federal register

MONDAY, APRIL 30, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 82

Pages 10615–10698

PART I

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federal register

Area Code 202 Phone 962-8626

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

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

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Title 3—The President

EXECUTIVE ORDER 11716

Amending Executive Order No. 11157 as It Relates to Incentive Pay for Hazardous Duty

By virtue of the authority vested in me by section 301(a) of title 37 of the United States Code, and as President of the United States and Commander in Chief of the Armed Forces of the United States, Executive Order No. 11157 of June 22, 1964, as amended, is further amended by substituting for the first paragraph (1) of section 106(b) the following:

"(1) during one calendar month, so serves 48 hours; however, hours served underway in excess of 48 as a member of a submarine operational command staff during any of the immediately preceding five calendar months and not already used to qualify for incentive pay may be applied to satisfy the underway time requirements for the current month,".

This order shall be effective as of September 26, 1972.

Richard Nixon

THE WHITE HOUSE,
April 26, 1973.

[FR Doc.73-8488 Filed 4-26-73;3:56 pm]

Rules and Regulations

Title 7—Agriculture

Subtitle A—Office of the Secretary of Agriculture

PART 21—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

On November 16, 1972, notice of proposed final regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 was published in FEDERAL REGISTER (37 FR 24357). On November 25, 1972, the word "unlawful" in the first line of § 21.202(a) was changed to read "lawful" (37 FR 25042).

After consideration of all such relevant matter as was presented by interested persons, the proposed final regulation is hereby adopted subject to the following changes:

1. Paragraph (c) of § 21.202 is deleted.
2. The word "parttime" in line 13 of § 21.209 should be hyphenated as follows "part-time".
3. In line 7 of § 21.212 the word "contribute" is changed to read "be capable of contributing".
4. The last sentence of § 21.212 is changed as set forth below.
5. In line 7 of § 21.221 a typographical error in the word "contract" is corrected.
6. Paragraphs (a) (1), (2), and (3) of § 21.302 are changed as set forth below.
7. Section 21.309 is changed as set forth below.
8. Paragraph (c) of § 21.1008 is changed as set forth below.
9. Existing paragraph (d) is changed to read paragraph (e) and a new paragraph (d) is added.

Effective date.—These final regulations take effect April 30, 1973.

JOSEPH R. WRIGHT, Jr.,
Assistant Secretary for Administration.

APRIL 23, 1973.

Subpart A—Policies

Subpart B—Definitions

Subpart C—Moving and Related Expenses

Subpart D—Replacement Housing—General

Subpart E—Replacement Housing for Homeowners (own 180 days) Displaced from Conventional Dwellings

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Subpart G—Replacement Housing for Mobile Home Occupants

Subpart H—Relocation Assistance Advisory Services

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Subpart J—Real Property Acquisition

Subpart K—Report

AUTHORITY: The provisions of this Part 21 issued under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, 84 Stat. 1894.

Subpart A—Policies

§ 21.101 Purpose.

The regulations in this part prescribe policies and procedures for the U.S. Department of Agriculture in implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646 (84 Stat. 1894), herein called the Act, effective January 2, 1971. The Act provides for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and Federal financially assisted programs and establishes uniform and equitable land acquisition policies for Federal and Federal financially assisted programs.

§ 21.102 Effective date.

(a) The regulations in this part shall be effective on date of publication.

(b) Any claims made under the Act shall be adjudicated on the basis of the

regulations in effect when the claim was filed.

§ 21.103 Application for relocation assistance payment.

A displaced person, business, or farm operation must make proper application to the displacing agency for relocation assistance payments within 18 months from the date on which the move was made from the real property acquired or to be acquired, or the date on which the acquiring agency makes final payment of all costs of acquiring that real property, whichever is the later date. The displacing agency may extend this period upon showing of good cause. Prompt payment will be made after a move and submittal of proper application. Advanced payment may be made if the displacing agency determines that delaying payment until after the move will create a hardship.

§ 21.104 Appeal rights.

Any person aggrieved by a determination as to eligibility for a relocation payment, or the amount of a payment in a Federal project may have his application reviewed by the Secretary of Agriculture or his designee, or in the case of a project receiving Federal financial assistance, by the head of the displacing agency.

§ 21.105 Leasing to former owner or tenant.

The head of a displacing agency may permit use of or lease realty back to former owners or tenants for a period of not more than 1 year, and may also extend or renew such permits or leases for successive periods of not more than 1 year.

§ 21.106 Displacement prerequisites.

A displacing agency shall take no action that will result in a displacement until the following conditions are met.

(a) Assurance of comparable replacement dwelling. No phase of any project will be initiated or continued if that phase will cause the displacement of any individual or family from a dwelling until the displacing agency has determined on the basis of a current survey and analysis of available comparable replacement dwellings that prior to displacement a comparable replacement dwelling will be available for each such displaced individual or family.

(b) Displacement notice. Each individual, family, business, or farm operation to be displaced must be given a written notice of displacement. The notice shall be served personally or by certified or registered first-class mail not later than initiation of negotiations.

(c) Payment for real property. An owner will not be required to surrender possession of the real property acquired until the acquiring agency has paid the agreed purchase price, or deposited with the court for the benefit of the owner, an amount not less than the approved appraisal of the real property being acquired.

(d) Notice to vacate. The construction or development or a project will be so scheduled that to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling (assuming a comparable replacement dwelling will be available), or to move his business or farm operation without at least 90 days' written notice prior to the date on which such move is required. The notice shall be served personally or by certified or registered first-class mail. A notice of less than 90 days may be given only in an emergency or other extraordinary situations, or when the personal property to be moved is not associated with a displacement from a dwelling, business, or farm operation. When it is proposed to give an advance notice of less than 90 days, the prior approval of the agency head will be obtained.

§ 21.107 Adjustments.

The agency head may make adjustments in the requirements for decent, safe, and sanitary dwellings only in cases involving unusual circumstances or in unique geographic areas.

§ 21.108 Waiver.

The agency head may waive the requirements of § 21.106(a) in emergencies or other extraordinary situations where immediate possession of real property is crucial. Each waiver shall be supported by appropriate findings and a determination of the necessity for the waiver. These determinations shall be included in the annual report required by § 21.1101.

§ 21.109 Criteria for new construction and loans.

(a) If the agency head determines that adequate comparable replacement dwellings are not available, action may be taken by the agency head or he may approve action by a State agency to develop replacement dwellings. Any action taken or approved shall be in accordance with the guidelines issued by the Secretary of Housing and Urban Development (24 CFR Part 43).

(b) The agency head shall be guided by the criteria and procedures developed by the Secretary of Housing and Urban Deveolpment (24 CFR Part 43) when providing loans to eligible borrowers for planning and other preliminary expenses for additional housing for displaced persons.

§ 21.110 Coordination among agencies.

(a) When more than one Federal, departmental, or State agency, is causing the displacement in a community or an area, the displacing agency shall seek the cooperation of the other agency or agencies on the method for computing the replacement housing payment and on the use of uniform schedules of sale and rental housing in the community or area.

(b) When more than one agency is administering a relocation assistance advisory program which may be of assistance in the community or area to displaced persons all agencies shall cooperate so as to eliminate duplication while combining forces in assuring uniform application of the Act so that all displaced persons receive the maximum assistance available to them.

(c) An agency causing displacements from dwellings will provide the Housing and Urban Development regional or area office with information regarding the project which will cause displacement, and consult with such offices concerning the availability of housing.

Subpart B—Definitions

§ 21.201 Agency head.

The head of the agency of the department responsible for the project which requires land acquisition or displacement, or any individual authorized to act for him in implementing these regulations.

§ 21.202 Business.

(a) Any lawful activity, excepting a farm operation, conducted primarily:

(1) For the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) By a nonprofit organization; or

(4) Solely for the purposes of section 21.303, outdoor advertising signs erected and maintained for assisting in the purchase, sale, resale, manufacture, processing or marketing of products, commodities, personal property, or services whether or not located on the premises of the foregoing businesses.

(b) Part-time occupations must contribute at least:

(1) $2,500 net income or

(2) One-third of the net income of the displaced person or family to qualify as a business under these regulations.

§ 21.203 Comparable replacement dwelling.

A comparable replacement dwelling is one which is decent, safe, and sanitary and is:

(a) Functionally equivalent and substantially the same as the acquired dwelling, but not excluding newly constructed housing.

(b) Open to all persons regardless of race, color, religion, sex, or national origin and consistent with the requirements of title VIII of the Civil Rights Act of 1968.

(c) In areas not generally less desirable than the dwelling to be acquired in regard to neighborhood conditions, including, but not limited to, municipal services and other environmental factors, and public, commercial, and community facilities.

(d) Reasonably accessible to the displaced person's place of employment.

(e) Available on the market to the displaced person at rents or prices within the financial means of the displaced person.

(f) Adequate in size to meet the needs of the displaced family or individual. At the option of the displaced person, a replacement dwelling may exceed his need when the replacement dwelling has the

approximate square footage as the dwelling from which he was displaced.

§ 21.204 Decent, safe, and sanitary dwelling.

A dwelling which is clean, in good repair, and in sound and weather tight condition, which meets local housing codes, if any, and also meets the following requirements:

(a) *Housekeeping unit.* A housekeeping unit must include a kitchen with fully usable sink; a cooking stove, or connections for same; a separate complete bathroom; hot and cold running water in both the bathroom and the kitchen; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes. In the absence of local codes see § 21.107.

(b) *Nonhousekeeping unit.* A nonhousekeeping unit is one which meets local code standards for boarding houses, hotels, or other congregate living. In the absence of local code standards see § 21.107.

§ 21.205 Department.

The U.S. Department of Agriculture.

§ 21.206 Displacing agency.

The Department agency for a Federal project, and the State agency for a Federal financially assisted project, which acquires real property.

§ 21.207 Displaced person.

Any person who, on or after January 2, 1971, moves from real property, or moves his personal property from real property, as a result of the actual acquisition of such real property, in whole or in part, or as a result of a written order of the acquiring agency to vacate real property for a program or project undertaken by the Department or with Federal financial assistance provided by the Department. If a person moves as the result of such a notice, it makes no difference whether or not the real property actually is acquired.

§ 21.208 Displacement notice.

A displacement notice is a written notice given to persons that may be displaced as a result of a proposed acquisition. This notice shall state the acquiring agency's desire to acquire the property and notify the persons of their rights under the Act and these regulations if they are displaced. The notice shall be given to such persons not later than the initiation of negotiations for the property to be acquired.

§ 21.209 Dwelling.

Dwelling includes a single family building; a one family unit in a multifamily building; a unit of a condominum or cooperative housing project; any other residential unit, including a mobile home which is either considered to be real property under State law, or cannot be moved without substantial damage or unreasonable cost. For purposes of Subparts E, F, and G of this part the term "dwelling" shall mean the place of permanent abode of a person and does not include seasonal or part-time dwelling units such as beach houses, mountain or other vacation cabins.

§ 21.210 Economic rent.

Economic rent is the amount of rent the displaced person would have had to pay for a similar dwelling unit located in an area not generally less desirable than the location of the dwelling to be acquired.

§ 21.211 Family.

Two or more individuals living together in the same dwelling as a single family unit and who are related to each other by blood, marriage, adoption, or legal guardianship. Others who live together as a family unit will be treated as a family.

§ 21.212 Farm operation.

Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operators support. The activity is capable of contributing materially if the value of the net sales and market value of home use contributes, for the immediately preceding 2-year period, or if occupied less than 2 years, the lesser period of occupancy, (a) average annual net earings of at least $2,500, or (b) at least one-third of the total annual net earnings of the displaced person during that period. (See § 21.308.)

§ 21.213 Federal financially assisted program or project.

Any program or project administered by the Department or by a State agency in which a grant, loan, or contribution is provided to the State agency by the Department. Federal contracts of guaranty or insurance are excluded.

§ 21.214 Federal program or project.

Any program or project administered by the Department in which real property interest is acquired by, remains in, or is transferred to Federal ownership or control.

§ 21.215 Financial means.

Financial means is the ability of a displaced family or individual to afford a replacement dwelling without jeopardizing the other needs of the displaced family or individual such as food, clothing, child care, and medical expenses. For purposes of this regulation the average housing cost (monthly mortgage or rental payments, insurance for the dwelling unit, property taxes, utilities, and other reasonable recurring related expenses) which the displaced family or individual will be required to pay should generally be less than 25 percent of the monthly gross income or the present ratio of housing payment to income including supplemental payments made by public agencies.

§ 21.216 Initiation of negotiations.

The date the acquiring agency furnishes the property owner or his representative a written offer to purchase the real property.

§ 21.217 Mortgage.

Such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property under the law of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

§ 21.218 Notice to vacate.

A notice to vacate is a written notice to the persons to be displaced of the date on which they must have moved from the property being acquired.

§ 21.219 Owner.

A person who holds fee title, a life estate, a 99-year lease, or an interest in a cooperative housing project which includes the right of occupancy of a dwelling unit, or is the contract purchaser of any such estates or interest, or who is possessed of such other proprietary interest in the property acquired as, in the judgment of the displacing agency, warrants consideration as ownership. In the case of one who has succeeded to any of the foregoing interest by devise, bequest, inheritance or operation of law, the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

§ 21.220 Person.

Any individual, family, partnership, corporation, or association.

§ 21.221 Purchase of a replacement dwelling.

Purchase of a replacement dwelling shall mean (a) acquisition of an existing dwelling, (b) acquisition and rehabilitation of a substandard dwelling, (c) relocation, or relocation and rehabilitation of an existing dwelling, (d) construction of a new dwelling, (e) contract to purchase a dwelling to be constructed on a site provided by a builder or developer, or (f) contract for the construction of a dwelling on a site which the displaced person owns or acquires for this purpose. If construction or rehabilitation is required in the instances cited herein and completion of the construction or rehabilitation is delayed beyond the end of the 1-year period, the displacing agency may establish the date of occupancy as the date that the displaced person enters into a contract for such construction or rehabilitation or for the purchase upon completion of a dwelling to be constructed or rehabilitated on a site provided by a builder or developer: *Provided*, The displacing agency determines that the delay was for reasons not within the reasonable control of the displaced person, and the displaced person occupies the replacement dwelling when the construction or rehabilitation is completed. Payment by the displacing agency will not be made until the displaced person has occupied the replacement dwelling.

§ 21.222 Rental rate.

The amount paid or determined to be appropriate for the bare premises exclu-

sive of such items as utilities and other services.

§ 21.223 Replacement dwelling.

A replacement dwelling is one which is at least decent, safe, and sanitary.

§ 21.224 State.

Any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

§ 21.225 State agency.

Any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

§ 21.226 Tenant.

A person who leases, rents, lawfully occupies or temporarily possesses real property, or a mobile home classified as personal property, of another by any kind of right.

Subpart C—Moving and Related Expenses

§ 21.301 Recipient eligibility.

A displaced person, business, or farm operation is eligible to receive payments for moving and related expenses described in § 21.303 or a fixed relocation payment described in § 21.304.

§ 21.302 Extent of eligibility.

(a) Each owner-occupant, tenant-occupant, or family, who is displaced from a dwelling may elect to receive either the payment described in § 21.303 (a) or the fixed payment described in § 21.304(a) except:

(1) Two or more persons, not a family, living together in a single family unit who are displaced from the unit will be regarded as one displaced person insofar as their eligibility for receiving the fixed payment for moving expenses described in § 21.304(a). Each individual in such group is eligible to receive actual moving and related expenses described in § 21.303 (a) if the group does not elect to receive the fixed payment.

(2) No member of a displaced person's family living in the same single family unit is eligible for separate payment for moving expenses.

(3) Any person, other than a member of the family, who is renting a room within the single family unit is eligible for moving expenses under § 21.303(a), but is not eligible to elect to receive the fixed payment in § 21.304(a).

(b) Any displaced business or farm operation may elect to receive either the payment described in § 21.303 or the payment described in § 21.304.

(c) Any displaced owner-occupant of a multifamily dwelling who earns income from such dwelling and qualifies as a business, is eligible for payments for actual moving and related expenses described in § 21.303, for both dwelling and business, or may elect to receive the fixed payments described in § 21.304, for both dwelling and business, or he may elect to receive payment for the dwelling under one alternate and payment for the business under the other alternate.

(d) A person who lives on his business or farm property and is displaced from both his dwelling and business or farm property is eligible for payments for actual moving and related expenses described in § 21.303 for both dwelling and business or farm operation, or may elect to receive the fixed payment described in § 21.304 for both dwelling and business, or farm operation, or he may elect to receive payment for the dwelling under one alternate and payment for business or farm operation under the other alternate.

(e) A person displaced from a business or farm operation which causes such person to move from other real property used for his dwelling may elect to receive either the actual expense payment described in § 21.303(a) or the fixed payment described in § 21.304(a). If the displacement causes such person to move other personal property associated with the displaced business or farm operation from real property not acquired, he is eligible for the moving cost of such personal property as a part of the cost of moving the displaced business or farm operation.

(f) Outdoor advertising signs as defined in § 21.202(a)(4) when not a part of a displaced business are only eligible for actual expense payments described in § 21.303.

§ 21.303 Actual expenses payment.

(a) Actual reasonable expenses specified in § 21.305 in moving himself, his family, business, farm operation, or other personal property;

(b) Actual direct losses specified in § 21.306 of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount determined by the displacing agency to be equal to the reasonable expenses that would have been required to relocate such property; and

(c) Actual reasonable expense specified in § 21.307 in searching for a replacement site for the business or farm operation.

§ 21.304 Fixed payment.

(a) A displaced person who must vacate a dwelling may elect to receive in lieu of reimbursement for actual expenses described in § 21.303(a), a moving expense allowance not to exceed $300 based on schedules for the area in which the displacement occurs maintained by State highway departments and approved by the Federal Highway Administration, plus a dislocation payment of $200.

(b) A person who is displaced from his place of business, whether he discontinues or reestablishes the business, may elect to receive, in lieu of reimbursement for actual expense specified in § 21.303, a fixed relocation payment equal to the average annual net earnings of the business as determined in accordance with § 21.308 provided:

(1) The business is not a part of a commercial enterprise having at least one other establishment that is not being acquired which is engaged in the same or similar business; and

(2) The business cannot be relocated without a substantial loss of its existing patronage. The displacing agency will consider all pertinent circumstances in determining whether the business meets this requirement, including the type of business, the nature of the clientele, the relative importance of the present and proposed locations to the displaced business, and the availability of a suitable replacement location for the displaced person.

(c) A person who is displaced from his farm operation, whether he discontinues or reestablishes such operation, may elect to receive, in lieu of reimbursement for actual expenses specified in § 21.303, a fixed relocation payment equal to the average annual net earnings of the farm operation as determined in accordance with § 21.308. Where a displaced person is displaced from only a part of his farm operation, the fixed payment shall be made only if the displacing agency determines that the property remaining after the acquisition can no longer meet the definition of a farm operation.

(d) A displaced nonprofit organization whether it discontinues or reestablishes its operation, may elect to receive, in lieu of reimbursement for actual expenses specified in § 21.303, a fixed relocation payment equal to the average annual net earnings of the nonprofit organization as determined in accordance with § 21.308 if the displacing agency determines that: (1) The nonprofit organization cannot be relocated without a substantial loss of its existing patronage which includes the persons, community, or clientele served or affected by its activities; and (2) the nonprofit organization is not a part of a commercial enterprise having at least one other establishment not being acquired which is engaged in the same or similar activity.

(e) The payment provided in paragraphs (b), (c), and (d) of this section shall be not less than $2,500 nor more than $10,000.

§ 21.305 Actual reasonable expenses in moving.

(a) Items to be included in determining reasonable expenses are:

(1) Transportation of individuals, families, and personal property from acquired site to the replacement site, not to exceed an airline distance of 50 miles, except where the displacing agency determines that relocation cannot be accomplished within such area.

(2) Packing, unpacking, crating, and uncrating of personal property.

(3) Advertising for packing, unpacking, crating, uncrating, and transportation when the displacing agency determines that advertising for any of these services is necessary.

(4) Storage of personal property for a period generally not to exceed 12

months when determined by the displacing agency to be necessary.

(5) Insurance premiums covering loss and damage of personal property while in transit or approved storage.

(6) Removal, reinstallation, and reestablishment, including such modification as deemed necessary by the displacing agency, of machinery, equipment, appliances, and other items not acquired as real property, and reconnection of utilities for such items. Prior to payment for any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personalty and the displacing agency is released from any payment for the property.

(7) Property lost, stolen, or damaged (not caused by the fault or neligence of the displaced person, his agents, or employees) in the process of moving, where insurance to cover such loss or damage is not obtainable.

(8) Such other reasonable expenses determined to be allowable by the agency head:

(b) Items to be excluded in determining reasonable expenses are:

(1) Additional expenses incurred because of living in a new location.

(2) Cost of moving structures and other improvements classed as real property in which the displaced person reserved ownership, except as otherwise provided by law.

(3) Improvements to the replacement site except when required by law.

(4) Interest on loans to cover moving expenses.

(5) Loss of goodwill.

(6) Loss of profits or income.

(7) Loss of trained employees.

(8) Personal injury.

(9) Cost of preparing the application for moving and related expenses.

(10) Payment for search cost in connection with locating a replacement dwelling.

(11) Such other items as the agency head determines should be excluded.

(c) Limitations are:

(1) If the displaced person moves himself, his family, business, farm operation, or other personal property by other than commercial means, the reimbursement allowance will not exceed the estimated cost of moving commercially based on the prevailing local rates for moving, unless the agency head determines that a greater amount is justified.

(2) If an item of personal property used in connection with a business or farm operation is not moved, but sold and replaced at the new location with a comparable item, reimbursement will not exceed the replacement cost minus the proceeds from the sale, or the estimated cost of moving whichever is less.

(3) If personal property used in connection with a displaced business or farm operation is of low value and high bulk, and the cost of removing, reinstalling, and reestablishing such property would be, in the judgment of the displacing agency, disproportionate in relation to its value, the allowable reimbursement for the expense of moving the personal property will not exceed the difference between the amount that would have been received for such item on liquidation and the cost of replacing the same at the new location with a comparable item available on the market.

§ 21.306 Actual direct losses—businesses or farm operations.

(a) Payments for actual direct losses of tangible personal property are allowable where a person displaced from his place of business or farm operation is entitled to relocate his property, but does not do so. These property losses may include such items as equipment, machinery, or fixtures which are no longer required, where the business or farm operation is to be discontinued or the property is not suitable for use at the new location.

(b) If the displaced person does not move personal property and he makes a bona fide effort to sell it he may be reimbursed for the reasonable costs incurred in his efforts to sell the property, but not to exceed the estimated cost to move the property to the new location but not to exceed 50 airline miles except that the amount allowed for this purpose shall not exceed the difference between the cumulative amount allowed under the following items and the estimated cost of moving such items.

(1) If the business or farm operation is discontinued, the actual direct loss is the difference between the fair market value of the personal property for continued use at its location prior to displacement and the sale proceeds, but not to exceed the estimated cost of moving 50 miles.

(2) If personal property is abandoned, the actual direct loss is the lesser of the fair market value of the property for continued use at its location prior to displacement, or the estimated cost of moving to the new location, not to exceed 50 airline miles.

(c) The cost to the displacing agency of removing abandoned personal property shall not be offset against other payments to the displaced person.

§ 21.307 Actual reasonable expense in searching—business and farm operations.

