    Stearns-Roger contract.
    C F Braun contract.
    Chem Systems contract.
    Battelle contract.
  by Director of Office of Coal Research.
OCR role in reorganized Interior Department; presentation and discussion by Director of Office of Coal Research.
Review OCR fiscal year 1974 budget hearings by Director of Office of Coal Research and by Chief, Division of Contracts and Administration.
General review and discussion.

Records shall be kept of all proceedings of the General Technical Advisory Committee and shall be available for public review at the Office of Coal Research, U.S. Department of the Interior Building, 18th and E Streets NW., Washington, D.C. 20240.

Signed at Washington, D.C., on April 4, 1973.

GEORGE R. HILL,
Director, Office of Coal Research.

[FR Doc.73-6831 Filed 4-9-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 73-31]

STANSBURY & CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 861(c)(1970), Stansbury & Co., Inc., has filed a petition to modify the application of 30 CFR 77.1605(k) to its Benham, Brookside, Molus, Leatherwood, and Hatfield Mines located in Harlan, Bell, and Perry Counties, Ky.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

Petitioner asks that the standard be modified to allow it to maintain its roads as they presently exist. Petitioner states that its roads are built on grades of 10° or less and its trucks normally do not use the roads when it rains.

Petitioner contends that the application of the mandatory standard would result in diminution of safety to miners at the mines because a berm would retain water on the road creating slippery conditions and would not allow water to drain properly. Petitioner avers that the division of reclamation of Kentucky will not allow a road to be built which is wide enough to support a berm. Most of the roads are shot out of a rock cliff and if the road were wide enough to place a berm on it, the weight might cause slides. Petitioner also states that if a berm is placed on the outer edge of the road, culverts could not be put in as they should be.

Finally petitioner contends that guard rails could not be built because they would have to be set in soft dirt or rock and if placed in rock, the necessary blasting would destroy part of the road.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before May 10, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

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

MARCH 30, 1973.

[FR Doc.73-6833 Filed 4-9-73;8:45 am]

Office of the Secretary

[INT FES 73-13]

BONNEVILLE POWER ADMINISTRATION

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Bonneville Power Administration has prepared a final environmental statement which discusses environmental considerations relating to BPA's projected program for fiscal year 1974.

Copies of the final environmental statement are available for review in the library of the headquarters office of BPA, 1002 Northeast Eolladay Street, Portland, Oreg. 97208, the Washington, D.C., office in the Interior Building, room 5600, or in the following area and district offices: Idaho Falls, Idaho; Portland, Oreg.; Seattle, Wash.; Spokane, Wash.; Walla Walla, Wash.; Eugene, Oreg.; Kalispell, Mont.; and Wenatchee, Wash.

Dated April 3, 1973.

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

[FR Doc.73-6830 Filed 4-9-73;8:45 am]

[INT DES 73-19]

HAVASU NATIONAL WILDLIFE REFUGE, ARIZ.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement that proposes a habitat enhancement project within the Topock Marsh Unit of Havasu National Wildlife Refuge, Mohave County, Ariz. The project would include diking to permit water management, channeling to improve water circulation, levees and management units to provide habitat for the endangered Yuma clapper rail, and construction of a sediment basin to trap silt from the marsh inlet canal. Written comments are invited on or before May 25, 1973.

Copies are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife, 500 Gold Avenue SW., room 9018, P.O. Box 1306, Albuquerque, N. Mex. 87103.

Bureau of Sport Fisheries and Wildlife, Office of Environmental Quality, Department of the Interior, room 2245, 18th and C Streets NW., Washington, D.C. 20240.

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Please refer to the statement number above.

Dated April 3, 1973.

W. W. LYONS,
Deputy Assistant Secretary, Program Policy.

[FR Doc.73-6829 Filed 4-9-73;8:45 am]

[INT DES 73-22]

LAKE McDONALD MASTER SEWERAGE SYSTEM PLAN, GLACIER NATIONAL PARK, MONT.

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Lake McDonald Master Sewerage System Plan in Glacier National Park.

The statement considers construction of a sewerage system for the Lake McDonald Region in Glacier National Park, Mont. Involved in the proposal are the Lake McDonald Lodge, Sprague Creek campground, park headquarters, Apgar, Fish Creek campground, and the Avalanche campground.

Written comments on the environmental statement are invited and will be accepted on or before May 25, 1973. The comment period may be extended on an individual case basis as provided for in the Council of Environmental Quality Guidelines of April 23, 1971. Comments should be addressed to the Superintendent, Glacier National Park, Mont. (address below).

Copies of the draft environmental statement are available from or for inspection at the following locations:

Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebr. 68102.

Superintendent, Glacier National Park, West Glacier, Mont. 59936.

Dated April 3, 1973.

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

[FR Doc.73-6826 Filed 4-9-73;8:45 am]

[INT DES 73-21]

MANY GLACIER AREA, GLACIER NATIONAL PARK, MONT.; POLLUTION ABATEMENT PROJECT FOR

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the Many Glacier pollution abatement project in Glacier National Park, Mont.

The statement considers the construction of a replacement sewerage for the Many Glacier area in Glacier National Park. A collection system and force main will carry the sewage to a treatment facility which includes an aeration lagoon and a percolation pond.

Written comments on the environmental statement are invited and will be accepted on or before May 25, 1973. The comment period may be extended on an individual case basis as provided for in the Council of Environmental Qualtity Guidelines of April 23, 1971. Comments should be addressed to the Superintendent, Glacier National Park, West Glacier, Mont. 59936.

Copies of the draft environmental statement are available from or for inspection at the following locations.

Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebr. 68102.

Superintendent, Glacier National Park, West Glacier, Mont. 59936.

Dated April 3, 1973.

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

[FR Doc.73-6827 Filed 4-9-73;8:45 am]

[INT DES 73-24]

PICK-SLOAN MISSOURI BASIN PROGRAM, N. DAK.; AUTHORIZED INITIAL STAGE OF GARRRISON DIVERSION UNIT

Notice of Availability of Draft Environmental Statement

Pursuant to section 101(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposed diversion of water from Lake Sakakawea on the Missouri River for the purposes of irrigation, flood control, fish and wildlife enhancement, recreation, and municipal water. Written comments are invited on or before May 25, 1973. Written comments can be directed to the Regional Director, Billings, Mont. (See complete address below.)

Copies are available for inspection at the following locations:

Office of Ecology, room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240; telephone (202) 343-4991.

Division of Engineering Support, Technical Services Branch, E. & R. Center, Denver Federal Center, Denver, Colo. 80225; telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, P.O. Box 2553, Billings, Mont. 59103; telephone (406) 245-6711.

Missouri-Souris Projects Office, Bureau of Reclamation, P.O. Box 1017, Bismarck, N. Dak.; telephone (701) 255-4011.

Single copies of the draft environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated: April 5, 1973.

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

[FR Doc.73-6858 Filed 4-9-73;8:45 am]

[INT DES 73-20]

ST. MARY AREA, GLACIER NATIONAL PARK; POLLUTION ABATEMENT PROJECT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a pollution abatement project in Glacier National Park.

The environmental statement considers a sewage collection and treatment system for the Rising Sun and St. Mary areas in Glacier National Park. Included are a new collection line from Rising Sun to St. Mary, a treatment plant at St. Mary and a sprinkler irrigation installation for disposal of secondary effluent.

Written comments on the environmental statement are invited and will be accepted on or before May 25, 1973. The comment period may be extended on an individual case basis as provided for in the Council of Environmental Quality guidelines of April 23, 1971. Comments

should be addressed to the Superintendent, Glacier National Park (address given below).

Copies of the draft environmental statement are available from or for inspection at the following locations:

Director, Midwest Regional Office, National Park Service, 1709 Jackson Street, Omaha, Nebr. 68102.
Superintendent, Glacier National Park, West Glacier, Mont. 59936.

Dated April 3, 1973.

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

[FR Doc.73-6828 Filed 4-9-73;8:45 am]

[INT DES 73-23]

PINE, POPPLE, AND PIKE WILD RIVERS ACQUISITION PROPOSAL

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for the proposed Pine, Popple, and Pike Wild Rivers acquisition project and invites written comment on or before May 25, 1973. Comments from interested members of the public should be addressed to Regional Director, Lake Central Region, Bureau of Outdoor Recreation, 3853 Research Park Drive, Ann Arbor, Mich. 48104.

The environmental statement considers the acquisition of title or easement to approximately 7,000 acres of land along the Pine, Popple, and Pike Rivers in Forest, Florence, and Marinette Counties by the Wisconsin Department of Natural Resources. The land will be managed so that the "wild river" characteristics of the rivers will be preserved and enjoyed by the general public.

Copies are available for inspection at the following locations:

Division of State Programs, Bureau of Outdoor Recreation, room 4216, Department of the Interior, Washington, D.C. 20240 (Telephone: (202) 343-5079).
Wisconsin Clearinghouse, State Planning Bureau, Department of Administration, 1 West Wilson Street, State Office Building, Madison, Wis. 53701.
County Board of Commissioners, Marinette County Court House, Marinette, Wis. 54143.
Office of the Regional Director, Bureau of Outdoor Recreation, Lake Central Regional Office, 3853 Research Park Drive, Ann Arbor, Mich. 48104.

Copies may be obtained by writing the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated April 3, 1973.

NATHANIEL REED,
Assistant Secretary of the Interior.

[FR Doc.73-6834 Filed 4-9-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

MILK IN BOSTON REGIONAL ET AL.

Determination of Equivalent Prices in March 1973 for Chicago Grade AA (93 Score) and Grade A (92 Score) Butter, and New York Grade AA (93 Score) Butter

In the matter of:

7 CFR PART AND MARKETING AREA

1001—Boston Regional.
1002—New York-New Jersey.
1004—Middle Atlantic.
1006—Upper Florida.
1007—Georgia.
1011—Appalachian.
1012—Tampa Bay.
1013—Southeastern Florida.
1015—Connecticut.
1030—Chicago Regional.
1032—Southern Illinois.
1033—Ohio Valley.
1036—Eastern Ohio-Western Pennsylvania.
1040—Southern Michigan.
1043—Upstate Michigan.[1]
1044—Michigan Upper Peninsula.
1046—Louisville-Lexington-Evansville.
1049—Indiana.
1050—Central Illinois.
1060—Minnesota-North Dakota.
1061—Southeastern Minnesota-Northern Iowa (Dairyland).
1062—St. Louis-Ozarks.
1063—Quad Cities-Dubuque.
1064—Greater Kansas City.
1065—Nebraska-Western Iowa.
1068—Minneapolis-St. Paul.
1069—Duluth-Superior.
1070—Cedar Rapids-Iowa City.
1071—Neosho Valley.
1073—Wichita, Kans.
1075—Black Hills, S. Dak.
1076—Eastern South Dakota.
1078—North Central Iowa.
1079—Des Moines, Iowa.
1090—Chattanooga, Tenn.
1094—New Orleans, La.
1096—Northern Louisiana.
1097—Memphis, Tenn.
1098—Nashville, Tenn.
1099—Paducah, Ky.
1101—Knoxville, Tenn.
1102—Fort Smith, Ark.
1103—Mississippi.
1104—Red River Valley.
1106—Oklahoma Metropolitan.
1108—Central Arkansas.
1120—Lubbock-Plainview, Tex.
1121—South Texas.
1124—Oregon-Washington.
1125—Puget Sound, Wash.
1126—North Texas.
1127—San Antonio, Tex.
1128—Central West Texas
1129—Austin-Waco, Tex.
1130—Corpus Christi, Tex.
1131—Central Arizona.
1132—Texas Panhandle.
1133—Inland Empire.
1134—Western Colorado.
1136—Great Basin.
1137—Eastern Colorado.
1138—Rio Grande Valley.

[1] Merged with southern Michigan order, part No. 1040, effective Apr. 1, 1973. Equivalent butter prices determined herein are applicable to price computations pursuant to the upstate Michigan order prior to the merger.

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable provisions of the orders, as amended, regulating the handling of milk in the aforesaid milk marketing areas, hereinafter referred to as the "orders," it is hereby found and determined as follows:

(1) The daily wholesale bulk selling prices for Chicago grade AA (93 score) and grade A (92 score) butter, and New York grade AA (93 score) butter, as reported by the Dairy and Poultry Market News Service, U.S. Department of Agriculture, Agricultural Marketing Service, were not available and accordingly were not reported on a number of regular reporting days during the month of March 1973.

Such butter prices were available and were reported on a regular basis through March 8, 1973, the day on which the new dairy price support program was announced. During the remainder of the month an unsettled market situation existed and few wholesale bulk butter prices were reported by the "Dairy and Poultry Market News Service." These few wholesale bulk butter prices, as well as spot market prices on the Chicago and New York Mercantile Exchanges reported by the "Dairy and Poultry Market News Service," generally were at significantly lower levels than in the first part of the month. Therefore, an average price for the month (for each grade and market) based on only the limited number of wholesale bulk butter prices reported by "Dairy and Poultry Market News Service" would not be representative for the month because it does not give weight to the lower level of prices in the latter part of the month.

For purposes specified in the orders with respect to computing prices and butterfat differentials, it is determined to be necessary to provide equivalent prices for those reporting days on which the wholesale bulk butter prices were lacking. Such equivalent prices have been determined. This determination was based primarily on the spot market prices for the respective grades of butter on the Chicago Mercantile Exchange and the New York Mercantile Exchange plus a normal differential between spot prices and the wholesale bulk selling prices. Using these equivalent prices in conjunction with the wholesale bulk butter prices reported during the month, it is hereby determined that the average butter prices for March 1973, for purposes specified in the orders, are:

	Cents
Chicago grade AA (93-score) butter	64.45
Chicago grade A (92-score) butter	64.17
New York grade AA (93-score) butter	64.96

(2) Notice of proposed rulemaking, public procedure thereon and 30 days prior notice of the effective date hereof are impracticable, unnecessary, and contrary to the public interest, in that (a) the daily wholesale selling prices for Chicago grade AA (93-score) and grade A

(92-score) butter, and New York grade AA (93-score) butter, have not been reported by the "Dairy and Poultry Market News Service," U.S. Department of Agriculture, Agricultural Marketing Service on a number of days during the month of March 1973, and the averages of the limited number of daily prices so reported in the respective markets are not representative prices for the entire month of March 1973; (b) the need for determination of equivalent prices could not be known until the end of March 1973 and such determination could not be made until all available data for the month had been obtained; (c) the determination of such equivalent prices is necessary to make possible the announcement of minimum prices and butterfat differentials pursuant to the orders on April 5, 1973; (d) this determination is necessary to give notice to all interested persons that the averages of the limited number of Chicago grade AA (93-score) and grade A (92-score) wholesale bulk butter prices, and New York grade AA (93-score) wholesale bulk butter prices reported in the "Dairy and Poultry Market News Service" during March 1937 will not be used for the purpose of computing class prices and butterfat differentials under the aforesaid orders; and (e) this determination does not require substantial or extensive preparation by any person.

Signed at Washington, D.C., on April 5, 1973.

CLAYTON YEUTTER,
Assistant Secretary.

[FR Doc.73-6840 Filed 4-9-73;8:45 am]

SHIPPERS ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of § 10(a)(2) of Public Law 92-463, notice is hereby given of a meeting of the Shippers Advisory Committee established under Marketing Order No. 905 (7 CFR Part 905). This order regulates the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida and is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The committee will meet in the auditorium of the Florida Citrus Mutual Building, 302 South Massachusetts Avenue, Lakeland, Fla., at 10:30 a.m., local time, on April 17, 1973.

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

Dated April 5, 1973.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.73-6939 Filed 4-9-73;8:45 am]

Agricultural Stabilization and Conservation Service (Sugar)

[Docket No. SH-315]

HAWAII SUGARCANE AREA

Notice of Hearing on Prices for 1973-Crop Hawaiian Sugarcane, and Designation of Presiding Officers

Pursuant to the authority contained in section 301(c)(2) of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U.S.C. 1131), and in accordance with the rules of practice and procedure applicable to price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Hilo, on the Island of Hawaii, in the auditorium of the Hilo Electric Light Co., 1200 Kilauea Avenue, on April 27, 1973, beginning at 9 a.m.

The purpose of this hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining, pursuant to the provisions of section 301(c)(2) of the act, fair and reasonable prices or rates for the 1973 crop of Hawaiian sugarcane to be paid, under either purchaes or toll agreements, by producers who process sugarcane grown by other producers and who apply for payment under the act on their own sugarcane production.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and to present appropriate data in regard to the foregoing matter.

All written submissions made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk, room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers, and may be adjourned to a later day or to a different place without notice other than the announcement thereof at the hearing by the presiding officers.

Leo L. Sommerville, Robert R. Stansberry, Jr., James E. Agnew, Jr., Clarence Chan, and Teiji Kagimoto are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

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

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

[FR Doc.73-6925 Filed 4-9-73;8:45 am]

Food and Nutrition Service

SCHOOL FOOD SERVICE PROGRAMS

Cash Payments to State Agencies

Public Law 93-13, signed by the President on Marcl. 30, 1973, requires the Secretary of Agriculture, hereinafter referred to as the Secretary, to make an estimate as of March 15, 1973, of the value of agricultural commodities and other foods that will be delivered during the fiscal year ending June 30, 1973, to States for school food service programs under the provisions of section 6 of the National School Lunch Act, as amended (42 U.S.C. 1755); section 32 of the act of August 24, 1935, as amended (7 U.S.C. 612c); and of section 416 of the Agricultural Act of 1949, as amended (7 U.S.C. 1431). Public Law 93-13 further requires that, if such estimated value is less than 90 percent of the value of food deliveries initially programed for the fiscal year ending June 30, 1973, the Secretary shall pay to State educational agencies, by not later than April 15, 1973, an amount of funds that is equal to the difference between the value of food deliveries initially programed for such fiscal year and the estimated value of commodities and other foods to be delivered for such year.

Pursuant to Public Law 93-13, the Secretary has determined that a shortfall of $70,809,000 will occur in the value of foods to be delivered during the fiscal year ending June 30, 1973, to States for use in school food service programs. Notice is hereby given, therefore, that the Secretary will make cash payments to States for the fiscal year ending June 30, 1973, in a total amount of $70,809,000 to compensate for such shortfall. Such cash payments will be made upon the following terms and conditions:

1. The share of the total funds to be paid to each State shall bear the same ratio to the total of such payments to all States as the number of meals, meeting the requirements of § 210.10 of the national school lunch program regulations (7 CFR part 210) and § 220.8 of the school breakfast program regulations (7 CFR part 220), served in participating schools during the fiscal year ending June 30, 1972, bears to the total of all such meals served in all the States during such fiscal year: *Provided, however*, That in any State in which the Food and Nutrition Service Regional Office, hereinafter referred to as FNSRO, administers school food service programs in the nonprofit private schools of such State, the Secretary shall withhold from

the funds so determined an amount that bears the same ratio to the total of such funds as the number of meals, meeting the requirements of § 210.10 of the national school lunch program regulations and § 220.8 of the school breakfast program regulations, served in nonprofit private schools in such State during the fiscal year ending June 30, 1972, bears to the total of such meals served in all the schools in such State in such fiscal year.

2. Any funds to be made available in accordance with this notice shall be distributed to States by means of a Department of the Treasury check. The total funds to be made available to each State are shown in the table below.

3. Funds received by a State in accordance with this notice shall not be subject to the matching provisions of § 210.6 of the national school lunch program regulations.

4. State agencies and FNSROs shall promptly and equitably distribute any funds received under this notice to schools participating in the national school lunch and the school breakfast programs.

5. On or before disbursing funds to participating schools, State agencies and FNSROs shall notify such schools of the reason for the special disbursement, the purpose for which these funds shall be used and, if possible, the amount of funds they will receive under this notice.

6. Any funds made available to a school shall be expended only for the purchase of food to be used in a nonprofit school lunch or breakfast program.

7. Any funds made available to a school shall be in addition to the reimbursement it receives under §§ 210.4 and 210.11 of the national school lunch program regulations and § 220.8 of the school breakfast program regulations.

8. Each State agency and FNSRO shall establish a procedure for accounting for the receipt and disbursement of funds received in accordance with this notice and shall make such reports as are prescribed by the Food and Nutrition Service.

APPORTIONMENT OF FUNDS FOR CASH PAYMENTS TO STATE AGENCIES AND REGIONAL OFFICES FOR FOOD COMMODITIES PROGRAMED FOR DISTRIBUTION DURING FISCAL YEAR 1973

State	Total	State agency	Regional office
Alabama	$1,791,109	$1,761,169	$29,940
Alaska	116,403	116,403	----
Arizona	675,958	675,958	----
Arkansas	978,735	961,301	17,434
California	3,874,081	3,874,081	----
Colorado	813,306	784,289	29,017
Connecticut	601,291	601,291	----
Delaware	224,246	224,246	----
District of Columbia	234,198	234,198	----
Florida	2,789,277	2,798,277	----
Georgia	2,681,462	2,681,462	----
Guam	53,180	53,180	----
Hawaii	425,947	405,963	19,984
Idaho	278,517	272,601	5,916
Illinois	2,795,329	2,795,329	----
Indiana	1,971,181	1,971,181	----
Iowa	1,331,876	1,206,046	125,830
Kansas	865,015	865,015	----
Kentucky	1,869,809	1,869,809	----
Louisiana	2,185,133	2,185,133	----
Maine	368,321	345,012	23,309
Maryland	1,016,925	1,016,925	----
Massachusetts	1,842,974	1,842,974	----
Michigan	2,015,750	2,015,750	----
Minnesota	1,736,483	1,736,483	----
Mississippi	1,309,856	1,309,856	----
Missouri	1,705,545	1,705,545	----
Montana	217,591	207,333	10,258
Nebraska	579,979	518,953	61,026
Nevada	96,971	96,294	677
New Hampshire	221,719	221,719	----
New Jersey	1,356,176	1,273,249	82,927
New Mexico	529,506	529,506	----
New York	4,635,948	4,635,948	----
North Carolina	2,830,126	2,830,126	----
North Dakota	279,109	254,921	24,188
Ohio	3,361,640	3,163,307	198,333
Oklahoma	1,072,868	1,072,868	----
Oregon	695,801	695,801	----
Pennsylvania	3,180,496	2,939,564	240,932
Puerto Rico	1,115,091	1,115,091	----
Rhode Island	173,523	173,523	----
Samoa, American	37,326	37,326	----
South Carolina	1,486,890	1,475,237	11,653
South Dakota	316,471	316,471	----
Tennessee	1,867,564	1,847,699	19,865
Texas	4,205,838	4,115,153	90,685
Utah	568,824	568,824	----
Vermont	149,312	149,312	----
Virginia	2,023,212	2,006,047	17,165
Virgin Islands	48,719	48,719	----
Washington	945,676	932,395	15,681
West Virginia	772,261	762,797	9,464
Wisconsin	1,357,643	1,171,901	185,742
Wyoming	119,413	119,413	----
Total	70,809,000	69,588,974	1,220,026

Effective date: This notice shall be effective April 10, 1973.

Dated April 5, 1973.

JAMES H. LAKE,
Deputy Assistant Secretary.

[FR Doc.73-6879 Filed 4-9-73;8:45 am]

Forest Service

SALMON RIVER ADVISORY COMMITTEE

Notice of Cancellation of Meeting

The Salmon River Advisory Committee meeting scheduled for 9 a.m., m.s.t., in the meeting room of the Idaho Fish and Game Department Building, 600 South Walnut, Boise, Idaho, on April 26, 1973, and published in the FEDERAL REGISTER on March 29, 1973, page 8181, has been canceled.

W. B. SENDT,
Forest Supervisor,
Payette National Forest.

APRIL 2, 1973.

[FR Doc.73-6870 Filed 4-9-73;8:45 am]

Office of the Secretary

NAMBE PUEBLO INDIAN LANDS IN NEW MEXICO

Feed Grain Donations

Pursuant to the authority set forth in section 407 of the Agricultural Act of 1949, as amended (7 U.S.C. 1427), and Executive Order 11336, I have determined that:

1. The chronic economic distress of the needy members of the Nambe Pueblo Indian Lands in New Mexico has been materially increased and become acute because of severe drought during the 1972 growing season creating a serious shortage of livestock feed. These lands are reservation or other lands designated for Indian use and utilized by members of the Indian tribe for grazing purposes.

2. The use of feed grain or products thereof made available by the Commodity Credit Corporation for livestock feed for such needy members of the tribe will not displace or interfere with normal marketing of agricultural commodities.

Based on the above determinations, I hereby declare the reservation and grazing lands of this tribe to be acute distress areas and authorize the donation of feed grain owned by the Commodity Credit Corporation to livestockmen who are determined by the Bureau of Indian Affairs, Department of the Interior, to be needy members of the tribe utilizing such lands. These donations by the Commodity Credit Corporation may commence upon signature of this notice and shall be made available to May 1, 1973, or through the duration of the existing emergency.

Signed at Washington, D.C. on April 5, 1973.

EARL L. BUTZ,
Secretary.

[FR Doc.73-6889 Filed 4-9-73;8:45 am]

Soil Conservation Service

NUTWOOD WATERSHED PROJECT; ILLINOIS

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Nutwood Watershed Project, Jersey and Greene Counties, Ill., USDA-SCS-ES-WS-(ADM)-73-11(F).

The environmental statement concerns a plan for watershed protection, flood prevention, and improvement of agricultural drainage. The planned works of improvement include conservation land treatment measures supplemented by three floodwater retarding structures, two water level control structures, and one pumping station.

Copies are available for inspection during regular working hours at the following locations:

Soil Conservation Service, USDA, South Agriculture Building, room 5227, 14th and Independence Avenue SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, 200 West Church Street, Champaign, Ill. 61820.

Copies are available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please order by name and number of statement. The estimated cost is $5.

Nutwood Watershed Project, Illinois, Notice of Availability of Final Environmental Statement.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the

Council on Environmental Quality Guidelines.

Dated April 4, 1973.

EUGENE C. BUIE,
Acting Deputy Administrator for Watersheds, Soil Conservation Service.

[FR Doc.73-6888 Filed 4-9-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services and Mental Health Administration

NATIONAL ADVISORY COUNCIL ON COMPREHENSIVE HEALTH PLANNING PROGRAMS

Notice of Open Meeting

The Acting Administrator, Health Services and Mental Health Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble during the month of April 1973:

Committee name	Date, time, place	Type of meeting and/or contact person
National Advisory Council on Comprehensive Health Planning Programs.	Apr. 25, 1973, 9:30 a.m., Parklawn Bldg., Conference room G, 5600 Fishers Lane, Rockville, Md.	Open—Contact Frank A. Juska, Parklawn Bldg., room 7-31, 5600 Fishers Lane, Rockville, Md., Code 301-443-2390.

Purpose.—The Council advises and assists the Secretary, Department of Health, Education, and Welfare in the preparation of general regulations for, and as to policy matters arising with respect to the administration of section 314 of the Public Health Service Act; and the relationship between the improved organization and delivery of health services and financing of such services. The Council advises the Secretary on matters related to section 1122 of the Social Security Act.

Agenda.—Agenda items include an orientation of authorities under section 314 of the Public Health Service Act and section 1122 of the Social Security Act. This includes discussion of project and formula grants for Comprehensive Health Planning Agencies; discussion of formula grants to States in support of public health services; and explanation of section 1122 of the Council's role with regard to it.

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the open session may be obtained from the contact person listed above.

Dated April 4, 1973.

ANDREW J. CARDINAL,
Acting Associate Admistrator for Management, Health Services and Mental Health Administration.

[FR Doc.73-6855 Filed 4-9-73;8:45 am]

Social and Rehabilitation Service

CUBAN REFUGEE PROGRAM

Notice of Intention To Phase Out Federal Reimbursement to States

Notice is hereby given that the Social and Rehabilitation Service proposes to terminate, by July 1, 1977, Federal reimbursements to States under the Migration and Refugee Assistance Act of 1962 (Public Law 87-510). This action implements commitments to the Congressional Appropriations Committees made during budget hearings for fiscal year 1973. State agencies administering public assistance programs were informed in detail of the reasons for this proposal in an information memorandum issued May 22, 1972 (APA-IM-72-13). The plan for phasing out the program is as follows:

1. Effective July 1, 1973, Federal reimbursements to the States for financial and medical assistance to needy Cuban refugees, from funds appropriated to carry out the provisions of the Migration and Refugee Assistance Act of 1962 (Public Law 87-510) relating to assistance to refugees in the United States (Cuban refugee program), shall be discontinued for cases in which the head of the case has lived in the United States for 5 years or longer, and thereafter at such time as the head of an assisted case has lived in the United States for 5 years, with the following exceptions: (a) Reimbursements to the States for nonmedical assistance shall be discontinued January 1, 1974, for all cases eligible under Title III ("Supplemental Security Income for the Aged, Blind, and Disabled") of the Social Security Amendments of 1972 (Public Law 92-603) without regard to the length of time the head of the case has lived in the United States; and (b) reimbursements shall be continued, subject to annual review and approval by the Department of Health, Education, and Welfare, but in no event beyond June 30, 1977, for financial and medical assistance to Cuban refugee cases not eligible under title I, IV, X, XIV, XVI, or XIX of the Social Security Act in any State in which the population born in Cuba comprised 3 percent or more of the total population of the State according to the 1970 census of population.