A displaced person whose business or farm is acquired may be reimbursed for his actual reasonable expense of searching for a replacement business or farm location. The maximum amount allowable for searching expense is $500 for each displaced business or farm unless the agency head determines that a greater amount is justified based on the circumstances involved. Payment for these expenses are further limited to:

(a) Travel.

(1) Actual cost of common carrier.

(2) Eleven cents per mile for use of privately owned vehicle.

(b) Meals and lodging.

(1) Three dollars per meal but not to exceed $9 per day per individual.

(2) Actual cost of lodging, but not to exceed $20 per day per individual.

(c) Time. Time spent in searching at a flat rate of $3 per hour, or at the rate of the displaced person's salary or earnings, but not to exceed $10 per hour. The maximum time allowed shall be 8 hours a day.

(d) Realtor assistance. Broker or realtor fees to locate a replacement site for a displaced business or farm operation only when the displacing agency determines in advance that it is necessary.

§ 21.308 Determination of average annual net earnings.

The average annual net earnings will be one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes for the 2 taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period. Another period may be approved by the agency head if the business or farm operation was not in operation for the full 2-year period or if an unusually long time lag between public announcement of a project and the displacement results in a material reduction in the earnings of the business or farm operations for such 2-year period, or under other conditions clearly warranting a different period. The business or farm operation will be required to furnish pertinent portions of returns filed with the Internal Revenue Service for the applicable period, or other acceptable evidence of earnings if not required to file returns.

§ 21.309 Mobile home.

(a) When a mobile home used as a dwelling is deemed personal property and is moved from the acquired site, the displaced person, in requesting payment for the cost of moving the mobile home, may elect to receive either a fixed payment under the provisions of § 21.304(a) or the following actual reasonable costs as determined by the displacing agency.

(1) Moving the mobile home to a replacement site but not to exceed the cost of moving to a site 50 airline miles from the acquired site.

(2) Detaching and reattaching fixtures and appurtenances, where applicable.

(b) If a mobile home is not used as a dwelling, only the actual reasonable costs as determined by the displacing agency and detailed in § 21.309(a) (1) and (2) may be claimed.

Subpart D—Replacement Housing—General

§ 21.401 Certificate of eligibility.

Whenever a displaced person is eligible for a replacement housing payment except that he has not yet purchased a replacement dwelling, the displacing agency shall, at the request of the displaced person, provide a written statement to any interested person, financial institution or lending agency as to:

(a) The eligibility of the displaced person for a payment.

(b) The requirements that must be satisfied before such payment can be made.

(c) The amount of the payment to be made by the displacing agency, provided the proposed replacement dwelling has been selected, or plans and specifications for the construction or rehabilitation of a proposed replacement dwelling are available, and the displacing agency has inspected and approved the selected dwelling or has reviewed and approved the plans and specifications for construction or rehabilitation.

§ 21.402 Selecting a method for determining purchase price or rental rate for a comparable replacement dwelling.

(a) The displacing agency may determine the amount necessary to purchase or rent, as appropriate, a comparable replacement dwelling by:

(1) A schedule method in which the displacing agency establishes a schedule of reasonable acquisition costs or rental rates of comparable replacement dwellings. The schedule should be based on current analysis of the market; or by

(2) The comparative method in which the displacing agency determines the reasonable acquisition cost or rental rate by selecting one or more comparable replacement dwellings that are most representative of the dwelling acquired. A single dwelling shall be used only when additional comparable replacement dwellings are not available.

(b) When neither the schedule method nor the comparative method is feasible, the agency head may develop other methods for computing replacement housing payments, or approve in advance other methods proposed by the displacing agency.

§ 21.403 Other.

(a) Payment for replacement housing to a displaced owner-occupant who moves from a one-family unit of a multifamily building owned by such person will be based on the cost of a comparable one-family unit in a multifamily building or if not available, a single-family structure, without regard to the number of units in the acquired multifamily building.

(b) Payment for replacement housing will not affect the eligibility of the displaced person to receive a payment for business earnings attributable to rental ities conducted in portions of the units or other legitimate business activities conducted in portions of the building.

(c) Two or more individuals, living together in a single-family dwelling, displaced from the dwelling will be regarded as one displaced person for the purpose of replacement housing.

Subpart E—Replacement Housing for Homeowners (Over 180 Days) Displaced From Conventional Dwellings

§ 21.501 Eligibility.

This subpart is applicable to a displaced person who:

(a) Actually owned and occupied the acquired dwelling for not less than 180 days immediately prior to initiation of negotiations for the property, and

(b) Purchases and occupies a replacement dwelling not later than the end of the 1-year period beginning on the date on which he receives from the displacing agency final payment of the purchase price or condemnation award for the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date.

§ 21.502 Maximum payment.

The maximum payment which may be made by the displacing agency under this subpart is $15,000.

§ 21.503 Cost eligible for payment by displacing agency.

Costs eligible for payment by the displacing agency under this subpart are:

(a) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the displacing agency, equals the reasonable cost of a comparable replacement dwelling.

(1) If the displaced person voluntarily purchases and occupies a replacement dwelling at a price less than the reasonable cost determined by the displacing agency for a comparable replacement dwelling, the displacing agency shall pay not more under this item than the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(2) If the displaced person voluntarily purchases and occupies a replacement dwelling at a price less than the acquisition price of the acquired dwelling, no payment is allowable under this paragraph (a).

(b) The amount, if any, which will compensate the displaced person for any increased interest cost and points which such person is required to pay for financing the acquisition of the replacement dwelling, provided that the acquired dwelling was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days prior to the initiation of negotiations for the acquisition of such dwelling. This amount shall be computed on the basis of and limited to:

(1) The amount of the unpaid debt at the time of acquisition of the real property;

(2) The length of the remaining term of the mortgage at the time of acquisition;

(3) The prevailing interest rate and points currently charged by mortgage lending institutions in the vicinity; and

(4) The present worth of the future payments of increased interest, computed at the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(c) Reasonable expenses incurred by the displaced person for the following purposes except that no fee, cost, charge, or expense is reimbursable which is determined by the displacing agency to be prepaid expenses:

(1) Legal, closing, and related costs including title search, preparing conveyance instruments, notary fees, surveys, preparing plats, and charges incident to recordation.

(2) Lenders, FHA, or VA appraisal fee.

(3) FHA application fee.

(4) Certification of structural soundness when required by lender, FHA, or VA.

(5) Credit report.

(6) Title policy, certificate of title, or abstract of title.

(7) Escrow agent's fee.

(8) State revenue stamps, or sale or transfer taxes.

Subpart F—Replacement Housing for Tenants and Certain Others (Displaced From Conventional Dwellings)

§ 21.601 Eligibility.

(a) This subpart is applicable to a displaced person who:

(1) Is a tenant, or

(2) Is an owner-occupant who elects to lease or rent rather than purchase a replacement dwelling, or

(3) Is an owner-occupant who elects to purchase a replacement dwelling but has occupied the acquired dwelling for less than 180 days required by § 21.501 (a).

(b) A displaced person is eligible for a replacement housing payment under this subpart if he:

(1) Actually and lawfully occupied the acquired dwelling for not less than 90 days immediately prior to the initiation of negotiations for acquisition of the property.

(2) Purchases or rents and occupies a replacement dwelling not later than the end of the 1-year period beginning on the date on which he:

(i) If a tenant, moves from the acquired dwelling.

(ii) If an owner-occupant, receives from the displacing agency final payment of the purchase price or condemnation award for the acquired dwelling, or the date on which he moves from the acquired dwelling, whichever is the later date.

§ 21.602 Maximum payment.

The maximum payment which may be made by the displacing agency under this subpart is $4,000 except that when the payment is made in connection with the purchase of a replacement dwelling the amount of the payment by the displacing agency in excess of $2,000 must be matched by the displaced person.

§ 21.603 Computing rental payments for displaced tenants renting replacement housing.

(a) The displacing agency shall compute the amount of the payment to the tenant as follows:

(1) Multiply the monthly rental rate of the replacement dwelling or a comparable replacement dwelling, whichever is the lesser rate, by 48.

(2) Determine the average monthly rental rate paid by the displaced tenant

for the acquired dwelling in the last 3 months prior to initiation of negotiations, provided such rent was reasonable. If such average rent paid was not reasonable, the displacing agency may use an economic rent amount for the acquired dwelling. If the displacing agency deems it advisable, more than 3 months may be used as a base for determining the average rental rate.

(3) Multiply the average monthly rental rate for the acquired dwelling as determined in subparagraph (2) of this paragraph, by 48.

(4) Subtract from the amount determined in subparagraph (1) of this paragraph, the amount determined in subparagraph (3) of this paragraph.

(b) If the displaced tenant is paying rent for the acquired dwelling to the displacing agency, economic rent shall be used in making the determination required by paragraph (a)(2) of this section.

§ 21.604 Computing rental payments for displaced owner-occupants renting replacement housing.

The displacing agency shall compute the amount of the rental payment to the displaced owner-occupant in the same manner as prescribed in § 21.603, except that economic rent shall be used in making the determination required by § 21.603(a)(2).

§ 21.605 Making payment to a displaced person who rents replacement housing.

(a) If the total rental payment to be made to the displaced person is in excess of $1,000, payment will be made in four equal annual installments at the beginning of each annual period, provided that the displacing agency determines that the displaced person is continuing to occupy decent, safe, and sanitary housing at the beginning of each annual period.

(b) If the total rental payment to be made to the displaced person is $1,000 or less, the payment shall be made in one lump sum at the beginning of occupancy of the replacement dwelling. The displacing agency need not thereafter determine whether occupancy of decent, safe and sanitary housing is continued.

§ 21.606 Purchase of a replacement dwelling.

(a) The amount of the payment shall be computed by determining the amount necessary to enable the displaced person to make a down payment and to cover expenses on the purchase of the replacement housing.

(1) The amount necessary for the down payment shall be based on the amount required for a conventional loan.

(2) Reasonable expenses incurred by the displaced person for the following purposes except that no fee, cost, charge, or expense is reimbursable which is determined by the displacing agency to be prepaid expenses;

(i) Legal, closing, and related costs including title search, preparing conveyance instruments, notary fees, surveys, preparing plats, and charges incident to recordation.

(ii) Lenders, FHA, or VA appraisal fee.

(iii) FHA application fee.

(iv) Certification of structural soundness when required by lender, FHA, or VA.

(v) Credit report.

(vi) Title policy, certificate of title, or abstract of title.

(vii) Escrow agent's fee.

(viii) State revenue stamps, or sale or transfer taxes.

(b) The full amount of the payment must be applied to the purchase price and incidental costs shown on the closing statement.

Subpart G—Replacement Housing for Mobile Home Occupants

§ 21.701 Eligibility.

(a) The occupant of a mobile home located on an acquired site is eligible for a replacement housing differential payment to the extent stated in § 21.702 if he meets the following requirements:

(1) The mobile home is acquired by the displacing agency, or the site of the mobile home is acquired which results in the mobile home being removed.

(2) The person actually occupied the mobile home on the acquired site for not less than 90 days immediately prior to initiation of negotiations or date of receipt of displacement notice whichever is later.

(3) The person vacated the mobile home or mobile homesite as a result of the acquisition of the property or receipt of a notice to vacate.

§ 21.702 Extent of eligibility.

(a) A person displaced from a mobile home who is eligible for replacement housing payments may elect a mobile home or a conventional dwelling to serve as a replacement dwelling.

(1) Such displaced occupant of a mobile home will be eligible for replacement housing benefits to the same extent and subject to the same conditions as provided in Subpart E or Subpart F of this part depending on the period of occupancy of the mobile home on the acquired site and the degree of interest held in the acquired mobile home.

(i) Period of occupancy shall be determined on the basis of the date of initiation of negotiations or the date of receipt of a displacement notice, whichever is later.

(ii) Degree of interest, i.e., owner or tenant, will be that of the displaced occupant in the mobile home, exclusive of the interest held in the homesite.

(2) When either type of replacement dwelling is elected, the maximum allowable under § 21.503(a) or § 21.603 shall be computed on the basis of the lesser of:

(i) The amount the displaced person pays for a replacement dwelling; or

(ii) The amount determined by the displacing agency as necessary to provide a comparable replacement mobile home.

(b) The occupant of a mobile home not acquired but moved from the acquired homesite is eligible for a replacement homesite.

(1) Such occupant will be eligible for replacement homesite benefits to the same extent and subject to the same conditions as provided in Subpart E or Subpart F of this part depending on the period of occupancy of the mobile home on the acquired site and the degree of interest held in the acquired homesite.

(i) Period of occupancy shall be determined on the basis of the date of initiation of negotiations or the date of receipt of a displacement notice, whichever is the later.

(ii) Degree of interest, i.e., owner or tenant, will be that of the occupant in the homesite, exclusive of the interest held in the mobile home.

(2) The maximum allowable under § 21.503(a) or § 21.603 shall be computed on the basis of the lesser of:

(i) The amount the occupant of the mobile home pays for a replacement homesite; or

(ii) The amount determined by the displacing agency as necessary to provide a comparable replacement homesite.

Subpart H—Relocation Assistance Advisory Services

§ 21.801 Policy.

Whenever the acquisition of real property for a Federal or Federal financially assisted program or project will result in the displacement of any person, the displacing agency shall provide a relocation assistance advisory program for displaced persons. If such agency determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, that agency shall offer such person relocation assistance advisory services.

§ 21.802 Advisory services.

Each relocation assistance advisory program shall include such measures, facilities, or services as may be necessary or appropriate in order to:

(a) Determine the need, if any, of displaced persons for relocation assistance.

(b) Provide current and continuing information on the availability, prices and rentals of comparable sale and rental replacement housing, and of comparable commercial properties and locations for displaced businesses and farm operations.

(c) Assure that, within a reasonable period of time prior to displacement, comparable replacement dwellings will be available for those to be displaced from dwellings.

(d) Assist a person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location.

(e) Supply information concerning housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons.

(f) Provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation.

(g) Advise displaced persons that they should notify the displacing agency before they move; and

(h) Inform affected persons of the benefits to which they may be entitled under the Act and these regulations.

§ 21.803 Contracting for advisory services.

The displacing agency may, by contract or otherwise, secure relocation assistance advisory services from any Federal, State, or local governmental agency or from any person or organization providing such service.

Subpart I—Federal Financially Assisted Projects

§ 21.901 Assurances by State agency.

(a) The agency head shall not approve a grant to or contract or agreement with a State agency unless he receives satisfactory assurances from such State agency that:

(1) Relocation payments, relocation assistance, and relocation assistance advisory services will be provided and comparable replacement dwellings will be available as provided in these regulations;

(2) In acquiring real property it will comply with the land acquisition policies provided in §§ 21.1001 through 21.1009 if compliance is legally possible under State law and in any event will reimburse owners for necessary expenses as specified in §§ 21.1006 and 21.1007; and

(3) It will furnish data for annual report required in § 21.1101.

(b) If a State agency maintains that it is legally unable to comply with the real property acquisition policies in §§ 21.1001 through 21.1006(b), and §§ 21.1008 through 21.1009, its statement to that effect shall be supported by an opinion of the chief legal officer of the State containing a full discussion of the facts and law involved. The agency head may accept this statement or the assurances so qualified as constituting compliance with this section.

(c) A grant to or contract or agreement with a State agency shall contain provisions requiring the State agency to comply with these regulations to the extent determined under this section.

§ 21.902 Execution and amendment of agreements.

Any grant to, or contract or agreement with a State agency under which Federal financial assistance is made available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after January 2, 1971, shall include or be amended to include the cost of providing payments and services set forth in these regulations.

§ 21.903 Project cost.

The cost to a State agency of providing payments and assistance pursuant to these regulations shall be included as part of the cost of a program or project for which the Department furnishes financial assistance. The State agency will be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs.

§ 21.904 Exception.

No payment or assistance under these regulations will be required of a State agency, or include as a program or project cost if the displaced person receives a payment required by the State law of eminent domain which is determined by the agency head to have substantially the same purpose and effect as the payment and assistance required by these regulations.

§ 21.905 Advances by Department.

If the agency head determines that it is necessary for the expeditious completion of a project, he may advance to the State agency the Federal share of the cost of any payments or assistance required by these regulations.

§ 21.906 Housing standards.

The State agency will determine whether the replacement dwelling meets the standards prescribed under these regulations.

§ 21.907 Organization and facilities.

It will be the responsibility of the agency head to determine that the State agency provides adequate personnel and facilities to enable it to provide the payments and services required by these regulations.

§ 21.908 Compliance.

The Department will provide for the making of periodic inspections to ascertain whether payments and services are being provided and whether there is compliance otherwise with the assurances furnished.

§ 21.909 Records.

The grant to, or contract or agreement with the State agency shall provide that it will maintain such records as may be specified by the agency head for a period of 3 years and make them available to the agency head for inspection and audit at reasonable times.

§ 21.910 Performance by contract.

(a) The displacing agency may contract for the services specified in § 21.802 with any person or organization if it finds that such contract will prevent unnecessary expense, avoid duplication of functions, and promote uniform administration of relocation assistance programs.

(b) The solicitation of proposals, contract provisions, and administration shall be in accordance with State laws and with procedures prescribed by the agency head, but shall as a minimum include provisions:

(1) Required by Federal regulations implementing Title VI of the Civil Rights Act of 1964 (Public Law 82-352), and

(2) Requiring records relating to the contract to be maintained for a period of not less than 3 years and be available for inspection by representatives of the State agency and the agency head.

(c) In furnishing housing to the extent authorized under criteria and procedures set forth in § 21.109, the State agency shall, whenever practicable, utilize the services of State or local housing agencies, or other agencies having experience in the administration and conduct of similiar housing assistance activities.

§ 21.911 Furnishing real property.

Whenever real property is acquired by a State agency and furnished as a required contribution to a Federal project, the agency head may not accept such property unless such State agency has made all payments and provided all assistance and assurances as are required of a State agency by these regulations. The cost of such requirements will be paid by the State agency, except the agency head will pay the full amount of the first $25,000 of the cost of providing such payments and assistance in connection with each displacement occurring prior to July 1, 1972.

§ 21.912 State agency acting as agent for federal project.

Whenever real property is acquired by a State agency at the request of the agency head for a Federal project, such acquisition shall be deemed for the purposes of these regulations as an acquisition by the agency head.

Subpart J—Real Property Acquisition

§ 21.1001 General.

(a) Application of this subpart to State agencies carrying out Federal financially assisted programs is mandatory where compliance is legally possible under State law and in any event State agencies will reimburse owners for necessary expenses as specified in §§ 21.1006(c) and 21.1007.

(b) The provisions of this subpart do not apply to donations of land or land exchanges.

§ 21.1002 Acquisition by agreement.

Every reasonable effort will be made to (a) acquire real property by agreements with owners based on negotiations, (b) assure consistent treatment for owners, and (c) accomplish negotiations expeditiously. In no event shall negotiations be deferred nor any other action coercive in nature taken in order to compel an agreement.

§ 21.1003 Appraisal.

(a) Prior to initiation of negotiations, an appraisal of the fair market value of the real property interest to be acquired will be made by a qualified land appraiser.

(b) The owner or his designated representative will be given a reasonable opportunity to accompany the appraiser during his inspection of the property.

(c) Any decrease or increase in the fair market value of the property prior to the date of the appraisal which is caused

by the public improvement for which the property is acquired or by the likelihood that the property would be acquired for such improvement, other than due to physical deterioration within the reasonable control of the owner, will be disregarded in appraising the property.

(d) Where appropriate the estimate of the fair market value of the property to be acquired and the estimate of damages or offsetting benefits to the remaining property will be separately stated.

(e) Appraisers shall not give consideration to or include in their real property appraisals any allowances for the relocation benefits provided by these regulations.

(f) Each agency Head shall establish for all Federal or Federal financially assisted programs under his jurisdiction, criteria for determining the qualifications of appraisers and a system of review of appraisals by qualified appraisers. Standards for appraisals used in such programs shall be consistent with the Uniform Appraisal Standards for Federal Land Acquisitions published in 1972 by the Interagency Land Acquisition Conference.

§ 21.1004 Establishing just compensation.

(a) Prior to negotiations the displacing agency shall establish an amount it believes to be just compensation which in no event shall be less than the amount in the appraisal approved by the displacing agency.

(b) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the displacing agency shall offer to acquire the entire property.

§ 21.1005 Initiation of negotiations.

(a) When the just compensation has been established, a prompt offer will be made to acquire the real property for the full amount of the just compensation so established.

(b) When the offer is made, the owner of the real property will be provided with a written statement of (1) identification of the real property and the estate or interest therein to be acquired including the buildings, structures, and other improvements considered to be a part of the real property, (2) the amount of the estimated just compensation as determined by the acquiring agency and a summary statement of the basis therefore, and (3) if only a portion of the property is to be acquired, a separate statement of the estimated just compensation for the real property interest to be acquired and damages and benefits to the remaining real property, if any.

(c) The offer of just compensation does not preclude further negotiations with respect to the purchase price.

(d) Tenants occupying the property shall be given a displacement notice not later than when negotiations for the property are initiated with the owner.

(e) Contracts or options to purchase real property shall not provide for any payments for relocation costs or reference to such payments.

§ 21.1006 Condemnation.

(a) The time of condemnation will neither be advanced, nor negotiations, condemnation and the deposit of funds in court be deferred, nor any other action coercive in nature taken in order to compel an agreement on price.

(b) If the real property is to be acquired by condemnation, proceedings will be instituted promptly. No action will be taken intentionally which will make it necessary for an owner to institute legal proceedings to prove the taking of his real property.

(c) If the final judgment of the court in a condemnation case is that the acquiring agency cannot acquire the real property by condemnation, or if the proceeding in condemnation is abandoned by the acquiring agency, the acquiring agency must pay the owner of the property such sum as will reimburse the owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal and engineering fees actually incurred because of the condemnation proceedings. If this cost is not covered by a court order, nevertheless the acquiring agency shall pay to the owner such costs.

(d) When the declaration of taking is filed in a Federal condemnation proceeding, the estimated compensation shall be determined solely on the basis of the appraised value of the real property with no consideration being given to other payments provided for by these regulations.

§ 21.1007 Expenses incidental to transfer of title.

As soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award in a condemnation proceeding to acquire real property, the owner will be reimbursed to the extent the head of the displacing agency determines fair and reasonable, for expenses the owner necessarily incurred for:

(a) Recording fees, transfer taxes, and similar expenses incident to conveying the real property to the acquiring agency,

(b) Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property, and

(c) The pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the acquiring agency, or the effective date of possession of such real property by the acquiring agency, whichever is earlier.

§ 21.1008 Buildings, structures and improvements.

(a) Whenever any interest in real property is acquired, the acquiring agency shall acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property which such acquiring agency requires to be removed from the real property, or which the acquiring agency determines will be adversely affected by the use to which such real property will be put.

(b) The following will apply in determining the just compensation for any such buildings, structures, or other improvements: (1) They will be deemed to be part of the real property to be acquired, notwithstanding the right or obligation of the tenant as against the owner of any other interest in the real property to remove them at the expiration of his term, and (2) the fair market value which such structures, buildings, or other improvements contribute to the fair market value of the real property to be acquired, or the fair market value of such buildings, structures, or other improvements for removal from the real property, whichever is greater, will be paid the tenant therefor, provided the tenant shall assign, transfer and release to the acquiring agency all his rights, title and interest in and to such improvements.

(c) Payments under this § 21.1008 will not be made which result in duplication of any payments otherwise authorized by law.

(d) Payments under this § 21.1008 will not be made unless the owner of the land involved disclaims all interest in such buildings, structures, or other improvements of the tenant.

(e) A tenant may reject payment under this § 21.1008 and obtain payment for the buildings, structures, or other improvements in accordance with any other applicable law.

§ 21.1009 Lease to former owner or occupant.

If an owner or tenant is permitted to occupy the real property acquired on a rental basis for a short term, or for a period subject to termination by the acquiring agency on short notice, the amount of rent required will not exceed the fair rental value of the property to a short term occupier.

Subpart K—Report

§ 21.1101 Annual report.

Each agency head shall prepare and submit an annual report, on a fiscal year basis, to the Secretary of Agriculture. The first report will cover the period January 2, 1971 through June 30, 1971, with the final report covering the period July 1, 1973 through June 30, 1974.

(a) Each such report will include narrative comments regarding:

(1) The effectiveness of the provisions of the Act assuring the availability of comparable replacement housing for displaced persons:

(2) Actions taken to achieve the objectives of the policies of Congress to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by or having real property taken for Federal or Federal financially assisted programs;

(3) Views on the progress made to achieve the objectives stated in subparagraph (2) of this paragraph;

(4) Any indicated effects of such programs and policies on the public; and

(5) Recommendations for further improvements in relocation assistance and land acquisition programs, policies, and implementing laws, and regulations.

(b) Each such report will also include statistical data as prescribed by the Department.

(c) Summary statement on the waiver of assurances.

[FR Doc.73-8209 Filed 4-27-73;8:45 am]

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 215—SPECIAL MILK PROGRAM FOR CHILDREN

Second Apportionment of Special Milk Program Funds

Pursuant to section 3 of the Child Nutrition Act of 1966, as amended, milk assistance funds available for the fiscal year ending June 30, 1973, are apportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$1,413,072	$1,349,082	$63,990
Alaska	34,622	34,622	.....
Arizona	516,235	516,235	.....
Arkansas	957,705	901,665	56,040
California	6,691,539	6,691,539	.....
Colorado	924,621	850,000	74,621
Connecticut	1,849,140	1,849,140	.....
Delaware	290,375	290,375	.....
Delaware State District Agency	19,278	19,278	.....
District of Columbia	369,600	369,600	.....
Florida	1,634,484	1,634,484	.....
Georgia	1,571,643	1,541,306	30,337
Hawaii	76,210	47,208	29,002
Idaho	181,627	161,935	19,692
Illinois	6,236,118	6,236,118	.....
Indiana	3,021,264	3,021,264	.....
Iowa	1,840,299	1,392,499	147,800
Kansas	901,039	901,039	.....
Kentucky	1,818,587	1,818,587	.....
Louisiana	783,892	783,892	.....
Maine	536,704	486,324	50,380
Maryland	2,630,054	2,630,054	.....
Maryland Department of General Services	76,222	76,222	.....
Massachusetts	3,232,471	3,232,471	.....
Michigan	5,395,701	5,395,701	.....
Minnesota	2,760,802	2,760,802	.....
Mississippi	1,043,180	1,043,180	.....
Missouri	2,254,871	2,200,771	54,100
Montana	216,929	193,230	23,699
Nebraska	659,315	565,315	94,000
Nevada	186,348	166,244	20,104
New Hampshire	469,837	469,837	.....
New Jersey	3,641,933	3,190,628	451,305
New Mexico	606,451	332,261	274,190
New York	7,701,195	7,701,195	.....
New York Office of General Services	339,272	339,272	.....
North Carolina	2,762,197	2,762,197	.....
North Dakota	354,424	317,350	37,074
Ohio	6,797,301	6,146,281	651,020
Ohio Department of Public Welfare	170,055	170,055	.....
Oklahoma	901,508	901,508	.....
Oregon	596,351	576,779	19,572
Pennsylvania	5,117,345	4,631,576	485,769
Rhode Island	559,818	559,818	.....
South Carolina	1,126,399	1,029,646	96,753
South Dakota	333,659	333,659	.....
Tennessee	1,771,975	1,701,358	70,617
Texas	3,575,590	3,330,491	245,099
Utah	289,305	287,388	1,917
Vermont	285,550	276,474	9,076
Virginia	1,821,560	1,707,235	114,325
Washington	1,338,887	1,183,040	155,847
West Virginia	920,722	894,162	26,560
Wisconsin	3,476,455	2,887,455	589,000
Wyoming	106,500	106,500	.....
Total	94,888,236	90,996,347	3,891,889

(Secs. 2, 3, 6, and 8-16, 80 Stat. 885-890; 42 U.S.C. 1771, 1772, 1775, 1777-1785.)

Dated April 23, 1973.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.73-8211 Filed 4-27-73;8:45 am]

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

[Valencia Orange Reg. 426, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

Correction

In FR Doc. 73-7829 appearing at page 9987 in the issue of Monday, April 23, 1973, make the following changes:

1. In the third paragraph, third line, the word "proved" should read "provide".

2. In the 10th line of the first paragraph, first column, page 9988, the word "handler" should read "handlers".

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1434—HONEY

Subpart—1973 Crop Honey Loan and Purchase Program

Correction

In FR Doc. 73-7831 appearing at page 9988 in the issue of Monday, April 23, 1973, in the first column on page 9989, the effective date now reading "May 23, 1973", should read "April 23, 1973".

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER G—MISCELLANEOUS REGULATIONS

PART 1890w—EMERGENCY LOANS AND RURAL HOUSING DISASTER LOANS

Subchapter G is amended by adding new part 1890w, Emergency Loans and Rural Housing Disaster Loans, supplementing and modifying current Farmers Home Administration regulations, including subparts A and B of part 1832 of this chapter, and to incorporate and implement the provisions of Public Law 93-24.

This Public Law provides for the Farmers Home Admininstration to make disaster-type loans in areas declared by the President or the Secretary of Agriculture. Such loans will be made only to those applicants who are unable to obtain the credit they need from conventional lenders. Interest will be charged at a rate not to exceed 5 percent and there will be no forgiveness benefit in connection with these loans. Public Law 93-24 also contains a provision that authorizes the acceptance of applications under the provision of Public Law 92-385 in certain areas designated by the Secretary of Agriculture for 18 days.

In accordance with 5 U.S.C. 553, this new part is being published without notice of proposed rulemaking, effective immediately, since it incorporates and implements the provisions of Public Law 93-24 and because a delay in implementing the provisions of the Public Law by this regulation would be contrary to the public interest.

The new part 1890w reads as follows:

PART 1890w—EMERGENCY LOANS AND RURAL HOUSING DISASTER LOANS

Sec.

AUTHORITY.—Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; Orders of Acting Secretary of Agriculture, 36 FR 21529; 37 FR 22008; order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 FR 21529.

§ 1890w.1 Emergency (EM) loans and Rural Housing Disaster (RHD) loans at 1 or 3 percent interest rate with a forgiveness benefit.

(a) In all counties designated by the Secretary after January 1, 1972, and prior to December 27, 1972, which were not subsequently designated by the President because of the same disaster, where the designation was originally scheduled to expire on June 30, 1973, the following action will be taken:

(1) Applications for EM loans and RHD loans will be accepted and the date they are received in the county office will be stamped on the application. If application forms are not available, county offices should take and date applications on facsimilies or photocopies.

(2) Applications received in the county office on or before May 8, 1973, will be considered for loans on the same terms applicable at the time the EM and RHD loan programs were curtailed on December 27, 1972, for repair, rehabilitation or replacement of property including crops damaged or destroyed, not compensated for by insurance or otherwise. Such applications may be subject to audit. State directors will immediately notify county supervisors of the counties affected in their State.

(3) The news media, including newspapers, radio, and television in the affected counties, should be utilized to

make it known that the period has been extended for accepting applications for EM and RHD loans under the terms applicable prior to December 27, 1972.

(4) Affected county supervisors will immediately notify all persons whom he has a record of that indicated an intent to apply for an EM or RHD loan, but did not return a written application on or before December 27, 1972. The notice should clearly inform these persons that they must come to the Farmers Home Administration County Office to file a written application before May 8, 1973, if they are still interested in a loan. This notice should be made by letter and by telephone if practical.

(5) It is recognized that many farm operators who suffered losses and otherwise would have qualified for EM loans have received operating and/or farm ownership loans as a result of the curtailment of the EM loan program or have received credit from other sources. These farmers may now be made an EM loan to provide additional needed credit for the 1973 crop year for any authorized EM loan purpose. Written applications for such EM loans must be filed and "date stamped" in the County Office on or before May 8, 1973. Therefore, it will be necessary for affected county supervisors to immediately notify such borrowers by letter and if practical, by telephone of their option to apply for EM loans before the deadline.

(6) The amount of any subsidy received from the Agricultural Stabilization and Conservation Service feed grain program due to the purchase of feed will be considered compensation for losses.

(7) Loans may be approved under paragraph (a) of this section only if the qualifying loss was a result of the disaster declared by the Secretary.

(8) Applicants will complete one loss or damage statement, form FHA 440–49, "Certification of Losses Caused by Major Disaster," reflecting the dollar amount of their losses and file it with their application form in the County Office during the 18-day period for accepting applications. Form FHA 440–49 will not be revised upward after it is filed in the County Office.

§ 1890w.2 EM loans at 5 percent interest rate and no forgiveness benefit.

(a) In all counties designated after December 27, 1972, either by the President or Secretary, EM loans, but not RHD loans, may be approved under the following terms:

(1) Loans may be made only to those otherwise eligible applicants who have qualifying losses, and who are unable to obtain sufficient credit elsewhere to finance their actual needs at reasonable rates and terms, taking into consideration prevailing private and cooperative rates and terms in the community in or near which the applicant resides for loans for similar purposes and periods of time.

(2) Interest will be charged at 5 percent per annum.

(3) No forgiveness benefit (principal cancellation) will be granted in connection with EM loans in this category.

(4) The needs of farmers to repair or replace homes and essential farm buildings will be met with EM loans if they are otherwise eligible for the loan.

(b) Subsequent EM loans to EM borrowers (where this authority has been authorized), may be made under the terms prescribed in paragraph (a) of this section to borrowers who have already received an EM loan and cancellation because of a disaster which caused a designation.

(c) State directors will notify county supervisors of the counties affected in their State where loans may be made under paragraphs (a) and (b) of this section.

§ 1890w.3 EM loans for refinancing purposes under § 1832.19 of this chapter.

Applications for EM loans for refinancing other creditors that are authorized by § 1832.19 of this chapter may be accepted and approved. Those applications received in accordance with § 1890w.1(a) will be processed with a forgiveness benefit not to exceed the amount of loss, but all other applications will be processed under the terms set forth in § 1890w.2(a). All loans for refinancing must be secured by real estate and the applicant must show he cannot obtain credit elsewhere in accordance with § 1832.19(d)(2) of this chapter.

§ 1890w.4 RHD loans.

RHD loans are only authorized under § 1890w.1(a).

§ 1890w.5 Handling EM loan and RHD loan applications in Presidential major disaster areas named prior to December 27, 1972.

Applications in such areas received on or before January 15, or the cutoff date 60 days after the declaration, that have not been approved prior to April 20, 1973, will not be approved, except that EM applications pending at that time may be approved under the same terms set forth in § 1890w.2(a).

§ 1890w.6 Reporting.

Each affected county supervisor will make a written report of the number of EM and RHD loan applications received in accordance with § 1890w.1(a) to his State director immediately after the period for receiving applications is terminated. Affected State directors will then report this information to the Emergency Loan Division in the National Office by telephone within 1 week after the termination date.

§ 1890w.7 Designation requests.

Advice on the handling of designation requests now in this office as well as the handling of future requests for designations when natural disasters occur or have occurred will be provided by later notice.

Dated April 24, 1973.

FRANK B. ELLIOTT,
Acting Administrator,
Farmers Home Administration.

[FR Doc.73-8362 Filed 4-27-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-GL-7]

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

Alteration of Transition Area

On page 4717 of the FEDERAL REGISTER dated February 21, 1973, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of part 71 of the Federal Aviation Regulations so as to alter the transition area at Rice Lake, Wis.

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

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., June 21, 1973.

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

Issued in Des Plaines, Ill., on April 6, 1973.

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

In § 71.181 (38 FR 435), the following transition area is added:

RICE LAKE, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Arrowhead Airport (lat. 45°28'45" N., long. 91°43'20" W.); within 3½ miles each side of the 178° bearing from the Arrowhead Airport; extending from the 5-mile radius to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 178° bearing of the Arrowhead Airport; extending from the airport to 18½ miles south and within 5 miles each side of the 358° bearing of the Arrowhead Airport, extending from the airport to 12 miles north of the airport, excluding that portion that overlies the Eau Claire transition area.

[FR Doc.73-8315 Filed 4-27-73;8:45 am]

[Airspace Docket No. 73-GL-17]

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

Revocation of Control Zone and Designation of Transition Area

The purpose of this amendment to part 71 of the Federal Aviation Regulations is to revoke the Vandalia, Ill. control zone and to designate a transition area.

On May 15, 1973, the Vandalia Flight Service Station will be closed and the service relocated to Decatur, Ill. The weather reporting and communication requirements for a control zone will no

longer exist at Vandalia, thus requiring the cancellation of the control zone. Although we must cancel the control zone, we must establish a transition area with the same dimensions as the zone.

Since this revocation of the control zone and the designation of a transition area will not impose an additional burden on any person, notice and public procedure are unnecessary.

In consideration of the foregoing, part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., May 15, 1973 as hereinafter set forth:

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

VANDALIA, ILL.

In § 71.181 (38 FR 435), the following transition area is added:

VANDALIA, ILL.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Vandalia Municipal Airport (lat. 38° 59'26" N., long. 89°09'55" W.) and within 2 miles each side of the Vandalia VOR 183° radial extending from the 5-mile radius area to the VOR.

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

Issued in Des Plaines, Ill., on April 6, 1973.

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

[FR Doc.73-8314 Filed 4-27-73;8:45 am]

[Airspace Docket No. 73-RM-18]

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

Alteration of Control Zone

On January 19, 1973, FR Doc. 73-1178 was published in the FEDERAL REGISTER (38 FR 1923) which amended part 71 of the Federal Aviation Regulations, effective March 29, 1973, by establishing the USAF Academy Airstrip control zone, Colorado Springs, Colo. The purpose of this amendment is to change the dates and time of designation to reflect the identical entry now continually published in the "Airman's Information Manual."

Since this amendment is editorial in nature, makes no substantive change in the regulation or the control zone, and imposes no additional burden on any person, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30-day notice.

In consideration of the foregoing, effective April 30, 1973, FR Doc. No. 73-1178 (38 FR 1923) is amended as hereinafter set forth.

In the description of the USAF Academy Airstrip control zone, Colorado Springs, Colo., delete all after the geographical coordinates "latitude 38°58' 15" N., longitude 104°49'00" W.", and insert the following:

This control zone is effective from sunrise to 30 minutes after sunset.

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

Issued in Aurora, Colo., on April 19, 1973.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc.73-8313 Filed 4-27-73;8:45 am]

[Docket No. 12631, Amdt. 139-1]

PART 139—CERTIFICATION AND OPERATIONS: LAND AIRPORTS SERVING CAB-CERTIFICATED AIR CARRIERS

Broadened Applicability

Correction

In FR Doc. 73-7708, appearing at page 9795 for the issue of Friday, April 20, 1973, make the following corrections:

1. In the 10th line, column 1, page 9795, the word "separately" should be inserted after "provide".

2. In the ninth line of the fourth paragraph, column 1, page 9795, insert after "paragraph (3) certificated" the words "air carrier charter operations; and (4)".

3. The section heading reading "§ 130.-109 *Public protection*", should read "§ 139.109 *Public protection*".

CHAPTER II—CIVIL AERONAUTICS BOARD

[Regulation SPR-68]

SUBCHAPTER D—SPECIAL REGULATIONS

PART 372a—TRAVEL GROUP CHARTERS

Miscellaneous Amendments

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of April 1973.

By SPR-61, adopted and effective September 27, 1972, the Board issued part 372a of its special regulations providing for a new class of charters, travel group charters (TGC), and for a new class of indirect air carriers, called "charter organizers," which are authorized to operate TGC's in compliance with the various provisions of part 372a. Since one of the two principal factors that compelled the Board to adopt part 372a was "the fact that our existing [charter] rules had proven to be extremely difficult to enforce,"[1] the Board imposed a number of requirements designed to insure that all TGC flights would be operated lawfully. The basic enforcement requirements are that: (1) A list of all prospective passengers on a TGC flight, both "main list" and "standby," must be filed with the Board several months[2] in advance of a scheduled flight departure (§ 372a.22 (b)); and (2) the direct air carrier must verify the identity of enplaning passengers, each of whose name must be included on the carrier's "true copy" of the lists on file with the Board, and file the passenger list, with verification noted thereon, within 7 days after performing each flight, whether departure or return (§§ 372a.41 and .50). In order to facilitate the predeparture and postdeparture filing of these lists, as well as the underlying enforcement objectives, the Board has now determined to prescribe a standard reporting form to be used in filing these lists, and to otherwise amend part 372a insofar as it relates to verification of passenger identity.

At present, § 372a.41, by its literal terms, requires the direct air carrier to enter an identifying document number on its passenger list only with respect to international flights. However, in specifying the use of passports or other travel identity documents for identifying international TGC participants, the Board intended to prescribe that these documents should be used for identifying international TGC passengers, rather than to imply that it was unconcerned about the documents upon which a carrier would rely in identifying enplaning passengers on North American flights or about the manner in which such verification would be noted on the carrier's copy of the passenger list. In order to clarify our intentions as to the manner in which we expect identification of enplaning passengers to be verified and noted in connection with all TGC flights, we are amending §§ 372a.41 and 372a.50(a) of part 372a. As amended, these sections will now require the direct air carrier to verify the identity of enplaning TGC participants, in all markets, by use of a document bearing an identifying number, and to enter the document number on the passenger list. The documents to be used are a passport, when available, or other travel identity document; only if neither such document is available should any other document be used, preferably a social security card.

Moreover, in order to be certain that the TGC passenger list filed by the direct air carrier does indeed reflect that a "true copy" of lists on file with the Board was used by the carrier in verifying and reporting the identity of enplaning passengers, as contemplated by the present text of the rule, we are amending the filing procedures so as to provide for use of officially stamped copies. An original and two photostatic or similarly reproduced copies (not carbons) of form 372a are to be filed with the Board's bureau of operating rights (BOR), as part of the filing required to be made no later than 90 days before scheduled flight departure, accompanied by a self-addressed and postage-prepaid return envelope. The original and two copies will thereupon be stamped to verify receipt, and the two stamped copies will be returned for use by the direct air carrier in verifying the identity of participants, noting

[1] Preamble to part 372a, p. 1 (mimeo).

[2] In SPR-61, the predeparture filing had to be made no earlier than 4 months, and no later than 3 months before scheduled departure date. By SPR-66, adopted Mar. 6, 1973, this was amended to "no earlier than 120 days and no later and 90 days."

thereon the documentary source (and number) of the verification, and making the post-flight filing with the Board.

We are confident that adopting these amendments, i.e., prescribing a standard form for predeparture filings and requiring the direct air carrier to utilize an officially stamped duplicate copy of the same form, will substantially improve the enforceability of the fundamental TGC requirement that flight participation be limited to persons whose names were filed with the Board several months in advance of flight departure. Also, the prescribed form will enable automated data processing techniques to be used by the staff in the enforcement effort, should that become necessary.

Since the amendments are of a procedural nature, in that they do not increase the substantive obligations of TGC organizers and direct air carriers, and since any additional burden entailed by using only the form which we now prescribe should be slight—particularly as compared with the substantial improvements which these amendments will accomplish in the enforcement of the TGC rule—the Board finds that notice and public procedure hereon are unnecessary and would not be in the public interest. For the same reasons, we find good cause to make the amendments effective 10 days from the date of publication hereof, insofar as they require identification of all enplaning TGC participants to be verified by use of documents bearing identifying numbers and the entry of document numbers on passenger lists. However, insofar as we are requiring CAB Form 372a to be used by organizers and direct air carriers in meeting their respective obligations under §§ 372a.22, 372a.41, and 372.50, the within amendments will become effective only with respect to charters for which filings under § 372a.22(b) are submitted beginning 30 days from the date of publication hereof.

In consideration of the foregoing, the Civil Aeronautics Board amends part 372a of its special regulations (14 CFR part 372a), effective May 5, 1973, as follows:

1. Amend paragraph (b) of § 372a.22 and add a new paragraph (d) to read as follows:

§ 372a.22 Operating authorization of charter organizer.

* * * * *

(b) No earlier than 120 days, but no later than 90 days, prior to the scheduled date of departure, the charter organizer and the direct air carrier(s) shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights), in duplicate, the following information, except that on and after May 30, 1973, the information required by subparagraphs (2) and (3) hereinbelow shall be filed in the manner prescribed in paragraph (d) hereinbelow:

* * * * *

(d) On and after May 30, 1973, CAB Form 372a, attached hereto as appendix D, shall be used in filing the travel group charter main and standby lists described in paragraphs (b)(2) and (b)(3) of this section. An original and two photostatic or similarly reproduced copies (not carbons) of form 372a, prepared in conformance with the instructions thereon, and accompanied by a self-addressed and postage-prepaid return envelope, shall be filed with the Board (Supplementary Services Division, Bureau of Operating Rights). The Board will stamp the original and two photostatic or similarly reproduced copies of form 372a so as to verify their receipt and identify the travel group charter to which they pertain, and will return the two stamped copies for use by the direct air carrier in complying with its obligations to identify enplaning charter flight participants, note the documentary source and number, and file postflight reports thereon, as required by § 372a.41 and § 372a.50(a).

3. Amend § 372a.41 to read as follows:

§ 372a.41 Direct air carriers to identify enplanements.

(a) A direct air carrier shall retain a true copy of each document which it has filed (jointly with the charter organizer) pursuant to § 372a.22(b), and shall make reasonable efforts to verify the identity of all enplaning charter participants (and tour conductors) by use of a document bearing an identifying number. For international flights, the identity of each enplaning charter participant (and tour conductor) shall be verified by means of a passport, or if there be none, by means of any other travel identity document. For domestic flights, a passport or other travel identity document should be used, if available, to identify enplaning charter participants (and tour conductors), but if no such document is available, then any other numbered document, preferably a social security card, may be used.

(b) The direct air carrier shall, at the time of enplanement, enter the documentary source of the identification required by paragraph (a) above, including the number appearing on the document, on the passenger list: *Provided, however,* That for flights with respect to which a CAB Form 372a is required to be used by the charter organizer and a stamped copy thereof to be used by the direct air carrier(s), pursuant to § 372a.22(d), the direct air carrier's stamped copy of that form shall be its passenger list.

4. Amend § 372a.50(a) to read as follows:

§ 372a.50 Reporting requirements.

(a) Each direct air carrier shall prepare and file with the Board's Bureau of Enforcement within 7 days after performing each flight whether departure or return, a list containing the name (in alphabetical order), address, telephone number, and the documentary source of the identification required by § 372a.41(a), including the number appearing on the document: *Provided, however,* That for flights with respect to which a CAB Form 372a is required to be used by the charter organizer and a stamped copy thereof to be used by the direct air carrier(s), pursuant to § 372a.22(d), the direct air carrier shall prepare and file its stamped copy of that form in conformance with the instructions thereon.