2. Effective July 1, 1977, all Federal reimbursements to the States for financial and medical assistance to needy Cuban refugees, from funds appropriated as specified above, shall be terminated.

Prior to the adoption of the proposed plan, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, on or before May 10, 1973. Comments received will be available for public inspection in room 5121 of the Department's offices at 301 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m., area code 202-963-7361.

Dated March 23, 1973.

PHILIP J. RUTLEDGE,
Acting Administrator, Social and Rehabilitation Service.

[FR Doc.73-6749 Filed 4-9-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON ZION STATION UNITS 1 AND 2

Agenda and Notice of Meeting

APRIL 5, 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 the Zion Station Units 1 and 2 will hold a meeting on April 21, 1973, at 8:30 a.m., room 1046, 1717 H Street NW., Washington, D.C.

The purpose of this meeting will be to review the ascent to power and suggested restrictions on the operating power levels for Units 1 and 2 of this nuclear power plant.

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

Saturday, April 21, 9:30 a.m.-3:30 p.m.—Review of the ascent to power and suggested restrictions on the operating power levels for the Zion Station Units 1 and 2. (Presentations by the regulatory staff and applicant and discussions with these groups.)

In connection with the above agenda item, the Subcommittee will hold an executive session at 8:30 a.m. which will involve a discussion of its preliminary views, and an executive session at the end of the day, consisting of an exchange of opinions of the Subcommittee members present and internal deliberations and formulation of recommendations to the ACRS.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulations of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such portions of the meeting to protect the free interchange of internal views and avoid undue interference with agency or Committee operation.

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

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

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than April 17, 1973, to the Executive Secretary, Advisory

Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such written statements shall be based on materials related to the above agenda item, which materials are contained in the application for an operating license and related documents, on file, and available for public inspection at the Atomic Energy Commission's public document room, 1717 H Street NW., Washington, D.C. 20545, and the Waukegan Public Library, 128 North County Street, Waukegan, Ill. 60085.

(b) Those persons submitting a written statement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 3 p.m. on the day of the meeting.

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

(d) Information as to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on April 19, 1973, to the office of the Executive Secretary of the Committee (telephone 301–973–5651) between 8:30 a.m. and 5:15 p.m. e.s.t.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

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

(g) Copies of minutes of public sessions will be made available for inspection on or after June 4, 1973, at the Atomic Energy Commission's public document room, 1717 H Street NW., Washington, D.C. Copies may be obtained upon payment of appropriate charges.

JOHN V. VINCIGUERRA,
Advisory Committee Management Officer.

[FR Doc.73-6981 Filed 4-9-73;8:45 am]

[Docket No. 50-394]

CALIFORNIA STATE POLYTECHNIC COLLEGE

Notice of Proposed Issuance of Facility License

The Atomic Energy Commission (herein "the Commission") is considering the issuance of a facility license to the California State Polytechnic College at San Luis Obispo, Calif. The proposed license would authorize the college to possess, use, and operate the AGN-201 (Serial No. 100) nuclear research reactor located on its campus in San Luis Obispo, Calif., at steady state power levels up to a maximum of 100 milliwatts (thermal), for educational training. Construction of the reactor was authorized by Construction Permit No. CPRR-114 issued by the Commission on December 14, 1971.

The Commission has found that the application for the license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended ("the act"), and the Commission's regulations published in 10 CFR chapter I.

Prior to the issuance of the license, the facility will be inspected by a representative of the Commission to determine whether it has been constructed in accordance with the application and the provisions of Construction Permit No. CPRR-114. The license will be issued after the Commission makes the findings required by the act and the Commission's regulations, which are set forth in the proposed license, and concludes that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of the license, the California State Polytechnic College will be required to execute an amended indemnity agreement as required by section 170 of the act and 10 CFR Part 140 of the Commission's regulations.

On or before May 10, 1973, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to the proposed facility license, see (1) the application by the college dated May 30, 1971, and supplements thereto dated July 26, 1971, and October 22, 1971, (2) the proposed facility license, and (3) the related Safety Evaluation, all of which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of items (2) and (3) above may be obtained upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Prior to issuance of the facility operating license, the Technical Specifications referenced in the proposed license will be made available in the above Public Document Room.

Dated at Bethesda, Md., this 30th day of March 1973.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc.73-6871 Filed 4-9-73;8:45 am]

[Docket No. 50-155]

CONSUMERS POWER CO.

Notice of Issuance of Facility License Amendment and Opportunity for Hearing

The Commission has issued amendment No. 4, as set forth below, to Facility License No. DPR-6. The license authorizes Consumers Power Co. (Company) of Jackson, Mich., to possess and operate its Big Rock Point Nuclear Plant (the reactor) located in Charlevoix County, Mich. The amendment, effective as of December 6, 1972, the date of its issuance, amends the license to raise from 50 to 150 kg the amount of plutonium contained in PuO_2-UO_2 fuel rods which the licensee may receive, possess and use in connection with the operation of the reactor. The amendment was accompanied by an implementing change to the technical specifications applicable to the facility. The amendment incorporated the following findings of the Commission:

(1) The application for license amendment dated June 16, 1972 (as corrected June 27, 1972), complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in 10 CFR chapter 1;

(2) There is reasonable assurance that (1) the reactor can be operated in accordance with the license, as amended, without endangering the health and safety of the public, and (2) such activities will be conducted in compliance with the rules and regulations of the Commission;

(3) The issuance of this amendment will not be inimical to the common defense and security or to the health and safety of the public; and

(4) Public notice of proposed issuance of this amendment is not required since the amendment does not involve significant hazard considerations different from those previously evaluated.

Considering the existence of public interest in the amendment, notice is hereby given that any person whose interest may be affected by the Commission's determination of the Company's application may file a petition for leave to intervene and request a hearing on the license amendment by May 10, 1973. If a timely request for a hearing, accompanied by a petition for leave to intervene meeting the requirements of 10 CFR 2.714, is filed by any person whose interests may be affected, a hearing will be conducted at a time and place to be announced by the Atomic Safety and Licensing Board (Board) specified below. Any such hearing shall be conducted with a view toward a de novo determination of matters properly placed in issue, as determined by the Board. The burden of proof shall be upon the applicant.

Papers required to be filed in the proceeding may be filed by mail or telegram addressed to the Secretary of the

Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's public document room, 1717 H Street NW., Washington, D.C. Pending further order of the Board, persons 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.

A copy of the Company's application, the amendment to the operating license, the amendment to the technical specifications, and other documents relevant to the Big Rock Point reactor are available for inspection by members of the public in the Commission's public document room, 1717 H Street NW., Washington, D.C.

An Atomic Safety and Licensing Board (Board) is hereby designated to receive and rule on requests for hearing and/or petitions to intervene composed of the following members: Max D. Paglin (chairman), Dr. Harry Foreman, and Mr. Frederick J. Shon. Any hearing to be held will be conducted by the same Board. Pursuant to 10 CFR § 2.785(a)(1), the Commission has delegated to the Atomic Safety and Licensing Appeal Board (Appeal Board) the authority and the review function which would otherwise be exercised and performed by the Commission.

It is so ordered.

Dated at Germantown, Md., this sixth day of April 1973.

By the Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-6979 Filed 4-9-73;8:45 am]

METROPOLITAN EDISON CO. ET AL.

[Dockets Nos. 50-289; 50-320]

Determination to Rescind Suspension of Construction Activities

In the matter of Metropolitan Edison Co., Jersey Central Power and Light Co., and Pennsylvania Electric Co. (Three Mile Island Nuclear Generating Station, Units 1 and 2).

Metropolitan Edison Co. and Jersey Central Power and Light Co., and Pennsylvania Electric Co. (the licensees), are the holders of construction permits Nos. CPPR-40 and CPPR-66 (the construction permits), issued by the Atomic Energy Commission on May 18, 1968, and November 4, 1969, respectively. The construction permits authorize the licensees to construct two pressurized water nuclear power reactors, designated as the Three Mile Island Nuclear Generating Station, Units 1 and 2, at a site in Dauphin County, Pa. These reactors are designed for initial operation at approximately 2,535 and 2,772 mw (thermal), respectively.

In accordance with § E.3 of the Commission's regulations implementing the National Environmental Policy Act of 1969 (NEPA), appendix D of 10 CFR part 50, the licensees filed with the Commission a written statement of reasons, with a supporting factual submission, why the construction permits should not be suspended, in whole or in part, pending completion of the NEPA environmental review.

The Director of Regulation considered the licensees' submission in light of the criteria set out in § E.2 of appendix D, and, initially determined, after considering and balancing the criteria in § E.2 of appendix D, that activities involving off-site right-of-way clearing and construction of transmission lines for the Three Mile Island Nuclear Generating Station, Unit 2 should be suspended pending completion of the NEPA review of the environmental impact of these activities (36 FR 23264, Dec. 7, 1971). On November 29, 1971, the Director of Regulation issued an order to show cause why these construction activities should not be so suspended. On December 28, 1971, the licensees filed a timely answer requesting modification of the order so as to permit continued construction to completion of the off-site portions of the transmission lines associated with the Three Mile Island Nuclear Generating Station, Unit 2.

Upon consideration of the licensees' answer to the order to show cause, it was determined that the Director of Regulation's determination should be modified so as to provide for the suspension of construction activities involving the off-site portion of only the Juniata transmission line for the Three Mile Island Nuclear Generating Station, Unit 2, pending completion of the NEPA environmental review relating to these matters. On February 7, 1972, the Director of Regulation served on the licensees an order suspending such construction activities. The basis for this action is given in "Supplement to Discussion and Findings by the Division of Reactor Licensing, U.S. Atomic Energy Commission, Relating to Consideration of Supension Pending NEPA Environmnetal Review of the Provisional Construction Permits for the Three Mile Island Nuclear Generating Station, Units 1 and 2, Metropolitan Edison Co., Jersey Central Power and Light Co. and Pennsylvania Electric Co., AEC Docket Nos. 50-289 and 50-320, dated February 4, 1972.

The Director of Regulation has reconsidered that determination in light of information developed by the AEC regulatory staff's environmental review and has now determined, after considering and balancing the factors in § E.2 of appendix D, along with the factor dealt with by the U.S. Court of Appeals for the District of Columbia Circuit in *Coalition For Safe Nuclear Power* v. *AEC*, No. 71-1396 (Apr. 7, 1972),[1] that activities involving off-site right-of-way clearing and construction of the off-site portion of the Juniata transmission line should no longer be suspended pending completion of the full NEPA environmental review. Accordingly, the Director of Regulation has served upon the licensees an order rescinding the suspension which will become effective May 11, 1973.

Further details of this determination are set forth in documents entitled "Final Environmental Statement Related to Operation of Three Mile Island Nuclear Station, Units 1 and 2" dated December, 1972 and "Amended Discussion and Findings by the Directorate of Licensing, U.S. Atomic Energy Commission, Related to Consideration of Suspension Pending NEPA Environmental Review of the Provisional Construction Permits for the Three Mile Island Nuclear Generation Station, Units 1 and 2" dated December 9, 1972.

Pending completion of the full NEPA review, the holders of construction permits Nos. CPPR-40 and CPPR-66 proceed with construction at their own risk. The determination herein, the Final Environmental Statement and the discussion and findings hereinabove referred to, do not preclude the Commission, upon completion of its NEPA environmental review, from continuing, modifying or terminating the construction permits or from appropriately conditioning the permits to protect environmental values.

Any person whose interest may be affected by this proceeding, other than the licensees, may file a request for a hearing on or before May 11, 1973. Such request shall set forth the matters, with regard to the factors referenced hereinabove, alleged to warrant a determination other than that made by the Director of Regulation and shall set forth the factual basis for the request. If the Commission determines that the matters stated in such request warrant a hearing, a notice of hearing will be published in the FEDERAL REGISTER. If a request for a hearing is filed within the time specified, the effectiveness of the order partially rescinding the suspension will be stayed pending appropriate disposition of such request.

The licensees' statement of reasons, furnished pursuant to § E.3 of appendix D, as to why the construction permit should not be suspended pending completion of the NEPA environmental review, the document entitled "Discussion and Findings by the Division of Reactor Licensing, U.S. Atomic Energy Commission Relating to Consideration of Suspension Pending NEPA Environmental Review of the Provisional Construction Permits for the Three Mile Island Nuclear Generating Station, Units 1 and 2, Dockets Nos. 50-289 and 50-320", the licensees' response to the show cause order of November 29, 1971 entitled "Answer to Order to Show Cause and Supporting Statement of Facts Relating to Transmission Lines for Three Mile Island Nuclear Generating Station, Unit 2" dated December 28, 1971, the document entitled "Supplement to Discussion and Findings by the Division of Reactor Licensing, U.S. Atomic Energy Commission Relating to the Suspension Pending

[1] This factor concerns the degree to which additional irretrievable commitments of financial resources, associated with the requested activities during the NEPA review period, might affect the decision based upon the full NEPA review.

NEPA Environmental review of the Provisional Construction Permits for the Three Mile Island Nuclear Generating Station, Units 1 and 2, Dockets Nos. 50–289 and 50–320" dated February 4, 1972, the document entitled "Final Environmental Statement Related to the Operation of Three Mile Island Nuclear Station, Units 1 and 2" dated December 1972, and the document entitled "Amended Discussion and Findings by the Directorate of Licensing, U.S. Atomic Energy Commission, Related to Consideration of Suspension Pending NEPA Environmental Review of the Provisional Construction Permits for the Three Mile Island Nuclear Generating Station, Units 1 and 2" dated December 9, 1972, as well as the determination, orders and answer referred to above are available for public inspection at the Commission's public document room, 1717 H Street NW., Washington, D.C., and at the State library of Pennsylvania government publication section, Education Building, Harrisburg, Pa. Copies of these documents may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Deputy Director for Reactor Projects, Directorate of Licensing.

For the Atomic Energy Commission.

Dated at Bethesda, Md., this second day of April 1973.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.73-6980 Filed 4-9-73;8:45 am]

[Dockets Nos. 50-75, 50-197]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Order Authorizing Dismantling of Facility

By application dated February 1, 1973, the National Aeronautics and Space Administration (NASA) requested authorization to dismantle and dispose of the Zero Power Reactor Facility (ZPRF) and its fuel under Facility License Nos. CX–13 and CX–21. The ZPRF is located in the Lewis Research Center at Cleveland, Ohio, and consists of two solution-type critical facilities designated Zero Power Reactor–I and –II which have the same test cell and control console.

The Atomic Energy Commission ("the Commission") has reviewed the application in accordance with the provisions of the Commission's regulations in § 50.82 of 10 CFR Part 50 and has found that the dismantlement, decontamination, and disposal of the component parts of the ZPRF and the disposal of its fuel in accordance with: (1) The applicable sections of 10 CFR Parts 20 and 50 of the Commission's regulations, and (2) the procedures set forth in the NASA application dated February 1, 1973, will not be inimical to the common defense and security or to the health and safety of the public and that these actions do not involve significant hazard considerations different from those previously evaluated.

Accordingly, it is hereby ordered that the NASA may dismantle, decontaminate, dispose of component parts of the ZPRF, and dispose of its fuel under Facility License Nos. CX–13 and CX–21 in accordance with the above-stated procedures and Commission regulations.

After completion of dismantling the ZPRF, decontamination and disposal of the component parts and the fuel, and a satisfactory inspection by representatives of the Commission, consideration will be given to the issuance of an order terminating Facility License Nos. CX–13 and CX–21.

This order is effective as of the date of issuance.

Date of issuance: March 30, 1973.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Operating Reactors, Directorate of Licensing.

[FR Doc.73-6872 Filed 4-9-73;8:45 am]

[Docket No. PRM-161q-1]

NATURAL RESOURCES DEFENSE COUNCIL, INC., ET AL.

Notice of Filing of Petition for Rulemaking

Notice is hereby given that the Natural Resources Defense Council, Inc., the Sierra Club, the National Wildlife Federation, and the Environmental Defense Fund, by letter dated March 16, 1973, have filed with the Atomic Energy Commission a petition for rulemaking. The petitioners request that the Commission promulgate regulations to require that applications for transmission line rights-of-way across public lands from new electric power generating facilities be received and acted upon before the construction of the generating facility begins.

The petitioners state that the principal purpose of the petition is to achieve the objectives of the National Environmental Policy Act, and that the requested rule would permit assessment of all reasonable alternatives to the construction of new electric generating facilities, including those of nonconstruction and construction at a different location—alternates which might reduce adverse environmental impacts—at a time when such alternatives can still be realistically considered.

A copy of the petition for rulemaking is available for public inspection in the Commission's public document room, 1717 H Street NW., Washington, D.C.

Dated at Washington, this 2d day of April 1973.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.73-6873 Filed 4-9-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 17909 etc.; Order 73-4-16]

SERVICE MAIL RATE CALCULATION

Use of Nonstop Great Circle Mileages

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the third day of April 1973.

In the matter of establishment of service mail rates for space available mail under the authority of Public Law 89-725 and certain categories of mail for which space available airlift is authorized by Public Law 90-206; docket No. 17909.

Service mail rates for transatlantic and transpacific priority mail and military ordinary mail; docket No. 18078.

Establishment of service mail rates for Continental Air Lines, Inc.; docket No. 19973.

Latin American service mail rate for priority mail; docket No. 20415.

Establishment of service mail rate for Mackey International, Inc., docket No. 21609.

By Order 72-3-7, dated March 3, 1972, the Board proposed to amend orders in the above-captioned dockets, effective April 1, 1972, to provide for the use of nonstop great circle mileages as the basis for computing service mail payments and to revise the unit rates of compensation proportionately with the change in the mileage basis.

The time allowed for filing notices of objection has expired without objection being filed. All parties have therefore waived their right to a hearing and all other procedural steps short of a final decision. For the reasons stated in the order to show cause, we have decided to adopt the rates as proposed, with the following technical amendments.

By petition dated April 18, 1972, the Postmaster General requested that certain points in Central America be deleted from appendix A to Order 72-3-7, since they are subject to the domestic service mail rates to which nonstop great circle mileages already apply. We were aware of this fact when we issued the order, as well as the fact that domestic nonpriority mail rates are applicable to that class of mail for service to certain points in the Pacific rate area. For that reason, we noted that the rates for "All Other Mail" in appendix C of the order did not apply to specific mail matter for which rates are elsewhere established. However, we agree with the Postmaster General that there is no need to list the Central American points, and they have been deleted.

By communication of July 26, 1972, the Postal Service indicated that upon a further review of appendix A it was discovered that service had since been instituted to several points not enumerated therein. In view of this, and in order to avoid the necessity of amending Order 72-3-7 each time new service is instituted, the Postal Service proposed that appendix A be further delineated to include a description, by longitude and

latitude, of each geographic rate area. We have adopted a word description of the rate areas and further delineated such areas by appropriate maps which are attached.

The Postal Service letter of July 26 also sought to clarify the application of nonstop great circle mileages in situations where mail moves in two geographical rate areas. The Postal Service contended that mail compensation in such instances should be computed by prorating the mileage in each geographic area to the overall nonstop great circle mileage.

By letters of August 3 and August 16, 1972, respectively, Pan American and Trans World Airlines responded and contended that the methodology for computing compensation as suggested by the Postal Service would result in a reduction of overall mail pay which was not intended by a transition from standard mileage to great circle mileage. These carriers take the position that, based on the proposed rates, the mail pay should be computed by determining the nonstop great circle mileage in each geographical rate area and applying these miles to the respective rate of each area. The pay for the two areas added together would then produce the total compensation due the carrier.

By letter of August 22, 1972, the Postal Service objected to this use of "add-up" mileages to determine compensation as being inconsistent with the nonstop great circle mileage concept of computing compensation. However, by letter of September 5, 1972, the Postmaster General acknowledged that the rates as proposed in Order 72-3-7 did not take into consideration the circuitry involved for flights transiting the transatlantic-transpacific rate area breakpoints and a study had been undertaken to make such determination. However, by subsequent letter of January 24, 1973, the Postal Service has indicated that the data to be evaluated are complex and considerable time could be involved before completion of the study. Therefore, in order not to delay the issuance of a final order herein, the Postal Service would agree to the use of "add-up" mileages until the study is completed.[1]

In view of the foregoing, the Board has determined to finalize Order 72-3-7.[2] We have amended Order 72-3-7 to make it clear that mail compensation will be computed on the basis of "add-up" mileages where mail transits the transatlantic-transpacific breakpoint. This clarifying language and the delineation of the various areas by latitude and longitude are modifications of a technical nature and do not change the rates that were proposed in Order 72-3-7.[3]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and the Board's procedural regulations, 14 CFR Part 302,

It is ordered, That:

1. The petition of the Postmaster General filed April 18, 1972, is granted;

2. Orders E-25654, September 8, 1967, as amended; 68-9-8, September 4, 1968, as amended; 68-9-9, September 4, 1968, as amended; 68-10-167, October 29, 1968; 69-10-149, October 30, 1969, as amended; and 69-12-108, December 24, 1969, are hereby amended by incorporating therein the rates per mail ton-mile set forth in appendix D of this order as the fair and reasonable rates of mail compensation to be paid, effective on and after April 1, 1972, to the carriers specified in each order for the services covered by each order, as amended. In computing such compensation, the mail ton-miles for each shipment of mail shall be based upon the nonstop great circle mileage between the points of origin and destination of each shipment: *Provided, however*, That for mail shipments moving between the Atlantic and Pacific rate areas which transit the carrier's certificate junction point, the applicable per mail ton-mile rate as set forth in appendix D, and the nonstop great circle miles to be recognized for each of the rate areas, shall be determined by considering the carrier's certificate junction point to be a "point of destination" for mail shipments on the flights destined beyond the junction point, and to be a "point of origin" for the subsequent movement of such mail shipments beyond such junction point, whether or not the flight actually stops at the aforesaid junction point; the total mail compensation payable in such instances shall be the sum of the compensation computed for each geographic rate area. The nonstop great circle mileages shall be the mileages computed in accordance with the formula set forth in the "Notice to Users of CAB Official Mileages," issued May 21, 1970 (35 FR 8249);

3. The service mail rates established herein shall be paid in their entirety by the Postmaster General; and

4. This order will be served upon Airlift International, Inc., Alaska Airlines, Inc., American Airlines, Inc., Braniff Airways, Inc., Caribbean-Atlantic Airlines, Inc., Continental Air Lines, Inc., Delta Air Lines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Hughes Air Corps. doing business as Air West, Mackey International, Inc., National Airlines, Inc., Northwest Airlines, Inc., Pan American World Airways, Inc., Seaboard World Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., the Postmaster General, and the Department of Defense.

This order will be publish in the FEDERAL REGISTER.

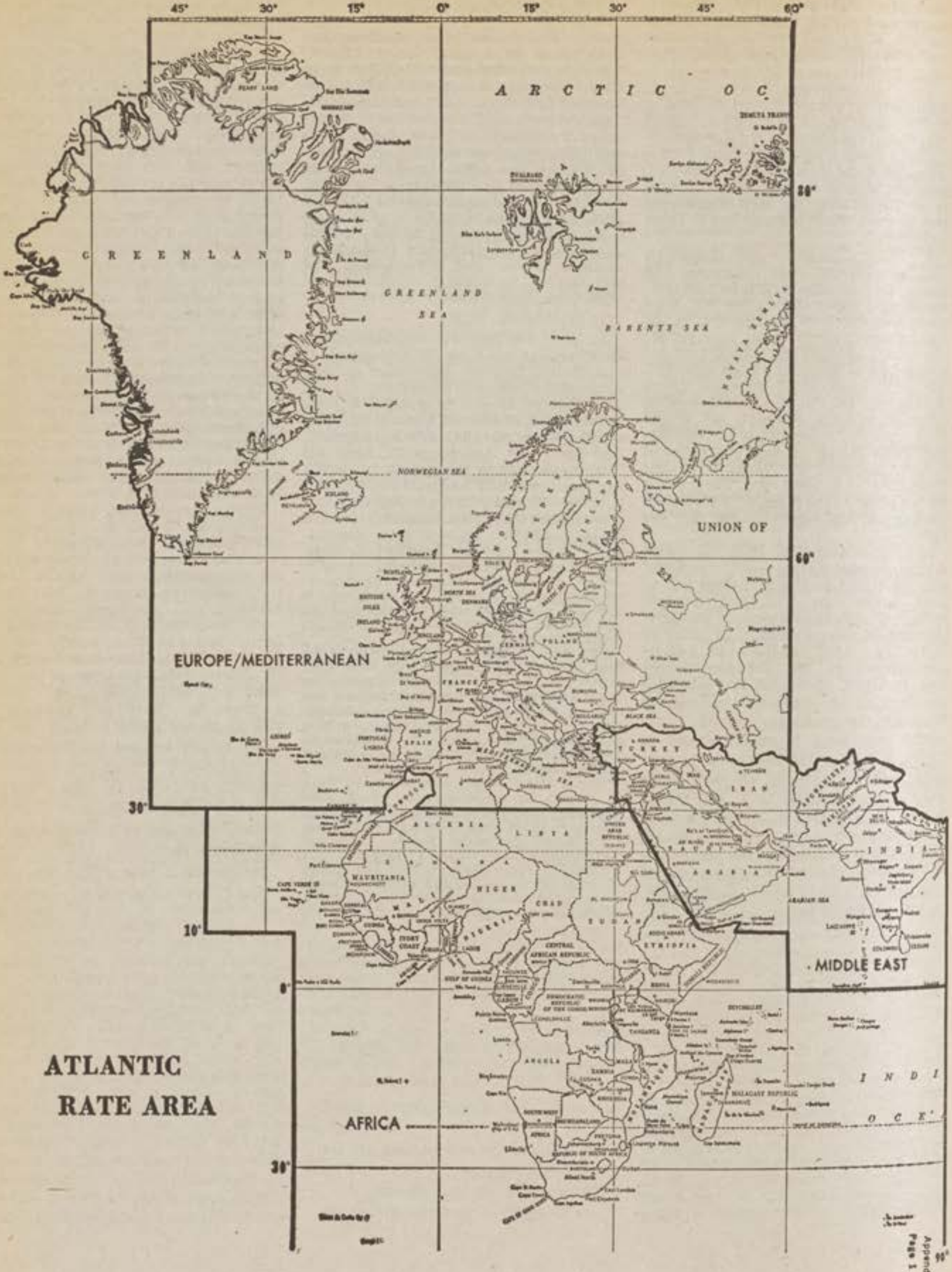
By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[1] The Post Service has indicated that it will file a petition seeking new rates for the affected areas as soon as the circuity study is completed.

[2] By letter of March 27, The Flying Tiger Line Inc. (FTL), suggests that our final order should make specific reference to Orders 69-7-67 and 69-8-2, which were the effective orders making the transpacific mail rates applicable to FTL. Our order states that the rates proposed herein are applicable to the transpacific rate orders as amended and no further delineation is required.

[3] Since Order 72-3-7 was issued, all rates in foreign air transportation, which compose the bulk of the rates here under consideration, have been exempted from price stabilization regulation. Further, as noted in that order, the changeover to great circle nonstop mileages has no significant impact on total mail revenues and would otherwise have no adverse economic impact under Phase III price stabilization.