5. Amend part 372a by adding thereto a new appendix D, CAB Form 372a.

APPENDIX D

OMB NO. -039-R-0104

CAB TRAVEL GROUP CHARTER PASSENGER NAME LISTS
(See Instructions On The Reverse Side)

CAB TRAVEL GROUP CHARTER PASSENGER NAME LISTS (See Instructions On The Reverse Side)	(1) PAGE ___ OF ___	(2) TGC NUMBER
(6) NAME OF CHARTER ORGANIZER		(3) DATE MAIN STDBY LST FIL'D
(7) NAME DEPARTURE TRIP DIRECT AIR CARRIER		(4) DATE DEPART. LIST FILED
(8) NAME RETURNING TRIP DIRECT AIR CARRIER		(5) DATE RETURN LIST FILED
(9) DEPARTURE JOURNEY ORIGIN	DESTINATION	DATE OF DEPARTURE Y Y M M D D
(10) RETURN JOURNEY ORIGIN	DESTINATION	DATE OF RETURN Y Y M M D D

(11) PSNGR SEQ.NOS.	(12) PASSENGER STATUS Main	Stdby	Dep.	Ret.	PASSENGER IDENTIFICATION (13) NAME	(14) ADDRESS AND TELEPHONE NO.	(15) ENPLANEMENT IDENTIFICATION
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
					M ☐ F ☐		Passport No. ___ Tvl Doc. No. ___ SS or Other (No.)
(16) A-MAIN B-STDBY C-DEP. D-RET.					(17) Total Standby Psngrs. Enplaned on the Departure Journey ___ = % Total No. Psngrs. Seats Contracted For	(18) PREPARED BY: Main ___ Departure ___ Return ___	

CAB FORM 372: (4-73)

INSTRUCTIONS

Introduction

Form 372a[1] is to be used to file the travel group charter passenger name list (TGCPNL) required by Part 372a to be filed by the travel group charter organizer (CO) no earlier than 120 days and no later than 90 days before the scheduled date of departure, pursuant to §§372a.22(b) and (d); and a photostatic or similarly reproduced copy of this form, stamped by the Board, is to be used in filing the enplanement list required to be prepared by the direct air carrier (DAC), and filed after a flight is performed, pursuant to §§372a.41 and 372a.50(a). The information required by all items on Form 372a shall be typewritten, except item 12 (Passenger Status) item 15 (Enplanement Identification) and item 18 (Prepared By).

Filing Procedures

The CO will prepare Form 372a according to the instructions set forth below and shall file an original and two photostatic or similarly reproduced copies (not carbons) accompanied by a self-addressed and postage-prepaid return envelope, with the Board's Supplementary Services Division, Bureau of Operating Rights (BOR). BOR will stamp the original and two copies to validate their receipt, and return the two stamped copies to the CO. One stamped copy will be for use by the DAC who is to perform the TGC departure flight and the other stamped copy will be for use by the DAC who is to perform the TGC return flight.

Preparation of Form 372a

Each page provides for twenty (20) TGC names. Items 1, 2, and 6 through 15 will be completed on each page, and items 16 through 18 will be prepared only on the first page, by the CO or DAC, as the case may be.

Item 1, page of --The left blank is to contain a sequential number beginning with "1" representing the page number in the set of pages submitted for the TGCPNL. The right blank is to contain the total number of pages in the set for the TGCPNL.

Item 2, TGC Number --Enter the number assigned by BOR for the TGC program, e.g., 73-37; the CO should further identify the passenger lists filed within the program by assigning another number for each passenger list filed, such numbers to be in sequence and begin with "1". Thus, the first passenger list filed in the program 73-37 would be 73-37-1, and the fifth list filed would be 73-37-5.

Item 3, Date Main Standby List Filed --Leave blank.

Item 4, Date Departure List Filed--Leave blank.

Item 5, Date Return List Filed--Leave blank.

Item 6, Name of Charter Organizer--Enter the name of the charter organizer, exactly as shown on the TGC option filed with the Board.

Item 7, Name Departure Trip Direct Air Carrier--Enter the name of the DAC who will perform the departure journey for the TGC, exactly as shown on the TGC option filed with the Board.

Item 8, Name Returning Trip Direct Air Carrier--Enter the name of the DAC who will perform the return journey for the TGC, exactly as shown on the TGC option filed with the Board. (Although this will generally be the same as shown in item 7, ditto marks are not acceptable. The item must be completed).

Item 9, Departure Journey--Enter details about the departure journey on this line. Show the origin and destination as city, state (or otherwise), and country. Airport names are acceptable only as an addition to the city, state, and country information. The date should appear in the form YYMMDD where YY represents the last two digits of the current calendar year, MM represents the month in a scale where 01 is January and 12 is December, and DD is the day of the month from 01 to 31. For example, March 12, 1973, would be shown as 730312. The ADP coding boxes to the left of item 9 are intended for the three-letter codes of the origin and destination, i.e., Washington, D.C. USA (National Airport) to Baltimore, Md. USA should be shown as DCABAL. Enter these if known, otherwise, leave blank.

Item 10, Return Journey--Follow the same directions as for item 9 above in describing the return journey.

Item 11, Passenger Sequential Number--Two or more pages will be required to list the prospective passenger names. Each prospective passenger name is to receive a sequential number beginning with "1". Note that the last sequential number shown on the last page of the TGCPNL should equal the aggregate number of both main list passengers and standby list passengers. [2]

Item 12, Passenger Status--These four (4) columns are to be marked with an x as appropriate to show that the passenger named on this line is a main list participant (MAIN), standby list participant (STDBY), departing enplaned passenger (departure), or returning enplaned passenger (return). The TGCPNL at the time it is filed by the CO will contain x's only in the MAIN and STDBY columns. The total number of x's in the MAIN column for all pages must be exactly equal to the number of seats contracted for, and the total number of x's in the STDBY column for all pages shall be no greater than three (3) times the number of entries in the MAIN column. The DAC performing the departure journey will mark an x in the departure column and the DAC performing the return journey will mark an x in the return column.

Item 13, Name--Enter the prospective passenger's last name first, followed by a comma, the first name or initials and the middle initial, if any (for example, Doe, John A.). Check block whether Male or Female. Enter the name on one line only, if necessary, by dropping any element other than the fully spelled out last name. Enter all prospective passenger's names, whether main or standby, in an integrated alphabetical order, according to the last name and in the case of like last names, according to initials of first names.

Item 14, Address and Telephone No.--Enter the address in enough detail to allow contact by mail, and telephone number (including area code, if any).

Item 15, Enplanement Identification--The DAC performing the departure or return journey will verify each enplaning passenger's identity, using as the documentary source of such verification the passenger's passport, or, if he has no passport, using his travel identity document. Only if no passport or travel identity document is available should any other document be used, preferably a Social Security card. When a passport or Social Security card is used for identification, enter only the number in the appropriate space. Where a travel identity document or document other than a passport or Social Security card is used, then in addition to entering the number in the appropriate space, a brief description of such document should also be noted.

Item 16, Column Totals--Boxes shown are to be used for recording the total x's shown on all the pages of this TGCPNL in the particular column. These entries must appear only on page 1 of the TGCPNL. The box under the column headed MAIN (titled A-MAIN) should contain the total number of main list passengers, and the box under the column headed STDBY (titled B-STDBY) should contain the total number of Standby passengers. The box under the column headed DEP (titled C-DEP) should contain the total number of departure flight passengers and the box under the column headed RET(titled D-RET) should contain the total number of return flight passengers. The A-MAIN and B-STDBY figures will be shown on the initial TGCPNL filing. The C-DEP and D-RET figures will be shown on the filings made by the departing DAC and returning DAC, respectively.

Item 17--This computation will be completed by the departure DAC. The calculation requires a division of the number of standby passengers enplaned on the departure journey by the total number of passenger seats contracted for. Express the result to the nearest tenth of a percent.

Item 18, Prepared By--Enter the signature of the person preparing the form for the CO, the departing DAC and the returning DAC, as the case may be.

1/ Copies are obtainable from the Board's Publications Services Section.

2/ Where the number of seats contracted for includes one or more seats for tour conductors, pursuant to §372a.14(d), then: (1) following the last sequential number for prospective passengers, there shall be entered a sequential number for each tour conductor; (2) in item 13, there shall be entered either the name of each conductor, if known at the time of filing, or the letters "TC"; (3) the last sequential number on the last page of the TGCPNL should equal the aggregate number of all passengers, including main list, standby and tour conductors; (4) at the time of enplanement the direct air carrier shall complete the information required by item 15, as to tour conductors named in item 13, and if item 13 contains only the initials "TC", then the direct air carrier shall also enter the tour conductor's name in item 13.

(Secs. 101(3), 204(a), 401, 402, 407, 416(a), and 1001, Federal Aviation Act of 1958, as amended, 72 Stat. 737 (as amended), 743, 754 (as amended), 757, 766, 771, and 788; 49 U.S.C. 1301, 1324, 1371, 1372, 1377, 1386, and 1481.)

NOTE.—The reporting requirements herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.73-8353 Filed 4-27-73;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2364]

PART 13—PROHIBITED TRADE PRACTICES

Atlantic Carpet Corp. and Walter A. Tinsley

Correction

In FR Doc. 73-7609 appearing at page 9798 in the issue of Friday, April 20, 1973, make the following changes:

1. In the third line of the first paragraph, "§ 13.106" should read "§ 13.1060".

2. In the first column on page 9799, in the eighth line of the third paragraph from the bottom of the page, after the word "which", insert "he is".

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-10125]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Annual Fees for Nonmember Broker-Dealers for Fiscal Year 1973

On April 6, 1973, in Securities Exchange Act Release No. 10085, the Securities and Exchange Commission announced a proposal to adopt Form SECO-4-73 (17 CFR 249.504g) to set annual assessments for the fiscal year 1973 payable by registered broker-dealers which are not members of the National Association of Securities Dealers, Inc. ("nonmember broker-dealers"). Interested persons were invited to submit their comments by April 20, 1973. The Commission has considered the comments which were received, and has adopted the form as proposed.

Sections 15(b)(8) and 15(b)(9) of the Securities Exchange Act of 1934 authorize the Commission to collect such reasonable fees and charges as may be necessary to defray the costs of additional regulatory duties required to be performed with respect to nonmember broker-dealers. Pursuant to the above sections, the Commission has adopted Rule 15b9-1 (17 CFR 240.15b9-1) to establish initial fees and Rule 15b9-2 (17 CFR 240.15b9-2) to provide for annual assessments. The annual assessment fee schedule is set forth by Form SECO-4. The initial fee schedule is set forth by Form SECO-2 (17 CFR 249.502) and Form SECO-5 (17 CFR 249.505) and will remain unchanged.[1]

Commission action.—The Securities and Exchange Commission, acting pursuant to the Securities Exchange Act of 1934, and particularly sections 15(b) and 23(a) thereof, hereby amends part 249 of title 17 of the Code of Federal Regulations by adopting § 249.504(g) as follows:

§ 249.504g Form SECO-4-73; 1973 assessment and information form for registered brokers and dealers not members of a registered national securities association.

This form shall be filed on or before June 1, 1973, pursuant to section 240.15b9-2 of this chapter accompanied by the annual assessment fee which includes a base fee of $175 and a $10 fee for each associated person required thereunder, for the fiscal year ended June 30, 1973, every nonmember broker and dealer. Copies of Form SECO-4-73 (17 CFR 249.504g) will be forwarded to nonmember broker-dealers and copies of the forms, as adopted, have been filed with the office of the Federal Register, and additional copies are available on request by contacting the Division of Market Regulation, Securities and Exchange Commission, Washington, D.C. 20549.

(Sec. 15(b), 48 Stat. 895, as amended 78 Stat. 565, 15 U.S.C. 78o; sec. 23(a) 48 Stat. 901, as amended, 49 Stat. 1379, sec. 8, 15 U.S.C. 78w)

By the Commission.

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

APRIL 25, 1973.

[FR Doc.73-8436 Filed 4-27-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

ENDOTHALL

In response to a petition (PP 1F1105) submitted by the Pennwalt Corp., P.O. Box 1297, Tacoma, Wash. 98401, a notice was published by the Environmental Protection Agency in the FEDERAL REGISTER of January 3, 1973 (38 FR 47), proposing that an interim food additive tolerance of 0.2 p/m be established for residuces of the herbicide endothall in potable water resulting from use of its mono-*N,N*-dimethylalkylamine salt in the control of aquatic weeds in canals, lakes, ponds, and other potential sources of potable water.

No requests for referral to an advisory committee were received. One comment was received from the petitioner pointing out that in addition to the mono-*N,N*-dimethylalkylamine salt of endothall, there are other salts of endothall (potassium, sodium, and di-*N,N*-dimethylakylamine) which result in residues in potable water.

Having considered the comment received and other relevant information, it is concluded that the proposal be to provide for the potassium, sodium, adopted di-*N,N*-dimethylalkylamine and mono-*N,N*-dimethylalkylamine salts of endothall.

The Reorganization Plan No. 3 of 1970, published in the FEDERAL REGISTER of October 6, 1970 (35 FR 15623), transferred (effective Dec. 2, 1970) to the Administrator of the Environmental Protection Agency the functions vested in the Secretary of Health, Education, and Welfare for establishing tolerances for pesticide chemicals under sections 406, 408, and 409 of the Federal Food, Drug, and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), part 121 is amended by adding the following new section to Subpart D:

§ 121.1248 Endothall.

An interim tolerance of 0.2 p/m is established for residues of the herbicide endothall (7-oxabicyclo[2.2.1] heptane-2,3-dicarboxylic acid) in potable water from use of its potassium, sodium, di-*N,N*-dimethylaklyamine, and mono-*N,N*-dimethylalklamine salts as algicides or herbicides to control aquatic plants in canals, lakes, ponds, and other potential sources of potable water.

Any person who will be adversely affected by the foregoing order may at any time on or before May 30, 1973, file with the Hearing Clerk, Environmental Protection Agency, room 3902A, Fourth and M Street SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date.—This order shall become effective on April 30, 1973.

(Sec. 409(d), 72 Stat. 1787; 21 U.S.C. 348(d).)

Dated April 20, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticides Programs.

[FR Doc.73-8368 Filed 4-27-73;8:45 am]

[1] Form SECO-5 requires a $150 fee for each new nonmember broker-dealer, and Form SECO-2 requires a $35 fee for each new associated person.

Title 36—Parks, Forests and Memorials

CHAPTER I—NATIONAL PARK SERVICE, DEPARTMENT OF THE INTERIOR

PART 5—GENERAL REGULATIONS, AREAS OF THE NATIONAL PARK SERVICE

Relaxation of Restrictions in Grand Teton National Park, Wyo.

Pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 3), and the act of September 14, 1950 (64 Stat. 849; 16 U.S.C. 406d–1), 245 DM1 (34 FR 13879), as amended, § 5.4(a) is hereby amended.

The purpose of this amendment is to relax restrictions on commercial passenger-carrying vehicles in the park.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. However, since this amendment relieves a restriction on commercial passenger-carrying motor vehicles, it is determined that the rulemaking procedure is unnecessary and the amendment shall become effective on April 30, 1973.

(5 U.S.C. 553.)

Section 5.4(a) of title 36 is amended by changing the prohibition applicable to Grand Teton National Park to read as follows: Grand Teton (prohibition does not apply to those portions of Highways Nos. 26, 89, 187, and 287 commencing at the south boundary of the park and running in a general northerly direction to the east and north boundaries of the park).

JOSEPH C. RUMBURG, Jr.,
Acting Associate Director,
National Park Service.

[FR Doc.73-8320 Filed 4-27-73;8:45 am]

PART 6—MISCELLANEOUS FEES

Recreation Fees; Entrance and User Fees

There was published in the FEDERAL REGISTER on February 15, 1972 (37 FR 3350), notice of the establishment of recreation fee regulations for the National Park Service. This was necessary because the act of July 15, 1968, 82 Stat. 354, as amended by the act of July 7, 1970, 84 Stat. 410, repealed, as of December 31, 1971, section 2(a), except the fourth paragraph thereof, of the Land and Water Conservation Fund Act of 1965, 78 Stat. 897, 16 U.S.C. 4601–4 et seq. (1970), under which the Golden Eagle fee program had been established.

The Golden Eagle fee program has been reestablished pursuant to the act of July 11, 1972, 86 Stat. 459. The act of July 11, 1972, supersedes the act of August 31, 1951, 65 Stat. 290 31 U.S.C. 483a (1970), the authority under which the National Park Service recreation fee regulations were promulgated. Notice of the promulgation of entrance and special recreation use fee regulations under the act of July 11, 1972, was published in the FEDERAL REGISTER on February 6, 1973 (38 FR 3385). These regulations appear as part 18, subtitle A, of title 43 of the Code of Federal Regulations.

Accordingly, the recreation fee regulations published by the FEDERAL REGISTER notice of February 15 1972 (37 FR 3350), are revoked and withdrawn effective January 1, 1973, the date upon which the new regulations establishing entrance and special recreation use fees went into effect. Since the effect of this notice is to revoke regulations which have been superseded by the establishment of the regulations promulgated on February 6, 1973, it has been determined that public comment on this revocation is not necessary.

RONALD H. WALKER,
Director,
National Park Service.

[FR Doc.73-8321 Filed 4-27-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

PART 180—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Viable Spores of the Microorganism Bacillus Thuringiensis Berliner

A petition (PP 3F1319) was filed by Nutrilite Products, Inc., Buena Park, Calif. 90620, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of exemptions from the requirement of a tolerance for residues of the microbial insecticide *Bacillus thuringiensis* Berliner in or on the raw agricultural commodities horseradish, peas, soybeans, and sugar beets.

Meanwhile, in connection with another petition (PP 2F1282) exemptions from the requirement of a tolerance have been established for residues of the microbial insecticide in or on two of these commodities (peas and soybeans) (38 FR 5337; Feb. 28, 1973).

Based on consideration given the data submitted in the petition and other relevant material, it is concluded that:

1. The microbial insecticide is useful for the purpose for which the exemptions are being established for residues in or on horseradish and sugar beets.

2. The exemptions established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.1011 is amended by revising paragraph (b), as follows:

§ 180.1011 Viable spores of the microorganism *Bacillus thuringiensis* Berliner; exemption from the requirement of a tolerance.

* * * * *

(b) Exemption from the requirement of a tolerance is established for residues of the microbial insecticide *Bacillus thuringiensis* Berliner, as specified in paragraph (a) of this section, in or on the following raw agricultural commodities: Alfalfa, apples, artichokes, bananas, beans, broccoli, brussels sprouts, cabbage, cauliflower, celery, collards, cottonseed, cucumbers, eggplants, grapes, horseradish, kale, lettuce, melons, mustard greens, oranges, peas, potatoes, soybeans, spinach, strawberries, sugar beets, sweet corn, tomatoes, turnip greens, and walnuts.

Any person who will be adversely affected by the foregoing order may at any time on or before May 30, 1973, file with the Hearing Clerk, Environmental Protection Agency, room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date.—This order shall become effective on April 30, 1973.

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2).)

Dated April 19, 1973.

HENRY J. KORP,
Deputy Assistant Administrator
for Pesticides Programs.

[FR Doc.73-8369 Filed 4-27-73;8:45 am]

Title 41—Public Contracts, Property Management

CHAPTER 15—ENVIRONMENTAL PROTECTION AGENCY

PART 15–16—PROCUREMENT FORMS

Subpart 15–16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction and Architect-Engineering Contracts)

FIXED PRICE SERVICE CONTRACTS OTHER THAN RESEARCH AND DEVELOPMENT; CORRECTION

In FR Doc. 73–4876 appearing at page 7798 in the issue of Monday, March 26, 1973, Environmental Protection Agency's General Provisions for Fixed Price Service Contracts Other Than Research and Development" were published. Since publication, it has been determined that Clause 37, Indemnification for Government Liability to Third Persons, should not be included in the general provisions and the clause has been deleted in its entirety.

Dated April 25, 1973.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.73-8367 Filed 4-27-73;8:45 am]

Proposed Rules

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

HOPEWELL VILLAGE NATIONAL HISTORIC SITE, PA.

Proposed Area and Time for Fishing

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1–3) and by the act of June 6, 1942 (56 Stat. 327; 16 U.S.C. sec. 459s), 245 DMI (34 FR 13879) as amended, National Park Service Order No. 77 (38 FR 7478), as amended, and northeast region order No. 7 (37 FR 6325), it is proposed to amend § 7.40 of title 36 of the Code of Federal Regulations as set forth below.

The purpose of this amendment is to prevent fishing where such activity presents a modern intrusion upon the historic setting seen by visitors and where it adversely affects the ecology of stream headwaters in the Baptism Creek environmental study area. While the areas involved contain few fish of legal size, current regulations permit fishing of any type anywhere in the park except between sunset and sunrise.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit comments, suggestions, or objections to the Superintendent, Hopewell Village National Historic Site, Rural Delivery No. 1, Box 345, Elverson, Pa. 19520, on or before May 30, 1973.

Paragraph (a) of § 7.40 is to be amended as follows:

§ 7.40 Hopewell Village National Historic Site.

(a) *Fishing.*—(1) Fishing is prohibited from ½ hour after sunset to ½ hour before sunrise.

(2) Fishing is permitted only in that portion of the park which is situated east of State Route 345 and south of legislative route 06097.

WALLACE B. ELMS,
Superintendent, Hopewell Village National Historic Site.

[FR Doc.73-8324 Filed 4-27-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 953]

IRISH POTATOES GROWN IN THE SOUTHEASTERN STATES

Proposed Limitation of Imports

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR part 953). This marketing order program regulates the handling of Irish potatoes grown in designated counties of Virginia and North Carolina and is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The recommendations of the committee are consistent with the marketing policy it unanimously adopted and reflected its appraisal of the crop and prospective market conditions.

Shipments of potatoes from the production area are expected to begin about June 5. The grade, size and maturity requirements provided herein are the same as those which have been issued during past seasons. They are necessary to prevent potatoes of poor quality or undesirable sizes from being distributed to fresh market channels of commerce. The specific requirements, hereinafter set forth, will benefit consumers and producers by standardizing and improving the quality of the potatoes shipped from the production area, thereby promoting orderly marketing and effectuating the declared purpose of the act.

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same in four copies with the Hearing Clerk, room 112-A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than May 7, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows:

§ 953.313 Limitation of shipments.

During the period June 5 through July 31, 1973, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements.*—All varieties U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Inspection.*—Each first handler shall, prior to making each shipment of potatoes cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.*—The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for canning, freezing, "other processing" as hereinafter defined, livestock feed, or charity: *Provided*, That the handler thereof complies with the safeguard requirements of paragraph (d) of this section. *Further provided*, That shipments of potatoes for canning, freezing, and "other processing" shall be exempt from inspection requirements specified in § 953.50 and from assessment requirements specified in § 953.34.

(d) *Safeguards.*—Each handler making shipments of potatoes for canning, freezing, "other processing," livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a certificate of privilege applicable to such special purpose shipments;

(2) Obtain an approved certificate of privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's certificate of privilege applicable to such special purpose shipments.

(e) *Minimum quantity exception.*—Each handler may ship up to, but not

to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.*—The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Grades of Potatoes (§§ 51.1540–51.1566 of this title), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act as amended February 15, 1972 (Public Law 92–233), and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.*—Pursuant to section 608e–1 of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraph (a) of this section.

Dated April 25, 1973.

CHARLES R. BRADER,
Acting Deputy Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[FR Doc.73–8361 Filed 4–27–73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Airworthiness Docket No. 72–WE–21–AD]

McDONNELL DOUGLAS MODEL DC–8 AND DC–9 SERIES AIRPLANES

Withdrawal of Notice of Proposed Airworthiness Directive

A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring an inspection of the rudder pedal castings in all DC–8 and DC–9 airplanes was published in 38 FR 1124 dated January 9, 1973.

Among the comments received in response to the NPRM was one from the manufacturer detailing the prior service history of the one known failed rudder pedal. The manufacturer has detemined that, for an 18-month period, the airplane in question had a chronic rudder abnormal load inputs being applied to actuator problem, which contributed to the failed rudder pedal.

In addition, a large portion of the DC–8 and DC–9 fleet have been inspected in response to the manufacturer's advisory letter on the situation and no other fatigue cracks were discovered. These additional facts have convinced the agency that the single known failure of a rudder pedal casting was an isolated incident resulting from abnormal loads being imposed on the rudder pedal over an extended period of time.

The agency has therefore determined that rudder pedal casting fatigue cracking does not presently exist to the extent necessary to pose a hazard to safety of flight and that there is no service experience that warrants issuance of the proposed AD.

Withdrawal of this notice of proposed rulemaking constitutes only such action and does not preclude the agency from issuing another notice in the future, or commit the agency to any course of action in the future.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697), the proposed airworthiness directive published in the FEDERAL REGISTER on January 9, 1973 (38 FR 1124), is hereby withdrawn.

Issued in Los Angeles, Calif., on April 16, 1973.

ARVIN O. BASNIGHT,
Director, FAA Western Region.

[FR Doc.73–8312 Filed 4–27–73;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 20]

STANDARDS FOR PROTECTION AGAINST RADIATION

Proposal To Simplify Definition of "Calendar Quarter"

Set forth in this notice is a proposed amendment to 10 CFR part 20 of the Atomic Energy Commission's regulations. This amendment would simplify the definition of "calendar quarter" and make it consistent with the definition given by the Suggested State Regulations for Control of Radiation prepared by the Council of State Governments in cooperation with the U.S. Atomic Energy Commission and the U.S. Public Health Service.

The proposed amendment would not prohibit the use of any system of calendar quarters now permitted by part 20. It would, however, give licensees additional flexibility in establishing the length of calendar quarters; for example, it would permit licensees to use calendar quarter sequences of 12, 12, 14, and 14 weeks and 12, 13, 14, and 13 weeks, sequences now prohibited by the present definition. These variations from presently allowable sequences are not considered significant from a radiological safety viewpoint.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR part 20 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendment should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, by June 14, 1973. Copies of the comments on the proposed amendments may be examined at the Commission's public document room at 1717 H Street NW., Washington, D.C.

1. In § 20.3, 10 CFR part 20, paragraph (a)(4) is amended to read as follows:

§ 20.3 Definitions.

(a) As used in this part:

* * * * *

(4) "Calendar quarter" means not less than 12 consecutive weeks nor more than 14 consecutive weeks. The first calendar quarter of each year shall begin in January; and subsequent calendar quarters shall be such that no day is included in more than one calendar quarter or omitted from inclusion within a calendar quarter. No licensee shall change the method observed by him of determining calendar quarters except at the beginning of a calendar year.

* * * * *

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201.)

Dated at Germantown, Md., this 24th day of April 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73–8308 Filed 4–27–73;8:45 am]

[10 CFR Parts 50, 115]

NUCLEAR POWER PLANTS

Proposed Codes and Standards

The Atomic Energy Commission has under consideration amendments to its regulations, 10 CFR part 50, "Licensing of Production and Utilization Facilities," and 10 CFR part 115, "Procedures for Review of Certain Nuclear Reactors Exempted from Licensing Requirements," which would incorporate new addenda to specified published industry codes.

On August 24, 1972, the Atomic Energy Commission published in the FEDERAL REGISTER (37 FR 17021) amendments to §§ 50.55a and 115.43a, which provided that the editions of referenced codes, code cases and addenda whose requirements must be met include only the editions of codes, code cases and addenda through 1971 or the winter 1971 addenda as appropriate.

Since that date, addenda have been issued to the referenced codes through December 1972. The Commission proposes to amend §§ 50.55a and 115.43a to incorporate the later addenda by reference.

Accordingly pursuant to the Atomic Energy Act of 1954, as amended and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR parts 50 and 115 is contemplated. All interested persons who wish to submit written comments or suggestions in

connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff by May 30, 1973. Copies of comments received may be examined in the Commission's public document room at 1717 H Street NW., Washington, D.C.

1. In § 50.55a of 10 CFR part 50, § 50.55a(b) is amended to read as follows:

§ 50.55a Codes and standards.

* * * * *

(b) As used in this section, references to editions of "Criteria, Codes and Standards" include only those editions through 1971; references to addenda include only those addenda through the winter 1972 addenda.

* * * * *

2. In § 115.43a of 10 CFR part 115, § 115.43a(b) is amended to read as follows:

§ 115.43a Codes and standards.

* * * * *

(b) As used in this section, references to editions of "Criteria, Codes and Standards" include only those editions through 1971; references to addenda include only those addenda through the winter 1972 addenda.

(Secs. 103, 104, 1611, 183, 68 Stat. 936, 937, 948, 954 as amended; 42 U.S.C. 2133, 2134, 2201(i), 2233.)

Dated at Germantown, Md., this 23d day of April 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-8319 Filed 4-27-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 133]

SECONDARY TREATMENT INFORMATION

Notice of Proposed Rulemaking

Section 304(d)(1) of the Federal Water Pollution Control Act Amendments of 1972 (the Act) requires the publication of information, in terms of amounts of constituents and chemical, physical, and biological characteristics of pollutants, on the degree of effluent reduction attainable through the application of secondary treatment. Section 301(b)(1)(B) of the Act requires that effluent limitations, based on secondary treatment, be achieved for all publicly owned treatment works in existence on July 1, 1977, or approved for a construction grant prior to June 30, 1974 (for which construction must be completed within 4 years of approval). Grants for treatment works construction projects made from fiscal year 1975 or later funds will require that each project include the application of the best practicable waste treatment technology. The following regulations are proposed pursuant to these sections of the Act.

The level of effluent quality attainable by secondary treatment is expressed in terms of biochemical oxygen demand, suspended solids, fecal coliform bacteria, and pH. Because there is a great variety of secondary treatment processes, and a variety of conditions under which these processes operate, it is not possible to define a single attainable level of effluent quality with respect to biochemical oxygen demand and suspended solids by secondary treatment at all publicly owned treatment works. Accordingly, with respect to these pollutants, the level of effluent quality attainable by a publicly owned treatment works through the application of secondary treatment has been defined in the proposed regulation in terms of a minimum level.

The secondary treatment processes at some publicly owned treatment works may have been designed to attain a higher level of effluent quality than the levels herein specified. In such cases, the level of effluent quality which will be required with respect to biochemical oxygen demand and suspended solids, will be set during permit issuance proceedings pursuant to section 402 of the Act. For existing treatment works, it is anticipated that any level required in the permit higher than the levels specified in this regulation, will be based on an evaluation of performance data. For new treatment works, such levels of effluent quality higher than the levels set forth herein will be based on an evaluation of performance data from existing treatment works of similar design and operating under similar conditions. If such data are not available, such levels will be based on a conservative engineering analysis of its performance capabilities. In all such cases specific effluent limitations setting a level of effluent quality higher than the levels specified herein will be for the purpose of ensuring proper operation and maintenance of the publicly owned treatment works. Permits so written will not provide a basis for requiring construction of additional facilities or material changes in the application of technology.

It should be noted that it is intended that permits will be issued to publicly owned treatment works which may impose effluent limitations applicable to pollutants other than biochemical oxygen demand, suspended solids, pH, and fecal coliform. Such limitations will reflect and take into consideration pretreatment requirements that may be imposed upon specific discharges pursuant to section 307, and such pretreatment requirements will take into account levels of reductions which will be attainable by a given municipal treatment plant by secondary treatment.

For publicly owned treatment works treating a substantial portion of extremely high strength (in terms of biochemical oxygen demand and suspended solids) industrial waste waters, provision is made for adjustment of the secondary treatment level of effluent quality to account for the difficulty in treating such waste waters.

The regulations recognize that there are certain conditions which will upset a secondary treatment process resulting in a temporary increase in pollutant discharge in excess of that attainable by secondary treatment. Procedures for notice and review of upset incidents will be specified in permits issued for publicly owned treatment works pursuant to section 402 of the Act.

The level of effluent quality set forth in the regulations is based on a sampling of performance data for well designed and operated secondary treatment works.

Water quality standards and toxic effluent standards, pursuant to sections 303 and 307(a) of the Act, are applicable to publicly owned treatment works when effluent limitations based on secondary treatment would not be sufficient to attain or maintain acceptable water quality or prevent the discharge of toxic pollutants in toxic amounts.

Interested parties are encouraged to submit written comments, views, or data concerning the regulations proposed herein to the Director, Municipal Waste Water Systems Division, Environmental Protection Agency, Washington, D.C. 20460. All such submissions, received on or before June 29, 1973, will be considered prior to promulgation of final regulations.

WILLIAM D. RUCKELSHAUS,
Administrator.

APRIL 23, 1973.

PART 133—SECONDARY TREATMENT INFORMATION

Sec.
133.100 Purpose.
133.101 Authority.
133.102 Secondary treatment.
133.103 Special considerations.

§ 133.100 Purpose.

This part provides information on the degree of pollutant reduction or level of effluent quality attainable through the application of secondary treatment.

§ 133.101 Authority.

The information contained in this part is provided pursuant to sections 304(d)(1) and 301(b)(1)(B) of the Federal Water Pollution Control Act Amendments of 1972 (the Act).

§ 133.102 Secondary treatment.

The level of effluent reduction attainable by a publicly owned treatment works through the application of secondary treatment is a reduction at least down to the following levels of effluent quality:

	Unit of measurement	Monthly average	Weekly average
Biochemical Oxygen Demand (5 day).	mg/els	30	45
Suspended Solids	mg/els	30	45
Fecal Coliform Bacteria	Number/100 ml	200	400
pH.	units.	Within limits of 6.0 to 9.0	

(a) The monthly average, other than for fecal coliform bacteria, is the arithmetic mean of the 24-hour composite samples collected in a 1-month period. The monthly average for fecal coliform bacteria is the geometric means of samples collected in a 1-month period.

(b) The weekly average, other than for fecal coliform bacteria, is the arithmetic mean of the 24-hour composite samples collected during a 1-week period. The weekly average for fecal coliform bacteria is the geometric mean of samples collected in a 1-week period.

(c) A 24-hour composite sample consists of several effluent portions collected in a 24-hour period and composited according to flow. For fecal coliform bacteria, a sample consists of one effluent portion collected during a 24-hour period.

(d) Chemical oxygen demand (COD) or total organic carbon (TOC) can be substituted for biochemical oxygen demand (BOD) where a long-term BOD: COD or BOD:TOC correlation has been demonstrated.

(e) Sampling and test procedures for pollutants shall be in accordance with guidelines promulgated by the Administrator pursuant to section 304(g) of the Act.

(f) Under circumstances where publicly owned treatment works will treat a substantial portion of an industry waste water with extremely high biochemical oxygen demand and/or suspended solids concentrations, not easily removed, the monthly average concentrations may be adjusted upwards, provided that the permitted discharge of such pollutants, attributable to the industrial user, would not be greater than that which would be permitted under section 301(b)(1)(A)(i) or 306 of the Act if such user were to discharge directly into the navigable waters.

(g) When application of the monthly average biochemical oxygen demand and/or suspended solids concentrations, as modified by paragraph (f) of this section, results in less than 85 percent removal of such pollutants, secondary treatment of such pollutants shall be a minimum of 85 percent removal.

(h) In cases when the monthly average biochemical oxygen demand and suspended solids concentrations are adjusted in accordance with paragraphs (f) and/or (g) of this section, the weekly average concentrations shall be adjusted proportionally.

§ 133.103 Special considerations.

Secondary treatment may occasionally be upset resulting in a temporary increase in the amounts of pollutants discharged in excess of effluent limitations based on secondary treatment. It is recognized that upsets may occur over which little or no control may be exercised. Such occurrences in well designed and well operated treatment works are recognized as representing the inherent imperfections of secondary treatment.

[FR Doc.73-8205 Filed 4-27-73;8:45 am]

[40 CFR Part 180]

VIABLE SPORES OF MICROORGANISM BACILLUS THURINGIENSIS BERLINER

Proposed Specification

The viable spores of the microbial insecticide *Bacillus thuringiensis* Berliner are exempted from the requirement of a tolerance in or on a variety of raw agricultural commodities on the condition that the product meets certain bacteriological and toxicological specifications as set forth in § 180.1011. When commercial products of *B. thuringiensis* first appeared in 1956, it was known at that time that certain strains of *B. thuringiensis* produced β-exotoxin, whose toxic effects were and still are not fully known. However, since U.S. manufacturers used only *B. thuringiensis* strains that did not produce β-exotoxin, this toxin posed no problem. But today's emphasis on biological control of insects has led to the search for new strains of this insect pathogen and raised the possibility of β-exotoxin appearing in *B. thuringiensis* products.

Accordingly, this Agency concludes that the aforementioned bacteriological and toxicological specifications should be amended to include a toxicity test to determine the presence of β-exotoxin to insure that *B. thuringiensis* products are free of this toxin. The Agency also leaves open the possibility that at some future date, low levels of β-exotoxin might be permitted in *B. thuringiensis* products, provided the manufacturers can prove that such levels are toxicologically and environmentally insignificant.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), (m), 68 Stat. 514, 517; 21 U.S.C. 346a(e), (m)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that § 180.1011(a) be amended by adding a new subparagraph (4), as follows:

§ 180.1011 Viable spores of the microorganism *Bacillus thuringiensis* Berliner; exemption from the requirement of a tolerance.

(a) * * *

(4) Spore preparations shall be free of the *Bacillus thuringiensis* β-exotoxin when tested with the fly larvae toxicity test ("Microbial Control of Insects and Mites," R.P.M. Bond et al., p. 280 ff., 1971). This specification can be satisfied either by determining that each master seed lot brought into production is a *Bacillus thuringiensis* strain which does not produce β-exotoxin under standard manufacturing conditions or by periodically determining that β-exotoxin synthesized during sport production is eliminated by the subsequent spore-harvesting procedur.

* * * * *

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before May 30, 1973, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, on or before May 30, 1973, file with the Hearing Clerk, Environmental Protection Agency, room 3902-A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the Office of the Hearing Clerk.

Dated April 20, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-8370 Filed 4-27-73;8:45 am]

[40 CFR Part 180]

CARBARYL

Proposed Tolerances and Exemptions From Tolerances for Pesticide Chemicals in or on Raw Agricultural Commodities

Dr. C. C. Compton, coordinator, Interregional Research Project No. 4, State Agricultural Experiment Station, Rutgers University, New Brunswick, N.J. 08903, on behalf of the IR-4 Technical Committee; the Agricultural Experiment Stations of Florida, Oklahoma, and Texas; and the Texas Pecan Growers Association submitted a petition (PP 3E1324), proposing establishment of a tolerance for residues of the insecticide carbaryl (1-naphthyl *N*-methylcarbamate) in or on the raw agricultural commodity pecans at 0.5 p/m.

Subsequently, the petitioner amended the petition by requesting a tolerance of 1 p/m.

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The insecticide is useful for the purpose for which the tolerance is proposed.

2. There is no reasonable expectation of residues in eggs, meat, milk, or poultry, and § 180.6(a)(3) applies.

3. The proposed tolerance will protect the public health.

4. Established tolerances for almonds, filberts (hazelnuts), and walnuts should be revised to conform with § 180.1(j)(2).

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR

9038), it is proposed that § 180.169 be amended by (1) deleting the paragraphs "10 parts per million in or on whole almonds * * *" and "5 parts per million in or on filberts (hazelnuts) * * *", and (2) by adding a new paragraph after the paragraph "5 parts per million in or on corn * * *", as follows:

§ 180.169 Carbaryl; tolerances for residues.

* * * * *

1 part per million in or on almonds, filberts (hazelnuts), pecans, and walnuts.

* * * * *

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before May 30, 1973, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, on or before May 30, 1973, file with the Hearing Clerk, Environmental Protection Agency, room 3902A, 4th and M Streets SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the office of the hearing clerk.

Dated April 19, 1973.

HENRY J. KORP,
Deputy Assistant Administrator, for Pesticide Programs.

[FR Doc.73-8371 Filed 4-27-73;8:45 am]

[40 CFR Part 202]

[Docket No. ONAC 7202002]

MOTOR CARRIER NOISE EMISSION STANDARDS

Notice of Extension of Docket Closure Date

Pursuant to the authority contained in section 18 of the Noise Control Act of 1972 (86 Stat. 1248, Public Law 92-574), the Environmental Protection Agency published an advance notice of proposed rulemaking (38 FR 3086), and solicited public participation in the identification and selection of various alternative methods and strategies of measuring and abating noise from interstate motor carriers. That notice allowed 60 days for comment. By this notice, the Environmental Protection Agency extends the official comment period to June 1, 1973.

BACKGROUND

Section 18 of the Noise Control Act of 1972 requires that EPA publish proposed noise emission regulations for motor carriers engaged in interstate commerce. These regulations must include standards which limit noise emissions resulting from operation of motor carriers and which "reflect the degree of noise reduction achievable through application of the best available technology, taking into account the cost of compliance." Such regulations may apply to both new and old equipment and can take effect only after a period sufficient to permit the development and application of the requisite technology. In determining that period, appropriate consideration must be given to the cost of compliance within such period.

For purposes of these regulations, the term "motor carrier" includes a common carrier by motor vehicle, a contract carrier by motor vehicle, and a private carrier of property by motor vehicle as those terms are defined in paragraphs (14), (15), and (17) of section 203(a) of the Interstate Commerce Act (49 U.S.C. 303 (a)).

SPECIFIC QUESTIONS

Interested persons are invited to participate in the making of the proposed regulations by submitting such written data, views, or arguments as they may desire. Any information and data which refer to the following topics would be useful in development of these regulations:

(1) Identification, definition, and classification schemes that apply to interstate motor carriers and their operations.

(2) Industry and Government regulations and standards that might impact or be impacted by these noise emission regulations.

(3) Industry and Government measurement methods and enforcement procedures that would impact or be impacted by these regulations.

(4) The major noise sources of interstate motor carrier systems, and data on noise produced by them.

(5) New or existing, and demonstrable, technology or noise abatement and contract techniques which could be required by these regulations, and their effectiveness in abating noise.

(6) Economic and cost data on the aforementioned technology or noise abatement and control techniques.

(7) Data that could be used to assess how noise abatement and control techniques or technology would impact safety.

(8) Data that could be used to assess the impact on people of noise from interstate motor carrier operations.

Communications should identify the docket number and be submitted in duplicate to the Office of Noise Abatement and Control, Environmental Protection Agency, 1835 K Street NW., Washington, D.C. 20460. All comments received by June 1, 1973, will be considered by the Administrator in development of a notice of proposed rulemaking concerning motor carrier noise emission standards. The notice of proposed rulemaking is required by law to be published on or before July 27, 1973.

Comments submitted shall be available for public inspection during normal business hours at the Office of Public Affairs, Environmental Protection Agency, Fourth and M Streets SW., Washington, D.C.

Dated April 25, 1973.

DAVID D. DOMINICK,
Assistant Administrator for Categorical Programs.

[FR Doc.73-8376 Filed 4-27-73;8:45 am]

[40 CFR Part 201]

[Docket No. ONAC 7201002]

RAILROAD NOISE EMISSION STANDARDS

Notice of Extension of Docket Closure Date

Pursuant to the authority contained in section 17 of the Noise Control Act of 1972 (86 Stat. 1248, Public Law 92-574), the Environmental Protection Agency published an advance notice of proposed rulemaking (38 FR 3086), and solicited public participation in the identification and selection of various alternative methods and strategies of measuring and abating noise from interstate rail carriers. That notice allowed 60 days for comment. By this notice, the Environmental Protection Agency extends the official comment period to June 1, 1973.

BACKGROUND

Section 17 of the Noise Control Act of 1972 requires that EPA publish proposed noise emission regulations for surface carriers engaged in interstate commerce by railroad. These regulations must include standards which limit noise emissions resulting from operation of the equipment and facilities of railroads. Such standards must reflect the degree of noise reduction achievable through the application of the "best available technology, taking into account the cost of compliance." Such regulations may apply to both new and old equipment and can take effect only after a period sufficient to permit the development and application of the requisite technology. In determining that period, appropriate consideration must be given to the cost of compliance within such period.

For purposes of these regulations, the terms "carrier" and "railroad" have the same meaning as such terms have in 45 U.S.C., section 22. Such terms include all the roads in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease; but such terms exclude street, suburban, and interurban electric railways unless operated as a part of a general railroad system of operations.

SPECIFIC QUESTIONS

Interested persons are invited to participate in the making of the proposed regulations by submitting such written data, views, or arguments as they may desire. Any information and data which refer to the following topics would be useful in the development of these regulations:

(1) Identification, definition, and classification schemes that apply to interstate rail carriers, their facilities and equipment.

(2) Industry and Government regulations and standards that might impact or be impacted by these noise emission regulations.

(3) Industry and Government measurement methods and enforcement procedures that might impact or be impacted by these regulations.

(4) The major noise sources of interstate surface rail carrier systems and data on noise produced by them.

(5) New or existing, and demonstrable, technology or noise abatement, and control techniques which could be required by these regulations, and their effectiveness in abating noise.

(6) Economic and cost data on the aforementioned technology or noise abatement and control techniques.

(7) Data that could be used to assess how noise abatement and control techniques or technology would impact safety.

(8) Data that could be used to assess the impact on people of noise from interstate surface rail carrier operation of equipment and facilities.

Communications should identify the docket number and be submitted in duplicate to: Office of Noise Abatement and Control, Environmental Protection Agency, 1835 K Street NW., Washington, D.C. 20460. All comments received by June 1, 1973, will be considered by the Administrator in development of a notice of proposed rulemaking concerning railroad noise emission standards. The notice of proposed rulemaking is required by law to be published on or before July 27, 1973.

Comments submitted shall be available for public inspection during normal business hours at the Office of Public Affairs, Environmental Protection Agency, Fourth and M Streets SW., Washington, D.C.

Dated April 25, 1973.

DAVID D. DOMINICK,
Assistant Administrator
for Categorical Programs.

[FR Doc.73-8375 Filed 4-27-73;8:45 am]

Notices

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF THE TREASURY

Bureau of Customs

[R:E:R 364.12]

VIKING SAUNA CO.

Notice of Application for Recordation of Trade Name

APRIL 25, 1973.

Application has been filed pursuant to § 33.12, Customs regulations (19 CFR 133.12), for recordation under section 42 of the act of July 5, 1946, as amended (15 U.S.C. 1124), of the trade name Viking Sauna Co. used by Viking Sauna Co., a partnership composed of Robert H. Jones, Robert E. Hanley, and Shoji Koga, 909 Park Avenue, San Jose, Calif. 95126.