ARCTIC OC
GREENLAND
GREENLAND SEA
BARENTS SEA
NORWEGIAN SEA
UNION OF
EUROPE/MEDITERRANEAN
ALGERIA
LIBYA
MAURITANIA
NIGER
CHAD
SUDAN
ETHIOPIA
TURKEY
IRAN
ANGOLA
ZAMBIA
TANZANIA
INDIA
MIDDLE EAST
ATLANTIC
RATE AREA
AFRICA
Appendix A
Page 1 of 4

APPENDIX A.—ATLANTIC RATE AREA

United States	*Europe/Mediterranean*	
Boston, Chicago, Dallas, Detroit, Houston, Los Angeles, Miami, New Orleans, New York, Philadelphia, San Francisco, San Juan, Seattle, Washington/Baltimore (from IAD)	Algiers	Madrid
	Amsterdam	Milan
	Athens	Moscow
	Barcelona	Munich
	Basle	Naples
	Belgrade	Nice
	Bergen	Nuremberg
	Berlin	Oslo
	Bermuda	Paris
	Brussels	Pisa
	Bucharest	Prague
	Cairo	Reykjavik
	Cologne	Rome
	Copenhagen	Saarbrucken
	Dusseldorf	Santa Maria
	Frankfurt	Shannon
	Glasgow	Stockholm
	Geneva	Stuttgart
	Hamburg	Tripoli
	Hanover	Tunis
	Helsinki	Turin
	Keflavik	Vienna
	Lisbon	Warsaw
	London	Zurich

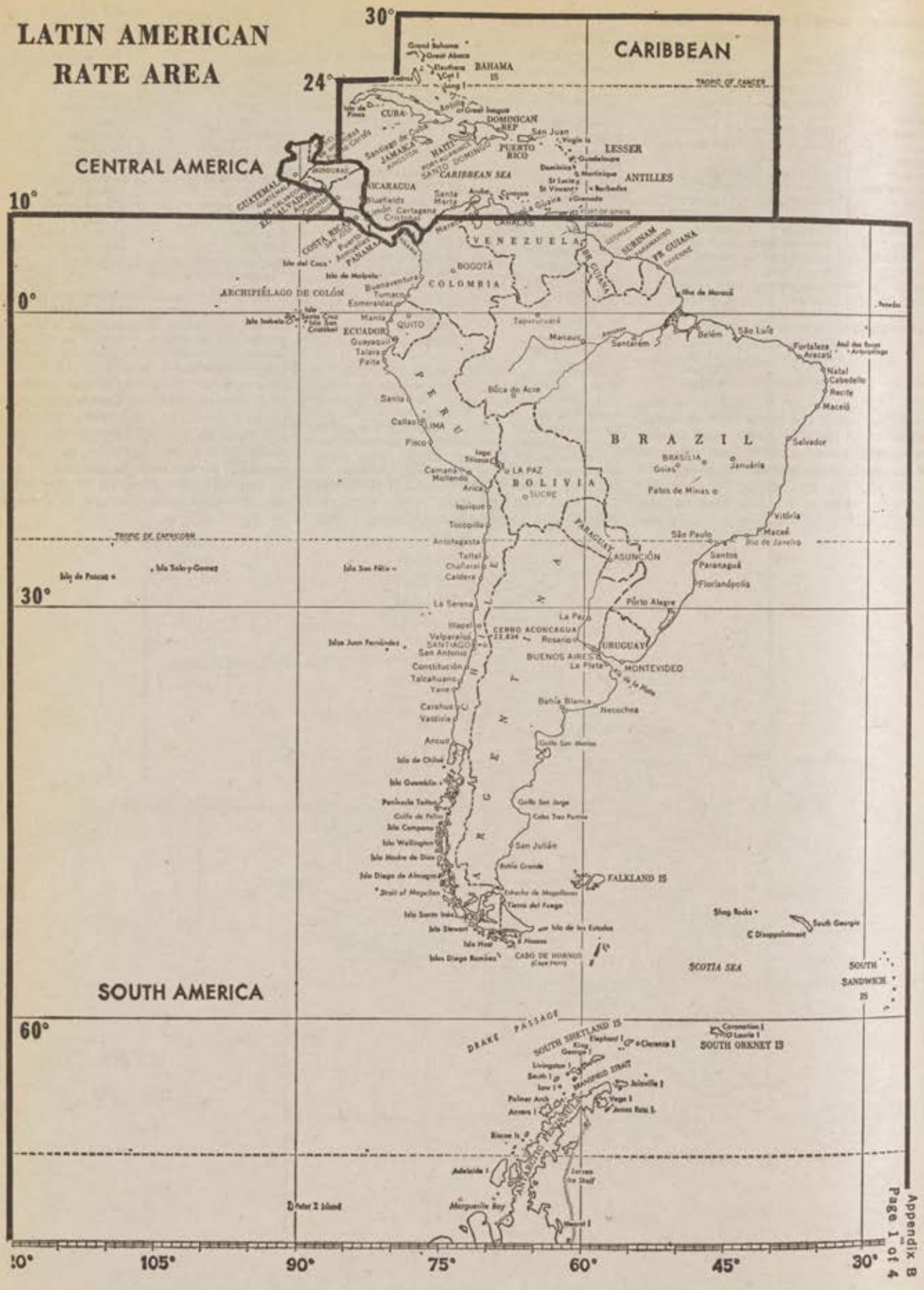
and any other points enclosed by a line drawn south from the North Pole on longitude 50° W. to the Greenland coast, around the western coast of Greenland back to 50° W., south to latitude 30° N., east to the coast of Morocco, around the northern and eastern boundary of Morocco back to latitude 30° N., east to the Suez Canal, north to the Mediterranean Sea, west along the coast of the United Arab Republic to longitude 30° E., north to the international boundary of Turkey, circumnavigating Turkey to the west and north, then along the southern border of Russia to longitude 60° E., and north again to the North Pole.

United States	*Africa*
Boston, Chicago, Dallas, Detroit, Houston, Los Angeles, Miami, New Orleans, New York, Philadelphia, San Francisco, San Juan, Seattle, Washington/Baltimore (from IAD)	Abidjan
	Accra
	Casablanca
	Cotonou
	Dakar
	Dar Es Salaam
	Douala
	Entebbe
	Johannesburgh
	Kinshasa
	Lagos
	Libreville
	Monrovia
	Nairobi
	Rabat

and any other points enclosed by a line drawn north from the South Pole on longitude 25° W. to latitude 10° N., west to longitude 40° W., north to latitude 30° N., east to the coast of Morocco, around the northern and eastern boundary of Morocco back to latitude 30° N., east to the Suez Canal, southeast along the canal and through the Red Sea to the northern coast of the Somali Republic, east and then south along the Somali coast to latitude 10° N., east to longitude 60° E., south to the Equator, east to longitude 90° E., and then south again to the South Pole.

United States	*Middle East*
Boston, Chicago, Dallas, Detroit, Houston, Los Angeles, Miami, New Orleans, New York, Philadelphia, San Francisco, San Juan, Seattle, Washington/Baltimore (from IAD)	Ankara
	Baghdad
	Beirut
	Bombay
	Calcutta
	Colombo
	Damascus
	Dhahran
	Istanbul
	Karachi
	New Delhi
	Teheran
	Tel Aviv

and any other points enclosed by a line drawn north from the Equator on longitude 90° E. to the southern boundary of China, west along the southern borders of China and Russia to the Black Sea, west and south along the international boundary of Turkey to longitude 30° E., south to the coast of the United Arab Republic, east along the coast to the Suez Canal, southeast along the canal and through the Red Sea to the northern coast of the Somali Republic, east and south along the Somali coast to latitude 10° N., east to longitude 60° E., south to the Equator, and then east to its junction with longitude 90° E.



Appendix B
Page 1 of 4

APPENDIX B.—LATIN AMERICAN RATE AREA

United States	South America
Chicago Corpus Christi Dallas Houston Los Angeles Miami New Orleans New York San Antonio San Diego San Francisco San Juan St. Croix St. Thomas Tucson Washington/Baltimore (from IAD)	Antofagasta Asuncion Belem Bogota Brasilia Buenos Aires Cali Georgetown Guayaquil Lima La Paz Montevideo Paramaribo Rio de Janeiro Sao Paulo Santiago Quito

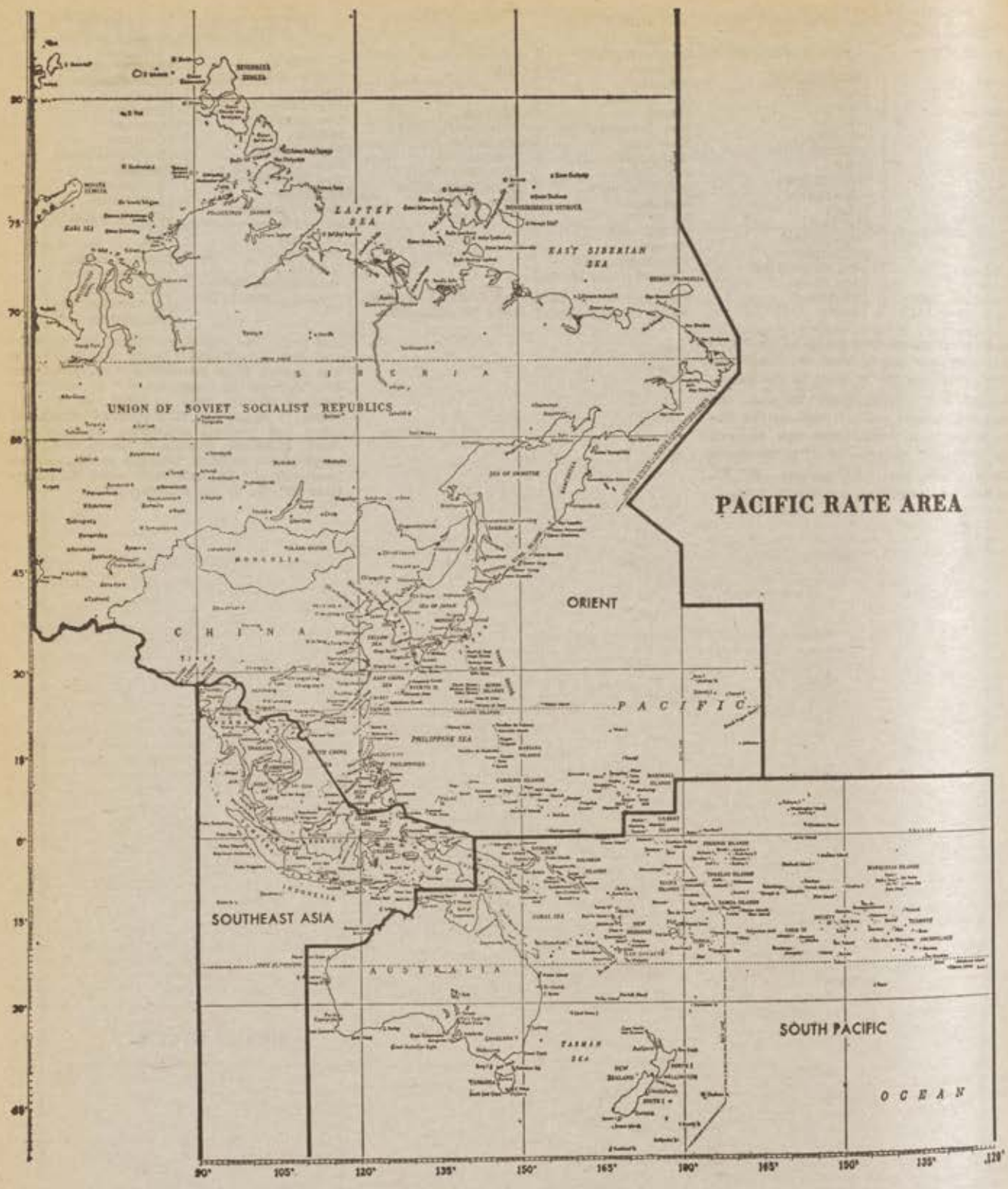
and any other points enclosed by a line drawn north from the South Pole on longitude 25° W. to latitude 10° N., west to the Caribbean coast of Colombia, southwest along the border of Colombia until it reaches the Pacific Ocean, then north along the western coast of Central America until it intersects latitude 10° N., west to longitude 120° W., and then south again to the South Pole.

United States	Central America
Chicago Corpus Christi Dallas Houston Los Angeles Miami New Orleans New York San Antonio San Diego San Francisco San Juan St. Croix St. Thomas Tucson Washington/Baltimore (from IAD)	Balboa Guatemala City Panama City Managua San Salvador San Pedro Sula San Jose

and any other points in Central America south of Mexico and north of Colombia.

United States	Caribbean
Chicago Corpus Christi Dallas Houston Los Angeles Miami New Orleans New York San Antonio San Diego San Francisco San Juan St. Croix St. Thomas Tucson Washington/Baltimore (from IAD)	Andros Is. Antigua Aruba Barranquilla Barbados Bimini Caracas Curacao Fort-de-France Freeport Kingston Maracaibo Montego Bay Nassau Port au Prince Port of Spain Pointe-a-Pitre Rock Sound Santo Domingo St. Martin

and any other points, excluding Puerto Rico and the U.S. Virgin Islands, enclosed by a line drawn from latitude 30° N., longitude 40° W., west to longitude 80° W., south to latitude 24° N., west to longitude 86° W., south to the coast of Honduras, southeast along the Central American coast to the South American Continent, north along the coast of Colombia to latitude 10° N., east to longitude 40° W., and then north on longitude 40° W. to the starting point.



Appendix C
Page 1 of 4

APPENDIX C.—PACIFIC RATE AREA

United States	Orient
	Guam
	Hong Kong
	Johnston Is.
	Kwajalein
Anchorage	Koror
Fairbanks	Majuro
Honolulu	Manila
New York	Okinawa
Los Angeles	Osaka
Chicago	Ponape
Seattle	Rota
San Francisco	Saipan
Washington/Baltimore (from IAD)	Seoul
	Taipei
	Tokyo
	Truk
	Wake
	Yap

and any other points enclosed by a line drawn south from the North Pole on longitude 60° E. to the southern border of Russia, east along the southern borders of Russia and China to its intersection with the Gulf of Tonkin, southeasterly from this point to the southwestern tip of Palawan (circumnavigating to the south the Chinese island of Hainan), easterly to the southwestern tip of the U.S. Trust Territory (circumnavigating the Philippines to the south), along the southern and eastern boundaries of the Trust Territory until it intersects latitude 10° N., then east to longitude 165° W., north to latitude 40° N., west to the international dateline, and then north on this line to the North Pole.

United States	South Pacific
Anchorage	
Fairbanks	
Honolulu	Auckland
New York	Melbourne
Los Angeles	Nandi
Chicago	Nauru
Seattle	Noumea
San Francisco	Pago Pago
Washington/Baltimore (from IAD)	Papeete
	Sydney

and any other points enclosed by a line drawn north from the South Pole on longitude 120° W. to latitude 10° N., west to the eastern boundary of the U.S. Trust Territory, south and west along this boundary to longitude 141° E., south to latitude 10° S., west to longitude 130° E., south to the Australian coast, west along the northern coast to Australia until its intersection with latitude 20° S., west on latitude 20° S. to longitude 110° E. and then south again to the South Pole.

United States	Southeast Asia
	Bangkok
	Bombay
	Calcutta
	Colombo
Anchorage	Denpasar
Fairbanks	Djakarta
Honolulu	New Delhi
New York	Rangoon
Los Angeles	Saigon
Chicago	Singapore
Seattle	Cam Rahn Bay
San Francisco	Da Nang
Washington/Baltimore (from IAD)	

and any other points enclosed by a line drawn north from the South Pole on longitude 30° E. to the southern border of China, east along the Chinese border to its intersection with the Gulf of Tonkin, southeasterly from this point to the southwestern tip of Palawan (circumnavigating to the south the Chinese island of Hainan), easterly to the southwestern tip of the U.S. Trust Territory (circumnavigating the Philippines to the south), along the southwestern boundary of the trust territory until it intersects 141° E., south to latitude 10° S., west to longitude 130° E., south to the Australian coast, west along the northern coast of Australia until its intersection with latitude 20° S., west to longitude 110° E., and then south again to the South Pole.

APPENDIX D.—SERVICE MAIL RATES PER NONSTOP GREAT CIRCLE TON-MILE FOR ATLANTIC, LATIN AMERICAN, AND PACIFIC RATE AREAS EFFECTIVE ON AND AFTER APR. 1, 1972

	All other mail [1]	MOM	SAM
	Cents	*Cents*	*Cents*
Atlantic rate area:			
1. United States-Europe/Mediterranean	32.42	21.95	11.45
2. United States-Africa	33.78	22.75	11.83
3. United States-Middle East	33.41	22.76	11.89
Latin American rate area:			
1. United States-South America	34.06	22.22	11.62
2. United States-Central America	33.50	23.50	12.13
3. United States-Caribbean	34.43	22.11	11.47
Pacific rate area:			
1. United States-Orient	29.65	22.28	12.31
2. United States-South Pacific	30.59	26.35	11.98
3. United States-Southeast Asia	30.04	22.71	13.35

[1] Does not apply to specific mail matter for which rates are elsewhere established.

RATE AREA CONSOLIDATIONS

The Atlantic Rate Area shall comprise the following:

United States-Europe/Mediterranean:
- United States-Europe/Mediterranean.
- Europe / Mediterranean-Europe / Mediterranean.

United States-Africa:
- United States-Africa.
- Europe/Mediterranean-Africa.
- Africa-Africa.

United States-Middle East:
- United States-Middle East.
- Europe/Mediterranean-Middle East.
- Africa-Middle East.
- Middle East-Middle East.

The Latin American Rate Area shall comprise the following:

United States-South America:
- United States-South America.
- Caribbean-South America.
- South America-Central America.
- South America-South America.

United States-Central America:
- United States-Central America.
- Caribbean-Central America.
- Central America-Central America.

United States-Caribbean:
- United States-Caribbean.
- Caribbean-Caribbean.

United States-Orient:
- United States-Orient.
- Orient-Orient.

United States-South Pacific:
- United States-South Pacific.
- Orient-South Pacific.
- Southeast Asia-South Pacific.
- South Pacific-South Pacific.

United States-Southeast Asia:
- United States-Southeast Asia.
- Orient-Southeast Asia.
- Southeast Asia-Southeast Asia.

[FR Doc.73-6760 Filed 4-9-73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF JUSTICE

Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of civil service rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Director for Technical Support, Office for Drug Abuse Law Enforcement.

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

[FR Doc.73-6851 Filed 4-9-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

List of Statements Received

Environmental impact statements received by the Council from March 26, 1973, through March 30, 1973.

NOTE.—At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202-447-7803.

FOREST SERVICE

Draft

Hoosier National Forest, Off-Road Vehicle Policy, Indiana, several counties, March 27: The proposal is for a policy to permit and regulate the use of off-road motor vehicles on the Hoosier National Forest. The forest would be divided into two different type zones, one part being zoned for the use of ORV's on designated trails, the other part excluding the use of ORV's. Counties affected are Monroe, Brown, Jackson, Lawrence, Martin, Dubois, Orange, Crawford, and Perry (86 pages). (ELR Order No. 00522.) (NTIS Order No. EIS 73 0522-D.)

RURAL ELECTRIFICATION ADMINISTRATION

Final

Blue Mesa, Colo., Gunnison and Hinsdale Counties, March 26: The statement is concerned with the proposed release of REA loan funds to the Colorado-Ute Electric Assoc., Inc., for construction of 33 miles of 115 kV transmission line between Blue Mesa and Lake City. A new substation will also be built at Lake City. The line will be a major intrusion upon the landscape (188 pages). Comments made by USDA, EPA, FPC, DOI, and FAA. (ELR Order No. 00515.) (NTIS Order No. EIS 73 0515-F.)

Dixon to New Madrid, Mo., several counties, March 27: The proposal is the use of $72,180,000 of REA loaned funds by Federated Electric Cooperative, Inc., for the construction of 189 miles of 345 kV transmission line between Dixon and New Madrid, and a substation near Palmyra. Counties affected are Pulaski, Phelps, Dent, Reynolds, Carter, Ripley, Butler, Dunklin, New Madrid, and Marion. The route will traverse the Clark National Forest and several rivers, including the

Gasconade, which has been designated for potential inclusion in the National Wild and Scenic Rivers System (265 pages). Comments made by USDA, EPA, DOI, FPC, DOT, State and regional agencies. (ELR Order No. 00524.) (NTIS Order No. EIS 73 0524–F.)

ATOMIC ENERGY COMMISSION

Contact: For nonregulatory matters: Mr. Robert J. Catlin, Director, Division of Environmental Affairs, Washington, D.C. 20545, 202–973–5391. For regulatory matters: Mr. A. Giambusso, Deputy Director for reactor projects, Directorate of Licensing, 202–973–7373, Washington, D.C. 20545.

Draft

Haddam Neck Nuclear Power Plant, Conn., March 27: The proposed action is the issuance of a full-term operating license for the Haddam Neck (Connecticut Yankee) Nuclear Power Plant. The plant, which began commercial production January 1, 1968, employs a pressurized water reactor to produce 1,825 MWt and 600 MWe. Exhaust steam is cooled by water pumped from the Connecticut River, then returned to the river by a 1.16 mile canal; the zone within which the surface temperature rise exceeds 4° F. is about 213 acres at ebb tide (240 pages). (ELR Order No. 00517.) (NTIS Order No. EIS 73 0517–D.)

Final

San Onofre Nuclear Generating Station, units 2 and 3, Calif., San Diego County, March 27: The statement refers to the issuance of construction permits to the Southern California Edison Co., and the San Diego Gas and Electric Co., for the 2 new units. Both units will employ pressurized water reactors to produce a total of 3,410 MWt and 1,140 MWe. Cooling water will be drawn from the Pacific Ocean and pumped to a once through system; discharge will be to the Pacific, at 20° F. above ambient. Approximately 85 acres of sea floor will be disturbed by the installation of buried pipes. Fish losses in the cooling water intake structure may range from 39,000 to 85,000 lb/yr (approximately 450 pages). Comments made by USDA, DOC, COE, FPC, USMC, HUD, DOT, HEW, AHP, and EPA. (ELR Order No. 00518.) (NTIS Order No. EIS 73 0518–F.)

Waterford Station, Unit 3, La., St. Charles County, March 27: The statement refers to the proposed issuance of a construction permit to the Louisiana Power and Light Co., for Unit 3, which is to be on a site with two existing oil-fueled generating plants. Unit 3 will employ a pressurized water reactor to produce 3,410 MWt and 1,165 MWe (net); a "stretch" level of 3,560 MWt is anticipated. Cooling water will be obtained by a once-through flow from the Mississippi River. The estimated dose to the population within 50 miles from the station is 2 man-rem/year (approximately 300 pages). Comments made by: AHP, USDA, COE, DOC, HEW, HUD, DOI, DOT, EPA, and FPC. (ELR Order No. 00519.) (NTIS Order No. EIS 73 0519–F.)

James A. FitzPatrick Nuclear Power Plant, N.Y., Oswego County, March 27: The statement refers to the proposed continuation of a construction permit and the issuance of an operating license to the Power Authority of the State of New York. The plant will utilize a 2,436 MWt boiling water reactor with anticipated "stretch" levels of 2,557 MWt and 821 MWe. Cooling will be by a once-through system, with water being drawn from and discharged to Lake Ontario at 370,000 gal. min. Small amounts of radioactive gaseous and liquid effluents will be released to the environs (approximately 340 pages). Comments made by USDA, DOC, EPA, HEW, DOI, FPC, DOT, and AHP. (ELR Order No. 00521–F.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, attention: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202–693–7168.

Draft

Willow Creek, Oreg., Morrow County, March 22: The proposed project involves the construction of a 155-foot high dam and resulting lake of 224 acres, for the purposes of flood control, irrigation, water supply, and quality control, and wildlife and recreational uses. Also included is 1.5 miles of channel work in the city of Heppner, and fishery and wildlife mitigation. The total amount of land to be committed to the project is 570 acres (45 pages). (ELR Order No. 00488.) (NTIS Order No. EIS 73 0488–D.)

Final

Gila River Channel Improvement, Ariz., Graham County, March 12: The proposed action is the clearing of phreatophytes (mostly saltcedar) from 3,050 acres along 54 miles of the Gila River, in order to reduce the possibility of flooding. There will be a resultant loss of wildlife habitat (105 pages). Comments made by: USDA, DOI, State agencies, and concerned citizens. (ELR Order No. 00415.) (NTIS Order No. EIS 73 0415–F.)

Beach Erosion Control, Lewes, Del., March 23: The statement considers a beach erosion project at Lewes. The project will involve beach fill, periodic nourishment, a sand fence, and dune grass. Initial fill (41,000 yd^3), and biennial nourishment will be dredged from Roosevelt Inlet. Marine life will be damaged at the sites of dredging and filling (15 pages). Comments made by: EPA and DOI. (ELR Order No. 00493.) (NTIS Order No. EIS 73 0493–F.)

Delray Beach Erosion Control Project, Fla., Palm Beach County, March 12: The proposed project consists of the restoration of 3 miles of Atlantic Ocean shoreline at the city of Delray Beach. Approximately 1 million $yd.^3$ of material will be initially dredged from offshore and placed on the beach. Periodic nourishment will be required to compensate for erosion losses throughout the 50-year life of the project. Adverse effects of the project include temporary degredation of water quality; closing of the beach for public use; and destruction of benthic animals (57 pages). Comments made by USDA, DOC, USCG, EPA, OEO, DOI, and DOT. (ELR Order No. 00414.) (NTIS Order No. EIS 73 0414–F.)

Choctawhatchee River and Holmes Creek, Fla., Holmes, Washington, and Walton Counties, March 15: The proposed project involves the snagging of Choctawhatchee River from the Alabama-Florida State line to the mouth, and of Holmes Creek from Vernon to its confluence with the Choctawhatchee. The purpose of the project is that of providing safe navigation for small pleasure boats. Aquatic biota will be adversely affected (56 pages). Comments made by USDA, EPA, HUD, DOI, DOT, and agencies of Alabama and Florida, and one concerned citizen. (ELR Order No. 00455.) (NTIS Order No. EIS 73 0455–F.)

Peacock Creek, Ga., Liberty County, March 12: The proposed action involves channel work, including snagging and clearing, on Peacock Creek. The purpose of the action is that of flood control. Riparian hardwood will be removed (62 pages). Comments made by USDA, EPA, DOI, and State and local agencies. (ELR Order No. 00416.) (NTIS Order No. EIS 73 0416–F.)

Newington Generating Station No. 1, N.H., Newington County, March 22: Proposed construction of a 400 MW oil-fired fossil fuel electric generating station, along with 345 kV and 115 kV switchyards, a 410 ft. concrete stack, and intake and discharge structures. Long term effects of the plant upon the Piscataqua River estuary site are not presently known; 3 acres of intertidal-subtidal habitat will be lost; the discharge of cooling water and waste chemicals will adversely affect marine life (198 pages). Comments made by EPA, DOC, DOI, and USCG. (ELR Order No. 00486.) (NTIS Order No. EIS 73 0486–F.)

B. L. England Station, N.J., Cape May County, March 22: The statement refers to the proposed issuance of a permit (pursuant to sec. 10 of the Rivers and Harbors Act of 1899) to the Atlantic City Electric Co., for the construction of an intake and discharge structure at its station on Great Egg Bay. The structure will serve a new 160 MW, oil-fired steam electric generating station, and related facilities. There will be adverse impact upon air and water qualities (Philadelphia district) (approximately 500 pages). Comments made by EPA, DOI, DOC, USDA, AEC, and State and local agencies and concerned citizens. (ELR Order No. 00490.) (NTIS Order No. EIS 73 0490–F.)

NAVY

Contact: Mr. Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of the Navy, Washington, D.C. 20350, 202–697–0692.

Draft

Sanitary Landfill, Naval Torpedo Station, Wash., Kitsap County, March 22: The proposal is for a change in the method of disposal for 11,000 $yard^3$ of refuse monthly from the Keyport, Washington Station. Currently disposal is made by a private contractor at the Brem Air dump site. The proposed alternative is for sanitary landfill on a 20 acre site at the station. This method would be used until a county operated disposal area becomes operational (94 pages). (ELR Order No. 00487.) (NTIS Order No. EIS 73 0487–D.)

DEPARTMENT OF INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

NATIONAL PARK SERVICE

Draft

Glacier Bay National Monument, Alaska, March 26: The statement, a revised draft, refers to the proposed legislative designation of 2,052,700 acres of the monument as wilderness. Such designation would exclude the construction of roads, modify mining activity, and remove commercial fishing, power boating, and aircraft landing. Access will continue on Glacier Bay (67 pages). (ELR Order No. 00509.) (NTIS Order No. EIS 73 0509–D.)

DEPARTMENT OF HUD

Contact: Mr. Richard H. Broun, Director, Environmental and Land Use Planning Division, Washington, D.C. 20410, 202–755–6186.

Draft

West Berkeley Urban Renewal Project, Calif. Alameda County, March 26: The proposed project involves the construction of an industrial park on a 56.6-acre site in West Berkeley. The project is intended to increase the tax base of the city and provide economic development potential, while providing employment opportunities for 800-low-income minority residents. Adverse impacts of the project will include increased traffic and noise levels (62 pages). (ELR Order No. 00501.) (NTIS Order No. EIS 73 0501–D.)

First Ward Urban Renewal, Charlotte, N.C., March 19: The proposal is for an urban renewal program involving the clearance and redevelopment of 141.7 acres of residential land southeast of the central downtown business district of Charlotte. Thirty-seven

acres have been cleared and are being used for expressway construction. In the balance of the area 367 substandard structures will be removed to make land available for a new intown area for low- to middle-income residents. Adverse impacts include those of relocation, noise, and construction activities (52 pages). (ELR Order No. 00463.) (NTIS Order No. EIS 73 0463-D.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, room 3630, Waterside Mall, Washington, D.C. 20460, 202-755-0940.