The application states that the trade name is applied to electrical heaters and prebuilt insulated rooms which can be heated or cooled to a desired temperature and particularly heated for use as a sauna bath and the like, and accessories for such equipment, including thermostats, electrical timing devices, etc. The heating units are manufactured in Sweden. Thermometers are manufactured in Finland. The timing and clock apparatus are manufactured in France. The sauna rooms themselves are manufactured in the United States. The application states further that Viking Sauna of Australia is authorized to use the trade name sought to be recorded. Appropriate accompanying papers were submitted with the application.

Before final action is taken on the application, consideration will be given to any relevant data, views, or arguments submitted in writing by any person in opposition to the recordation of this trade name. Any such submission should be addressed to the Commissioner of Customs, Washington, D.C. 20229, in time to be received on or before May 30, 1973.

Notice of the action taken on the application for recordation of the trade name will be published in the FEDERAL REGISTER.

[SEAL] LEONARD LEHMAN,
Assistant Commissioner,
Office of Regulations and Rulings.

[FR Doc.73-8365 Filed 4-27-73;8:45 am]

Comptroller of the Currency

REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF FIFTH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a) 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 Fifth National Bank Region will be held at 9 a.m. on May 4-5, 1973, at The Greenbrier, White Sulphur Springs, W. Va.

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 Fifth 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 23, 1973.

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

[FR Doc.73-8364 Filed 4-27-73;8:45 am]

Office of the Secretary

[Dept. Circular; Public Debt Series—No. 3-73]

6⅞ PERCENT TREASURY NOTES OF SERIES A-1980

Offering of Notes

APRIL 26, 1973.

I. *Offering of notes.*—1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders at a price not less than 98.26 percent of their face value for $2 billion, or thereabouts, of notes of the United States, designated 6⅞ percent Treasury notes of series A-1980. An additional amount of the notes will be allotted by the Secretary of the Treasury to Government accounts and Federal Reserve banks at the average price of accepted tenders in exchange for Treasury notes maturing May 15, 1973. Tenders will be received up to 1:30 p.m., e.d.s.t., Tuesday, May 1, 1973, under competitive and noncompetitive bidding, as set forth in section III hereof. The 7¾ percent Treasury notes of series A-1973 and 4¾ percent Treasury notes of series E-1973, maturing May 15, 1973, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. *Description of notes.*—1. The notes will be dated May 15, 1973, and will bear interest from that date at the rate of 6⅞ percent per annum, payable semiannually on November 15, 1973, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1980, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1 million. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing U.S. notes.

III. *Tenders and allotments.*—1. Tenders will be received at Federal Reserve banks and branches and at the Office of the Treasurer of the United States, Washington, D.C., 20222, up to the closing hour, 1:30 p.m., e.d.s.t., Tuesday, May 1, 1973. Each tender must state the face amount of notes bid for, which must be $1,000 or a multiple thereof, and the price offered, except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals, e.g., 100.00. Tenders at a price less than 98.26 will not be accepted. Fractions may not be used. Noncompetitive tenders from any one bidder may not exceed $400,000.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks

will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, federally insured savings and loan associations, States, political subdivisions, or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign states, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereof and Government accounts. Tenders from others must be accompanied by payment (in cash or the securities referred to in section I which will be accepted at par) of 5 percent of the face amount of notes applied for.

3. Immediately after the closing hour tenders will be opened, following which public announcement will be made by the Department of the Treasury of the amount and price range of accepted bids. Those submitting tenders will be advised of the acceptance or rejection thereof. In considering the acceptance of tenders, those at the highest prices will be accepted to the extent required to attain the amount offered. Tenders at the lowest accepted price will be prorated if necessary. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept less than $2 billion of tenders, and his action in any such respect shall be final. Subject to these reservations, noncompetitive tenders for $400,000 or less without stated price from any one bidder will be accepted in full at the average price [1] (in two decimals) of accepted competitive tenders.

4. All bidders are required to agree not to purchase or sell, or to make any agreements with respect to the purchase or sale or other disposition of any notes of this issue at a specific rate or price, until after 1:30 p.m., e.d.s.t., Tuesday, May 1, 1973.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. *Payment.*—1. Settlement for accepted tenders in accordance with the bids must be made or completed on or before May 15, 1973, at the Federal Reserve bank or branch or at the Office of the Treasurer of the United States, Washington, D.C. 20222, in cash, securities referred to in section I (interest coupons dated May 15, 1973, should be detached) or other funds immediately available by that date. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of notes allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities submitted and the amount payable on the notes allotted.

V. *Assignment of registered securities.*—1. Registered securities tendered as deposits and in payment for notes allotted hereunder are not required to be assigned if the notes are to be registered in the same names and forms as appear in the registrations or assignments of the securities surrendered. Specific instructions for the issuance and delivery of the notes, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing U.S. securities, as hereinafter set forth. Notes to be registered in names and forms different from those in the inscriptions or assignments of the securities presented should be assigned to "The Secretary of the Treasury for 6⅞ percent Treasury Notes of Series A–1980 in the name of (name and taxpayer identifying number)." If notes in coupon form are desired, the assignment should be to The Secretary of the Treasury surrendered. Specific instructions for the issuance and delivery of the bonds, signed by the owner or his authorized representative, must accompany the securities presented. Otherwise, the securities should be assigned by the registered payees or assignees thereof in accordance with the general regulations governing U.S. securities, as hereinafter set forth. Bonds to be registered in names and forms different from those in the inscriptions or assignments of the securities presented should be assigned to "The Secretary of the Treasury for 7 percent Treasury Bonds of 1993–98 in the name of (name and taxpayer identifying number)." If bonds in coupon form are desired, the assignment should be to "The Secretary of the Treasury for 7 percent coupon Treasury Bonds of 1993–98 to be delivered to ----------." Securities tendered in payment should be surrendered to the Federal Reserve bank or branch or to the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20222. The securities must be delivered at the expense and risk of the holder.

VI. *General provisions.*—1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of bonds on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.73-8492 Filed 4-27-73;8:45 am]

[Dept. Circular; Public Debt Series—No. 4-73]

7 PERCENT TREASURY BONDS OF 1993–98

Offering of Notes

APRIL 26, 1973.

I. *Offering of bonds.*—1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites tenders for $650 million, or thereabouts, of bonds of the United States, designated 7 percent Treasury bonds of 1993–98. An additional amount of the bonds may be allotted by the Secretary of the Treasury to Government accounts and Federal Reserve banks in exchange for Treasury notes maturing May 15, 1973. Tenders on a competitive or noncompetitive basis will be received up to 1:30 p.m., e.d.s.t., Wednesday, May 2, 1973. The price for the bonds will be established as set forth in section III hereof. The 7¾ percent Treasury notes of series A–1973 and 4¾ percent Treasury notes of series E–1973, maturing May 15, 1973, will be accepted at par in payment, in whole or in part, to the extent tenders are allotted by the Treasury.

II. *Description of bonds.*—1. The bonds will be dated May 15, 1973, and will bear interest from that date at the rate of 7 percent per annum, payable semiannually on November 15, 1973, and thereafter on May 15 and November 15 in each year until the principal amount becomes payable. They will mature May 15, 1998, but may be redeemed at the option of the United States on and after May 15, 1993, in whole or in part, at par and accrued interest on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption, the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds is subject to all taxes imposed under the Internal Revenue Code of 1954. The bonds are subject to estate, inheritance, gift, or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on

[1] Average price may be at, or more or less than 100.00.

the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000, and $1 million. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing U.S. bonds.

III. *Tenders and allotments.*—1. Tenders will be received at Federal Reserve banks and branches and at the Office of the Treasurer of the United States, Washington, D.C. 20222, up to the closing hour, 1:30 p.m., e.d.s.t., Wednesday, May 2, 1973. Each tender must state the face amount of bonds bid for, which must be $1,000 or a multiple thereof, and the price offered except that in the case of noncompetitive tenders the term "noncompetitive" should be used in lieu of a price. In the case of competitive tenders, the price must be expressed on the basis of 100, with two decimals in a multiple of 0.05, e.g., 100.10, 100.05, 100.00, 99.95, etc. Fractions may not be used. It is urged that tenders be made on the printed forms and forwarded in the special envelopes marked "Tender for Treasury Bonds", which will be supplied by Federal Reserve banks on application therefor.

2. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit tenders for account of customers provided the names of the customers are set forth in such tenders. Others than commercial banks will not be permitted to submit tenders except for their own account. Tenders will be received without deposit from banking institutions for their own account, federally insured savings and loan associations, States, political subdivisions, or instrumentalities thereof, public pension and retirement and other public funds, international organizations in which the United States holds membership, foreign central banks and foreign states, dealers who make primary markets in Government securities and report daily to the Federal Reserve Bank of New York their positions with respect to Government securities and borrowings thereon, and Government accounts. Tenders from others must be accompanied by payment (in cash or the securities referred to in section I which will be accepted at par) of 5 percent of the face amount of bonds applied for.

3. In considering the acceptance of tenders, those at the highest prices will be accepted in full to the extent required to attain the amount offered: *Provided, however,* That tenders at the lowest of such accepted prices will be prorated if necessary. All tenders so accepted will be allotted at the price of the lowest accepted tender. Those submitting tenders will be advised of the acceptance, and awarded price, or the rejection of their bids. The Secretary of the Treasury expressly reserves the right to accept or reject any or all tenders, in whole or in part, including the right to accept less than $650 million of tenders, and his action in any such respect shall be final. Subject to these reservations noncompetitive tenders for $250,000 or less will be accepted in full at the same price as accepted competitive tenders. The price may be 100.00, or more or less than 100.00.

4. All bidders are required to agree not to purchase or to sell, or to make any agreements with respect to the purchase or sale or other disposition of any bonds of this issue at a specific rate or price, until after 1:30 p.m., e.d.s.t., Wednesday, May 2, 1973.

5. Commercial banks in submitting tenders will be required to certify that they have no beneficial interest in any of the tenders they enter for the account of their customers, and that their customers have no beneficial interest in the banks' tenders for their own account.

IV. *Payment.*—1. Payment for accepted tenders must be made or completed on or before May 15, 1973, at the Federal Reserve bank or branch or at the Office of the Treasurer of the United States, Washington, D.C. 20222, in cash, securities referred to in section I (interest coupons dated May 15, 1973, should be detached) or other funds immediately available by that date. Payment will not be deemed to have been completed where registered bonds are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. In every case where full payment is not completed, the payment with the tender up to 5 percent of the amount of bonds allotted shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. When payment is made with securities, a cash adjustment will be made to or required of the bidder for any difference between the face amount of securities submitted and the amount payable on the bonds allotted.

V. *Assignment of registered securities.*—1. Registered securities tendered as deposits and in payment for bonds allotted hereunder are not required to be assigned if the bonds are to be registered in the same names and forms as appear in the registrations or assignments of the securities for 6⅞ percent coupon Treasury Notes of Series A–1980 to be delivered to_____. Securities tendered in payment should be surrendered to the Federal Reserve bank or branch or to the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20222. The securities must be delivered at the expense and risk of the holder.

VI. *General provisions.*—1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive tenders, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid tenders allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] GEORGE P. SHULTZ,
Secretary of the Treasury.

[FR Doc.73-8493 Filed 4-27-73;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Army

JUNIOR SCIENCE AND HUMANITIES SYMPOSIA

Notice of Meeting

In accordance with Public Law 92-463 dated October 6, 1972, notice is given of a meeting of the Junior Science and Humanities Symposia (JSHS) Advisory Committee, as follows:

Date: May 9, 1973.
Time: 1400 hours.
Place: Hotel Thayer, U.S. Army Military Academy, West Point, N.Y.
Agenda subjects will be as follows:
- Action on Summary of 24th Meeting held October 27, 1972.
- Status of Grant for JSHS Program.
- Status of Regional Program and Funding, Fiscal Year 1974.
- Other Army Support of JSHSP, Fiscal Year 1974.
- 1974 National JSHS.
- London Youth Science Fortnight.
- JSHS Contributions as Tax Exemptions.
- Continuing Evaluation of JSHS Program.

The meeting will be open to the public. For specific rules concerning participation contact Miss Patsy Ashe, Executive Secretary, JSHS Advisory Committee, U.S. Army Research Office, Box CM, Duke Station, Durham, N.C. 27705 AV 935-331; AC 919 286-2285.

LOTHROP MITTENTHAL,
Colonel, GS, Commanding.

[FR Doc.73-8317 Filed 4-27-73;8:45 am]

DEPARTMENT OF THE INTERIOR

National Park Service

DEATH VALLEY NATIONAL MONUMENT, CALIF.

Notice of Intention To Extend Concession Authorization

Pursuant to the provisions of section 5, of the act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20); public notice is hereby given that on or before May 30, 1973, the Department of the Interior, through the Director of the National Park Service, proposes to extend the concession contract designation under which National Park Concessions, Inc., is authorized to provide concession facilities and services for the public at Scotty's Castle in Death Valley National Monument, Calif., for a period of 31 days from May 1, 1973, through May 31, 1973.

National Park Concessions, Inc., provides concession facilities and services at Scotty's Castle pursuant to a designation attached to and made a part of the concession contract auhorizing it to operate in such areas of the National Park System as designated by the Secretary. The designation expires by limitation of time on April 30, 1973, and it is proposed to extend it to assure continued operation of the facilities and services through the current visitor season. When planning for the future operation of the Castle is completed, a prospectus will be issued inviting offers from all interested parties to continue merchandising and food service.

The foregoing concessioner has performed its obligations under the expiring designation to the satisfaction of the National Park Service. However, the Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted.

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

Dated April 23, 1973.

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

[FR Doc.73-8322 Filed 4-27-73;8:45 am]

NATIONAL REGISTRY OF NATURAL LANDMARKS

Additions

By notice in the FEDERAL REGISTER of January 29, 1972 (pp. 1496-1499), there was published a list of sites eligible for inclusion in the National Registry of Natural Landmarks. This list has been amended by a notice in the FEDERAL REGISTER of September 1, 1972 (p. 17859). Further notice is hereby given that the list of eligible natural landmarks is amended by addition of the sites listed below.

All Federal agencies should take cognizance of the sites included in the National Registry of Natural Landmarks to fulfill the intent of section 102 of the National Environmental Policy Act of 1969 (83 Stat. 852; 42 U.S.C. 4331).

Dated April 18, 1973.

The sites listed below which have been registered are indicated by an asterisk.

ERNEST ALLEN CONNALLY,
Associate Director,
National Park Service.

The following sites have been added to the National Registry:

AMERICAN SAMOA

Aunuu Island—Off the northeast coast of Tutuila Island.
Cape Taputapu—On the western tip of Tutuila Island.
Fogamaa Crater—On the southwest coast of Tutuila Island.
Leala Shoreline—On the southwest coast of Tutuila Island.
Matafao Peak—1½ miles south of the city of Pago Pago.
Rainmaker Mountain—East of Pago Pago Harbor.
Vaiava Strait—On the north-central coast of Tutuila Island.

GUAM

**Facpi Point*—On the southwest coast of Guam.
**Fouha Point*—On the southwest coast of Guam—1 mile northwest of the village of Umatac.
**Mount Lamlam*—3 miles north-northeast of the village of Umatac.
Punta de Dos Amantes—2 miles north of the village of Tumon.

HAWAII

Iao Valley, Island of Maui—West of the city of Wailuku.
Koolau Range Pali, Island of Oahu—3 miles south of the village of Kaneohe, Koolaupoko District.
Mauna Kea, Island of Hawaii—25 miles west-northwest of the city of Hilo.
North Shore Cliffs, Island of Molokai—Between the villages of Halawa and Kalaupapa.

ILLINOIS

**Heron Pond and Wildcat Bluff Nature Preserve, Johnson County*—5 miles southwest of Vienna.
**Horseshoe Lake Nature Preserve, Alexander County*—11 miles northwest of Cairo.
**Mississippi Palisades, Carroll County*—North of Savanna.
**Volo Bog Nature Preserve, Lake County*—1½ miles north-northwest of Volo.
**Wauconda Bog Nature Preserve, Lake County*—South of the village of Wauconda.

NEVADA

Hot Creek Springs and Marsh, Nye County—35 miles south of Lund.
Ruby Marsh, Elko and White Pine Counties—50 miles south-southeast of Elko.

PENNSYLVANIA

**Ferncliff Peninsula Natural Area, Fayette County*—Ohiopyle State Park, 20 miles southeast of Connellsville.
**Ferncliff Wildlife and Wildflower Preserve, Lancaster County*—3 miles west of Wakefield.
**Florence Jones Reineman Wildlife Sanctuary, Perry and Cumberland Counties*—8 miles northwest of Carlisle.
**Hemlocks Natural Area, Perry County*—12 miles south of Blain.
**McConnell's Mill State Park, Lawrence County*—40 miles north of Pittsburgh.

[FR Doc.73-8323 Filed 4-27-73;8:45 am]

Oil Import Appeals Board

INFORMATION REQUESTED BY THE BOARD FROM PETITIONERS

Notice to Petitioners

Correction

In FR Doc. 73-7798 appearing at page 9840 in the issue of Friday, April 20, 1973, after the third line of paragraph 8, insert "the current year and during each of the". Also insert a line of leaders before the file line.

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

GRAINS AND SIMILARLY HANDLED COMMODITIES

Notice of Final Date for Redemption of Warehouse-Storage Loans Made Under 1970 and 1971 Crop Commodity Loan Programs

Unless demand is made earlier by CCC, extended warehouse-storage loans secured by 1971-crop corn and grain sorghum, and 1970 and 1971-crop wheat are due and payable on the dates indicated.

Unless, on or before the final date for repayment specified below, such loans are repaid, title to the unredeemed collateral shall immediately vest in CCC, without a sale thereof, on the date next succeeding the final date for repayment specified below: *Provided*, That, CCC will not acquire title to any such commodity for which repayment has been mailed to the county ASCS office by letter postmarked (not patron postage meter date stamped) not later than the applicable maturity date indicated below. CCC shall have no obligation to pay for any market value which any unredeemed commodity may have in excess of the loan indebtedness; i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a producer of any amount by which the settlement value of a pledged commodity may exceed the principal amount of the loan. The settlement value as used herein is the loan value of the pledged commodity determined on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable loan rate provided in the program regulations. Notwithstanding the foregoing provisions, if the producer has made a fraudulent representation in obtaining the loan or in settlement or deliveries under the loan or has converted all or any part of the loan collateral, the producers shall remain personally liable for the amounts specified in the Warehouse Storage Note and Security Agreement and in the loan program regulations. Amounts due the producer will be paid by the appropriate county ASCS office.

	Maturity date	Final date of repayment
Corn: (1971 crop)	May 31, 1972	May 31, 1972
Grain Sorghum: (1971 crop):		
In the following counties in Texas and all counties south thereof: Austin, Bexar, Caldwell, Colorado, Comal, Galveston, Gonzales, Harris, Hays, Kinney, Lavaca, Medina, Uvalde, Val Verde, and Waller	Apr. 30, 1972	Apr. 30, 1972
In Oklahoma and in counties in Texas north of those with an April 30 maturity date listed above	June 30, 1972	July 2, 1972
In all States except Texas and Oklahoma	July 31, 1972	July 31, 1972
Wheat: (1970 and 1971 crops):		
In Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming	May 31, 1972	May 31, 1972
In all other States	Apr. 30, 1972	Apr. 30, 1972

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 1421, 1425, 1441, 1447.)

Effective on April 30, 1973.

Signed at Washington, D.C., on April 20, 1973.

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

[FR Doc.73-8294 Filed 4-27-73;8:45 am]

GRAINS AND SIMILARLY HANDLED COMMODITIES

Notice of Final Date for Redemption of Warehouse-Storage Loans Made Under 1972 CCC Loan Programs

Unless demand is made earlier by CCC, warehouse-storage loans under 1972 loan programs on the commodities listed in the table below mature and are due and payable on the dates indicated. Unless, on or before the final date for repayment specified below, such loans are repaid, title to the unredeemed collateral shall immediately vest in CCC, without a sale thereof, on the date next succeeding the final date for repayment specified below: *Provided*, That CCC will not acquire title to any commodity for which repayment has been mailed to the county ASCS office by letter postmarked (not patron postage meter date stamp) not later than the final date for repayment of such commodity. This notice applies to all such unredeemed collateral pledged to CCC under warehouse-storage loans. CCC shall have no obligation to pay for any market value which the unredeemed collateral may have in excess of the loan indebtedness; i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a producer of any amount by which the settlement value of the pledged commodity may exceed the principal amount of the loan. The settlement value as used herein is the loan value of the pledged commodity determined on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable loan rate provided in the program regulations. Notwithstanding the foregoing provisions, if the producer has made a fraudulent representation in obtaining the loan or in settlement or deliveries under the loan or has converted all or any part of the loan collateral, the producer shall remain personally liable for the amount specified in the Warehouse Note and Security Agreement and in the loan program regulations.

Amounts due the producer will be paid to the producer by the appropriate county ASCS office.

	Maturity date	Final date of repayment
Barley:		
In Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming	May 31, 1972	May 31, 1972
In all other States	Apr. 30, 1972	Apr. 30, 1972
Corn	July 31, 1972	July 31, 1972
Dry edible beans: In all States	Apr. 30, 1972	Apr. 30, 1972
Flaxseed:		
In Minnesota, Montana, North Dakota, South Dakota, and Wisconsin	May 31, 1972	May 31, 1972
In all other States	Apr. 30, 1972	Apr. 30, 1972
Grain sorghum:		
In the following counties in Texas and all counties south thereof: Austin, Bexar, Caldwell, Colorado, Comal, Galveston, Gonzales, Harris, Hays, Hinney, Lavaca, Medina, Uvalde, Val Verde, and Waller	do	Do.
In Oklahoma and in counties in Texas north of those with an April 30 maturity date listed above	June 30, 1972	July 2, 1972
In all States except Texas and Oklahoma	July 31, 1972	July 31, 1972
Honey: In all States	June 30, 1972	July 2, 1972
Oats:		
In Alaska, Idaho Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming	May 31, 1972	May 31, 1972
In all other States	Apr. 30, 1972	Apr. 30, 1972
Rice: In all States	do	Do.
Rye: In all States	do	Do.
Soybeans: In all States	June 30, 1972	July 2, 1972
Tung Oil: In all States	Oct. 31, 1972	Oct. 31, 1972
Wheat:		
In Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming	May 31, 1972	May 31, 1972
In all other States	Apr. 30, 1972	Apr. 30, 197

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.SC. 714 b and c; 7 U.S.C. 1441, 1447, 1421, 1425.)

Effective on April 30, 1973.

Signed at Washington, D.C., on April 20, 1973.

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

[FR Doc.73-8295 Filed 4-27-73;8:45 am]

Cooperative State Research Service

COOPERATIVE FORESTRY RESEARCH ADVISORY BOARD AND ADVISORY COMMITTEE

Notice of Meetings

The Cooperative Forestry Research Advisory Board and the Cooperative Forestry Research Advisory Committee will meet May 1-3, 1973, at the University of Idaho, Moscow, Idaho, at 8:30 a.m.

The meetings are open to the public and will be held in the Forestry Building on the university campus.

The Advisory Board, in separate meeting, will consider recommendations for the allocation of research funds.

The Advisory Committee, in separate meeting, will evaluate forestry research requirements and make suggestions for cooperative research activities.

In joint sessions the Board and Committee will become acquainted with the McIntire-Stennis research at the host institution.