Final

Ocean outfalls—treated wastewater disposal, Florida, Palm Beach, Broward, and Dade Counties, March 22: The statement evaluates the use of ocean outfalls and other methods of treated wastewater disposal in southeast Florida. The statement does not indicate the ultimate solution to wastewater disposal problems in the area but is intended to guide all levels of government in evaluating their related pollution problems to ensure that environmentally sound solutions are ultimately adopted. The alternative disposal methods considered are: Discharge via ocean outfalls; discharge to fresh water canals and the Everglades; and land disposal by spray runoff and percolation (2 volumes). Comments made by USDA, COE, HEW, and DOI. (ELR Order No. 00491.) (NTIS Order No. EIS 73 0491-F.)

Wastewater treatment, North Broward, Fla., North Broward County, March 22: The statement refers to the proposed construction of wastewater master pumping stations, wastewater transmission mains a wastewater treatment plant and on ocean outfall. The facility will result in the elimination of raw sewage discharge in Pompano Beach (161 pages). Comments made by USDA, DOT, HEW, DOC, and COE. (ELR Order No. 00516.) (NTIS Order No. EIS 73 0516-F.)

DEPARTMENT OF TRANPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-4357.

FEDERAL AVIATION ADMINISTRATION

Draft

Detroit Lakes, Minn., Becker County, March 21: The document provides supplemental information to the draft environmental impact statement on Detroit Lakes. (The statement, which was received Feb. 12, 1973, is numbered ELR 0235; NTIS; EIS 73 0235-D.) (9 pages.) (ELR Order No. 00482) (NTIS Order No. EIS 73 0482-D.)

Ute Lake State Park Airport, N. Mex., Quay County, March 21: The statement refers to the proposed development of a new basic utility airport with a lighted runway (5,000 by 50 ft.) which will be capable of accommodating small propeller driven aircraft. The airport will provide air access to the recreation facilities at Ute Lake State Park (19 pages). (ELR Order No. 00481.) (NTIS Order No. EIS 73 0481-D.)

Marshfield Municipal Airport, Wis., Wood County, March 21: The proposed project consists of constructing and marking a 1,900 by 100 ft. northwesterly extension to the northwest/southeast runway; rebuilding, overlaying and expanding the apron area; constructing a 30-foot wide taxiway; and installing medium intensity runway lights (MIRL). Approximately 27 acres of land (23 acres—fee; 4 acres—easement) will be acquired for airport deevlopment and clear zones (33 pages). (ELR Order No. 00483.) (NTIS Order No. EIS 73 0483-D.)

Final

Biddeford Municipal Airport, Maine, York County, March 26: The proposed project contemplates the acquisition of land for the widening, strengthening, lighting, and extension of runway 6-24 (from 2,000 by 75 ft to 5,000 by 100 ft); the construction of a parallel taxiway and access road; and the installation of security fencing; VASI-2, and approach clearing and/or obstruction lighting. The expanded airport will be capable of accommodating aircraft of the business jet type and smaller. The noise level will increase (52 pages). Comments made by AEC, FPC, USDA, HUD, DOI, and EPA. (ELR Order No. 00504.) (NTIS Order No. EIS 72 0504-F.)

Mansfield Municipal Airport, Mo., Wright County, March 26: The statement refers to the proposed acquisition of land (108 acres fee title and 22 acres easement), for the development of the existing facility into a general utility class airport. The project involves the construction of two new paved runways, installation of VASI and MIRL, and improvement of hangar and tiedown areas. There will be increases in air and noise pollution levels (35 pages). Comments made by USDA and COF. (ELR Order No. 00507.) (NTIS Order No. EIS 73 0507-F.)

Peidmont Municipal Airport, Mo., Wayne County, March 26: The statement refers to the proposed construction of a new airport to replace the existing private airport which must be abandoned in December 1972. The project contemplates the acquisition of land (107 acres—fee) for airport development and clear zones; construction of a northeast/southwest runway and a stub taxiway installation of VASI, a beacon, segmented circle, lighted wind cone and fencing; and the relocation of power and telephone lines. Relocation of 2100 ft of McKenzie Creek will adversely affect aquatic life. A new area will be exposed to air and sound pollution due to aircraft operation (41 pages). Comments made by USDA, COE, EPA, and DOI. (ELR Order No. 00512.) (NTIS Order No. EIS 73 0512-F.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. Highway 12, S. Dak., Day County, March 19: The statement refers to the proposed construction of 14.5 miles of U.S. 12. The project will consist of reconstruction of the existing road, construction of new drainage structures, surfacing and signing. Four businesses, three occupied dwellings and one vacant house will require relocation. The project will traverse wetlands; new right-of-way contiguous to the present highway will be obtained (26 pages). (ELR Order No. 00471.) (NTIS Order No. EIS 73 0471-D.)

Final

I-70, U.S. 40, Vandalia Interchange, Ill., Fayette County, March 26: The project is the proposed construction of 5.7 miles of two-lane roadway at the intersections of I-70, U.S. 40, and Randolph Street. Approximately 70 acres will be required for right-of-way (40 pages). Comments made by DOI, DOT, EPA, USDA, and HUD. (ELR Order No. 00498.) (NTIS Order No. EIS 73 0498-F.)

TREASURY DEPARTMENT

Contact: Mr. Richard E. Slitor, Assistant Director, Office of Tax Analysis, room 4205, Washington, D.C. 20220, 202-964-2797.

Final

Polyvinyl chloride liquor bottles, March 21: The proposed action would approve the use of polyvinyl chloride (PVC) for the manufacture of liquor bottles. A partial replacement of glass liquor bottles by the lighter PVC bottles would result. Adverse impacts of the action occurs from disposal, as incineration of PVC material produces hydrochloric acid, a corrosive agent and pollutant (224 pages). Comments made by USDA, DOC, HEW, DOI, EPA, and the city of New York, and concerned citizens. (ELR Order No. 00477.) (NTIS Order No. EIS 73 0477-F.)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-6766 Filed 4-9-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

PAX COMPANY ARSENIC ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the PAX Co. Arsenic Advisory Committee has been scheduled for April 27, 1973. The meeting will convene at 9 a.m. in room 3305, Waterside Mall, 401 M Street SW., Washington, D.C.

This is the third meeting of the committee. The agenda includes the Executive Secretary's report, committee member reports, and committee discussion and deliberation.

The meeting will be open to the public. Any individual wishing to attend and present relevant material to the committee should contact Mr. Clayton Bushong, Executive Secretary, PAX Co. Arsenic Advisory Committee (202) 447-7823.

Dated April 4, 1973.

CHARLES L. ELKINS,
Acting Assistant Administrator for Categorical Programs.

[FR Doc.73-6861 Filed 4-9-73;8:45 am]

PESTICIDE CONTROL ACT IMPLEMENTATION

Agenda and Notice of Meeting

On January 9, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 1142) an Implementation Plan for the Federal Environmental Pesticide Control Act of 1972. That document set forth the agency's general plan for implementing the act, informed the public as to the dates when the different sections became or become effective, and invited preliminary views as to form and content of the regulations.

A further statement was published in the FEDERAL REGISTER (39 FR 3002) on January 31, 1973. This statement explained in detail the procedures to be followed by the agency in supplementing those major sections of the act which become fully effective in from 1 to 4 years, and solicited comments from interested persons on specific questions and issues. The statement also designated six subgroups to consider in detail procedures for the implementation of sections 3, 4, 5, 7, 8, and 24 of the act, and listed the subgroups, their membership, and the issue areas to be considered by each group.

After further consideration of certain of the issues listed under the subgroup on registration of pesticides, it has been concluded that these issues should be discussed in a public meeting to afford

interested parties an additional opportunity to participate in the rulemaking process.

Notice is hereby given that 1-day meetings open to the general public will be held as follows:

April 25, 1973, 9:30 a.m., Administrator's conference room 1101, Waterside Mall, West Tower, 401 M Street SW., Washington, D.C.

* * * * *

May 2, 1973, 9 a.m., assembly room, California Department of Food and Agriculture, 1220 N Street, Sacramento, Calif.

* * * * *

May 4, 1973, 9 a.m., Rose room, 15th floor, Adolphus Hotel, 1321 Commerce Street, Dallas, Tex.

Suggestions and comments are invited from all interested parties on how the subgroup should treat the following issues:

1. Procedures for registration of intrastate products. Pesticide products manufactured and distributed solely within a State are registered under State laws and will require Federal registration when regulations under section 3 are promulgated. Comments are invited on the part State agencies can carry out in accomplishing such registrations.

2. *Procedures for making registration data available under section 3(c)(2).*— Data and other scientific information relevant to product registration, with the exceptions provided in section 3, subsection (c)(1)(D) and section 10, must be made available to the public. Comments are invited on how this can best be accomplished within the regulatory process.

3. *Section 24(c)—State registration of pesticides to meet "special local needs."*— The act provides for delegation of authority to State agencies to issue limited registrations of intrastate products to meet special local needs. The State agency must be certified by the Administrator as capable of exercising the necessary control to insure that such registrations will be in accord with the purposes of the act. Comments are invited on what should be the requirements for State certification to register products under this provision.

Persons wishing to make their views known to this agency are invited to attend these meetings. Oral statements will be limited to 10 minutes each; however, written statements may be filed for the record. Four copies will be required.

Done this fourth day of April 1973.

CHARLES L. ELKINS,
Acting Assistant Administrator for Categorical Programs.

[FR Doc.73-6894 Filed 4-9-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. R-371]

AREA RATE FOR APPALACHIAN AND ILLINOIS BASIN AREAS

Order Denying Applications for Rehearing and Granting Petitions To Intervene; Correction

FEBRUARY 21, 1973.

In the order denying applications for rehearing and granting petitions to intervene, issued February 8, 1973 and published in the FEDERAL REGISTER, February 16, 1973, 38 FR (4594): Paragraph 2, lines 13 and 14:

Change "Corporation, and Associated Gas Distributors, none of" to read "Corporation, California Company, and Associated Gas Distributors, none of"

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6818 Filed 4-9-73;8:45 am]

[Dockets Nos. G-3219, G-3280, G-3894, G-10715]

ATLANTIC RICHFIELD CO.

Notice of Application

APRIL 2, 1973.

Take notice that Atlantic Richfield Co. (Petitioner), P.O. Box 2819, Dallas, Tex. 75221, has filed petitions to amend orders issuing certificates of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act authorizing sales of natural gas in interstate commerce to Natural Gas Pipeline Co. of America (Natural) by now authorizing the sale for resale and delivery of natural gas to Natural of contractually uncommitted gas reserves, all as more fully set forth in the petitions to amend which are on file with the Commission and open to public inspection.

Petitioner states that in each case the contract comprising the rate schedule indicated below has expired, that Petitioner at the expiration dates had delivered all gas required to be delivered, that all gas reserves remaining after the expiration dates were not contractually committed, and that Petitioner now proposes to sell the remaining reserves under new contracts at 24 cents per Mft³ at 14.65 lb/in²a, subject to Btu and quality adjustments provided by Opinion No. 595:

Docket No.	Location	FPC gas rate schedule No.
G-3219	Clayton Field, Live Oak County, Tex.	247
G-3280	Hagist Ranch Field, McMullen and Duval Counties, Tex.	246
G-3894	do	39
G-3894	Clayton Field, Live Oak County, Tex.	40
G-10715	Hagist Ranch Field, McMullen County, Tex.	189

Any person desiring to be heard or to make any protest with reference to said petitions to amend should on or before April 23, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6806 Filed 4-9-73;8:45 am]

[Docket No. G-5236]

CABOT CORP.

Notice of Petition To Amend; Correction

MARCH 6, 1973.

In the notice of petition to amend, issued February 22, 1973, and published in the FEDERAL REGISTER, March 2, 1973 (38 FR 5685):

Line 1: Change "10" to "14".

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6819 Filed 4-9-73;8:45 am]

[Docket Nos. RP72-37, RP71-18, et al.]

COLUMBIA GAS TRANSMISSION CORP., COLUMBIA GULF TRANSMISSION CO.

Notice of Proposed Plan of Refunds[1]

APRIL 2, 1973.

Take notice that Columbia Gas Transmission Corp. (Columbia) on October 27, 1972, tendered for filing a plan of refunds to Columbia's 83 jurisdictional customers in the amount of $1,248,917 plus interest earned by Columbia as a result of refunds received from its suppliers the major portion of which was received in July and August 1972. In addition to refunds thus received, Columbia's refund plan includes $50,807 attributable to various minor amounts of supplier refunds held by Columbia's predecessor companies at the time of merger, which relate to various periods of time between May 1, 1960, and July 1, 1971, the date of merger. The refunds relate to gas purchases during some 65 different periods of time, during the last 19 years, and involve Columbia's sales in Docket No. RP72-37 and 37 of its predecessors' rate proceedings, as follows:

United Fuel Gas Co.
G-12195 et al.
G-20270
RP66-2
RP69-29
RP71-19

Atlantic Seaboard Corp.
G-12196 et al.
G-20272
RP65-49
RP69-31
RP71-20

Cumberland & Allegheny Gas Co.
G-17226
RP71-23

The Manufacturers Light & Heat Co.
G-1967
G-2176
G-2453
G-12197 et al.
G-20510
RP66-5
RP69-33
RP71-24

[1] This rate filing was also the subject of a prior notice issued by the Commission on Feb. 1, 1973, in the above-captioned dockets. The earlier notice did not list the individual predecessor companies and dockets involved.

Kentucky Gas Transmission Corp.
G-12199 et al.
G-20271
RP66-8
RP69-30
RP71-21

The Ohio Fuel Gas Co.
G-1965
G-2281
G-16818 et al.
RP66-7
RP71-22

Home Gas Co.
G-1966
G-2175
G-12198 et al.
G-20511
RP66-6
RP69-32
RP71-25

Columbia requests permission to deviate from refund flowthrough procedures applicable in its and its predecessors' prior rate proceedings, and to be permitted to flow through these aggregate refunds according to the proposed plan. The proposed refund is the flow through of $1,273,639 refund of principal and interest received from suppliers, as adjusted to reflect net storage injections and withdrawals, and is based upon sales and storage volumes for the 12-month period ended July 31, 1972, rather than according to the varying refund procedures in the 37 rate proceedings. Columbia states that 89.24 percent ($1,136,642) of the accumulated refunds are attributable to the period January 1, 1970, through March 31, 1972.

Copies of the refund plan have been mailed to each of Columbia's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 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 13, 1973. Protests will be considered by the Commission in determining the appropirate 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. Columbia's proposed plan of refunds is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6805 Filed 4-9-73;8:45 am]

[Docket No. E-7715]

COMMUNITY PUBLIC SERVICE CO.

Notice of Application

APRIL 2, 1973.

Take notice that on March 26, 1973, Community Public Service Co. (applicant) filed amendment No. 2 to its application in docket No. E-7715 seeking an order pursuant to section 204 of the Federal Power Act, amending the order previously issued to increase the presently authorized $10 million in short-term notes and commercial paper to an aggregate principal amount not to exceed $18 million outstanding at any one time and for an extension of the final issuance date of such securities from June 1, 1973, to December 31, 1974, or, alternatively, for an extension of the final issuance date of the presently authorized $10 million from June 1, 1973, to December 31, 1974.

Community is incorporated in the State of Texas and is domesticated in the State of New Mexico with its principal place of business at Fort Worth, Tex. Community is engaged primarily in the generation, purchase, distribution, and sale of electric energy and the purchase, distribution, and sale of natural gas. It provides electricity and natural gas service to a total of 126 communities in Texas and New Mexico, including 84 incorporated municipalities.

Community proposes to issue notes to commercial banks and notes in the form of commercial paper to commercial paper dealers and directly to investors for their own accounts. The notes and commercial paper, which will have maturity dates of less than 12 months, but not later than December 31, 1974, are not to exceed $18 million outstanding at any one time.

Community states that it proposes to use the proceeds of the short-term bank loans and commercial paper to reimburse its treasury for expenditures for the construction, completion, extension or improvement of its facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 18, 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6799 Filed 4-9-73;8:45 am]

[Docket No. CP73-242]

CONSOLIDATED GAS SUPPLY CORP.

Notice of Application

APRIL 2, 1973.

Take notice that on March 20, 1973, Consolidated Gas Supply Corp. (Applicant) 445 West Main Street, Clarksburg, W. Va. 26301, filed in docket No. CP73-242 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas in interstate commerce for Cabot Corp. (Cabot) and the construction and operation of certain facilities needed to provide this transportation service, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to transport natural gas for Cabot pursuant to the terms of a contract dated January 31, 1973, with Cabot. Said contract provides for Cabot to deliver gas to Applicant at the point where Cabot's Line No. S-44 crosses Applicant's Line No. TL-268 in Wyoming County, W. Va., for Applicant to transport such gas approximately 56 miles in its existing pipeline system and for Applicant to redeliver such gas to Cabot at an existing point of interconnection near Cabot's Horsemill Station, Kanawha County, W. Va. In order to effectuate such transportation, Applicant proposes to construct and operate certain metering and connection facilities at the proposed delivery point in Wyoming County. Applicant states that it has been informed by Cabot that the proposed transportation will relieve a capacity problem on the southern end of Cabot's West Virginia system, and thus by making additional volumes of gas available to Cabot in Kanawha County, assist Cabot in meeting its West Virginia retail market requirements.

Applicant proposes to retain 16 percent of the volumes of gas delivered by Cabot as consideration for its exchange service.

Applicant estimates the total cost of the proposed facilities at $5,263 which its plans to finance from funds on hand or funds supplied by its parent corporation Consolidated Natural Gas Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 23, 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.73-6804 Filed 4-9-73;8:45 am]

[Docket No. G-6342]

CONTINENTAL OIL CO.

Notice of Application; Correction

FEBRUARY 28, 1973.

In "the Notice of Application," issued February 16, 1973 and published in the FEDERAL REGISTER February 26, 1973 (38 FR 5203):

Caption: Change docket number form "G-6341" to "G-6342".

Paragraph 2, line 14: Change "15.025" to "14.65".

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6798 Filed 4-9-73;8:45 am]

EAST TENNESSEE NATURAL GAS CO.

Notice of Proposed Gas Sales Contracts

APRIL 3, 1973.

Take notice that on March 20, 1973, East Tennessee Natural Gas Co. (East Tennessee) tendered for filing gas sales contracts with United Cities Gas Co., and Elk River Public Utility District. East Tennessee states that effective December 1, 1972, the above listed customers elected to purchase their presently certified contract volumes under the provisions of East Tennessee's CFR Rate Schedule. East Tennessee requests that in accordance with § 154.51 of the Commission's regulations, the Commission permit the contracts tendered herewith to become effective on December 1, 1972.

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 19, 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.73-6817 Filed 4-9-73;8:45 am]

[Dockets Nos. G-10426, CP70-137, G-8934, G-10008, RP71-137, and RP72-151]

EL PASO NATURAL GAS CO.

Notice of Further Postponement of Procedural Dates

APRIL 2, 1973.

On March 19, 1973, El Paso Natural Gas Co. (El Paso) and certain of its Northwest Division resale customers filed a joint motion for a postponement of the procedural dates in the above-designated matter. On March 26, 1973, Commission Staff Counsel filed an answer to the motion insofar as it pertains to dockets Nos. RP71-137 and RP72-151. The answer states that staff will require additional time beyond the date proposed in the motion for the service of staff's answering evidence. The answer also requests that the dates for the service of rebuttal evidence by El Paso and the interveners and the date of the hearing be postponed. Answers in support of the motion were filed by the Washington Utilities and Transportation Commission, and Union Carbide Corp.

Upon consideration, notice is hereby given that the procedural dates in the above-designated proceedings are postponed as follows:

Dockets Nos. RP71-137 and RP72-151:

Service of direct evidence by El Paso and interveners, April 27, 1973.
Service of answering evidence by staff, June 12, 1973.
Service of rebuttal evidence by El Paso and interveners, June 26, 1973.
Hearing and commencement of cross-examination, July 10, 1973 (10 a.m., e.d.t.).

Dockets Nos. G-8934, G-10008, G-10426 and CP70-137:

Service of direct evidence by El Paso, April 27, 1973.
Hearing and commencement of cross-examination, June 5, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6814 Filed 4-9-73;8:45 am]

[Docket No. G-3079, et al.]

EXXON CORP.

Issuing Certificates of Public Convenience; Correction

MARCH 15, 1973.

In the order amending orders issuing certificates of public convenience and necessity, substituting applicant and respondent, accepting notices of succession for filing, and redesignating FPC gas rate schedules, issued February 27, 1973, and published in the FEDERAL REGISTER, March 12, 1973 (38 FR 6728), change the certificate docket numbers related to rate schedule numbers 465 and 480 from "CI69-113" and "CI71-158", respectively, to "CI69-1193" and "CI71-758", respectively.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6822 Filed 4-9-73;8:45 am]

[Dockets Nos. G-2798, et al., CI72-365]

FOREST OIL CORP. (OPERATOR), ET AL.

Findings and Order After Statutory Hearing; Correction

MARCH 15, 1973.

In the findings and order after statutory hearing issuing certificates of public convenience and necessity, amending orders issuing certificates, permitting and approving abandonment of service, terminating certificates, canceling FPC gas rate schedules, accepting rate schedules and rate schedule supplements for filing, canceling docket number, and terminating rate proceedings, issued September 6, 1972, and published in the FEDERAL REGISTER September 15, 1972 (37 FR 18754): In paragraph (Q) after "G-3913" insert "7" and at bottom of page add "7 Terminated only insofar as said certificate pertains to Ashland Oil, Inc., FPC gas rate schedule No. 106."

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6812 Filed 4-9-73;8:45 am]

[Docket No. G-5720, etc.]

INTERSTATE STATE SALES OF NATURAL GAS

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates; Correction

MARCH 14, 1973.

In the notice of applications for certificates, abandonment of service and petitions to amend certificates, issued March 6, 1973, and published in the FEDERAL REGISTER March 14, 1973 (38 FR 6924): Delete dockets Nos. G-13385 and CI62-1184.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6807 Filed 4-9-73;8:45 am]

[Docket No. E-8089]

IOWA-ILLINOIS GAS & ELECTRIC CO.

Notice of Proposed Extension of Service

APRIL 2, 1973.

Take notice that Iowa-Illinois Gas & Electric Co. (I.I.G. & E.) on March 22, 1973, tendered for filing a first amendment dated March 20, 1973, to its FPC rate schedule No. 32, proposing an extension of the term of service through the month of April 1973, in the quantity of 25,000 kilowatts of participation power, originating from Muscatine, Iowa, and resold to Iowa Power & Light Co. I.I.G. & E. requests waiver of the notice requirements to permit an effective date of April 1, 1973. I.I.G. & E. states that no change in rate is proposed for the extended service and that a copy of this filing has been mailed to the other parties.

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 18, 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.73-6815 Filed 4-9-73;8:45 am]

[Docket No. DA-197-Utah, U.S. Geological Survey]

LANDS WITHDRAWN IN POWER SITE RESERVE NO. 363 AND PROJECT NO. 290

Finding and Order Vacating Land

APRIL 2, 1973.

Application has been filed by the U.S. Geological Survey for the revocation of power site reserve No. 363, dated May 27, 1913, insofar as it pertains to the following described lands, thereby requiring Commission consideration under section 24 of the Federal Power Act:

SALT LAKE MERIDIAN, UTAH

T. 16 S., R. 7 E.,
Sec. 26, SW¼NW¼, E½SW¼;
Sec. 27, NE¼NE¼ (now lots 1 through 12).
T. 16 S., R. 8 E.,
Sec. 31, lot 3 (now lots 13 and 14), lot 4 (now lots 8, 9, 10, 11, and 12), lot 5.
T. 17 S., R. 8 E.,
Sec. 5, W½SW¼, SE¼SW¼, SW¼SE¼ (now lot 11);
Sec. 6, lot 6, SE¼SW¼, SW¼SE¼;
Sec. 7, N½NE¼;
Sec. 8, NW¼NE¼, N½NW¼;
Sec. 9, N½SW¼, SE¼SW¼.
(approximately 892.39 acres)

The NE¼NE¼ of sec. 27, T. 16 S., R. 7 E., and lots 3 and 4 of sec. 31, T. 16 S., R. 8 E., are also withdrawn pursuant to the filing on March 29, 1922, of an application for preliminary permit for project No. 290. The proceedings for project No. 290 ended without issuance of a license.

The lands lie along Huntington Creek, a tributary of the San Rafael River near Huntington, Utah, and were withdrawn for possible diversion-conduit development. The average flow of Huntington Creek in the area under consideration is about 100 ft³/s and the stream falls about 100 feet per mile.

Growth of electric power requirements, the trend toward interconnected transmission systems and the economic advantages of larger generating units render the power value of the subject lands negligible.

The Commission's current inventory of developed and undeveloped hydroelectric sites does not include any sites in the Huntington Creek basin.

The Commission finds:

It has no objection to the revocation of power site reserve No. 363 insofar as it pertains to the subject lands.

The Commission orders:

The withdrawal of the subject lands pursuant to the application for project No. 290 is hereby vacated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6803 Filed 4-9-73;8:45 am]

[Docket No. CP73-244]

MIDWESTERN GAS TRANSMISSION CO.

Notice of Application

MARCH 30, 1973.

Take notice that on March 20, 1973, Midwestern Gas Transmission Co. (Applicant), P.O. Box 2511, Houston, Tex. 77001, filed in docket No. CP73-244 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain 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 Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee), 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 gas will have been transported by Tennessee for NI-Gas from offshore Louisiana to the point of delivery to Applicant. Further, the application sets forth that the gas to be transported by Tennessee will have been purchased by NI-Gas from Mobil Oil Corp. (Mobil) and that at least one-third of the daily quantity delivered to Tennessee is to be resold by NI-Gas to Tennessee. The initial daily quantity to be delivered to Tennessee by Mobil is 18,000 M ft³ and NI-Gas, within the first 4 years of service, may request an increase up to 42,000 M ft³. Applicant states that the gas will be delivered to Applicant by Tennessee for NI-Gas' account at a present interconnection near Portland, Tenn., and will be redelivered by Applicant to Northern Illinois Gas Co., at existing delivery points in Illinois.

The application further indicates that the rate to be paid by NI-Gas to Applicant 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 Joliet, Ill., less the amount specified in Tennessee's then effective contract demand rate schedule for deliveries at Portland, Tenn. In addition, Applicant states, NI-Gas will pay Applicant a commodity charge per Mft³ which shall be the difference between the commodity rate then effective in Applicant's contract demand rate schedule for deliveries at Joliet, Ill., and the commodity rate specified in Tennessee's then effective contract demand rate schedule for deliveries at Portland.

Applicant proposes to construct and operate 1,100 additional compressor horsepower at its Station 2110, near Petersburg, Ind., and additional 3,500 compressor horsepower at its Station 2118 near Potomac, Ill. Applicant states that the total estimated cost of these facilities is $1,096,000, which cost will be initially financed from cash on hand, the sale of temporary investments and/or advances from an associated company.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 23, 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 Commisison'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 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.73-6810 Filed 4-9-73;8:45 am]

[Docket No. E-8090]

MISSISSIPPI POWER CO.

Notice of Proposed Changes in Rates and Charges

MARCH 30, 1973.

Take notice that on March 22, 1973, Mississippi Power Co. (Mississippi) tendered for filing amendment No. 2 to an Interconnection Agreement dated November 12, 1970, between Mississippi and South Mississippi Electric Power Association (SMEPA) (rate schedule FPC No. 108). Mississippi states that the amendment herewith tendered for filing provides for the purchase by SMEPA from Mississippi of firm power and consists of the executed amendment, service schedule A, and a letter of understanding with respect to the Fuel Adjustment Clause. Mississippi further states that service under this amendment is scheduled to commence on June 1, 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 17, 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.73-6808 Filed 4-9-73;8:45 am]

[Docket No. RP71-107]

NORTHERN NATURAL GAS CO.

Notice of Proposed Change in Tariff

MARCH 30, 1973.

Take notice that on March 21, 1973, Northern Natural Gas Co. (Northern) tendered for filing as part of its FPC Gas Tariff, third revised volume No. 1, initial offset gas service agreements with Kansas-Nebraska Natural Gas Co., Inc., Michigan Wisconsin Pipeline Co., and Northern Illinois Gas Co. An effective date of March 27, 1973, is requested.

The three above offset agreements were filed pursuant to the Commission's order approving settlement of curtailment provisions subject to conditions issued October 2, 1972.

Northern requests that the Commission waive the notice requirements of § 154.22 of the regulations.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 441 G Street NW., Washington, 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 11, 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 the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6802 Filed 4-9-73;8:45 am]

[Docket No. CI72-773]

OFFSHORE CO.

Notice of Application; Correction

MARCH 13, 1973.

In the notice of application pursuant to § 2.75 of Commission's general policy and interpretations, issued March 2, 1973, and published in the FEDERAL REGISTER March 9, 1973 (38 FR 6435): 2d paragraph, line 9: Insert a comma after "years".

Second paragraph, line 12: Change "1973" to "1993".

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6820 Filed 4-9-73;8:45 am]

[Project 487]

PENNSYLVANIA POWER & LIGHT CO.

Notice of Application for Change in Land Rights

APRIL 3, 1973.

Public notice is hereby given that application for Commission approval of the granting of an easement over project land has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by the Pennsylvania Power & Light Co. (correspondence to: Mr. Austin Gavin, executive vice president, Pennsylvania Power & Light Co., 901 Hamilton Street, Allentown, Pa. 18101, and Mr. Gennaro D. Caliendo, attorney, Pennsylvania Power & Light Co., 901 Hamilton Street, Allentown, Pa. 18101), licensee for Wallenpaupack project No. 487 which is located on Wallenpaupack Creek in Wayne and Pike Counties in the vicinity of the city of Scranton and the town of Stroudsburg, Pa.

Applicant seeks Commission approval to grant an easement over project land condemned by the Pennsylvania Department of Highways for Legislative Route 1012, section 4 which is a limited access highway crossing Butternut Creek in Wayne County, Sterling Township, Pa.

The State of Pennsylvania filed a Declaration of Taking in the Court of Common Pleas of Wayne County on February 3, 1970. Licensee and the State of Pennsylvania entered into a settlement agreement relating to the condemnation for purposes of creating the right-of-way for the highway. The settlement agreement provides that the Pennsylvania Power & Light Co., its successors and assigns, shall have the right to use the property affected by the highway construction at any time as contemplated in the project license issued by the Federal Power Commission.

Any person desiring to be heard or to make protest with reference to said application should on or before May 17, 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.73-6816 Filed 4-9-73;8:45 am]

[Project 487]

PENNSYLVANIA POWER & LIGHT CO.

Notice of Application for New License for Constructed Project

APRIL 3, 1973.

Public notice is hereby given that application for a new license has been filed under the Federal Power Act (16 U.S.C. 791a–825r) by the Pennsylvania Power & Light Co. (correspondence to: Mr. Austin Gavin, executive vice president, Pennsylvania Power & Light Co., 901 Hamilton Street, Allentown, Pa., 18101 and Mr. Gennaro D. Caliendo, attorney, Pennsylvania Power & Light Co., 901 Hamilton Street, Allentown, Pa., 18101), licensee for Wallenpaupack project No. 487 which is located on Wallenpaupack Creek in Wayne and Pike Counties in the vicinity of the city of Scranton and the town of Stroudsberg, Pa. The project affects a navigable water of the United States.

The project consists of: (1) A concrete gravity dam 860 feet long and 66 feet high with a center spillway section having two structural steel roller gates each 67.5 feet long and 14 feet high; (2) an earth embankment at the north abutment 415 feet long with a maximum height of 40 feet; (3) an earthfill dike 1,400 feet long with a maximum height of 40 feet; (4) a 13 mile long, 5,700 acre reservoir having a usable storage volume of 158,000 acre-feet; (5) 18,000 feet of pipeline; (6) a surge tank; (7) two 350 feet long penstocks; (8) an indoor powerhouse having two 20,000 kw generators; and (9) two 12 kv transmission circuits and appurtenant facilities.

Applicant's current license expires September 28, 1974.

The application states that: (1) The estimated net investment as of September 28, 1974, is to be approximately $10,100,000; (2) estimated severance damages in the event of takeover would be $5 million; (3) annual taxes paid to Federal, State, and local governments are $293,000.

The recreational features of the project include four family campgrounds with a total of 350 sites; two group camping areas; five boat access areas with parking for over 350 cartrailer units; 150 picnic units; three observation areas; and four islands. Private facilities include eight major marinas along with other picnicking, swimming, food, and lodging sites.

Applicant states that there is little space remaining around the project for expansion of public recreational facilities, but proposes a 25-year recreational program that will redevelop existing areas to provide optimum usage of present facilities. The plan includes redevelopment of 280 acres of Shuman's Point as a day-use park.

Any person desiring to be heard or to make any protest with reference to said

application should on or before June 7, 1973, file with the Federal Power Commission, Washington, D.C. 20426, in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the 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.73-6795 Filed 4-9-73;8:45 am]

[Docket No. CP73-243]

TENNESSEE GAS PIPELINE CO.

Notice of Application

APRIL 3, 1973.

Take notice that on March 20, 1973, Tennessee Gas Pipeline Co., a Division of Tenneco, Inc. (Applicant), Post Office Box 2511, Houston, Tex. 77001, filed in Docket No. CP73-243 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate the following offshore pipeline gathering facilities:

1. Approximately 22.4 miles of 24-inch gathering line extending from Applicant's Main Line Valve 526-1 in Plaquemines Parish, La., to a production platform in Grand Isle Block 43 in the Gulf of Mexico; and

2. Approximately 2.9 miles of 12-inch gathering line extending from a side valve on the above proposed 24-inch loop in West Delta Block 68 to a production platform in Grand Isle Block 32.

Applicant states that these facilities are needed in order to increase its gas gathering capability from the Grand Isle offshore area prior to the 1973-74 winter heating season. Applicant alleges that this increase gathering capacity is necessary, to realize approximately 25,000 M ft³ per day of added deliverability from the recently applied for Belco reserves in West Delta Block 64 (Docket No. CI73-293); approximately 65,000 M ft³ per day of expected deliverability from Cities Service Gas Co. (Docket No. CI73-468), Atlantic Richfield Co. (Docket No. CI73-493), Getty Oil Co. (Docket No. CI73-459), and Continental Oil Co. (Docket No. CI73-467) in Grand Isle Block 32; approximately 100,000 M ft³ of gas per day which is readily available from reserves presently attached to its gas gathering facilities in Grand Isle Block 43; and approximately 30,000 M ft³ of casinghead gas in Grand Isle Block 43 area which is currently being flared. Applicant indicates that the proposed facilities will increase its gas gathering system in the aforesaid areas by approximately 300,000 M ft³ of gas per day.

Applicant estimates the cost of the proposed facilities at $8,260,200 which it plans to finance initially from general funds of the company and/or borrowing under its revolving credit agreements.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 23, 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.73-6796 Filed 4-9-73;8:45 am]

[Docket No. CP73-235 (formerly Docket No. CP66-43)]

TEXAS EASTERN TRANSMISSION CORP.

Order Instituting Investigation; Correction

MARCH 16, 1973.

In the "Order Instituting Investigation," issued March 2, 1973, and published in the FEDERAL REGISTER March 9, 1973 (38 FR 6436): Change "Docket No. CP66-43" to "Docket No. CP73-235" First paragraph, line 3: Delete the words "this docket" and substitute "Docket No. CP 66-43".

Second paragraph, line 2: Insert the words "in Docket No. CP66-43" after the word "Commission".

Ordering paragraph, line 5: Insert "in Docket No. CP73-235" after the word "instituted".

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6823 Filed 4-9-73;8:45 am]

[Docket No. CI73-542]

TEXAS GULF, INC.

Notice of Application; Correction

MARCH 14, 1973.

In the "Notice of Application Pursuant to § 2.75 of Commission's General Policy and Interpretations," issued February 26, 1973, and published in the FEDERAL REGISTER March 5, 1973 (38 FR 5947):

First paragraph, line 14: Change "213" to "273".

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6821 Filed 4-9-73;8:45 am]

[Dockets Nos. RI72-280 et al.]

TEXAS OIL & GAS CORP. ET AL.

Order Providing for Hearing; Correction

MARCH 22, 1973.

In the "Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund," issued July 7, 1972, and published in the FEDERAL REGISTER August 5, 1972 (37 FR 15895): Appendix "A" docket No. RI72-282, Kimball, Inc. Under column headed "Rate Schedule No." change "4" to "3". Under column headed "Supp. No." change "2" to "8", "3" to "9", and "4" to "10".

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-6824 Filed 4-9-73;8:45 am]

[Docket No. E-8091]

UNION ELECTRIC CO.

Notice of Proposed Changes in Rates and Charges

APRIL 2, 1973.

Take notice that on March 22, 1973, Union Electric Co. (Union) tendered for filing a firm power agreement dated August 11, 1972, between Northern States Power Co., and Union. Union states that the agreement being filed herewith provides for the sale of 75 megawatts of firm power and that delivery of such power is to begin May 1, 1973, and continue through April 30, 1974. Union's estimated aggregate annual demand charge called for by the agreement amounts to $1,564,286, assuming no curtailments in the delivery of power. According to Union, copies of this agreement have been sent to Northern State Power Co., and to the Missouri Public Service 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, 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 17, 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.73-6813 Filed 4-9-73;8:45 am]

[Project 2113]

WISCONSIN VALLEY IMPROVEMENT CO.

Notice of Application for a Change in Land Rights

MARCH 30, 1973.

Public notice is hereby given pursuant to section 4(e) of the Federal Power Act (16 U.S.C. 791a–825r) that an application for approval of conveyance of interests in project lands was filed on January 24, 1973, by the Wisconsin Valley Improvement Co. (correspondence to: Mr. L. L. Sheerar, secretary, Wisconsin Valley Improvement Co., 501 Jefferson Street, Box 988, Wausau, Wis. 54401), licensee for project No. 2113, located on the Wisconsin River and its tributaries in Marathon, Lincoln, Oneida, Vilas, and Forest Counties, Wis., and Gogebic County, Mich. The land over which the easement would be granted is located in the townships of Newbold and Sugar Camp, Oneida County, Wis.

Applicant proposes to grant a 100-foot-wide right-of-way to the Wisconsin Public Service Corp., for construction of a 115 kv transmission line. The proposed transmission line would serve a resort area near Eagle River, Wis. The proposed perpetual easement would effect 19.51 acres of project lands at the Rainbow Reservoir of project No. 2113. The transmission line would cross the reservoir at three locations: (1) Immediately downstrem of Pickerel Dam of project No. 2113, (2) the Wisconsin River about 4 miles upstream of the Pickerel Dam, and (3) immediately downstream of Sugar Camp Dam of project No. 2113 and about 11 transmission line poles of the wooden H-frame style will be placed on project land.

Any person desiring to be heard or to make protest with reference to said application should on or before April 16, 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.73-6811 Filed 4-9-73;8:45 am]

FEDERAL RESERVE SYSTEM

FARMERS & MERCHANTS INSURANCE AGENCY, INC.

Order Approving Formation of Bank Holding Company and Continuation of Insurance Agency Activities

The Farmers & Merchants Insurance Agency, Inc., Colby, Kans., 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)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of The Farmers & Merchants State Bank, Colby, Kans. (Bank).

At the same time, applicant has applied for the Board's approval under section 4(c)(8) of the act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y for applicant to continue to engage in the activities of a general insurance agency in a community of less than 5,000 persons.

Notice of receipt of the applications has been given in accordance with sections 3 and 4 of the act, and the time for filing comments and views has expired. The Board has considered the applications and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the act.

Applicant's sole shareholder acquired applicant's shares as part of a transaction whereby he acquired over 70 percent of Bank's shares from the former principal owners of Bank in February 1972. Applicant was incorporated, just a day prior to the sale described above, to engage in insurance agency activities that previously had been conducted by Bank's former principal owners as a proprietorship and later as a partnership. Bank, with deposits of $14.5 million, is the larger of two banks in Colby and the largest of three banks in Thomas County. (All banking data are as of June 30, 1972.) On the facts herein, and particularly since the transaction involves only a change from individual to corporate ownership of a single bank, consummation of the proposal will have no adverse effects on existing or potential competition.

Considerations relating to financial and managerial resources and prospects of applicant and Bank appear to be satisfactory and consistent with approval. Although applicant will assume debt incurred by its owner when his shares of Bank were acquired and in connection with an equivalent offer to minority shareholders, it appears that such debt may be serviced without placing an undue strain on Bank earnings. Considerations relating to the convenience and needs of the communities involved, with respect to the acquisition of Bank, are consistent with approval. It is the Board's judgment that the transaction would be in the public interest and that the application to acquire Bank should be approved.

Applicant seeks to continue the operation of a general insurance agency which has operated in close association with Bank for many years. The insurance agency is located at Bank's premises in Colby (population approximately 4,700). The Board has previously determined by regulation that the conduct of a general insurance agency in a community of less than 5,000 persons is closely related to banking (12 CFR 225.4(a)(9)(iii)(a)). Gross commission income of the agency was reported as $31,000 in 1971. The evidence indicates that nine other insurance agencies compete with applicant, including an agency operated by a bank holding company owning the other bank in Colby.

There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest. It does appear that approval of the application will assure the community of Colby of the continued operation of a convenient alternative source of insurance agency services. Based upon the foregoing and other considerations reflected in the record, the Board has determined that the public interest factors that the Board is required to consider regarding the continuation of applicant's insurance agency activities are favorable and the application should be approved.

On the basis of the record, the applications to acquire Bank shares and to continue to engage in insurance agency activities are approved for the reasons summarized above. The acquisition of Bank shares shall not be consummated: (a) before the 13th calendar day following the effective date of this order nor (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to the insurance agency activities is subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[1] effective April 3, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-6876 Filed 4-9-73;8:45 am]

FIRST SECURITY NATIONAL CORP.

Acquisition of Bank

First Security National Corp., Beaumont, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Colonial National Bank of Garland, Garland, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 1, 1973.

Board of Governors of the Federal Reserve System, April 4, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-6875 Filed 4-9-73;8:45 am]

INTERIM COMPLIANCE PANEL (Coal Mine Health and Safety)

RENEWAL PERMITS

Notice of Opportunity for Public Hearing

Applications for renewal permits for noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) have been received as follows:

(1) ICP Docket No. 20041, Wolf Creek Collieries Co., Inc., No. 4 Mine, USBM ID No. 15 04020 0, Lovely, Ky., Section ID No. 001.

(2) ICP Docket No. 20601, Sterling Smokeless Coal Co., No. 10 Mine, USBM ID No. 46 01510 0, Whitby, W. Vir.:
Section ID No. 008-0 (first right, No. 4 miner).
Section ID No. 008-1 (first right, No. 3 miners).
Section ID No. 006-0 (fourth left, No. 1 miner).
Section ID No. 006-1 (fourth left, No. 2 miner).
Section ID No. 002-0 (first right mains, No. 1 miner).
Section ID No. 002-1 (first right mains, No. 2 miner).

(3) ICP Docket No. 20602, Glen Irvan Corp., Bark Camp No. 1 Mine, USBM ID No. 36 02391 0, Penfield, Pa., Section ID No. 003 (2d right).

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 25, 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.

APRIL 4, 1973.

[FR Doc.73-6792 Filed 4-9-73;8:45 am]

INTERNATIONAL JOINT COMMISSION, UNITED STATES AND CANADA

REGULATION OF RICHELIEU RIVER AND LAKE CHAMPLAIN

Public Hearings

The International Joint Commission, a permanent Canada and United States body established under the Boundary Waters Treaty of 1909, will hold initial public hearings at times and places noted below on the question of the feasibility and desirability of regulating the Richelieu River in the Province of Quebec for the purposes of alleviating extreme water conditions in the river and in Lake Champlain.

Because of flood damage along the Richelieu River and Lake Champlain, the Governments of the United States and Canada on March 29, 1973, requested the International Joint Commission to recommend the most practicable and economically feasible method of regulating the Richelieu River, estimate the capital and operating costs of the works, estimate the benefits and adverse effects on each country and to recommend how the cost of implementing the plan of regulation be apportioned between both countries.

In view of the urgency, the Commission was requested to submit as soon as possible to the two Governments recommendations for interim measures which might be instituted to alleviate existing flooding, together with a preliminary appraisal of benefits to each country.

The purpose of these public hearings is to receive testimony and evidence relating to the above questions. The Commission's hearings are international in nature, and, irrespective of the location in which they are held, the citizens of both the United States and Canada are invited to attend and participate.

Opportunity will be given to anyone, either on his own behalf or in a representative capacity, to offer pertinent information which may assist the Commission in its inquiry. Statements may be made orally or in writing. If written statements are submitted, it is requested that if possible, 30 copies be provided for the Commission's use. Additional copies may be deposited with the Secretaries at the hearings for the use of the news media and others present.

TIMES AND PLACES OF HEARINGS

Tuesday, April 24, 1973; 9:30 a.m.; City Hall Auditorium, Church Street, Burlington, Vt.

Wednesday, April 25, 1973; 9:30 a.m.; Auditorium, l'ecole polyvalente Chanoine Armand Racicot, 940 Normandie Boulevard, St. Jean, Quebec.

William A. Bullard, Secretary, U.S. Section, International Joint Commission, 1717 H Street NW., room 203, Washington, D.C. 20440, Phone 202-296-2142.

David G. Chance, Secretary, Canadian Section, International Joint Commission, 151 Slater Street, suite 850, Ottawa, Ontario, Canada KIP 5H2, Phone 613-992-2945.

WILLIAM A. BULLARD,
Secretary.

APRIL 5, 1973.

[FR Doc.73-6954 Filed 4-9-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[811-1789]

VENCAP, INC.

Notice of Filing of Application Order

APRIL 3, 1973.

Notice is hereby given that Vencap, Inc., 3801 Kennett Pike, Wilmington, Del. 19807 (Applicant), a Massachusetts corporation registered as a diversified, open-end management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations as set forth therein, which are summarized below.

Applicant registered under the Act on December 30, 1968, by filing a form N-8A, "Notification of Registration." On February 10, 1969, Applicant filed a form N-8B-1, "Registration Statement" under the Act together with a form S-5, "Registration Statement under the Securities Act of 1933" (1933 Act), which 1933 Act registration statement became effective on December 12, 1969. Subsequent to such effective date, Applicant sold its shares to approximately 24 individuals.

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

Applicant represents that it has a single class of common stock, par value $1, with no shares outstanding and no net asset value per share as of February 15, 1973.

Applicant represents that it has not offered its securities to the public since on or about December 30, 1971; that it has abandoned its plans to continue the public offering of its securities; and that it does not now intend to offer or sell any of its securities to the public.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is hereby given that any interested person may, not later than April 27, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in such application, unless an order for a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-6877 Filed 4-9-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 964]

TENNESSEE

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Tennessee as a major disaster area following heavy rains and flooding which began on or about March 14, 1973, and the subsequent designation of the additional counties of Anderson, Bedford, Bledsoe, Blount, Carter, Claiborne, Cocke, Franklin, Giles, Grainger, Green, Hamblen, Hancock, Hardin, Hawkins, Hickman, Jefferson, Johnson, Knox, Lawrence, Lincoln, Loudon, Marshall, McMinn, Meige, Moore, Roane, Rutherford, Sequatchie, Sevier, Sullivan, Unicoi, Union, Van Buren, Warren, Washington, Wayne, and White by the Office of Emergency Preparedness as affected areas, the Small Business Administration will accept applications for disaster relief loans in these additional 38 counties.

Applications may be filed at:

Small Business Administration, Regional Office, 1401 Peachtree Street NE., Atlanta, Ga. 30309.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than May 25, 1973.

Dated April 2, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-6835 Filed 4-9-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

FLORIDA DEVELOPMENTAL PLAN

Submission and Availability for Public Comment

1. *Submission and description of Plan.*—Pursuant to section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 667) and § 1902.11 of Title 29, Code of Federal Regulations, notice is hereby given that an occupational safety and health plan for the State of Florida has been submitted to the Assistant Secretary of Labor for Occupational Safety and Health. The Assistant Secretary has preliminarily reviewed the Plan and hereby gives notice that the question of the approval of the Plan is in issue before him.

The Plan designates the Florida Department of Commerce as the agency responsible for administering the Plan throughout the State. It defines the occupational safety and health issues as defined by the Secretary of Labor in 29 CFR 1902.2(c)(1). Initially occupational safety and health standards promulgated by the U.S. Secretary of Labor will be adopted under the Plan. Responsibility for ship repairing, shipbuilding, shipbreaking, and longshoring is proposed to be assumed to the extent that such responsibilities will be limited to shore-based activities, and will not include responsibility for working conditions within the Federal maritime jurisdiction of the Longshoremen's and Harbor Workers' Compensation Act (33 U.S.C. 941) aboard vessels in navigable waters, including dry docks, graving docks, and marine railways. After public hearing, the standards will become effective immediately upon filing with the Department of State.

The plan includes proposed enabling legislation to be considered by the Florida Legislature during its 1973 session to bring the plan into conformity with the requirements of part 1902. Under the proposed legislation, the State Department of Commerce, Division of Labor and Employment Opportunities, will have the statutory authority to implement an occupational safety and health plan modeled after the Federal act. It provides for the coverage of all employees within the State, including employees of State agencies and municipalities.

There are provisions within the legislation granting the Director of the Division of Labor and Employment Opportunities the authority to inspect workplaces and to issue citations for violations and their abatement and there is included a prohibition against advance notice of any such inspection. The legislation is also intended to insure employer and employee representatives opportunity to accompany inspectors and to call attention to possible violations; notification of employees or their representatives when no compliance action is taken as a result of alleged violations; protection of employees against discrimination in terms and conditions of employment; adequate safeguards to protect trade secrets. There is provision made for the prompt restraint of imminent danger situations and a system of penalties for violation of the proposed legislation.

The proposed legislation is accompanied by a statement of the Governor's support for it and an opinion from the General Counsel of the Department of Commerce that it will meet the requirements of the Occupational Safety and Health Act of 1970 and is consistent with the constitution and other laws of the State. The Plan sets out goals for bringing it into full compliance with part 1902 upon enactment of the proposed legislation by the State legislature.

The proposed legislation sets forth the general authority and scope for implementing the Florida Plan. In addition, the Plan is developmental within 29 CFR 1902.2(b) in that specific rules and regulations must be adopted to carry out the Plan and to make it fully operative.

There are set forth in the proposed Plan timetables for the development of an occupational health program, personnel training, compliance manual, management information system and the Industrial Review Commission. The State proposes to enter into an agreement with the State department of health for the use of certain facilities of the department. It further contains a comprehensive description of personnel to be employed under the State's merit system as well as its proposed budget and resources.

2. *Location of Plan for inspection and copying.*—A copy of the Plan may be inspected and copied during normal business hours at the following locations: Office of Federal and State Operations, Occupational Safety and Health Administration, room 305, 400 First Street NW., Washington, D.C. 20210; Regional Administrator, Occupational Safety and Health Administration, room 587, 1375 Peachtree Street NE., Atlanta, Ga. 30309, and the District Safety Office of the State Bureau of Workmen's Compensation, Occupational Safety and Health at the following locations, suite 380, 215 Market Street, Jacksonville, Fla. 32202; suite 206, 110 South Hoover Street, Tampa, Fla. 33609; suite 174, 3165 McCrory Place, Orlando, Fla. 32803; suite 500, 2801 Ponce De Leon, Coral Gables, Fla. 33134; and Ashley Building, 1321 Executive Center Drive East, Tallahassee, Fla. 32301.

3. *Public participation.*—Interested persons are hereby given until May 10, 1973, to submit to the Assistant Secretary written data, views, and arguments concerning the Plan. The submissions are to be addressed to the Director, Office of Federal and State Operations, room 305, 400 First Street NW., Washington, D.C. 20210. The written comments will be available for public inspection and copying at the above address.

Any interested person(s) may request an informal hearing concerning the proposed Plan, or any part thereof, whenever particularized written objections thereto are filed by May 10, 1973. If the Assistant Secretary finds that substantial objections are filed, he shall hold a formal or informal hearing on the subjects and issues involved.

The Assistant Secretary for Occupational Safety and Health shall thereafter consider all relevant comments and arguments presented and issue his decision as to approval or disapproval of the Plan.

Signed at Washington, D.C., this third day of April 1973.

CHAIN ROBBINS,
Acting Assistant Secretary of Labor.

[FR Doc.73-6892 Filed 4-9-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Change of Meeting Location

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the location of the meetings of the Food Industry Wage and Salary Committee to be held, as previously announced, at 10 a.m. on every Wednesday until further notice, has been changed. Beginning with the meeting of April 11, 1973, the meetings will be held in the Pay Board Conference Room, 2025 M Street NW., Washington, D.C.

The Director of the Cost of Living Council has determined that the meetings to be held on April 11 and 18, 1973, will consist of exchanges of opinions, that the discussions, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meetings to protect the free exchanges of internal views and to avoid interference with the operation of the Committee.

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

WILLIAM N. WALKER,
General Counsel,
Cost of Living Council.

[FR Doc.73-7047 Filed 4-9-73;12:22 p.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 215]

ASSIGNMENT OF HEARINGS

APRIL 5, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 138169, Northern Transportation Service, now being assigned June 11, 1973 (3 days), at Rutland, Vt., in a hearing room to be later designated.

AB 5 Sub 140, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment Central Vermont Railroad connection, Norwich, New London County, Conn., now being assigned June 14, 1973 (2 days), at Norwich, Conn., in a hearing room to be later designated.

MC 75320 sub 161, Campbell Sixty-Six Express, Inc., now being assigned hearing June 4, 1973 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

AB-1 sub 9, Chicago and North Western Transportation Co. Abandonment between Wren, Iowa, and Iroquois, S. Dak., in Sioux and Plymouth Counties, Iowa, and Union, Lincoln, Turner, McCook, Miner, and Kingsbury Counties, S. Dak., now being assigned May 21, 1973 (1 week), at Sioux Falls, S. Dak., in a hearing room to be later designated.

MC-136744, Kashmark Trucking, Inc., now being assigned hearing on June 4, 1973 (2 days) at St. Paul, Minn., in a hearing room to be later designated.

AB-7 sub 8, Chicago, Milwaukee, St. Paul, and Pacific Railroad Co. Abandonment between St. Clair Junction and St. Clair, in Freeborn and Blue Earth Counties, Minn., now being assigned hearing June 6, 1973 (2 days), at Albert Lea, Minn., in a hearing room to be later designated.

AB-1 sub 6, Chicago and North Western Transportation Co. Abandonment between Tekamah and Lyons, Bert County, Nebr., now being assigned hearing June 6, 1973 (3 days), at Oakland, Nebr., in a hearing room to be later designated.

AB-1 sub 8, Chicago and North Western Transportation Co. abandonment between Fairchild and Mondovi, Jackson, Trempealeau, and Buffalo Counties, Wis., now being assigned hearing June 28, 1973 (2 days), at Eau Claire, Wis., in a hearing room to be later designated.

AB-1 sub 10, Chicago and North Western Transportation Co. abandonment between Irvington and Bennington, all in Douglas County, Nebr., now being assigned hearing June 20, 1973 (3 days), at Omaha, Nebr., in a hearing room to be later designated.

MC-127042 sub 99, Hagen, Inc., now being assigned hearing June 18, 1973 (2 days), at Omaha, Nebr., in a hearing room to be later designated.

[SEAL] ROBERT C. OSWALD,
Secretary.

[FR Doc.73-6864 Filed 4-9-73;8:45 am]

[Rev. S.O. 994; I.C.C. Order 87-A]

BURLINGTON NORTHERN INC.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. order No. 87 (Burlington Northern Inc.) and good cause appearing therefor:

It is ordered, That:

I.C.C. order No. 87 be, and it is hereby, vacated and set-aside.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all 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 it be filed with the Director, Office of the Federal Register.

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

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-6864 Filed 4-9-73;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

APRIL 5, 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

within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42656—Lumber and related articles to Norfolk, Nebr. Filed by Southwestern Freight Bureau, agent (No. B-397), for interested rail carriers. Rates on lumber and related articles, in carloads, as described in the application, from points in southwestern territory, to Norfolk, Nebr.

Grounds for relief—Carrier competition and rate relationship.

Tariff—Supplement 21 to Southwestern Freight Bureau, agent, tariff SW/W-2006-J, I.C.C. 5056. Rates are published to become effective on May 10, 1973.

By the Commission.

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

[FR Doc.73-6865 Filed 4-9-73;8:45 am]

[Rule 19, Ex Parte No. 241, Exemption 38]

ILLINOIS CENTRAL GULF RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, that because of flood conditions the Illinois Central Gulf Railroad Co. is unable to move empty cars to and from its lines in Mississippi; 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 rule 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 Illinois Central Gulf Railroad Co. is authorized to move, place, and accept from shippers, cars owned by other railroads regardless of the provisions of car service rule 2 on its lines in Mississippi.

Effective: March 30, 1973.

Expires: April 13, 1973.

Issued at Washington, D.C., March 30, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER, *Agent.*

[FR Doc.73-6868 Filed 4-9-73;8:45 am]

[Notice 43]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 4, 1973.