The names of Board and Committee members and agenda are available upon request to the recording secretary of the Board, R. L. Lovvorn, USDA, CSRS, Washington, D.C. 20250, or the recording secretary of the Committee, J. D. Sullivan, USDA, CSRS, Washington, D.C. 20250. Written statements may be filed with the Committee before or after the meeting.

JOHN S. ROBINS,
Acting Administrator.

[FR Doc.73-8334 Filed 4-27-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-344]

CITIES SERVICE TANKERS CORP. ET AL.

Notice of Applications; Correction

The following correction should be effected in FR Doc. 73-7917, appearing in the FEDERAL REGISTER issue of April 24, 1973 (38 FR 10124):

The applicant named Intercontinental Carriers, Inc., should be changed to Intercontinental Bulktank Corp.

Dated April 26, 1973.

By order of the Maritime Subsidy Board.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.73-8507 Filed 4-27-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

ADVISORY COMMITTEES

Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the following public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Pulmonary-Allergy and Clinical Immunology Advisory Committee.	May 7, 9 a.m., Conference room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 to 10 a.m., closed after 10 a.m. David Lidd, M.D room 16B-20, 5600 Fishers Lane, Rockville, Md 20852, 301-443-4731.

Purpose.—Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the treatment of pulmonary disease and diseases with allergic and/or immunologic mechanisms.

Agenda.—Follow-up on cromolyn sodium.

Committee name	Date, time, place	Type of meeting and contact person
2. Ophthalmic Drugs Advisory Committee.	May 8, 9 a.m. conference room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 12:30 p.m., closed after 12:30 p.m. William E. Gilbertson, Phar. D., room 12B-25, 5600 Fishers Lane, Rockville, Md 20852, 301-443-3501.

Purpose.—Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the treatment of diseases and disorders of the eye.

Agenda.—Orientation of new members and discussion of the use of steroid anti-infective drug combinations in ophthalmic therapy.

Committee name	Date, time, place	Type of meeting and contact person
3. Panel on Review of Topical Analgesics.	May 8 and 9, 9 a.m., Conference room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open May 8, 9 a.m. to 10 a.m., closed May 8 after 10 a.m., closed May 9. Lee Geismar, room 10B-09, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose.—Reviews and evaluates available data concerning safety and effectiveness of active ingredients of currently marketed nonprescription drug products containing topical analgesics.

Agenda.—Continuing review of over-the-counter topical analgesic drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
4. FDA/ NIMH Drug Abuse Advisory Committee.	May 10, 9 a.m., Conference Room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to noon, closed after noon. Monique C. Braude, Ph. D, room 13-15, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-2590.

Purpose.—Advises FDA on action to be taken on notices of claimed investigational new drugs for substances with abuse potential and advises NIMH on supplies of substances for clinical studies, on requests for quantities of substances for studies, and on requests for any amount of substances which involve protocols containing unique problems.

Agenda.—Criteria for evaluation of drug abuse liability and review of protocols.

Committee name	Date, time, place	Type of meeting and contact person
5. Drug Experience Advisory Committee.	May 10 and 11, 8:30 a.m., Conference room K, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open— Allen C. Rossi, D.D.S., room 16B-17, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4580.

Purpose.—Advises the Commissioner of Food and Drugs on methods currently in use or on proposed methods for the collection of data on adverse drug reactions, recommends changes as appropriate, and evaluates the significance of information received in the system.

Agenda.—Orientation of members, and review of the Bureau of Drugs' drug experience information program for the purpose of providing conclusions and recommendations on its present and future program needs and direction.

Committee name	Date, time, place	Type of meeting and contact person
6. Panel on Review of Cold, Cough, Allergy, Bronchodilator and Antiasthmatic Agents.	May 10 and 11, 9 a.m., room 6821, 200 C St. SW., Washington, D.C.	Open May 10, 9 a.m. to 10 a.m., closed May 10 after 10 a.m., closed May 11. Thomas DeCillis, room 10B-09, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4960.

Purpose.—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently-marketed nonprescription drugs containing cold, cough, allergy, bronchodilator, and antiasthmatic agents.

Agenda.—Continuing review of over-the-counter drug products under investigation.

Committee name	Date, time, place	Type of meeting and contact person
7. Antiinfective Agents Advisory Committee.	May 10 and 11, 9 a.m., Conference room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open May 10, 9 a.m. to 10 a.m., closed May 10 after 10 a.m., closed May 11. Jean Lockhart, M.D., room 12B-45, 5600 Fishers Lane, Rockville, Md 20852, 301-443-4310.

Purpose.—Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the treatment of infectious disease.

Agenda.—Clinical trials of anti-infective drugs for urinary tract infections, discussion of Pre-Pen (penicilloyl polylysine), Neutrapen (penicillinase), and erythromycin estolate.

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of Bacterial Vaccines and Baterial Antigens.	May 18 and 19, 11:30 a.m., room 121, Building 29, National Institute of Health, Bethesda, Md.	Open May 18, 11:30 a.m. to 12:30 p.m., closed May 18 after 12:30 p.m., closed May 19. Jack Gertzog (BI-5), 5600 Fishers Lane, Rockville, Md. 20852, 301-496-1676.

Purpose.—Reviews and evaluates available data concerning the safety, effectiveness, and adequacy of labeling of currently-marketed bacterial vaccines and bacterial antigens for which there are no U.S. standards of potency.

Agenda.—Continuing review of bacterial vaccines and antigens under investigation.

Committee name	Date, time, place	Type of meeting and contact person
9. Panel on Review of Orthopaedic Devices.	May 19, 8 a.m., Chicago Sheraton O-Hare Hotel, Chicago, Ill.	Open 8 a.m. to 9 a.m., closed after 9 a.m. David M. Link, room 212B, 1901 Chapman Ave., Rockville, Md. 20852, 301-443-1743.

Purpose.—Reviews and evaluates available information concerning safety, effectiveness, and reliability of orthopaedic medical devices currently in use.

Agenda.—Continuing review of orthopaedic devices for purposes of classification, particularly orthopaedic surgical instruments.

Committee name	Date, time, place	Type of meeting and contact person
10. Panel on Review of Anesthesiology Devices.	May 21, 8:30 a.m., room 6821, 200 C St. SW., Washington, D.C.	Open 8:30 a.m. to 9:30 a.m., closed after 9:30 a.m. David M. Link, Rm. 212B, 1901 Chapman Ave., Rockville, Md 20852, 301-443-1743.

Purpose.—Reviews and evaluates available information concerning safety, effectiveness, and reliability of anesthesiology devices currently in use.

Agenda.—Continuing review of various categories of anesthesiology devices, conduction anesthesia equipment, and a variety of anesthesia devices.

Committee name	Date, time, place	Type of meeting and contact person
11. National Advisory Food Committee.	May 21 and 22, 10 a.m., Rm. 1409, 200 C St. SW., Washington, D.C.	Open May 21, closed May 22. Robert A. Littleford, Ph. D., room 7-67, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4463.

Purpose.—Advises the Commissioner of Food and Drugs on policy matters of national significance as they relate to assuring safety of foods, reviews and makes recommendations on application for grants-in-aid, and serves as a forum for the exchange of views and recommendations.

Agenda.—Vitamin and mineral supplements, nutrition labeling, and review of research grants (closed portion).

Agenda items are subject to change as priorities dictate.

During the open session shown above, interested persons may present relevant information or views orally to any committee for its consideration. Information or views submitted to any committee in writing before or during a meeting shall also be considered by the committee.

A list of committee members and summary minutes of meetings may be obtained from the contact person for the committee both for meetings open to the public and those meetings closed to the public in accordance with section 10(d) of the Federal Advisory Committee Act.

Most Food and Drug Administration advisory committees are created to advise the Commissioner of Food and Drugs on pending regulatory matters. Recommendations made by the committees on these matters are intended to result in action under the Federal Food, Drug, and Cosmetic Act, and these committees thus necessarily participate with the Commis-

sioner in exercising his law enforcement responsibilities.

The Freedom of Information Act recognized that the premature disclosure of regulatory plans, or indeed internal discussions of alternative regulatory approaches to a specific problem, could have adverse effects upon both public and private interests. Congress recognized that such plans, even when finalized, may not be made fully available in advance of the effective date without damage to such interests, and therefore provided that this type of discussion would remain confidential. Thus, law enforcement activities have long been recognized as a legitimate subject for confidential consideration.

These committees often must consider trade secrets and other confidential information submitted by particular manufacturers which the Food and Drug Administration by law may not disclose, and which Congress has included within the exemptions from the Freedom of Information Act. Such information includes safety and effectiveness information, product formulation, and manufacturing methods and procedures, all of which are of substantial competitive importance.

In addition, to operate most effectively, the evaluation of specific drug or device products requires that members of committees considering such regulatory matters be free to engage in full and frank discussion. Members of committees have frequently agreed to serve and to provide their most candid advice on the understanding that the discussion would be private in nature. Many experts would be unwilling to engage in candid public discussion advocating regulatory action against a specific product. If the committees were not to engage in the deliberative portions of their work on a confidential basis, the consequent loss of frank and full discussion among committee members would severely hamper the value of these committees.

The Food and Drug Administration is relying heavily on the use of outside experts to assist in regulatory decisions. The agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

A determination to close part of an advisory committee meeting does not mean that the public should not have ready access to these advisory committees considering regulatory issues. A determination to close the meeting is subject to the following conditions: First, any interested person may submit written data or information to any committee, for its consideration. This information will be accepted and will be considered by the committee. Second, a portion of every committee meeting will be open to the public, so that interested persons may present any relevant information or views orally to the committee. The period for open discussion will be designated in any announcement of a committee meeting. Third, only the deliberative portion of a committee meeting, and the portion dealing with trade secret and confidential information, will be closed to the public. The portion of any meeting during which nonconfidential information is made available to the committee will be open for public participation. Fourth, after the committee makes its recommendations and the Commissioner either accepts or rejects them, the public and the individuals affected by the regulatory decision involved will have an opportunity to express their views on the decision. If the decision results in promulgation of a regulation, for example, the proposed regulation will be published for public comment. Closing a committee meeting for deliberations on regulatory matters will therefore in no way preclude public access to the committee itself or full public comment with respect to the decisions made based upon the committee's recommendation.

The Commissioner has been delegated the authority under section 10(d) of the Federal Advisory Committee Act to issue a determination in writing, containing the reasons therefor, that any advisory committee meeting is concerned with matters listed in 5 U.S.C. 552(b), which contains the exemptions from the public disclosure requirements of the Freedom of Information Act. Pursuant to this authority, the Commissioner hereby determines, for the reasons set out above, that the portions of the advisory committee meetings designated in this notice as closed to the public involve discussion of existing documents falling within one of the exemptions set forth in 5 U.S.C. 552(b), or matters that, if in writing, would fall within 5 U.S.C. 552(b), and that it is essential to close such portions of such meetings to protect the free exchange of internal views and to avoid undue interference with agency and committee operations. This determination shall apply only to the designated portions of such meetings which relate to trade secrets and confidential information or to committee deliberations.

Dated April 23, 1973.

SHERWIN GARDNER,
Acting Commissioner of Food and Drugs.

[FR Doc.73-8302 Filed 4-27-73;8:45 am]

Health Services and Mental Health Administration

NATIONAL ADVISORY BODIES

Notice of Meeting Dates

The Administrator, Health Services and Mental Health Administration announces the meeting dates and other required information for the following national advisory bodies scheduled to assemble during the month of May 1973.

Committee name	Date, time, place	Type of meeting and/or contact person
Alcoholism and Alcohol Problems Review Committee.	May 2-4, 9 a.m., Embassy Row Hotel, Washington, D.C.	Open—9-10 a.m. on May 2. Closed—10:30 a.m., May 2 through May 4. Contact J. C. Teegarden, Ph. D., Room 6C-03, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., Code 301-443-4223.

Purpose.—The Committee provides initial review of applications for basic research grants, applied research grants, and special grants, in such project areas as pharmacological, physiological, sociological, and psychological aspects of alcohol use, incidence, and prevalence of alcohol-related problems. Makes recom- Mental Health and to the National Adtional Institute on Alcohol Abuse and Alcoholism, and the National Institute of Mental Health and to the National Advisory Council on Alcohol Abuse and Alcoholism.

Agenda.—From 9 a.m. to 10 a.m. on May 2, the Committee will be open for reports and announcements of administrative and program developments. From 10 a.m. on May 2 through the end of the meeting, the Committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Acting Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d)(2).

Committee name	Date, time, place	Type of meeting and/or contact person
U.S. National Committee on Vital and Health Statistics.	May 21-22, 9:30 a.m., Room 200, Brookings Institution, Washington, D.C.	Open. Contact Mr. D. Krueger, Room 9A-54, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., Code 301-443-1066.

Purpose.—To delineate statistical problems on public health importance which are of national or international interest; review findings submitted by other organizations and agencies; make recommendations for national and/or international adoption; cooperate with and advise other organizations on matters relating to vital and health statistics in the United States; and cooperate with national committees of other countries, and with the World Health Organization and other international agencies, in the study of problems of mutual interest.

Agenda.—Discussion items include the minimum basic set of information which should be entered in the records of ambulatory medical care provided in various settings; methods for identifying and measuring the effect of environmental hazards on the health of the population; statistics and statistical data systems

needed as a basis for formulation of national population; statistics and statitical data systems needed as a basis for formulation of national population policy; analytical methods by which the maximum information can be extracted by the data collection systems operated by the National Center for Health Statistics; and needs for summary indexes of health status and of health services.

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the open/closed sessions may be obtained from the contact persons listed above.

Dated April 26, 1973.

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

[FR Doc.73-8434 Filed 4-27-73;8:45 am]

National Institutes of Health

IMMUNOLOGY-EPIDEMIOLOGY WORKING GROUP

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Immunology-Epidemiology Working Group, National Cancer Institute, May 17, 1973, at 8:30 a.m., National Institutes of Health, building 37, conference room 1B04. This meeting will be open to the public from 8:30-9:30 a.m., May 17, 1973, to discuss future plans of the I-E Working Group and closed to the public from 9:30 a.m.-5 p.m., May 17, 1973, to review contracts in accordance with the provisions set forth in section 552(b)4 of title 5 United States Code, and section 10(d) of Public Law 92-463. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, building 31, room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301-496-1911) will furnish summaries of the open/closed meeting and roster of committee members.

Dr. Clarice Gaylord, executive secretary, Landow Building, room C309, National Institutes of Health, Bethesda, Md. 20014 (301-496-6086) will provide substantive program information.

Dated April 23, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.73-8337 Filed 4-27-73;8:45 am]

THROMBOSIS ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Thrombosis Advisory Committee, National Heart and Lung Institute, May 22, 1973, 9 a.m., National Institutes of Health, building 31, Conference Room 8. This meeting will be open to the public from 9 a.m. to 5 p.m., on May 22, to review progress in the Specialized Centers of Research in Thrombosis. Attendance by the public will be limited to space available.

Mr. Hugh Jackson, information officer, NHLI, NIH Landow Building, room C918, phone 496-4236, will furnish summaries of the meeting and rosters of the committee members. Substantive program information may be obtained from the executive secretary, Dr. James M. Stengle, NHLI, NIH building 31, room 4A03, phone 496-5911.

Dated April 23, 1973.

JOHN F. SHERMAN,
Deputy Director, National Institutes of Health.

[FR Doc.73-8338 Filed 4-27-73;8:45 am]

Office of the Secretary

BOARD OF ADVISERS TO THE FUND FOR THE IMPROVEMENT OF POSTSECONDARY EDUCATION

Committee Meeting Announcement

The Board of Advisers to the fund is an advisory committee which is authorized to recommend to the Director of the fund and the Assistant Secretary for Education priorities for funding and the approval or disapproval of grants and contracts of a given kind or over a designated amount.

The meeting of the committee will be held on May 10-12, and 21, 1973, at the Quality Inn, 410 New Jersey Avenue NW., Washington, D.C. The meeting will be devoted to reviewing, discussing or considering proposals submitted to the fund for the improvement of postsecondary education for the award of grants or contracts. The meeting will not be open to the public. A summary of the proceeding of the meeting and a roster of members may be obtained from the Fund for the Improvement of Postsecondary Education, 400 Maryland Avenue SW., room 3139, Washington, D.C. 20202, telephone 202-962-3704.

Dated April 19, 1973.

RUSSELL EDGERTON,
Executive Secretary.

[FR Doc.73-8349 Filed 4-27-73;8:45 am]

FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6 (Food and Drug Administration), of the statement of organization, functions, and delegations of authority of the Department of Health, Education, and Welfare (35 FR 3685-92, dated Feb. 25, 1970, as amended) is amended to reflect the reorganization of the Bureau of Foods:

Section 6B is amended as follows:

Section 6B Organization. * * *

* * * * *

(k) *Bureau of Foods.*—Develops FDA policy with respect to the safety, composition, quality (including nutrition), and labeling of foods, food additives, colors, and cosmetics.

Conducts research and develops standards on the composition, quality, and safety of foods food additives, colors, and cosmetics.

Conducts research designed to improve the detection, prevention, and control of contamination that may be responsible for illness or injury conveyed by foods, food additives, colors, and cosmetics.

Develops and promulgates current good manufacturing practices for the food processing industry and model ordinances and codes and model regulations for State and local government use in assuring food safety and quality.

Plans FDA surveillance and compliance programs and evaluates progress toward objectives of planned program and regulatory activities relating to foods, food additives, colors, and cosmetics.

Reviews industry petitions and recommends promulgation of regulations for food standards and for the safe use of color and food additives. Collects and interprets data on nutrition, food additives, and environmental factors affecting the total chemical insult posed by direct and indirect food additives.

Analyzes regulatory samples as necessary to support Bureau compliance programs.

Participates in training of FDA field personnel and provides guidance to the regulated industries in the application of the most effective procedures to assure food safety and quality.

Studies consumer experience, with expectation of, and exposure to Bureau-regulated products and maintains a nutritional data bank. Recommends to the Office of the Commissioner new or revised legislation pertinent to the Bureau's responsibilities.

(k-1) *Office of the Director.*—Develops FDA food, food additive, color, and cosmetic policy for approval of the Commissioner.

Provides overall executive direction to Bureau programs and activities and coordinates programs with other FDA organizational components, DHEW, and other Government agencies.

Directs the development of Bureau regulatory policy.

Recommends to the Office of the Commissioner new and revised legislation pertinent to Bureau responsibilities and participates in the preparation of legislative proposals and testimony for presentation at congressional hearings.

Directs and coordinates the overall application of Bureau scientific and technical capabilities, coordinating Bureau scientific research within FDA and with other governmental and private agencies, both nationally and internationally, to facilitate collaboration in attacking common problems. Recommends, initiates, and terminates all Bureau extramural research contracts.

Establishes, promotes, and maintains a climate of mutual cooperation with scientists and scientific bodies, nationally and internationally, in order to maintain

contact with scientific events which may impact on Bureau activities.

(k-2) *Office of the Associate Director for Management.*—Performs management services for the Bureau such as strategic and operational planning, financial and general resource management, analysis of and recommendations on policy development, solutions to operational problems and related system demands, development and operation of appropriate scientific and program management support systems, and identification and evaluation of program priorities and emerging issues and problems.

Develops and applies effectiveness measures to Bureau programs both with regard to internal effectiveness and impact upon regulated industries and the various other professional and consumer clientele.

Identifies operational goals and designs program management and control systems relevant to both short- and long-range objectives.

Develops Bureau planning, programing, and budgeting systems.

Directs Bureau scientific and management information systems and monitors the utilization of electronic and other data processing practices.

Provides Bureau general administrative management support responsive to line management needs.

Represents the Bureau in matters related to planning and management support with the other bureaus, the Office of the Commissioner, the Department, other Government agencies, and the regulated industries.

Implements FDA security policy within the Bureau and develops procedures assuring the integrity of trade secrets and other privileged information submitted by industry.

(k-3–k-5) [Reserved]

(k-6) *Office of Compliance.*—Advises the Bureau Director and other agency officials on legal administrative problems, regulatory problems, and administrative policies concerning compliance responsibilities relating to foods, food additives, colors, and cosmetics.

Develops compliance and surveillance programs covering the regulated food and cosmetic industries and identifies problems that require technological and/or scientific solutions.

Develops and conducts programs to improve compliance by industry through problem prevention. Designs and coordinates studies to measure degree of compliance by regulated industries with pertinent statutes and regulations.

Provides support and guidance to the field, upon request, in the handling of legal actions and provides headquarters assistance in the development, management, and coordination of contested cases.

Operates a control system for color additive and food additive petitions and, in coordination with other Bureau organization components, develops regulations on food and color additives.

Provides technical assistance to the public and public service institutions and agencies for control of health hazards associated with interstate shipment of food, including foods served on interstate carriers. Administers the interstate travel sanitation program to protect the health of travelers and crews on commercial transportation conveyances.

Determines, in consultation with other Bureau organizational components, the need for developing and priority for issuing new or revised current good manufacturing practices (CGMP's), model ordinances and codes (MOC's) and model regulations (MR's); assures that CGMP's, MOC's, and MR's are enforceable and in accord with compliance policy.

Reviews food standard proposals submitted by industry or originated by FDA and determines, in consultation with the Office of Technology, the priority for review, development, and promulgation of food standards.

Clears all standards prior to their submission to the Bureau Director.

(i) *Division of Regulatory Guidance.*—Develops or coordinates the development of exempting, interpreting, and implementing regulations (except current good manufacturing practices) necessary to achieve compliance with laws pertinent to Bureau responsibilities.

Develops and maintains a codified system for compiling and issuing compliance policy on foods, cosmetics, pesticides, and food chemicals for the guidance of FDA headquarters and field personnel.

Recommends legislation when necessary to solve compliance problems and reviews proposed legislation when requested.

Manages the development of controversial or precedent-setting cases.

Develops and maintains legal guidelines for field use in specific areas and recommends delegations of authority to the field offices for direct handling of regulatory actions as necessary.

Reviews and approves proposed regulatory actions in areas where authority for direct case handling has not been delegated to the field offices.

Provides guidance to the field offices in these areas and provides technical support for case development and contested court cases.

Manages and coordinates headquarters activities associated with injunctions, seizures, and prosecutions. Provides Bureau position on recalls with technical assistance to the field, as requested, and correlates recall actions with other regulatory activities.

Issues advisory opinions in response to specific requests from industry, trade associations, Government agencies, and Congress.

Identifies, researches, analyzes, and recommends solutions to present and prospective compliance problems involving foods, cosmetics, pesticides, and food chemicals.

Reviews food standard proposals submitted by industry or originated by FDA to determine, in consultation with the Office of Technology, the priority for review or development of the proposed food standards and to assure that the standards are enforceable, applicable under the law, and in conformance with overall compliance policy.

(ii) *Division of compliance programs.*—Identifies compliance program needs and develops and issues responsive surveillance and compliance programs relating to the food and cosmetic industries and other industries which may contribute to food contamination; coordinates the establishment of priorities for compliance activities pertinent to these programs.

Plans and helps develop information retrieval and appraisal systems for each compliance program and evaluates effectiveness of overall compliance programs. Revises existing programs as necessary to maintain their efficiency and effectiveness.

Serves as the Bureau focal point for information concerning the compliance status of the food industry.

Identifies, with the advice of the Executive Director of Regional Operations, the need for and recommends priorities for the development of current good manufacturing practices (CGMP's), model ordinances and codes (MOC's), and model regulations (MR's); assures that CGMP's, MOC's, and MR's are applicable under the law, enforceable, and in conformance with overall compliance policy.