The following are notices of filing of applications[1] for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex parte No. MC-67, (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30844 (sub-No. 458 TA), filed March 27, 1973. Applicant: Kroblin Refrigerated Xpress, Inc., 2125 Commercial Street, P.O. Box 5000, box ZIP 50704, Waterloo, Iowa 50702. Applicant's representative: Paul Rhodes (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) Foodstuffs, (2) pet foods, (3) pet supplies, (4) cleaning compounds, and (5) commodities, the transportation of which is exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in the same vehicle and at the same time with any of the commodities set forth in (1), (2), (3), and (4), from the plantsite of the R. T. French Co., at or near Springfield, Mo., to points in Texas, for 180 days. Supporting shipper: The R. T. French Co., 1 Mustard Street, Rochester, N.Y. 14609. Send protests to: Herbert W. Allen, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 31799 (sub-No. 6 TA), filed March 22, 1973. Applicant: Hellman Trucking Co., Inc., Pilot Grove, Iowa 52648. Applicant's representative: Kenneth F. Dudley, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Pallets, from West Point, Iowa, to points in the Chicago, Ill., commercial zone, Galesburg and Joliet, Ill., for 180 days. Supporting shipper: V. A. Pallet Co., Inc., West Point, Iowa 52658. Send protests to: Herbert W. Allen, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 41951 (sub-No. 17 TA), filed March 29, 1973. Applicant: Wheatley Trucking, Inc., 125 Brohawn Avenue, P.O. Box 458, Cambridge, Md. 21613. Applicant's representatives: Marion Wheatley, Jr. (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Foodstuffs (except frozen and coldpack), from Cambridge, Md., to Highlands, Tex., and Haskell, Okla., for 180 days. Supporting shipper: RJR Foods, Inc., Cambridge, Md. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 44639 (sub-No. 67 TA), filed March 27, 1973. Applicant: L. & M. Express Co., Inc., 220 Ridge Road, Lyndhurst, N.J. 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, N.J. 07102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Wearing apparel and materials and supplies used in the manufacture of wearing apparel, between Clarkton and Lumberton, N.C., on the one hand, and, on the other, Copiaque, N.Y., and the New York, N.Y., commercial zone, for 180 days. Supporting shipper: Sportee Corp., of North Carolina, Clarkton, N.C. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 52921 (sub-No. 19 TA), filed March 27, 1973. Applicant: Red Ball, Inc., a corporation, 317 East Lee, Collins Building, P.O. Box 520, Sapulpa, Okla. 74066. Applicant's representative: Frank Burzio, 801 North Mission, Sapulpa, Okla. 74066. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Flour, blended flours, pancake mixes, flakes, and any products made from cereal grains, from Muleshoe and Hereford, Tex., to points in Oklohoma, Texas, Louisiana, Arkansas, Kansas, Colorado, New Mexico, Missouri, and Mississippi, for 180 days. Supporting shipper: Tritical Foods Corp., Elma M. Pruitt, vice president, 1208 West American Boulevard, Muleshow, Tex. 79347. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 92068 (sub-No. 6 TA), filed March 23, 1973. Applicant: Mutual Transportation, Inc., a corporation, President and Fleet Streets, Baltimore, Md. 21202. Applicant's representative: Walter T. Evans, 615 Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such commodities as are dealt in or used by retail department stores, from the facilities of Mutual Transportation, Inc., at Washington, D.C., to the store and facilities of the Woolco Department Stores Division, F. W. Woolworth Co., at or near Sterling, Va., restricted to the transportation of traffic having an immediate prior movement by rail or motor carrier, for 180 days. Supporting shipper:

[1] 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.

Mr. Roger Vesey, regional traffic manager, F. W. Woolworth Co., 162 West Chelton Avenue, Philadelphia, Pa. 19144. Sent protests to: William L. Hughes, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 107295 (sub-No. 641 TA), filed March 28, 1973. Applicant: Pre-Fab Transit Co., P.O. Box 146, 100 South Main Street, Farmer City, Ill. 61842. Applicant's representative: Bruce J. Kinnee (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Metal panels, with or without insulation, and accessories used in the installation thereof, from the plantsite and warehouse facilities of Glaros Products, Inc., at Rankin, Pa., to points in Wisconsin, California, Nevada, Kansas, Florida, New York, Georgia, North Carolina, South Carolina, Kentucky, Indiana, Illinois, Maine, Oklahoma, Minnesota, Missouri, Iowa, Tennessee, Maryland, and Arkansas, for 180 days. Supporting shipper: Richard D. Abele, plant manager, Glaros Products, Inc., Clara Street, Rankin, Pa. 15104. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Leland Office Building, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 107515 (sub-No. 843 TA), filed March 27, 1973. Applicant: Refrigerated Transport Co., Inc., 3901 Jonesboro Road SE., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: K. Edward Wolcott, suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Synthetic yarn, from Rome, Ga. to Hope, Ark., for 180 days. Supporting shipper: Integrated Products, Inc., P.O. Box 1548, Rome, Ga. 30161. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

No. MC 109821 (sub-No. 33 TA), filed March 28, 1973. Applicant: H. W. Taynton Co., Inc., a corporation, 40 Main Street, Wellsboro, Pa. 16901. Applicant's representative: Robert DeKroyft, 201 Bloomfield Avenue, Verona, N.J. 07044. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (A) Leather, from Westfield, Pa., to Boston, Bridgewater, Brockton, and Worcester, Mass. and (B) materials and supplies used in the manufacture of leather, from Boston, Mass., to Westfield, Pa., for 180 days. Supporting shipper: Eberle Tanning Co., Westfield, Pa. 16950. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 112963 (sub-No. 37 TA), filed March 23, 1973. Applicant: Roy Bros., Inc., Massachusetts corporation, 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Zinc acetate solution, in bulk, in tank vehicles, from Malden, Mass., to Westbrook, Maine, for 180 days. Supporting shipper: Solvent Chemical Co., Inc., 335 Commercial Street, Malden, Mass. Send protests to: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway Street, fifth floor, Boston, Mass. 02114.

No. MC 116544 (sub-No. 140 TA), filed March 27, 1973. Applicant: Wilson Brothers Truck Line, Inc., a corporation, 700 East Fairview Avenue, P.O. Box 636, Carthage, Mo. 64836. Applicant's representative: Robert Wilson (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses, from the plantsite and warehouse facilities of the R. T. French Co., Springfield, Mo., to points in Texas, for 180 days. Supporting shipper: The R. T. French Co., One Mustard Street, Rochester, N.Y. 14609. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 117344 (sub-No. 224 TA), filed March 23, 1973. Applicant: The Maxwell Co., a corporation, P.O. Box 15010, 10380 Evendale Drive, Cincinnati, Ohio 45215. Applicant's representative: John C. Spencer (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Corn products and blends thereof, in bulk, in tank or hopper-type vehicles, from the plantsite of Cargill, Inc., at Dayton, Ohio, to points in Alabama on and north of U.S. Route 78; points in Delaware; points in Georgia on and north of U.S. Route 78, and Augusta, Ga.; points in Indiana on and east of U.S. Route 31; points in Kentucky on and east of Interstate Route 65, and Bowling Green, Ky.; Maryland, points in Michigan on and east of State Route 66; points in New Jersey, New York, North Carolina, and Pennsylvania; points in South Carolina on and north of U.S. Route 1; points in Tennessee on and east of Interstate Route 65; and points in Virginia and West Virginia, for 180 days. Supporting shipper: Cargill, Inc., P.O. Box 1400A, 3201 Needmore Road, Dayton, Ohio 45414. Send protests to: Paul J. Lowry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514–B Federal Building, 550 Main Street, Cincinnati, Ohio 45202.

No. MC 124692 (sub-No. 105 TA), filed March 28, 1973. Applicant: Sammons Trucking, P.O. Box 1447, Missoula, Mont. 59801. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Lumber, from Cloquet, Minn., to points in North Dakota, Wisconsin, Illinois, and Michigan, for 180 days. Supporting shipper: The Northwest Paper Co., Cloquet, Minn. 55720. Send protests to: Paul J. Labine, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133095 (sub-No. 43 TA), filed March 28, 1973. Applicant: Texas Continental Express, Inc., 2603 West Euless Boulevard, P.O. Box 434, Euless, Tex. 76039. Applicant's representative: Rocky Moore (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Alcohol and alco- March 28, 1973. Applicant: Texas Conholic beverages, from the the plantsite and warehouse facilities of Pleasant Valley Wine Co. at Hammondsport, N.Y., to Albuquerque, N. Mex., for 180 days. Supporting shipper: Dorothy R. Beers, sales service manager, Pleasant Valley Wine Co., Hammondsport, N.Y. 14840. Send protests: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 9A27, Federal Building, 819 Taylor Street, Forth Worth, Tex. 76102.

No. MC 134592 (sub-No. 5 TA), filed March 28, 1973. Applicant: Herb Moore and Hazel Moore, doing business as H & H Trucking Co., 10360 North Vancouver Way, Portland, Oreg. 97217. Applicant's representative: Philip G. Skofstad, 3076 East Burnside, Portland, Oreg. 97214. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Shakes, shingles, and ridge units and accessorial items, from points in Washington and Oregon to points in Arizona and Nevada, for 180 days. Supporting shippers: Wesco Cedar Inc., P.O. Box 2566, Eugene, Oreg. 97402, and Anglo-American Cedar Products Ltd., Box 1087, Mission, B.C., Canada. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine, Portland, Oreg. 97204.

No. MC 134847 (sub-No. 8 TA), filed March 28, 1973. Applicant: Bessette Transport, Inc., 3 Rang St. Marc, St-Philippe Co., Laprairie, Quebec, Canada. Applicant's representative: Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Slate, (1) from ports of entry on the international boundary line, between the United States and Canada at or near Champlain, Ogdensburg, and Rouses Point, N.Y., and Highgate Springs and Newport, Vt., to East Rutherford, N.J., and (2) from Bangor, Pa.; East Rutherford, N.J.; Granville and Middle Granville, N.Y.; and Poultney and West Pawlet, Vt., to the international boundary line between the United States and Canada at or near Champlain, Ogdensburg, and Rouses Point, N.Y., and Highgate Springs and Newport, Vt., for 180 days. Supporting shipper: Bedford Slate, Ltd., 9450 Charles

de La Tour, Montreal 355, Quebec, Canada. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, Bureau of Operations, 52 State Street, room 5, Montpelier, Vt. 05602.

No. MC 138464 (sub-No. 1 TA), filed March 28, 1973. Applicant: Richard C. Shearer, Inc., 12340 Southeast Dumoit Road, Clackamas, Oreg. 97015. Applicant's representative: Ben R. Swinford, 3076 East Burnside Street, Portland, Oreg. 97214. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Wooden shakes, shingles, and ridge trim and other accessorial parts, including shake felt for installation of roofs, from points in Oregon and Washington, west of the crest of the Cascade Mountains, to points in California, Arizona, Nevada, Utah, and Colorado, for 180 days. Supporting shipper: Wesco Cedar, Inc., P.O. Box 2566, Eugene, Oreg. 97402. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, Oreg.

No. MC 138523 TA, filed March 28, 1973. Applicant: Jimmie Hensley and Jimmie D. Hensley, doing business as Hensley Trucking Co., Route 1, Denver, Tenn. 37054. Applicant's representative: Frank L. Hollis, P.O. Box 218, Camden, Tenn. 38320. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: (A) Mussel shells, in bulk, from points on or near rivers in Arkansas, Illinois, Indiana, Ohio, Iowa, Kansas, Kentucky, Minnesota, Oklahoma, Wisconsin, Alabama, and Tennessee to Camden, Tenn., and (B) mussel shells, in bags, from Camden, Tenn., to Mobile, Ala., and New Orleans, La., for 180 days. Supporting shipper: Tennessee Shell Co., Inc., Box 100, Camden, Tenn. 38320. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803—1808 West End Building, Nashville, Tenn. 37203.

No. MC 138524 TA, filed March 28, 1973. Applicant: Don Maxon, P.O. Box 101, Ontario, Oreg. 97914. Applicant's representative: F. L. Sigloh, 1134 North Orchard, suite 2, Boise, Idaho 83707. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Sand and gravel, concrete mix, rock and debris, from points in Malheur County, Oreg., to points in Washington, Payette, Canyon, Gem, Ada., and Elmore Counties, Idaho, for 180 days.

NOTE.—Applicant does not intend to tack authority or interline with any other carrier.

Supporting shippers: Flynn's Sand & Gravel, Inc., 1370 West Idaho Avenue, Ontario, Oreg. 97914; Robert J. Lzicar Construction and Northwest Industrial Construction, 1281 Moore Way, Ontario, Oreg. 97914; and Wayne King, P.O. Box 3, Ontario, Oreg. 97914. Send protests to: C. W. Campbell, Interstate Commerce Commission, Bureau of Operations, 550 West Fort Street, Box 07, Boise, Idaho 83724.

No. MC 138526 TA, filed March 28, 1973. Applicant: Tomar Trucking Corp., 275 Johnston Avenue, Jersey City, N.J. 07304. Applicant's representative: Robert B. Pepper, 168 Woodbridge Avenue, Highland Park, N.J. 08904. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: Empty containers, chassis, and trailers, utilized when loaded in a prior or subsequent movement by water, between the port of New York, N.Y., as defined in 49 CFR 1070.1; Baltimore, Md., Boston, Mass., and Philadelphia, Pa., for 180 days. Supporting shippers: (1) Japan Line, Ltd., 1 World Trade Center, New York, N.Y. 10048, and (2) Interpool, 630 Third Avenue, New York, N.Y. 10017. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, N.J. 07102.

MOTOR CARRIERS OF PASSENGERS

No. MC 138525 TA, filed March 26, 1973. Applicant: Princeton Messenger Service, Inc., U.S. Route 1, Princeton, N.J. 08540. Applicant's representative: Harold G. Hernly, 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: Passengers and their baggage, in special operations, between the site of the Mobil Research and Development Corp. (an affiliate of Mobil Oil Corp.), located near Pennington (Mercer County), N.J., on the one hand, and, on the other, New York, N.Y., under a continuing contract or contracts with the Mobil Oil Corp. of New York, N.Y., for 180 days. Supporting shipper: Mobil Research and Development Corp., P.O. Box 1026, Princeton, N.J. 08540. Send protests to: Richard M. Regan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, room 204, Princeton, N.J. 08608.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-6869 Filed 4-9-73;8:45 am]

[Rev. S.O. 994; I.C.C. Order 88]

PENN CENTRAL TRANSPORTATION CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, the Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees, is unable to transport traffic over its line between Cairo, Ill., and Olmstead, Ill., because of track damage resulting from flooding.

It is ordered, That:

(a) The Penn Central Transportation Co., George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees, being unable to transport traffic over its line between Cairo, Ill., and Olmstead, Ill., because of track damage resulting from flooding, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.*—The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.*—Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.*—This order shall become effective at 8 a.m., March 29, 1973.

(g) *Expiration date.*—This order shall expire at 11:59 p.m., April 30, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all 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 it be filed with the Director, Office of the Federal Register.

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

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-6867 Filed 4-9-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—APRIL

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	*Date*
8419–8499	April 2
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8561–8636	4
8637–8730	5
8731–8998	6
8999–9063	9
9065–9143	10

federal register

TUESDAY, APRIL 10, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 68

PART II

DEPARTMENT OF THE TREASURY

Monetary Offices

■

FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

ENTITLEMENT PAYMENTS

Rules and Regulations

Title 31—Money and Finance: Treasury

CHAPTER I—MONETARY OFFICES, DEPARTMENT OF THE TREASURY

PART 51—FISCAL ASSISTANCE TO STATE AND LOCAL GOVERNMENTS

By notice of proposed rulemaking appearing in the FEDERAL REGISTER for Thursday, February 22, 1973 (38 FR 4918), regulations were proposed in order to disburse entitlement payments to States and unit of local government under the State and Local Fiscal Assistance Act of 1972 (Public Law 92-512) for the entitlement period beginning January 1, 1973, and for entitlement periods subsequent thereto. A public hearing with respect to such proposed regulations was held on March 26, 1973. After consideration of all such relevant matter as was presented by interested persons regarding the proposed regulations, certain changes were made, and the proposed regulations are adopted by this document, subject to the changes indicated below:

Section 51.2(i).—The second sentence of § 51.2(i) of the proposed regulations is changed to read as set forth below.

Section 51.3.—Section 51.3 of the proposed regulations is changed by deleting the final sentence.

Section 51.4.—A new § 51.4 is inserted to read as set forth below.

Section 51.5.—A new § 51.5 is inserted to read as set forth below.

Section 51.11.—The second sentence of paragraph (a) of § 51.11 of the proposed regulations is changed to read as set forth below.

The third sentence of paragraph (b) of § 51.11 is changed to read as set forth below.

Section 51.13.—The second sentence of paragraph (a) of § 51.13 of the proposed regulations is changed to read as set forth below.

Paragraph (b) of § 51.13 of the proposed regulations is changed to read as set forth below.

Paragraph (c) of § 51.13 of the proposed regulations is changed to read as set forth below.

Section 51.20.—Section 51.20(d) of the proposed regulations is changed by deleting the word "population" as it appears immediately prior to the phrase "adjusted taxes", as set forth below.

Section 51.24.—Paragraph (a) of § 51.24 of the proposed regulations is changed to read as set forth below.

Section 51.26.—Paragraph (d) of § 51.26 of the proposed regulations is changed by inserting a new clause after the phrase "beginning July 1, 1971" as set forth below.

Paragraph (f) of § 51.26 is changed by deleting the period at the end of the paragraph, inserting a comma and adding a new clause as set forth below.

Paragraph (h) of § 51.26 is deleted and a new paragraph (h) is inserted to read as set forth below.

Paragraph (j) of § 51.26 is changed by inserting the word "Secretary's" prior to the phrase "Trust Fund", as set forth below.

Section 51.28.—The first sentence of § 51.28 of the proposed regulations is changed by inserting a period after the word "practicable" and by deleting the phrase "after the beginning of an applicable entitlement period", as set forth below.

Section 51.30.—The first sentence of paragraph (a) of § 51.30 of the proposed regulations is changed to read as set forth below.

A new paragraph (b) of § 51.30 is inserted to read as set forth below.

Paragraph (b) of the proposed regulations is redesignated as paragraph (c).

Paragraph (c) of the proposed regulations is redesignated as paragraph (d) and is changed to read as set forth below.

Paragraph (d) of § 51.30 is redesignated as paragraph (e) and is changed to read as set forth below.

Paragraphs (e) and (f) of the proposed regulations are redesignated as paragraphs (f) and (g) respectively.

Section 51.31.—A new paragraph (b) is added to § 51.31 of the proposed regulations, to read as set forth below.

Paragraph (b) of § 51.31 is redesignated as paragraph (c).

Section 51.32.—The second sentence of paragraph (a) of § 51.32 of the proposed regulations is changed by deleting the period at the end of the sentence, inserting a comma, and adding a clause as set forth below.

Subsection (4) of paragraph (b) of § 51.32 of the proposed regulations is changed by deleting the word "citizens" and inserting the word "persons", as set forth below.

A new paragraph (b)(5) of § 51.32 of the proposed regulations is inserted to read as set forth below.

A new sentence is inserted after the first sentence of paragraph (d) of § 51.32 to read as set forth below.

The second sentence of paragraph (d) of § 51.32 of the proposed regulations is changed by deleting the word "an" before the word "investigation" and by inserting the words "a prompt" before the word "investigation", as set forth below.

The first sentence of paragraph (f)(1) of § 51.32 of the proposed regulations is changed by adding a phrase after the word "notify" as set forth below.

Paragraph (f)(3) of § 51.32 is changed to read as set forth below.

Paragraph (f)(3)(v) of § 51.32 of the proposed regulations is changed to read as set forth below.

Section 51.40.—The first sentence of paragraph (b) of § 51.40 of the proposed regulations is changed to read as set forth below.

The second sentence of paragraph (b) of § 51.40 of the proposed regulations is changed by deleting the first two words which reads "Permission for", as set forth below.

Paragraph (d) of § 51.40 is changed to read as set forth below.

Section 51.41.—Paragraph (a) of §51.41 of the proposed regulations is changed by deleting the word "will" in the second sentence and inserting the word "may", as set forth below.

Paragraph (b) of § 51.41 of the proposed regulations is changed by deleting the word "will" in the first sentence and inserting the word "may". The second sentence of paragraph (b) is changed by deleting the word "will" and inserting the word "may" and by deleting the phrase "at a minimum", as set forth below.

Paragraph (b)(4) is changed to read as set forth below.

Paragraph (c) of § 51.41 of the proposed regulations is changed by deleting the word "will" in the second sentence and inserting the word "may", as set forth below.

The second sentence of paragraph (c)(1) is changed by inserting the clause "they consider" prior to the word "practicable", as set forth below.

Paragraph (c)(3) of § 51.41 is changed to read as set forth below.

Paragraph (c)(4) of § 51.41 is changed by the addition of a new sentence immediately following the first sentence, which addition reads as set forth below.

Because the purpose of these regulations is to provide immediate guidance to the States and units of local government in order that the requirements of the act be complied with, it is hereby found impracticable to issue such regulations subject to the effective date limitation of 5 U.S.C. 553(d).

The foregoing regulations are issued under the authority of the State and Local Fiscal Assistance Act of 1972 (Title I, Public Law 92-512), and Treasury Department Order No. 224, dated January 26, 1973 (38 FR 3342). These regulations shall become effective on April 5, 1973, at 3:50 p.m., and are applicable to entitlement periods beginning on or after January 1, 1973.

[SEAL] GRAHAM W. WATT,
Director,
Office of Revenue Sharing.

Approved April 5, 1973.

SAMUEL R. PIERCE, Jr.,
General Counsel.

Subpart A—General Information

Subpart B—Reports and Written Communications

Subpart C—Computation and Adjustment of Entitlement

AUTHORITY: The provisions of this Part 51 are issued under the State and Local Fiscal Assistance Act of 1972 (title I, Public Law 92-512); and 5 U.S.C. 301.

Subpart A—General Information

§ 51.0 Scope and application of regulations.

(a) *In general.* The rules and regulations in this part are prescribed for carrying into effect the State and Local Fiscal Assistance Act of 1972 (Title I, Public Law 92-512) applicable to entitlement periods beginning January 1, 1973. Subpart A sets forth general information and definitions of terms used in this part. Subpart B of this part prescribes reports required under this part and publicity concomitant thereto. Subpart C of this part contains rules regarding the computation, allocation and adjustment of entitlement. Subpart D of this part prescribes prohibitions and restrictions on the use of funds. Subpart E of this part prescribes fiscal procedures and auditing requirements. Subpart F of this part contains rules relating to procedure and practice requirements where a recipient government has failed to comply with any provision of this part.

(b) *Saving clause.* Any cause of action arising out of noncompliance with the interim regulations covering payments made for the first and second entitlement periods (January 1, 1972, through June 30, 1972, and July 1, 1972, through December 31, 1972) shall continue to be covered by such regulations and any proceeding commenced thereon shall be governed by the procedures set forth in Subpart F of this part.

§ 51.1 Establishment of Office of Revenue Sharing.

There is established in the Office of the Secretary of the Treasury the Office of Revenue Sharing. The office shall be headed by a Director who shall be appointed by the Secretary of the Treasury. The Director shall perform the functions, exercise the powers and carry out the duties vested in the Secretary of the Treasury by the State and Local Fiscal Assistance Act of 1972, Title I, Public Law 92-512.

§ 51.2 Definitions.

As used in this part (except where the context clearly indicates otherwise, or where the term is defined elsewhere in this part) the following definitions shall apply:

(a) "Act" means the State and Local Fiscal Assistance Act of 1972, Title I of Public Law 92-512, approved October 20, 1972.

(b) "Chief executive officer" of a unit of local government means the elected official, or the legally designated official, who has the primary responsibility for the conduct of that unit's governmental affairs. Examples of the "chief executive officer" of a unit of local government may be: The elected mayor of a municipality, the elected county executive of a county, or the chairman of a county commission or board in a county that has no elected county executive, or such other official as may be designated pursuant to law by the duly elected governing body of the unit of local government; or the chairman, governor, chief, or president (as the case may be) of an Indian tribe or Alaskan native village.

(c) "Department" means the Department of the Treasury.

(d) "Entitlement" means the amount of payment to which a State government or unit of local government is entitled as determined by the Secretary pursuant to an allocation formula contained in the Act and as established by regulation under this part.

(e) "Entitlement funds" means the amount of funds paid or payable to a State government or unit of local government for the entitlement period.

(f) "Entitlement period" means one of the following periods of time:

(1) The 6-month period beginning January 1, 1973, and ending June 30, 1973.

(2) The fiscal year beginning July 1, 1973, and ending June 30, 1974.

(3) The fiscal year beginning July 1, 1974, and ending June 30, 1975.

(4) The fiscal year beginning July 1, 1975, and ending June 30, 1976.

(5) The 6-month period beginning July 1, 1976, and ending December 31, 1976.

(g) "Governor" means the Governor of any of the 50 States or the Commissioner of the District of Columbia.

(h) "Independent public accountants" means independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States.

(i) "Indian tribes and Alaskan native villages' means those Indian tribes and Alaskan native villages which have a recognized governing body and which perform substantial governmental functions. Certification to the Secretary by the Secretary of the Interior (or by the Governor of a State in the case of a State affiliated tribe) that an Indian tribe or an Alaskan native village has a recognized governing body and performs substantial governmental functions, shall constitute prima facie evidence of that fact.

(j) "Recipient government" means a State government or unit of local government as defined in this section.

(k) "Secretary" means the Secretary of the Treasury or any person duly authorized by the Secretary to perform the function mentioned.

(l) "State government" means the government of any of the 50 States or the District of Columbia.

(m) "Unit of local government" means the government of a county, municipality, township, or other unit of government below the State which is a unit of general government and which shall be determined on the basis of the same principles as used by the Bureau of the Census for general statistical purposes. The term "unit of local government" shall also include the recognized governing body of an Indian tribe or Alaskan native village which performs substantial governmental functions. The District of Columbia, in addition to being treated as a State, shall also be treated as a county area which has no units of local government (other than itself) within its geographic area.

§ 51.3 Procedure for effecting compliance.

If the Secretary determines that a recipient government has failed to comply substantially with any provision of this part, and after giving reasonable notice and opportunity for a hearing to the Governor of the State or the chief executive officer of the unit of local government pursuant to Subpart F of this part, the Secretary shall notify the recipient government that if it fails to take corrective action within 60 days from the date of receipt of such notification further payments to it will be withheld for any subsequent entitlement period until such time as the Secretary is

satisfied that appropriate corrective action has been taken and that there will no longer be any failure to comply. Until he is satisfied, the Secretary shall make no further payments of such amounts.

§ 51.4 Extension of time.

When by these regulations (other than those specified in subpart F of this part) an act is required within a specified time, the Secretary may grant a request for an extension of time if in his judgment it is necessary and appropriate. Requests for extensions of time shall set forth the facts and circumstances supporting the need for more time and the amount of additional time requested.

§ 51.5 Transfer of funds to secondary recipients.

The prohibition and restrictions on the use of entitlement funds set forth in subpart D of this part apply to a recipient government's entitlement funds which are transferred by it to another governmental unit or private organization. A violation of subpart D of this part by a secondary recipient shall constitute a violation by the recipient government and the applicable penalty shall be imposed on the recipient government.

Subpart B—Reports and Written Communications

§ 51.10 Reports to the Secretary; Assurances.

(a) *Reports for review and evaluation.* The Secretary may require each recipient government receiving entitlement funds to submit such annual and interim reports (other than those required by § 51.11) as may be necessary to provide a basis for evaluation and review of compliance with and effectiveness of the provisions of the Act and regulations of this part.

(b) *Requisite assurances for receipt of entitlement funds.* Each Governor of a State or chief executive officer of a unit of local government, in order to qualify for entitlement funds, must file a statement of assurances when requested by the Secretary, on a form to be provided, that such government will abide by certain specific requirements of the Act and the prohibitions and restrictions of Subparts D and E of this part, with respect to the use of entitlement funds. The Secretary will afford each Governor the opportunity for review and comment to the Secretary on the adequacy of the assurances by units of local government in his State.

§ 51.11 Report on Planned Use and Actual Use of Funds.

(a) *Planned use report.* Each recipient government which expects to receive funds under the Act shall submit to the Secretary a report, on a form to be provided, of the specific amounts and purposes for which it plans to spend the funds which it expects to receive for an entitlement period. The planned use reports for the third and fourth entitlement periods (the 6-month period beginning January 1, 1973 and ending June 30, 1973, and the fiscal year beginning July 1, 1973 and ending June 30, 1974) shall be filed with the Secretary on a date he shall determine. Thereafter, each planned use report shall be filed prior to the beginning of an entitlement period as defined in § 51.2(f).

(b) *Actual use report; status of trust fund.* Each recipient government which receives funds pursuant to the Act shall submit to the Secretary an annual report, on a form to be provided, of the amounts and purposes for which such funds have been spent or otherwise transferred from the trust fund (as defined in § 51.40(a)) during the reporting period. Such report also shall state any interest earned on entitlement funds during the period and the balance of the trust fund as of the date of the report's submission. Such reports shall show the status of the trust fund as of June 30 and shall be filed with the Secretary on or before September 1 of each calendar year. All such funds must be used, obligated, or appropriated within the time period specified in § 51.40(b).

§ 51.12 Certifications.

The Secretary shall require a certification by the Governor, or the chief executive officer of the unit of local government, that no entitlement funds have been used in violation of the prohibition contained in § 51.30 against the use of entitlement funds for the purpose of obtaining matching Federal funds. In the case of a unit of local government the Secretary shall require a certification by the chief executive officer that entitlement funds received by it have been used only for priority expenditures as prescribed by § 51.31. The certifications required by this section shall be in such form as the Secretary may prescribe.

§ 51.13 Publication and publicity of reports; public inspection.

(a) *Publication of required reports.* Each recipient government must publish in a newspaper a copy of each report required to be filed under § 51.11 (a) and (b) prior to the time such report is filed with the Secretary. Such publication shall be made in one or more newspapers which are published within the State and have general circulation within the geographic area of the recipient government involved. In the case of a recipient government located in a metropolitan area which adjoins and extends beyond the boundary of the State, the recipient government may satisfy the requirement of this section by publishing its reports in a metropolitan newspaper of general circulation even though such newspaper may be located in the adjoining State from the recipient government.

(b) *Publicity.*—Each recipient government, at the same time as required for publication of reports under paragraph (a) of this section, shall advise the news media, including minority and bilingual news media, within its geographic area of the publication of its reports made pursuant to paragraph (a) of this section, and shall provide copies of such reports to the news media on request.

(c) *Public inspection.*—Each recipient government shall make available for public inspection a copy of each of the reports required under § 51.11(a) and (b) and information as necessary to support the information and data submitted on each of those reports. Such detailed information shall be available for public inspection at a specified location during normal business hours. The Secretary may prescribe additional guidelines concerning the form and content of such information.

§ 51.14 Reports to the Bureau of the Census.

It shall be the obligation of each recipient government to comply promptly with requests by the Bureau of the Census (or by the Secretary) for data and information relevant to the determination of entitlement allocations. Failure of any recipient government to so comply may place in jeopardy the prompt receipt by it of entitlement funds.

Subpart C—Computation and Adjustment of Entitlement

§ 51.20 Data.

(a) *In general.* The data used in determination of allocations and adjustments thereto payable under this part will be the latest and most complete data supplied by the Bureau of the Census or such other sources of data as in the judgment of the Secretary will provide for equitable allocations.

(b) *Computation and payment of entitlements.* (1) Allocations will not be made to any unit of local government if the available data is so inadequate as to frustrate the purpose of the Act. Such units of local government will receive an entitlement and payment when current and sufficient data become available as necessary to permit an equitable allocation.

(2) Payment to units of local government for which the Secretary has not received an address confirmation will be delayed until proper information is available to the Secretary.

(3) Where the Secretary determines that the data provided by the Bureau of the Census or the Department of Commerce are not current enough, or are not comprehensive enough, or are otherwise inadequate to provide for equitable allocations he may use other data, including estimates. The Secretary's determination shall be final and such other additional data and estimates as are used, including the sources, shall be publicized by notice in the FEDERAL REGISTER.

(c) *Special rule for 6 month entitlement periods.* For entitlement periods which encompass only one-half of a year, the adjusted taxes and intergovernmental transfers of any unit of local government for that half-year will be estimated to be one-half of the annual amounts.

(d) *Units of local government located in more than one county area.* In cases where a unit of local government is located in more than one county, each part of such unit is treated for allocation purposes as a separate unit of government, and the adjusted taxes, and intergovern-

mental transfers of such parts are estimated on the basis of the ratio which the population of such part bears to the population of the entirety of such unit.

§ 51.21 Adjusted taxes.

(a) *In general.* Tax revenues are compulsory contributions to a unit of local government exacted for public purposes, as such contributions are determined by the Bureau of the Census for general statistical purposes. The term "adjusted taxes" means the tax revenues adjusted by excluding an amount equal to that portion of such compulsory contributions which is properly allocable to school operations, debt service on school indebtedness, school capital outlays, and other educational purposes.

(b) *Procedure for exclusion of tax revenues for education.* The tax revenues exacted by a unit of local government shall be adjusted to exclude any such tax revenues used for financing education in a manner consistent with the following provisions:

(1) Where a unit of local government finances education from a specific fund and lists tax revenues to the fund or levies a separate tax for purposes of education, such amounts as determined will constitute the tax revenues for education.

(2) If tax revenues for purposes of education are not separately identifiable because education is financed by expenditure or transferring of moneys from a general fund (or similarly named fund) to a school fund or funds, then the ratio of tax revenues (as defined in paragraph (a) of this section) to the total revenues in such fund shall be calculated, and that ratio multiplied by the expenditure or transfer of moneys from such fund to the school fund shall be equated with the tax revenues properly allocable to expenses for education. The phrase "total revenues in such fund" means cash and securities on hand in the general fund (or similarly named fund) at the beginning of the fiscal year, plus all revenues to the fund (other than trust or agency revenues) less cash and securities on hand at the end of the fiscal year. Trust and agency funds are those held specifically for individuals or governments for which no discretion can be exercised as to the amounts to be paid to the recipient.

(3) If any instance where neither paragraph (b) (1) nor (2) of this section permits determination of school taxes, then any procedure deemed equitable by the Secretary shall be utilized to ascertain adjusted taxes.

(c) *Validity of adjusted tax data.* Allocation of funds under the Act will be based on data reported by States and units of local governments to the Bureau of the Census and shall be in accordance with definitions established by the Bureau. No unit of government shall report to the Department of the Treasury or the Bureau of the Census in a manner which attempts to circumvent or frustrate the intent of this section.

§ 51.22 Date for determination of allocation.

(a) *In general.* Pursuant to the provisions of § 51.20 (a) and (b) (3), the determination of the data definitions upon which the allocations and entitlements for an entitlement period is to be calculated shall be made as of the day immediately preceding the beginning of the entitlement period. The final date upon which determinations of allocations and entitlements, including adjustments thereto, may be made for an entitlement period shall be determined by the Secretary an soon as practicable after the close of that entitlement period and shall be publicized by notice in the FEDERAL REGISTER.

(b) *Time limitation and minimum adjustment.* If prior to the date determined by the Secretary pursuant to paragraph (a) of this section, it is established to the satisfaction of the Secretary by factual evidence and documentation that the data used in the computation of an allocation is erroneous and, if corrected, would result in an increase or decrease of an entitlement of $200 or more of entitlement funds, an adjustment will be made.

(c) *Adjusted taxes and intergovernmental transfers.* The dates for determining the amount of adjusted taxes and intergovernmental transfers of a unit of local government will be the fiscal year of such unit ending during the 12 months prior to July 1, 1971. If a more recent period is used, it shall be such fiscal year that can be uniformly assembled for all units of government prior to the beginning of the affected entitlement period.

§ 51.23 Boundary changes, governmental reorganization, etc.

(a) *In general.* Boundary changes, governmental reorganizations, or changes in State statutes or constitutions occurring prior to or during an entitlement period which were not taken into account during the initial allocation shall, if not within the scope of paragraph (d) of this section, affect such allocation or payments in a manner consistent with the following provisions:

(1) A boundary change, governmental reorganization, or change in State statutes or constitution relevant to the computation of an entitlement of a unit of local government under the Act, occuring prior to the beginning of an entitlement period shall result in an alteration to the entitlement of that unit if brought to the attention of the Bureau of the Census within 60 days (or by June 30, 1973, in case of the third entitlement period) after the beginning of such entitlement period.

(2) A boundary change, governmental reorganization, or change in State statutes or constitution relevant to the computation of entitlement of a unit of local government under the Act, occurring during an entitlement period shall not result in a change to the entitlement of that unit until the next entitlement period. However, payment tendered to such unit for the entitlement period may be redistributed pursuant to the provisions of paragraphs (b) and (c) of this section.

(b) *New units of local government.* A unit of local government which came into existence during an entitlement period shall first be eligible for an entitlement allocation for the next entitlement period. However, if such unit is a successor government, it shall be eligible to receive the entitlement payment of the unit or units of local government to which it succeeded in accordance with the conditions of the succession.

(c) *Dissolution of units of local government.* A unit of local government which dissolved, was absorbed or ceased to exist as such during an entitlement period is eligible to receive an entitlement payment for that entitlement period: *Provided*, That such unit of local government is in the process of winding up its governmental affairs or a successor unit of local government has legal capacity to accept and use such entitlement funds. Entitlement payments which are returned to the Secretary because of the cessation of existence of a unit of local government shall be placed in the State and Local Government Fiscal Assistance Trust Fund until such times as they can be redistributed according to the conditions under which the unit of local government ceased to exist.

(d) *Limitations on adjustment for annexations.* (1) Annexations by units of local government having a population of less than 5,000 on April 1, 1970, shall not affect the entitlement of any unit of local government for an entitlement period unless the Secretary determines that adjustments pursuant to such annexations would be equitable and would not be unnecessarily burdensome, expensive, or otherwise impracticable.

(2) Annexations of areas with a population of less than 250, or less than 5 percent of the population of the gaining government, shall not affect the entitlement of any unit of local government.

(e) *Certification.* Units of local government affected by a boundary change, governmental reorganization, or change in State statutes or constitution shall, before receiving an entitlement adjustment or payment redistribution pursuant to this section, obtain State certification that such change was accomplished in accordance with State law. The certifying official shall be designated by the Governor, and such certification shall be submitted to the Bureau of the Census.

§ 51.24 Waiver of entitlement; nondelivery of check; insufficient data.

(a) *Waiver.*—Any unit of local government may waive its entitlement for any entitlement period: *Provided*, The chief executive officer with the consent of the governing body of such unit notifies the Secretary that the entitlement payments for that entitlement period are being

waived within 60 days after the beginning of the affected entitlement period. The entitlement waived shall be added to and shall become a part of, the applicable entitlement of the next highest unit of government eligible to receive entitlement funds in that State in which the unit of government waiving entitlement is located. A waiver of entitlement by such unit of local government shall be deemed an irrevocable waiver for that entitlement period.

(b) *Nondelivery.* Entitlement funds for any entitlement period which are returned by the U.S. Postal Service to the Department of the Treasury as being nondeliverable because of incorrect address information, or which are unclaimed for any reason, shall be placed in the State and Local Government Fiscal Assistance Trust Fund until such time as payment can be made.

(c) *Insufficient data.* Entitlement funds for any entitlement period which are withheld from payment because of insufficient data upon which to compute the entitlement, or for which payment cannot be made for any other reason, shall remain in the State and Local Government Fiscal Assistance Trust Fund until such time as payment can be made.

§ 51.25 Reservation of funds and adjustment of entitlement.

(a) *Reservation of entitlement funds.* In order to make subsequent adjustments to an entitlement payment under this part which may be necessitated because of insufficient or erroneous data, or for any other reason, the Secretary shall reserve in the State and Local Government Fiscal Assistance Trust Fund such percentage of the total entitlement funds for any entitlement period as in his judgment shall be necessary to insure that there will be sufficient funds available so that all recipient governments will receive their full entitlements. Those reserve funds will be distributed during subsequent entitlement periods to recipient governments as promptly as possible after the close of the time for adjustments pursuant to § 51.22.

(b) *Adjustment to future entitlement payments.* Adjustment to an entitlement of a recipent government will ordinarily be effected through alteration to entitlement payments for future entitlement periods unless there is a downward adjustment which is so substantial as to make future payment alterations impracticable or impossible. In such case the Secretary may demand that the funds in excess of the initial entitlement included in an entitlement payment be repaid to the Secretary, and such funds shall be promptly repaid on demand.

§ 51.26 State must maintain transfers to local governments.

(a) *General rule.* The entitlement of any State government for any entitlement period beginning on or after July 1, 1973, shall be reduced by the amount (if any) by which—

(1) The average of the aggregate amounts transferred by the State government out of its own sources during such period (or during that State's fiscal year ending on or immediately prior to the end of such period) and the preceding entitlement period (or such fiscal year) to all units of local government (as defined in § 51.2(m)) in such State, is less than,

(2) The similar aggregate amount for the 1-year period beginning July 1, 1971 (or that State's fiscal year ending on or immediately prior to the end of such period).

For purposes of paragraph (a)(1) of this section, the amount of any reduction in the entitlement of a State government under this section for any entitlement period shall, for subsequent entitlement periods, be treated as an amount transferred by the State government out of its own sources during such period to units of local government in such State. The phrase "own sources" means all sources of State revenue (including the State's revenue sharing entitlement funds) but excluding intergovernmental revenues received from the Federal Government.

(b) *Measurement of maintenance of effort.* In those States that do not have an accounting system providing an audit trail for all funds concerned (from own source to final application) in intergovernmental transfer to units of local government (such as those States in which intergovernmental transfers to units of local government are made from a commingled fund with no identification as to specific revenue source), the following formula may be applied by the Secretary to establish the base year intergovernmental transfers to units of local government from own sources and to generally monitor level of accordance with the maintenance provision of paragraph (a) of this section during future entitlement periods:

(1) It shall be assumed that the ratio of a State's own source intergovernmental transfers to units of local government to that State's total intergovernmental transfers to units of local government is equal to the ratio of that State's own source revenues to its total revenues. Thus, for a State in which such formula may be applied, its base year own source intergovernmental transfers to units of local government shall be assumed to equal its total intergovernmental transfers to units of local government in the base year multiplied by its own source revenue in the base year divided by its total revenues in the base year.

(2) In a State in which the formula is applied, the State's own source intergovernmental transfers to units of local government in a future entitlement period shall be assumed to equal the average of—

(i) The State's total intergovernmental transfers to units of local government during that period (or that State's fiscal year ending on or immediately prior to the end of such period) multiplied by its own source revenue in that period (or such fiscal year) divided by its total revenues in that period (or such fiscal year) and

(ii) The State's total intergovernmental transfers to units of local government during the preceding entitlement period (or that State's fiscal year ending on or immediately prior to the end of such period) multiplied by its own source revenue in that period (or such fiscal year) divided by its total revenues in that period (or such fiscal year).

(3) Therefore, in a State in which the formula is applied, maintenance (for a given entitlement period) of intergovernmental transfer effort to units of local government will be measured by the difference between that State's average aggregate intergovernmental transfers to units of local government (over the appropriate periods) as calculated by employing the method described in paragraph (b)(2) of this section and that State's own source intergovernmental transfers to units of local government in the base period as calculated by employing the method described in paragraph (b)(1) of this section.

(4) Should the application of this formula during any entitlement period indicate nonmaintenance, for example, should a State's calculated own source average aggregate intergovernmental transfers to units of local government (over the appropriate periods) be less than such transfers as calculated for the base period, the difference (as defined in paragraph (b)(3) of this section) shall constitute the future indicated reduction in that State's entitlement unless such State can document to the Secretary that the fact or amount of nonmaintenance as determined by application of the formula is inaccurate.

(c) *Alternative procedure.* If the Secretary shall determine that application of the formula set forth in paragraph (b) of this section in a particular case provides an inaccurate or unfair measure of transfer effort, then any formula, procedure, or method deemed equitable by the Secretary, may be utilized to measure such transfer effort for the purpose of implementing the maintenance provision.

(d) *Adjustment where State assumes responsibility for category of expenditures.* If the State government establishes to the satisfaction of the Secretary that since June 30, 1972, it has assumed responsibility for a category of expenditures which (before July 1, 1972) was the responsibility of local governments located in such State, then, the aggregate amount taken into account under paragraph (a)(2) of this section shall be reduced to the extent that increased State government spending (out of its own sources) for such category has replaced corresponding amounts which for the 1-year period beginning July 1, 1971 (or that State's fiscal year ending on or immediately prior to the end of such period) it transferred to units of local government.

(e) *Adjustment where new taxing powers are conferred upon local governments.* If a State establishes to the satisfaction of the Secretary that since June 30, 1972, one or more units of local government within such State have had con-

ferred upon them new taxing authority, then, the aggregate amount taken into account under paragraph (a)(2) of this section shall be reduced to the extent of the larger of—

(1) An amount equal to the amount of the taxes collected by reason of the exercise of such new taxing authority by such local governments, or

(2) An amount equal to the amount of the loss of revenue to the State by reason of such new taxing authority being conferred on such local governments.

No amount shall be taken into consideration under paragraph (e)(1) of this section if such new taxing authority is an increase in the authorized rate of tax under a previously authorized kind of tax, unless the State is determined by the Secretary to have decreased a related State tax.

(f) *Special rule for period beginning July 1, 1973.* In the case of the entitlement period beginning July 1, 1973, the preceding entitlement period for purposes of paragraph (a)(1) of this section shall be treated as being the 1-year period beginning July 1, 1972, or that State's fiscal year which ends prior to June 30, 1973.

(g) *Special rule for period beginning July 1, 1976.* In the case of the entitlement period beginning July 1, 1976, and ending December 31, 1976, the aggregate amount taken into account under paragraph (a)(1) of this section for the preceding entitlement period and the aggregate amount taken into account under paragraph (a)(2) of this section shall be one-half of the amounts which (but for this paragraph (g)) would be taken into account.

(h) *Report by Governor.* Pursuant to the authority of § 51.10 and in order to effect compliance with this section, the Governor of each State shall submit to the Secretary within 90 days after the end of the State's fiscal year, on a form to be provided, the aggregate transfers from own source revenues to units of local government for those entitlement periods or that State's fiscal years specified on the report:

(1) The State's own source revenues.

(2) The State's total revenues.

(3) The State's own source transfers to units of local government.

(4) The State's total transfers to units of local government.

(i) *Reduction in entitlement.* If the Secretary has reason to believe that paragraph (a) of this section requires a reduction in the entitlement of any State government for any entitlement period, he shall give reasonable notice and opportunity for hearing to the State. If, thereafter, he determines that paragraph (a) of this section requires the reduction of such entitlement, he shall also determine the amount of such reduction and shall notify the Governor of such State of such determinations and shall withhold from subsequent payments to such State government under this subtitle an amount equal to such reduction.

(j) *Transfer to general fund.* An amount equal to the reduction in the entitlement of any State government which results from the application of this section (after any judicial review) shall be transferred from the Secretary's Trust Fund to the general fund of the Treasury on the day on which such reduction becomes final.

§ 51.27 Optional formula.

(a) *In general.* A State government may by law provide for the allocation of entitlement funds among county areas, or among units of local government (other than county governments, Indian tribes, and Alaskan native villages): (1) On the basis of the population multiplied by the general tax effort factors of such areas or units of local governments; or, (2) on the basis of the population multiplied by the relative income factors of such areas or units of local government; or, (3) on the basis of a combination of those two factors. Any State which provides by law for such a variation in the allocation formula provided by subsections 108(a) or 108(b) (2) and (3) of the Act, shall notify the Secretary of such law not later than 30 days before the beginning of the first entitlement period to which such law is to apply. Any such law shall:

(1) Provide for allocating 100 percent of the aggregate amount to be allocated under subsections 108(a) or 108(b) (2) and (3) of the Act;

(2) Apply uniformly throughout the State; and

(3) Apply during the period beginning on the first day of the first entitlement period to which it applies and ending on December 31, 1976.

(b) *Single legislation required.* If a State government alters its county area allocation formula or its local government allocation formula, or both, such alteration may be made only once and must be made in the same legislative enactment.

(c) *Certification required.* Paragraph (a) of this section shall apply within a State only if the Secretary certifies that the State law complies with the requirements of such paragraph. The Secretary shall not certify any such law with respect to which he receives notification later than 30 days prior to the first entitlement period during which it is to apply.

§ 51.28 Adjustment of data factors.

The data factors and data definitions used in computing entitlements under the Act for any entitlement period will be made available to each State government and unit of local government as soon as practicable. Each such government will be given a reasonable opportunity to question those data factors by providing the Department with factual documentation demonstrating evidence of error. If the Secretary determines that any data factors used were erroneous, necessary adjustments will be made. Data factors which are used for more than one entitlement period will be subject to challenge and adjustment only for the first entitlement period in which they were used.

§ 51.29 Adjustment for maximum and minimum per capita entitlement; 100 percent criterion.

(a) *County area maximum and minimum per capita entitlement—(1) In general.* Pursuant to section 108(b)(6) of the Act, the per capita amount allocated to any county area shall be not less than 20 percent, nor more than 145 percent, of two-thirds of the amount allocated to the State under section 106 of the Act, divided by the population of that State.

(2) *One hundred forty-five-percent rule.* If a county area allocation is greater than the 145-percent limit, its allocation shall be reduced to the 145-percent level and the resulting surplus shall be shared proportionately by all remaining unconstrained county areas.

(3) *Twenty-percent rule.* If, after the application of paragraph (a)(2) of this section, a county area allocation is less than the 20-percent limit, its allocation shall be increased to the 20-percent level and the resulting deficit shall be shared proportionately by all remaining unconstrained county areas.

(b) *Local government (other than a county government)—(1) In general.* Except as provided below, the per-capita amount allocated to any unit of local government (other than a county government) shall be not less than 20-percent, nor more than 145-percent, of two-thirds of the amount allocated to the State under section 106 of the Act, divided by the population of that State.

(2) *One hundred forty-five-percent rule.* If a unit of local government is allocated an amount greater than the 145-percent limit, its allocation shall be reduced to that level.

(3) *Twenty-percent rule.* If a unit of local government is allocated an amount less than the 20-percent limit, its allocation shall be increased to the lower of the 20-percent limit or 50 percent of the sum of that unit's adjusted taxes and transfers.

(c) *One hundred-percent criterion.* If the amounts allocated to recipient governments of a State do not total 100 percent of the amount allocated to that State, the amount to be allocated to county areas shall be adjusted appropriately, and the allocation process shall be repeated until the amounts allocated to recipient governments of a State total 100 percent of the amount allocated to that State.

Subpart D—Prohibition and Restrictions on Use of Funds

§ 51.30 Matching funds.

(a) *In general.*—Entitlement funds may not be used, directly or indirectly, as a contribution in order to obtain any Federal funds under any Federal program. The indirect use of entitlement funds to match Federal funds is defined to mean the allocation of entitlement funds to a nonmatching expenditure and thereby releasing or displacing local funds which are used for the purpose of matching Federal funds. This prohibition on use of entitlement funds as matching

funds applies to Federal programs where Federal funds are required to be matched by non-Federal funds and to Federal programs which allow matching from either Federal or non-Federal funds.

(b) *Secondary recipients.*—The prohibition of paragraph (a) applies to a recipient government's entitlement funds which are transferred by it to another governmental unit or private organization. A violation of this section by a secondary recipient shall constitute a violation by the recipient government and the penalty provided by subparagraph (f) of this section shall be imposed on the recipient government.

(c) *Certification required.*—Pursuant to § 51.12, the chief executive officer of each recipient government must certify to the Secretary that entitlement funds received by it have not been used in violation of this section.

(d) *Increased State or local government revenues.*—No recipient government shall be determined to have used funds in violation of paragraph (a) of this section with respect to any funds received for any entitlement period (or during its fiscal year) to the extent that net revenues received by it from its own sources during such period exceed the net revenues received by it from its own sources during the 1-year period beginning July 1, 1971 (or its fiscal year ending during the same period). In the case of the entitlement periods of 6 months, one-half of such net revenues shall be measured.

(e) *Presumptions of compliance.*—No recipient government shall be determined to have used entitlement funds in violation of the indirect prohibition of paragraph (a) of this section to the extent that:

(1) The expenditure of entitlement funds was accompanied by an aggregate increase in nonmatching funds expenditures.

(2) The receipt of entitlement funds permitted that government to reduce taxes: *Provided,* Nonentitlement revenue is sufficient to cover all matching funds contributions.

(3) The matching funds contribution in question is accounted for by an in-kind contribution which was not financed directly or indirectly with entitlement funds.

(f) *Determination by Secretary of the Treasury.* If the Secretary has reason to believe that a recipient government has used entitlement funds to match Federal funds in violation of the Act, the Secretary shall give such government notice and opportunity for hearing. If the Secretary determines that such government has, in fact, used funds in violation of this section, he shall notify such government of his determination and shall request repayment to the United States of an amount equal to the funds so used. To the extent that such government fails to repay such amount, the Secretary shall withhold from subsequent entitlement payments to that government an amount of entitlement funds equal to the funds used in violation of this section or, if this method is impracticable, the Secretary may refer the matter to the Attorney General for appropriate civil action.

(g) *Use of entitlement funds to supplement Federal grant funds.* The prohibition on use of entitlement funds contained in paragraph (a) of this section does not prevent the use of entitlement funds to supplement other Federal grant funds. For example, if expenditures for a project exceed the amount available from non-Federal funds plus matched Federal funds, the recipient government may use entitlement funds to defray the excess costs: *Provided, however,* That the entitlement funds are not used to match other Federal funds: *And Provided further,* That in the case of a unit of local government, the use of entitlement funds to supplement Federal grants is restricted to the category of expenditures as set forth in § 51.31.

§ 51.31 Permissible expenditures.

(a) *In general.* Entitlement funds received by units of local government may be used only for priority expenditures. As used in this part, the term "priority expenditures" means:

(1) Ordinary and necessary maintenance and operating expenses for—

(i) Public safety (including law enforcement, fire protection, and building code enforcement);

(ii) Environmental protection (including sewage disposal, sanitation, and pollution abatement);

(iii) Public transportation (including transit systems and streets and roads);

(iv) Health;

(v) Recreation;

(vi) Libraries;

(vii) Social services for the poor or aged; and

(viii) Financial administration, and

(2) Ordinary and necessary capital expenditures authorized by law. No unit of local government may use entitlement funds for nonpriority expenditures which are defined as any expenditures other than those included in paragraph (a)(1) and (2) of this section. Pursuant to § 51.12, the chief executive officer of each unit of local government must certify to the Secretary that entitlement funds received by it have been used only for priority expenditures as required by the Act.

(b) *Use of entitlement funds for debt retirement.*—The use of entitlement funds for the repayment of debt is a permissible expenditure provided that:

(1) Entitlement funds are not used to pay any interest incurred because of the debt,

(2) The debt was originally incurred for a priority expenditure purpose as defined in this section,

(3) The actual expenditure from the proceeds of the indebtedness (i.e., for materials, contractors, etc.) was made on or after January 1, 1972 (the beginning of the first entitlement period),

(4) The actual expenditures from the proceeds of the indebtedness were not in violation of any restrictions enumerated in this subpart.

(c) *Effect of noncompliance.*—In the case of a unit of local government which uses an amount of entitlement funds for other than priority expenditures as defined in paragraph (a) of this section, it will pay over to the Secretary (for deposit in the general fund of the Treasury) an amount equal to 110 percent of any amount expended in violation of paragraph (a) of this section, unless such amount of entitlement funds is promptly repaid to the trust fund of the local government after notice by the Secretary and opportunity for corrective action.

§ 51.32 Discrimination.

(a) *Discrimination prohibited.* No person in the United States shall, on the ground of race, color, national origin, or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under, any program or activity funded in whole or in part with entitlement funds made available pursuant to subtitle A of title I of the Act. For purposes of this section "program or activity" is defined as any function conducted by an identifiable administrative unit of the recipient government, or by any unit of government or private contractor receiving entitlement funds from the recipient government. "Funded in whole or in part with entitlement funds" means that entitlement funds in any amount have been transferred from the recipient government's trust fund to an identifiable administrative unit and disbursed in a program or activity.

(b) *Specific discriminatory actions prohibited.* (1) A recipient government may not, under any program or activity to which the regulations of this section may apply, directly or through contractual or other arrangements, on the grounds of race, color, national origin, or sex:

(i) Deny any service or other benefit provided under the program or activity.

(ii) Provide any service or other benefit which is different, or is provided in a different form from that provided to others under the program or activity.

(iii) Subject to segregated or separate treatment in any facility in, or in any matter or process related to receipt of any service or benefit under the program or activity.

(iv) Restrict in any way the enjoyment of any advantage or privilege enjoyed by others receiving any service or benefit under the program or activity.

(v) Treat an individual differently from others in determining whether he satisfies any admission, enrollment, eligibility, membership, or other requirement or condition which individuals must meet in order to be provided any service or other benefit provided under the program or activity.

(vi) Deny an opportunity to participate in a program or activity as an employee.

(2) A recipient government may not utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination on the basis of race, color, national origin, or sex, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to individuals of a particular race, color, national origin, or sex.

(3) A recipient government in determining the site or location of facilities may not make selections of such site or location which have the effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination on the grounds of race, color, national origin, or sex from, the benefits of an activity or program; or which have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the Act and of this section.

(4) A recipient government shall not be prohibited by this section from taking any action to ameliorate an imbalance in services or facilities provided to any geographic area or specific group of persons within its jurisdiction, where the purpose of such action is to overcome prior discriminatory practice or usage.

(5) Notwithstanding anything to the contrary in this section, nothing contained herein shall be construed to prohibit any recipient government from maintaining or constructing separate living facilities or rest room facilities for the different sexes. Furthermore, selectivity on the basis of sex is not prohibited when institutional or custodial services can properly be performed only by a member of the same sex as the recipients of the services.

(c) *Assurances required.* Pursuant to § 51.10(b), each Governor of a State or chief executive officer of a unit of local government shall include, in the assurances to the Secretary required by that section, a statement that all programs and activities funded in whole or in part by entitlement funds will be conducted in compliance with the requirements of this section. Such assurances shall be in a form prescribed by the Secretary.

(d) *Complaints and investigations.* Any person who believes himself, or any specific class of persons who believe themselves, to be subjected to discrimination prohibited by this section, may by himself or by a representative file with the Secretary a written report setting forth the nature of the discrimination alleged and the facts upon which the allegation is based. The Secretary shall advise the chief executive officer of the recipient government of the receipt of such report. If the Secretary has reason to believe that the report shows a recipient government has failed to comply with the provisions of this part, he will cause a prompt investigation to be made with respect to the facts and circumstances alleged in the report and with respect to the program or activity concerned. Such investigation may be made, if necessary, with the assistance of complainants or of the recipent government. No representative of a recipient government nor any of its agencies shall intimidate, threaten, coerce, or discriminate against any person or class of persons because of testimony, assistance, or participation in an investigation, proceeding, or hearing under this section.

(e) *Compliance reviews.* The Secretary shall monitor and determine compliance of recipient governments with the requirements of this section and of the Act. Compliance reviews will be undertaken from time to time, as appropriate, at the discretion of the Secretary.

(f) *Procedure for effecting compliance.* (1) Whenever the Secretary determines that a recipient government has failed to comply with this section, he shall notify the chief executive officer of such recipient government and the Governor of the State in which such government is located of the noncompliance and shall request the Governor to secure compliance. If within a reasonable time, not to exceed 60 days, the Governor fails, or refuses to secure compliance, the Secretary is authorized: (i) To refer the matter to the Attorney General of the United States with a recommendation that an appropriate civil action be instituted; (ii) to exercise the powers and functions and the administrative remedies provided by Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d); or (iii) to take such other action as may be authorized by law.

(2) No action to effect compliance with this section by any other means authorized by law shall be taken by the Department until:

(i) The Secretary has determined that compliance cannot be secured by voluntary means, and the recipient government has been notified of such determination; and

(ii) The expiration of at least 10 days from the mailing of such notice to the recipient government. During this period of at least 10 days, additional efforts may be made to persuade the recipient government to comply with this regulation and to take such corrective action as may be appropriate.

(3) An order pursuant to Title VI of the Civil Rights Act of 1964 terminating or refusing to grant or continue entitlement payments or demanding the forfeiture, repayment or withholding of entitlement funds shall become effective only after the procedures in paragraph (f)(1) of this section have been complied with and:

(i) The Secretary has advised the recipient government of its failure to comply and has determined that compliance cannot be secured by voluntary means;

(ii) There has been an express finding on the record, after such notice prescribed in this section, and after opportunity for hearing, of a failure by the recipient government to comply with a requirement imposed by or under this part;

(iii) The action has been approved by the Secretary; and

(iv) Thirty days have elapsed after the Secretary has filed with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a full written report of the circumstances and the grounds for such action; and

(v) The forfeiture or repayment of entitlement funds shall be limited to the particular recipient government as to whom a finding of noncompliance is made with this section and shall be limited to the program or activity in which such noncompliance has been so found. The amount of entitlement funds as are forfeited by the recipient government shall be reflected in a downward adjustment to future entitlement payments and shall be deposited in the general fund of the Treasury. If the Secretary determines that adjustment to future entitlement payments is impracticable, he may refer the matter to the Attorney General for appropriate civil action to require repayment of such amount to the United States. Furthermore, the Secretary shall withhold payment of all entitlement funds to a recipient government for which there has been a finding of noncompliance until such time that he is satisfied that such government will comply with the provisions of this section.

(g) *Delegation.* The Secretary may from time to time assign to officials of the Department, or to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with the effectuation of the purposes of this section (other than the review of initial decision of the administrative law judge) including the achievement of effective coordination within the executive branch in the implementation of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

(h) *Hearing procedure.* Whenever a procedure which requires due notice and opportunity for hearing is involved by the Secretary to effect compliance under this section, the procedural regulations promulgated in Subpart F of this part shall govern.

§ 51.33 Wage rates and labor standards.

(a) *Construction laborers and mechanics.* A recipient government which receives entitlement funds under the Act shall require that all laborers and mechanics employed by contractors or subcontractors in the performance of work on any construction project, 25 percent or more of the costs of which project are paid out of its entitlement funds: (1) Will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act as amended (40 U.S.C. 276a—276a–7); and, (2) will be covered by labor standards specified by the Secretary of Labor pursuant to 29 CFR Parts 1, 3, 5, and 7.

(b) *Request for wage determination.* In situations where the Davis-Bacon standards are applicable the recipient government must file with the regional office of the U.S. Department of Labor, a Standard Form 308 requesting a wage determination for each intended project at least 30 days before the invitation for bids, and must ascertain that the wage determination issued and the contract clauses required by 29 CFR 5.5 and 29 CFR 5a.3 are incorporated in the contract specifications. The recipient government must also satisfy itself that the successful bidder is made aware of his labor standards responsibilities under the Davis-Bacon Act.

(c) *Government employees.* A recipient

government which employs individuals whose wages are paid in whole or in part from entitlement funds must pay wages which are not lower than the prevailing rates of pay for persons employed in similar public occupations by the same employer. However, this subsection shall apply with respect to employees in any category only if 25 percent or more of the wages of all employees of the recipient government in such category are paid from the trust fund established by it under § 51.40(a).

§ 51.34 Restriction on expenditures by Indian tribes and Alaskan native villages.

Indian tribes and Alaskan native villages as defined in § 51.2 are required to expend entitlement funds only for the benefit of members of the tribe or village residing in the county area from which the allocation of entitlement funds was originally made. Expenditures which are so restricted will not constitute a failure to comply with the requirement of § 51.32(a).

Subpart E—Fiscal Procedures and Auditing

§ 51.40 Procedures applicable to the use of funds.

A recipient government which receives entitlement funds under the Act shall:

(a) Establish a trust fund and deposit all entitlement funds received and all interest earned thereon in that trust fund. The trust fund may be established on the books and records as a separate set of accounts, or a separate bank account may be established.

(b) Use, obligate, or appropriate such funds (including any interest earned thereon while in such trust fund) within 24 months from the end of the entitlement period to which the check is applicable unless approval is obtained from the Secretary for a longer period within which the funds may be utilized. An extension of time in which to utilize the funds must be obtained by application to the Secretary. Such application will set forth the facts and circumstances supporting the need for more time and the amount of additional time requested. The Secretary may grant such extensions of time as in his judgment appear necessary or appropriate.

(c) Provide for the expenditure of entitlement funds in accordance with the laws and procedures applicable to the expenditure of its own revenues.

(d) Maintain its fiscal accounts in a manner sufficient to:

(1) Permit the reports required by the Secretary to be prepared therefrom,

(2) Document compliance with the matching funds certification, and

(3) Permit the tracing of entitlement funds to a level of expenditure adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of this part.

The accounting for entitlement funds shall at a minimum employ the same fiscal accounting and internal audit procedures as are used with respect to expenditures from revenues derived from the recipient government's own sources.

(e) Provide to the Secretary and to the Comptroller General of the United States, on reasonable notice, access to and the right to examine such books, documents, papers or records as the Secretary may reasonably require for the purpose of reviewing compliance with the Act and the regulations of this part or, in the case of the Comptroller General, as the Comptroller General may reasonably require for the purpose of reviewing compliance and operations under the Act.

§ 51.41 Auditing and evaluation; scope of audits.

(a) *In general.* The Secretary shall provide for such auditing and evaluation as may be necessary to insure that expenditures of entitlement funds by recipient governments comply with the requirements of the Act and regulations of this part. Detail audits, reviews and evaluations may be made on a sample basis through inspection of records, and of reports required under subpart B of this part, and through on-site examinations, to determine whether the recipient governments have properly discharged their financial responsibilities and to evaluate compliance with the Act and the regulations of this part.

(b) *Scope of audits.* The scope of such audits may include a review of entitlement fund transactions, accounts and reports. In addition, the scope of such audits may include an examination of the following areas:

(1) Compliance with assurances made under § 51.10.

(2) Compliance with the requirement that States must maintain transfers to local governments as required by section 107(b) of the Act.

(3) Compliance with the reporting requirements and accuracy of the reports submitted to the Secretary as set forth in Subpart B of this part.

(4) Accuracy of fiscal data reported to the Bureau of the Census.

(5) Accuracy of the public records required under § 51.13(c).

(c) *Reliance on State and local government audits.* It is the intention of the Secretary to rely to the maximum extent possible on audits of recipient governments by State and local government auditors and independent public accountants. The Secretary may accept such audits when in his judgment this may reasonably be done consistent with the provisions of the Act and regulations of this part, and provided:

(1) Audits are performed in accordance with generally accepted auditing standards. Recipient governments are encouraged to have such audits performed, to the extent they consider practicable, in accordance with standards for the *Audit of Governmental Organizations, Programs, Activities and Functions* issued by the Comptroller General in June 1972.

(2) Audits include coverage as set forth in paragraph (b) of this section.

(3) Audit workpapers and related audit reports are retained for 3 years after the issuance of the audit report, and are available upon request to the Secretary and the Comptroller General or to their representatives; and,

(4) Audit reports shall contain a clear statement of the auditor's findings as to compliance or noncompliance with the requirements of the Act and the regulations of this part. In the event that an auditor is unable to review compliance with all of the provisions of paragraph (b), the audit report shall reflect those areas in which a compliance review was not performed. Audit reports which disclose or otherwise indicate a possible failure to comply substantially with any requirements of the Act or the regulations of this part will be submitted to the Secretary by the Governor or chief executive officer.

Subpart F—Proceedings for Reduction in Entitlement, Withholding, or Repayment of Funds

§ 51.50 Scope of subpart.

The regulations of this subpart govern the procedure and practice requirements involving adjudications where the Act requires reasonable notice and opportunity for hearing.

§ 51.51 Liberal construction.

The regulations in this subpart shall be liberally construed to secure just, expeditious, and efficient determination of the issues presented. The Rules of Civil Procedure for the District Courts of the United States, where applicable, shall be a guide in any situation not provided for or controlled by this subpart, but shall be liberally construed or relaxed when necessary.

§ 51.52 Reasonable notice and opportunity for hearing.

Whenever the Secretary has reason to believe that a recipient government has failed to comply with any section of the Act or of the provisions of this part, and that repayment, withholding, or reduction in the amount of an entitlement of a recipient government is required, he shall give reasonable notice and opportunity of hearing to such government prior to the invocation of any sanction under the Act.

§ 51.53 Opportunity for compliance.

Except in proceedings involving willfulness or those in which the public interest requires otherwise, a proceeding under this part will not be instituted until such facts or conduct which may warrant such action have been called to the attention of the chief executive officer of the recipient government in writing and he has been accorded an opportunity to demonstrate or achieve compliance with the requirements of the Act and the regulations of this part. If the recipient government fails to meet the requirements of the Act and regulations within such reasonable time as may be specified by the Secretary, a proceeding shall be initiated. If the recipient government is a unit of local government, a copy of all written communications regarding the alleged violation shall be transmitted by the Secretary to the Gov-

ernor of the State in which the unit of local government is located.

§ 51.54 Institution of proceeding.

A proceeding to require repayment of funds to the Secretary, or to withhold funds from subsequent entitlement payments, or to reduce the entitlement of a recipient government, shall be instituted by the Secretary by a complaint which names the recipient government as the respondent.

§ 51.55 Contents of complaint.

(a) *Charges.* A complaint shall give a plain and concise description of the allegations which constitute the basis for the proceeding. A complaint shall be deemed sufficient if it fairly informs the respondent of the charges against it so that it is able to prepare a defense to the charges.

(b) *Demand for answer.* Notification shall be given in the complaint as to the place and time within which the respondent shall file its answer, which time shall be not less than 30 days from the date of service of the complaint. The complaint shall also contain notice that a decision by default will be rendered against the respondent in the event it fails to file its answer as required.

§ 51.56 Service of complaint and other papers.

(a) *Complaint.* The complaint or a true copy thereof may be served upon the respondent by first-class mail or by certified mail, return receipt requested; or it may be served in any other manner which has been agreed to by the respondent. Where the service is by certified mail, the return Postal Service receipt duly signed on behalf of the respondent shall be proof of service.

(b) *Service of papers other than complaint.* Any paper other than the complaint may be served upon the respondent or upon its attorney of record by first-class mail. Such mailing shall constitute complete service.

(c) *Filing of papers.* Whenever the filing of a paper is required or permitted in connection with a proceeding under this part, and the place of filing is not specified in this subpart or by rule or order of the administrative law judge, the paper shall be filed with the Director, Office of Revenue Sharing, Treasury Department, Washington, D.C. 20226. All papers shall be filed in duplicate.

(d) *Motions and requests.* Motions and requests may be filed with the designated administrative law judge, except that an application to extend the time for filing an answer shall be filed with the Director, Office of Revenue Sharing, pursuant to § 51.57(a).

§ 51.57 Answer; referral to administrative law judge.

(a) *Filing.* The respondent's answer shall be filed in writing within the time specified in the complaint, unless on application the time is extended by the Secretary. The respondent's answer shall be filed in duplicate with the Director, Office of Revenue Sharing.

(b) *Contents.* The answer shall contain a statement of facts which constitute the grounds of defense, and it shall specifically admit or deny each allegation set forth in the complaint, except that the respondent shall not deny a material allegation in the complaint which it knows to be true; nor shall a respondent state that it is without sufficient information to form a belief when in fact it possesses such information. The respondent may also state affirmatively special matters of defense.

(c) *Failure to deny or answer allegation in the complaint.* Every allegation in the complaint which is not denied in the answer shall be deemed to be admitted and may be considered as proved, and no further evidence in respect of such allegation need be adduced at a hearing.

(d) *Failure to file answer.* Failure to file an answer within the time prescribed in the complaint, except as the time for answer is extended under paragraph (a) of this section, shall constitute an admission of the allegations of the complaint and a waiver of hearing, and the administrative law judge shall make his findings and decision by default without a hearing or further procedure.

(e) *Reply to answer.* No reply to the respondent's answer shall be required, and new matter in the answer shall be deemed to be denied, but the Secretary may file a reply in his discretion and shall file one if the administrative law judge so requests.

(f) *Referral to administrative law judge.* Upon receipt of the answer by the Director, or upon filing a reply if one is deemed necessary, or upon failure of the respondent to file an answer within the time prescribed in the complaint or as extended under paragraph (a) of this section, the complaint (and answer, if one is filed) shall be referred to the administrative law judge who shall then proceed to set a time and place for hearing and shall serve notice thereof upon the parties at least 15 days in advance of the hearing date.

§ 51.58 Supplemental charges.

If it appears that the respondent in its answer falsely and in bad faith, denies a material allegation of fact in the complaint or states that it has no knowledge sufficient to form a belief, when in fact it does possess such information, or if it appears that the respondent has knowingly introduced false testimony during the proceedings, the Secretary may thereupon file supplemental charges against the respondent. Such supplemental charges may be tried with other charges in the case, provided the respondent is given due notice thereof and is afforded an opportunity to prepare its defense thereto.

§ 51.59 Proof; variance; amendment of pleadings.

In the case of a variance between the allegations in a pleading and the evidence adduced in support of the pleading, the administrative law judge may order or authorize amendment of the pleading to conform to the evidence: *Provided*, The party that would otherwise be prejudiced by the amendment is given reasonable opportunity to meet the allegation of the pleading as amended. The administrative law judge shall make findings on any issue presented by the pleadings as so amended.

§ 51.60 Representation.

A respondent or proposed respondent may appear in person through its chief executive officer or it may be represented by counsel or other duly authorized representative. The Secretary shall be represented by the General Counsel of the Treasury.

§ 51.61 Administrative law judge; powers.

(a) *Appointment.* An administrative law judge, appointed as provided by section 11 of the Administrative Procedure Act (5 U.S.C. 3105), shall conduct proceedings upon complaints filed under this subpart.

(b) *Powers of administrative law judge.* Among other powers provided by law, the administrative law judge shall have authority, in connection with any proceeding under this subpart, to do the following things:

(1) Administer oaths and affirmations;

(2) Make ruling upon motions and requests. Prior to the close of the hearing no appeal shall lie from any such ruling except, at the discretion of the administrative law judge, in extraordinary circumstances;

(3) Determine the time and place of hearing and regulate its course and conduct. In determining the place of hearing the administrative law judge may take into consideration the requests and convenience of the respondent or its counsel;

(4) Adopt rules of procedure and modify the same from time to time as occasion requires for the orderly disposition of proceedings;

(5) Rule upon offers of proof, receive relevant evidence, and examine witnesses;

(6) Take or authorize the taking of depositions;

(7) Receive and consider oral or written arguments on facts or law;

(8) Hold or provide for the holding of conferences for the settlement or simplification of the issues by consent of the parties;

(9) Perform such acts and take such measures as are necessary or appropriate to the efficient conduct of any proceeding; and

(10) Make initial findings and decision.

§ 51.62 Hearings.

(a) *In general.* The administrative law judge shall preside at the hearing on a complaint. Testimony of witnesses shall be given under oath or affirmation. The hearing shall be stenographically recorded and transcribed. Hearings will be conducted pursuant to section 7 of

the Administrative Procedure Act (5 U.S.C. 556).

(b) *Failure to appear.* If a respondent fails to appear at the hearing, after due notice thereof has been served upon it or upon its counsel of record, it shall be deemed to have waived the right to a hearing and the administrative law judge may make his findings and decision against the respondent by default.

(c) *Waiver of hearing.* A respondent may waive the hearing by informing the administrative law judge, in writing, on or before the date set for hearing, that it desires to waive hearing. In such event the administrative law judge may make his findings and decision based upon the pleadings before him. The decision shall plainly show that the respondent waived hearing.

§ 51.63 Stipulations.

The administrative law judge shall prior to or at the beginning of the hearing require that the parties attempt to arrive at such stipulations as will eliminate the necessity of taking evidence with respect to allegations of facts concerning which there is no substantial dispute. The administrative law judge shall take similar action, where it appears appropriate, throughout the hearing and shall call and conduct any conferences which he deems advisable with a view to the simplification, clarification, and disposition of any of the issues involved.

§ 51.64 Evidence.

(a) *In general.* Any evidence which would be admissible under the rules of evidence governing proceedings in matters not involving trial by jury in the Courts of the United States, shall be admissible and controlling as far as possible: *Provided that,* the administrative law judge may relax such rules in any hearing when in his judgment such relaxation would not impair the rights of either party and would more speedily conclude the hearing, or would better serve the ends of justice. Evidence which is irrelevant, immaterial or unduly repetitious shall be excluded by the administrative law judge.

(b) *Depositions.* The deposition of any witness may be taken pursuant to § 51.65 and the deposition may be admitted.

(c) *Proof of documents.* Official documents, records, and papers of a respondent shall be admissible as evidence without the production of the original provided that such documents, records and papers are evidenced as the original by a copy attested or identified by the chief executive officer of the respondent or the custodian of the document, and contain the seal of the respondent.

(d) *Exhibits.* If any document, record, paper, or other tangible or material thing is introduced in evidence as an exhibit, the administrative law judge may authorize the withdrawal of the exhibit subject to any conditions he deems proper. An original document, paper or record need not be introduced, and a copy duly certified (pursuant to paragraph (b) of this section) shall be deemed sufficient.

(e) *Objections.* Objections to evidence shall be in short form, stating the grounds of objection relied upon, and the record shall not include argument thereon, except as permitted by the administrative law judge. Rulings on such objections shall be a part of the record. No exception to the ruling is necessary to preserve the right of either party to the proceeding.

§ 51.65 Depositions.

(a) *In general.* Depositions for use at a hearing may, with the written approval of the administrative law judge, be taken by either the Secretary or the respondent or their duly authorized representatives. Depositions may be taken upon oral or written interrogatories, upon not less than 15 days written notice to the other party, before any officer duly authorized to administer an oath for general purposes. Such written notice shall state the names of the witnesses and the time and place where the depositions are to be taken. The requirement of 15 days written notice may be waived by the parties in writing, and depositions may then be taken from the persons and at times and places mutually agreed to by the parties.

(b) *Written interrogatories.* When a deposition is taken upon written interrogatories, any cross-examination shall be upon written interrogatories. Copies of such written interrogatories shall be served upon the other party with the notice, and copies of any written cross-interrogatories shall be mailed by first class mail or delivered to the opposing party at least 10 days before the date of taking the depositions, unless the parties mutually agree otherwise. A party upon whose behalf a deposition is taken must file it with the administrative law judge and serve one copy upon the opposing party. Expenses in the reporting of depositions shall be borne by the party at whose instance the deposition is taken.

§ 51.66 Stenographic record; oath of reporter; transcript.

(a) *In general.* A stenographic record shall be made of the testimony and proceedings, including stipulations and admissions of fact in all proceedings, but not arguments of counsel unless otherwise ordered by the administrative law judge. A transcript of the proceedings (and evidence) at the hearing shall be made in all cases.

(b) *Oath of reporter.* The reporter making the stenographic record shall subscribe an oath before the administrative law judge, to be filed in the record of the case, that he (or she) will truly and correctly report the oral testimony and proceedings at such hearing and accurately transcribe the same to the best of his (or her) ability.

(c) *Transcript.* In cases where the hearing is stenographically reported by a Government contract reporter copies of the transcript may be obtained from the reporter at rates not to exceed the maximum rates fixed by contract between the Government and the reporter. Where the hearing is stenographically reported by a regular employee of the Department of the Treasury, a copy thereof will be supplied to the respondent or its counsel at actual cost of duplication. Copies of exhibits introduced at the hearing or at the taking of depositions will be supplied to the parties upon the payment of a reasonable fee (31 U.S.C. 483(a)).

§ 51.67 Proposed findings and conclusions.

Except in cases where a respondent has failed to answer the complaint or has failed to appear at the hearing, or has waived the hearing, the administrative law judge, prior to making his initial decision, shall afford the parties a reasonable opportunity to submit proposed findings and conclusions and supporting reasons therefor.

§ 51.68 Initial decision of the administrative law judge.

As soon as practicable after the conclusion of a hearing and the receipt of any proposed findings and conclusions timely submitted by the parties, but in no event later than 30 days after the submission of proposed findings and conclusions if they are submitted, the administrative law judge shall make his initial decision in the case. The initial decision shall include a statement of the findings of fact and the conclusions therefor, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record, and shall provide for one of the following orders:

(a) An order that the respondent pay over to the Secretary an amount equal to 110 percent of any amount determined to be improperly expended by the respondent in violation of § 51.31 relating to priority expenditures; or

(b) An order that the respondent pay over to the Secretary an amount equal to the amount of entitlement funds determined to be expended in violation of the Act and the provisions of this part; or

(c) An order that the Secretary withhold from subsequent entitlement payments to the respondent an amount equal to the amount of entitlement funds determined to be expended in violation of the Act and the provisions of this part; or

(d) An order that the entitlement of a recipient government be reduced and the amount of such reduction to be withheld from subsequent entitlement payments; or

(e) An order dismissing the proceedings.

§ 51.69 Certification and transmittal of record and decision.

After reaching his initial decision, the administrative law judge shall certify to the complete record before him and shall immediately forward the certified record, together with a certified copy of his initial decision, to the Secretary. The administrative law judge shall serve also a copy of the initial decision by certified mail to the chief executive officer of the respondent or to its attorney of record.

§ 51.70 What constitutes record.

The transcript of testimony, pleadings and exhibits, all papers and requests filed in the proceeding, together with all findings, decisions and orders, shall constitute the exclusive record in the matter.

§ 51.71 Procedure on review of decision of administrative law judge.

(a) *Appeal to the Secretary.* Within 30 days from the date of the initial decision and order of the administrative law judge, the respondent may appeal to the Secretary and file his exceptions to the initial decision and his reasons therefor. The respondent shall transmit a copy of his appeal and reasons therefor to the Director of the Office of Revenue Sharing, who may, within 30 days from receipt of the respondent's appeal, file a reply brief in opposition to the appeal. A copy of the reply brief, if one is filed, shall be transmitted to the respondent or its counsel of record. Upon the filing of an appeal and a reply brief, if any, the Secretary shall make the final agency decision on the record of the administrative law judge submitted to him.

(b) *Appeal by the Director of the Office of Revenue Sharing.* In the absence of an appeal by the respondent, the Director of the Office of Revenue Sharing may, on his own motion, within 45 days after the initial decision, serve on the respondent by certified mail a notice that he will appeal the decision to the Secretary, for review. Within 30 days from such notice, the Director of the Office of Revenue Sharing or his counsel will file with the Secretary his exceptions to the initial decision and his supporting reasons therefor. A copy of the exceptions shall be transmitted to the respondent or its counsel of record, who, within 30 days after receipt thereof, may file a reply brief thereto with the Secretary and submit a copy to the Director of the Office of Revenue Sharing or his counsel. Upon the filing of a reply brief, if any, the Secretary will make the final agency decision on the record of the administrative law judge.

(c) *Absence of appeal.* In the absence of either exceptions by the respondent or a notice of appeal by the Director of the Office of Revenue Sharing within the time set forth in paragraphs (a) and (b) of this section, or a review initiated by the Secretary on his own motion within the time allowed to the Director of the Office of Revenue Sharing, the initial decision of the administrative law judge shall constitute the final decision of the Department.

§ 51.72 Decision of the Secretary.

On appeal from or review of the initial decision of the administrative law judge, the Secretary will make the final agency decision. In making his decision the Secretary will review the record or such portions thereof as may be cited by the parties to permit limiting of the issues. The Secretary may affirm, modify, or revoke the findings and initial decision of the administrative law judge. A copy of the Secretary's decision shall be transmitted immediately to the chief executive officer of the respondent or its counsel of record.

§ 51.73 Effect of order of repayment or withholding of funds.

In case the final order against the respondent is for repayment of funds to the United States, such amount as determined by the order shall be repaid upon request by the Secretary. To the extent that the respondent fails to do so upon request of the Secretary, the Secretary shall withhold from subsequent entitlement payments to the respondent an amount equal to the amount not repaid. In case the final order against the respondent is for the withholding of an amount of subsequent entitlement payments, such amounts as ordered shall be withheld by the Director of the Office of Revenue Sharing after notice to the chief executive officer of the recipient government that if it fails to take corrective action within 60 days after receipt of the notice, further entitlement payments will be withheld until the Secretary is satisfied that appropriate corrective action has been taken and there is full compliance with the Act and regulations of this part. In every case in which the respondent is a unit of local government, a copy of the final order and notice shall be submitted to the Governor of the State in which the respondent is located.

§ 51.74 Publicity of proceedings.

(a) *In general.* A proceeding conducted under this subpart shall be open to the public and to elements of the news media provided that, in the judgment of the administrative law judge, the presence of the media does not detract from the decorum and dignity of the proceeding.

(b) *Availability of record.* The record established in any proceeding conducted under this subpart shall be made available to inspection by the public as provided for and in accordance with regulations of the Department of the Treasury pursuant to 31 CFR Part 1.

(c) *Decisions of the administrative law judge.* The statement of findings and the initial decision of the administrative law judge in any proceedings, whether or not on appeal or review, shall be indexed and maintained by the Director of the Office of Revenue Sharing and made available for inspection by the public at the public documents room of the Department. If practicable, the statement of findings and the decisions of the administrative law judge shall be published periodically by the Department and offered for sale through the Superintendent of Documents.

§ 51.75 Judicial review.

Actions taken under administrative proceedings pursuant to this subpart shall be subject to judicial review pursuant to section 143 of Subtitle C of the Act. If a respondent desires to appeal a decision of the administrative law judge which has become final, or a final order of the Secretary for review of appeal, to the U.S. Court of Appeals, as provided by law, the Secretary, upon prior notification of the filing of the petition for review, shall have prepared in triplicate, a complete transcript of the record of the proceeding, and shall certify to the correctness of the record. The original certificate together with the original record shall then be filed with the Court of Appeals which has jurisdiction.

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