Identifies and recommends research projects to develop better monitoring and compliance techniques.

Plans and develops FDA programs to carry out responsibilities in interstate travel sanitation under the Public Health Service Act and enforces applicable provisions of the Interstate Quarantine Regulations.

Develops and issues sanitation handbooks and standards relating to the sanitary design, construction, and operation of aircraft, buses, trains, and vessels.

Reviews and approves plans for design and construction details for food service, water, and waste disposal facilities and equipment aboard conveyances.

(iii) *Division of Industry Programs.*—Promotes a better understanding in the food and cosmetic industries of the requirements and objectives of the laws and regulations enforced by FDA. Encourages compliance by the regulated industries.

Plans and conducts national seminars, symposia, and conferences on specific industry compliance problems and on consumer educational activities in conjunction with the Office of the Assistant Commissioner for Public Affairs (ACPA).

Assists FDA field offices, upon request, in planning and conducting workshops and seminars for the food industry on current good manufacturing practices and on various problem areas.

Prepares and distributes, with the prior clearance of ACPA, informational instructional, and motivational materials

designed to promote industry compliance and to educate the consumer.

Monitors the implementation of industry quality assurance programs designed to prevent compliance failures and develops plans and programs to help industry improve quality control capabilities.

Coordinates the recruitment of food processing companies for participation in cooperative quality control programs.

Plans and monitors the implementation of programs designed to achieve greater involvement by State regulatory agencies in maintaining surveillance over the food industry; promotes, in coordination with the Executive Director of Regional Operations, State adoption of model regulations and model ordinances and codes regulating the food industry.

(iv) *Division of Food and Color Additives.*—Develops policy statements and regulations concerning the review of food additives, GRAS (generally recognized as safe) substances, and prior sanctioned substances.

Operates a control system for all food additive and color additive pretitions submitted to FDA for review and evaluation.

Develops proposed regulations and supporting documents for food and color additive petitions.

Analyzes and evaluates industry and consumer comments on food and color additive proposals and develops final regulations.

Interprets new legislation, drafts implementing regulations, and develops guidelines setting forth legal administrative procedures for applying new or revised authority in the petition processing area.

(k-7) *Offices of Sciences.*—Conducts research relating to the composition and safety of foods and evaluates potential health hazards from food components, contaminants and additives.

Develops and recommends bureau scientific research program goals and priorities. Reviews and recommends protocols for intramural scientific research programs and memoranda of need for extramural scientific research contracts. Identifies and recommends priorities for scientific research grants and Public Law 480-funded research projects.

Develops methods of analysis in support of food programs and provides technical advice and guidance to the field. Coordinates methods research activities within the Bureau and with other bureaus.

Conducts research to evaluate present and potential health hazard of cosmetics and color additives. Perform analyses of regulatory samples, as requested, to support FDA compliance programs.

Provides scientific evaluation of food additive and color additive petitions. Conducts research (including planning of field studies) to identify, evaluate, and resolve problems of food hygiene and sanitation; provides microbiological research and technical support to all components of the Bureau and to the field.

Develops mathematical methods and models and provides statistical analysis of Bureau and field research, extramural, and regulatory programs. Provides epidemiological support to the Bureau.

(i) *Division of Chemistry and Physics.*—Devises new methods of analysis for foods, additives, pesticides, alteration products, and inadvertent natural and industrial contaminants in foods; conducts validation studies, recommends analytical procedures, and provides technical support when requested by the field laboratories. Conducts research to elucidate the chemical structure and properties of food components and potentially hazardous substances in foods.

Provides scientific evaluation of the chemical and tissue residue data in food additive petitions and of chemical methodology and chemical validation tests in drug applications for food producing animals.

Provides expertise in specialized fields of advanced instrumentation and evaluates, designs, and adapts instrumentation to meet analytical needs in foods research.

Provides other analytical services, as requested, in support of Bureau and field programs.

(ii) *Division of Toxicology.*—Originates, plans, and conducts research on the toxic effects of substances occurring in foods, cosmetics, colorants, and related commodities through adulteration, direct addition, or environmental contamination.

Investigates mechanisms of the underlying toxicological reactions which may directly or indirectly lead to diseases in man or laboratory animals. Determines quantitative aspects of the dose response relationship in a variety of animal species for various toxicological manifestations relevant to man.

Investigates, develops, and improves bases for establishing and evaluating toxicological injury to man or laboratory animals from chemicals permitted in foods and cosmetics or from metabolites of these chemicals.

Conducts toxicological studies on various classes of food additives, environmental contaminants, colorants, and cosmetics to provide data for evaluation of new petitions and proposals and for the review of current tolerances and applications.

Provides toxicological evaluation of food and color additive petitions and for drug applications for food producing animals.

Plans and conducts research pertinent to basic toxicity mechanisms affecting cell growth, reproduction, and function.

Performs toxicological analyses of regulatory samples, as requested, to support FDA compliance programs.

(iii) *Division of Pathology.*—Investigates the nature and significance of the gross and microscopic changes which occur in animal tissues and organs resulting from short- and long-term exposure to food additives and toxic contaminants of chemical, microbiological, or natural origin.

Evaluates pathological data submitted in food and color additive petitions.

Provides pathological support for the complete evaluation of toxicological experiments and, upon request, provides pathology services to other bureaus.

Maintains a complete registry of pathological data on the effects of toxic stress on animals.

Develops new methods of anatomical and histochemical examination of organs and tissues from animals subjected to treatment with food additives, adulterants, and contaminants.

Performs pathological analyses of regulatory samples, as requested, to support FDA compliance programs.

(iv) *Division of Microbiology.*—Originates, plans, and conducts research on the nature, extent, and significants of microbial and physical contaminants of foods and cosmetics.

Develops and evaluates microbiological methods for detecting harmful microorganisms, toxins, decomposition, extraneous matter, and other naturally occurring and biological hazards in processed and restaurant prepared foods and in cosmetics.

Develops the technical and microbiological basis for recommended limits, guidelines, and practices applied to food in current good manufacturing practices and used by Federal, State, and municipal health control agencies. Evaluates, through laboratory investigations, the microbiological and other biological hazards associated with food processing and food service practices.

Performs microbiological analyses of regulatory samples, as requested, to support FDA compliance programs.

Develops standard analytical methodology and furnishes, in coordination with the Executive Director of Regional Operations, consultative and training services required for the microbiological control of the food industry by Federal, State, and municipal health control agencies; approves State central milk testing laboratories and certifies State milk laboratory survey officers.

(v) *Division of Mathematics.*—Develops mathematical methods and models and provides statistical analysis of Bureau and field research and extramural and regulatory programs.

Originates, plans, and conducts research with regard to the mathematical design, analysis, and interpretation of health, sanitation, and economic studies.

Reviews and evaluates experimental design and statistical data submitted in petitions for food additive, food standard, and color additive regulations.

Provides statistical support to all components of the bureau. Investigates mathematical and statistical techniques for data analysis systems and for translation and interpretation of technical information for Bureau use.

(k-8) *Office of Technology.*—Maintains an awareness of processing, packaging, and handling procedures which may affect or alter food and cosmetics; conducts research into the technological

and engineering aspects of food and cosmetics processing, packaging, and handling procedures to eliminate contamination responsible for food-borne illnesses and adulteration of food and cosmetics.

Conducts research into the sources, transmission mechanisms, and concentrations of chemical pollutants in all environmental media which may contaminate the food supply.

Plans sanitation programs to minimize public health problems associated with processed food production and distribution.

Develops and interprets, with the assistance of the Office of Compliance, current good manufacturing practices, model ordinances and codes, model regulations, technical manuals, and related guidelines pertaining to the safety and sanitation of foods.

Provides advice and technical assistance to other Federal agencies, to international organizations and foreign governments, and to concerned industries in regard to sanitation, safety, and chemical contamination of foods.

Originates, plans, and conducts pilot plant and laboratory studies to provide information to aid in controlling health hazards in foods.

Originates, plans, and conducts research to elucidate chemical composition of cosmetics, color additives, color additive diluents, and related commodities and to identify compounds formed by reactions between colors and foods.

Administers the color certification programs, including the inspection of color manufacturers.

Evaluates, develops, and drafts, in consultation with the Office of Compliance, the substantive content of food standard proposals for standards of identity, quality, and fill of container.

Prepares environmental impact statements, in conjunction with the office of the Associate Commissioner for Science, on actions and regulations concerning the Bureau which may have a significant effect on the environment.

Determines the minimum amount of food and color additives necessary in order to produce their intended technical effect.

(i) *Division of Food Technology.*—Develops, collects, coordinates, and interprets technical information regarding the composition, quality, manufacture, packaging, and marketing of foods.

Develops, evaluates, and drafts the substantive content, including technological and engineering specifications, of current good manufacturing practices, model ordinances and codes, model regulations, and amendments thereto, after initial consultation with the Office of Compliance to determine priorities.

Develops, evaluates, and drafts the substantive content of food standard proposals establishing standards of identity, quality, and fill of container.

Revises the "Model Milk Ordinances and Codes" and the "National Shellfish Sanitation Program Manual of Operations" with the assistance of the Office of Compliance.

Investigates the currently developing food preservation processes, particularly their impact on established indices of decomposition, and develops new chemical indices.

Makes exploratory investigations into the technology of agricultural and industrial practices that may result in contamination of food with biotoxins. Determines the minimum amount of food additive necessary to achieve the intended technical effect.

Administers cooperative Federal-State shellfish and milk certification programs; reviews field reports and recommendations on State programs to assure their compliance with minimum requirements of Federal programs such as the cooperative program for interstate milk shippers and the national shellfish sanitation program.

(ii) *Division of Chemical Technology.*—Originates, plans, and conducts research into the industrial practices of chemical processing and chemical uses in regard to the disposition, behavior, and fate of industrial chemicals, byproducts, and process wastes and pollutants in the environment.

Assesses and investigates the nature and magnitude of chemicals and chemical wastes in the environment and the factors which influence the uptake and persistence of these contaminants in foods and in other parts of the ecosystem which contribute to the human organism.

Maintains a complete registry of chemical manufacturing and processing information.

Recommends and assists in the development of regulatory and research programs associated with indirect chemical contaminants which may concentrate in foods.

Prepares environmental impact statements on Bureau actions and regulations which may have have a significant effect on the environment, in conjunction with the Office of the Associate Commissioner for Science (ACS). Reviews, in conjunction with ACS, environmental impact statements prepared by other FDA components and other Government agencies which may impact on the Bureau's areas of responsibility.

(iii) *Division of Color Technology.*—Provides expert technical advice on problems relating to the chemistry and technology of colors within FDA and to other Government agencies.

Evaluates color additive petitions for the adequacy and reliability of chemical data (identity, composition, purity, stability), manufacturing controls, and methodology in proposals for listing color additives and color additive diluents.

Maintains liaison with technical personnel of manufacturers of certifiable color additives to maintain early awareness of new techniques, process changes, and other technical innovations.

Examines all batches of colors submitted for certification and examines or administers examination of permitted colors exempt from certification to assure conformance to the Code of Federal Regulations for identity, composition, and purity.

Examines or administers examination of foods, drugs, and cosmetics for nonpermitted color additives and for permitted color additives used in an unsafe manner; develops examination methods for field use in determining if nonpermitted colors are used in foods, drugs, and cosmetics.

Performs inspections of color manufacturers in conjunction with the Office of the Executive Director of Regional Operations.

(iv) *Division of Cosmetics Technology.*—Provides expert technical advice on problems relating to the chemistry and technology of cosmetics within FDA and to other Government agencies.

Develops and maintains internationally recognized competence in the composition, function, and analysis of cosmetics. Maintains liaison with technical personnel of manufacturers to keep informed of new developments in cosmetic technology and products in order to prevent the use of potentially harmful ingredients such as primary irritants, sensitizers, and carcinogens.

Maintains and evaluates all cosmetic injury complaints received by the Agency, including all pertinent correspondence, reports, replies, analyses of samples, and recommendations for regulatory action.

Processes and evaluates all data received under cosmetic registration programs (location of cosmetic product establishments, ingredients in cosmetic product formulations, and cosmetic experience reports submitted by the cosmetic industry).

Performs chemical analysis of cosmetics for potential poisonous or deleterious substances and nonpermitted ingredients and develops analytical methods for field use.

Initiates requests for field inspection of cosmetic manufacturers and, in coordination with the Executive Director of Regional Operations, occasionally assists in inspections.

(k-9) *Office of Nutrition and Consumer Sciences.*—Develops and recommends policy regarding nutritional aspects of the food supply, control of food safety in food service operations, and investigation of consumer experiences and expectations with regard to food and nutrition; proposes action to implement these policies.

Conducts research on the nutritional composition and quality of food and factors affecting nutritional requirements.

Conducts research on consumer exposure to, experience with, and expectation of Bureau regulated products with emphasis on nutrition, safety, quality, and regulations; provides guidance throughout the Bureau on consumer behavior.

Establishes and maintains a food composition data bank and an information resource on food consumption patterns.

Plans and develops FDA activities to reduce hazards associated with commer-

cial and institutionalized food preparation and service; develops and promotes model ordinances and codes pertinent to food service sanitation. Determines the accuracy of nutritional labeling statements by analysis of surveillance and compliance food samples; devises new methods and improves existing procedures for nutritional analysis.

(i) *Division of Consumer Studies.*—Participates in the establishment of policies and development of new regulations by providing data on consumer exposure to, experience with, and expectation of Bureau-regulated products.

Develops base line data on consumer food requirements, demands, and factors that motivate consumer food preferences; studies and provides information on health effects of changing food intake patterns.

Evaluates data and maintains a food composition data bank on nutritional, chemical, and metabolic studies performed by the bureau, other Government agencies, academic institutions, and industry.

Develops regulations for nutrition-related labeling and keeps bureau management familiar with food analogs and novel foods and their properties, nutrient contents, and marketing methods; studies organoleptic properties of foods to determine if correlations can be established among these properties and the stability, nutrient retention, and quality of various foods.

Maintains liaison with consumer organizations and groups interested in food and nutrition education, in conjunction with the Office of the Assistant Commissioner for Public Affairs.

(ii) *Division of Food Service.*—Plans, develops, and directs FDA activities to reduce consumer hazards associated with retail food marketing and with commercial and institutional food preparation and service including commissaries, delicatessens, restaurants, and vending machines.

Develops, revises, and interprets model oridinances and codes pertinent to food service sanitation and retail food marketing, in cooperation with the Office of Complinace and other components of FDA. Promotes the adoption and uniform application of model ordinances and codes by States and municipalities, in conjunction with the Executive Director of Regional Operations (EDRO).

Provides technical advice, as requested, regarding food sanitation problems and development of sanitation standards for food service and vending equipment to other Government agencies, educational institutions, health-related organizations, and the food service and vending machine industries.

Assists in developing and conducting food sanitation training programs for FDA and industry. Provides technical and instructional support to EDRO (Cincinnati Training Facility) in the development and coordination of food training courses for State and local governments.

Provides technical support to the Office of Compliance in the development, revision, and field application of FDA food and watering point sanitation requirements for interstate conveyance and support facilities including revision of the Interstate Quarantine Regulations.

Promotes and coordinates, in cooperation with EDRO, field activities relating to the inspection of food service establishments in Federal buildings under reimbursable agreements with the General Services Administration.

Develops programs for laboratory and field investigations to solve current and emerging problems of food safety in food service operations and evaluates potential hazards of industry innovations.

(iv) *Division of Nutrition.*—Develops and recommends plans, policies, and regulatory approaches to maintain and improve the nutritional quality of the national food supply.

Serves as the agency focal point for nutritional expertise and provides advice and support in nutritional matters, upon request, to other organizations or individuals, public or private.

Maintains FDA's nutrient research and nutrient analysis laboratory capabilities.

Originates, plans, and conducts research to elucidate identity, properties, and amount of nutritionally significant substances in foods and of factors affecting the action of these substances; determines the effects of these substances on reproduction, growth, and development in biological and microbiological systems and studies the metabolic fate of these substances and their interaction with other food components such as food additives.

Devises new methods for the analysis of nutrients in different types of foods and investigates the mechanisms of the chemical reactions involved in such methods.

Maintains liaison with the national and international nutrition scientific community, both public and private.

Dated April 23, 1973.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.73-8347 Filed 4-27-73;8:45 am]

FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6 (Food and Drug Administration), of the "Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare" (35 FR 3685-92, dated Feb. 25, 1970, as amended) is amended to reflect the reorganization of the Bureau of Radiological Health.

Section 6B is amended as follows:

Section 6B Organization * * *

* * * * *

(s) *Bureau of Radiological Health.*—Develops and carries out a national program designed to control unnecessary exposures of man to and assure the safe and efficacious use of potentially hazardous ionizing and nonionizing radiation.

Conducts an electronic product radiation control program, including the development and administration of performance standards.

Plans, coordinates, and evaluates surveillance and compliance programs relating to radiation exposure.

Plans, conducts, and supports research on the health effects of radiation exposure through contracts and grants; and provides institutional support through training grants.

Develops criteria, recommendations, and standards relative to radiation use and exposure. Develops and promotes improved procedures, techniques, and users' qualifications for reducing unnecessary radiation exposure. Provides technical and scientific support, including training, to other bureaus within FDA and to other agencies having radiological health responsibilities.

Participates in development of model codes and recommendations for guidance of industry and of national, State, and local radiation-control and standard-setting agencies in order to optimize radiation control practices.

Maintains appropriate liaison with other Federal, State, and international agencies, with industry, and with consumer and professional organizations.

(s-1) *Immediate Office of the Director.*—Provides leadership, direction, evaluation, and coordination of the total activities of the Bureau. Provides advice and consultation to the Commissioner and other FDA officials on policy matters concerning radiological health activities.

Recommends to the Office of the Commissioner changed or additional legislative authority.

Maintains liaison with other FDA components; other Federal, State, and international agencies; industry and consumer and professional organizations.

(s-2) *Office of the Associate Director for Administration.*—Develops and directs Bureau program planning and evaluation activities; administrative policy formulation; resource management; and program services in administrative management, ADP systems, and technical information.

Provides Bureau focal point for strategic and operational planning through analysis, recommendations and policy development.

Directs the management of Bureau resources including financial, personnel, equipment and facilities; and through scientific and administrative evaluation techniques, makes recommendations to Bureau Director for changes in program priorities and allocation of resources.

Establishes Bureau ADP policy and provides professional assistance to the Bureau in the design and implementation of automated systems.

Provides technical information services to Bureau components and the public through preparation and dissemination of specialized technical information, and management of specialized reference and retrieval services.

Administers Bureau research and training grant programs.

(s-3) *Division of biological effects.*—Plans, conducts, and supports experimental and epidemiological research on the biological effects of exposure to electromagnetic radiation, magnetic fields, and acoustic energy with special reference to emissions from electronic products.

Through workshops, symposia, research, and literature review, studies and evaluates experimental, epidemiological, and clinical research to assess the health effects resulting from exposure.

Develops scientifically based biological criteria in support of exposure standards and/or performance standards to control radiation emissions. Studies and develops techniques for the measurement of energy distribution in biological tissues in order to provide quantitative dose-effect information.

(s-4) *Division of Compliance.*—Advises the Bureau Director and other FDA officials on legal, administrative, and regulatory problems and administrative policies concerning FDA's regulatory responsibilities relating to radiological health.

Develops, for FDA clearance, surveillance and compliance programs covering radiation-emitting products and materials; issues approved programs; and coordinates the establishment of priorities for compliance activities involved in such programs.

Conducts tests and inspections when necessary for regulatory purposes and evaluates industry quality control and testing programs to assure compliance with regulations.

Directs, designs, and monitors Bureau studies to develop facts necessary to support regulatory action on radiation-emitting products and materials. Develops, or assists and provides coordination for the development of, proposed criteria, standards, and related regulations for protecting the public health from injurious radiation.

Provides advice to the field/district offices in the handling of legal actions and provides headquarters case development, coordination, and contested case assistance.

Develops proposals for new or revised regulatory policy; serves as Bureau liaison point for regulatory affairs; and develops and recommends regulations and standards for publication in the FEDERAL REGISTER.

Coordinates Bureau and industry programs leading to the development of voluntary electronic product standards, and provides interpretations and guidance designed to improve compliance by industry.

(s-5) *Division of Electronic Products.*—Studies and evaluates emissions of, and conditions of exposure to, electromagnetic radiation, magnetic fields, and acoustic energy emitted from electronic products. Conducts or supports research, development, tests, and inspections to evaluate, control, and minimize radiation emissions.

Tests and evaluates effectiveness of devices and/or components for minimizing radiation exposure.

Develops physical criteria and recommends performance standards and regulations to control radiation emissions from electronic products.

(s-6) *Division of Radioactive Materials and Nuclear Medicine.*—Plans, conducts, and supports a national program to assure the safe and effective use of radioactive materials in medicine, industry, research, and consumer products.

Conducts and supports a research and evaluation program to reduce radiation absorbed dose through radiopharmaceutical development, instrumentation research, dosimetry, and clinical effectiveness studies.

Provides Agency support for regulatory programs involving radioactive materials, radiopharmaceuticals, and radioactive medical devices.

Develops and recommends voluntary and/or regulatory standards for the safe and effective use of radioactive materials, radiopharmaceuticals, and radioactive medical devices.

Promotes the development of a comprehensive radioactive materials control program including user protection and product evaluation at the State and Federal levels.

(s-7) *Division of Training and Medical Applications.*—Plans and conducts a nationwide program to reduce unnecessary exposure resultant from the use of radiation in the healing arts.

Identifies specific problems in medical radiation exposure through field surveillance; designs corrective action programs to reduce exposure; if appropriate, implements these programs on a national scale through education of users and consumers, setting proficiency standards and guidelines for regulation of medical radiation practice; and evaluates the impact of these programs on radiation reduction.

Provides continuing education and other training services to FDA, other Federal agencies with radiation protection responsibilities, and State and local radiation control programs.

Plans, initiates, and coordinates all bureau activities related to staff development, equal employment opportunity, and upward mobility.

* * * * *

Approved April 23, 1973.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.73-8348 Filed 4-27-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON ATLANTIC GENERATING STATION

Notice of Meeting

APRIL 26, 1973.

In accordance with the purposes of section 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards Subcommittee on Atlantic Generating Station will hold a meeting on May 23, 1973, in room 1046 at 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to review the preliminary site description report for the Atlantic Generating Station, proposed as a barge-mounted nuclear generating station to be located approximately 3 miles offshore of the southeast coast of New Jersey, and approximately 11 miles northeast of Atlantic City, N.J.

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

Wednesday, May 23, 9:30 a.m.-3:30 p.m.—Review of preliminary site description report, Atlantic Generating Station Units 1 and 2. (Presentations by regulatory staff and representatives of Public Service Electric & Gas Co. of New Jersey and their representatives and discussions with these groups.)

In connection with the above agenda item, the Subcommittee will hold an executive session beginning 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 session at the beginning and end of the meeting will consist of an exchange of opinions and formulation 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 to 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 May 15, 1973, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the preliminary site description report on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545.

(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 statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcom-

mittee, 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 whether the meeting has been canceled or rescheduled and in regard 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 May 22, 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.d.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 July 6, 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.73-8437 Filed 4-27-73;8:45 am]

[Docket No. 50-412A]

DUQUESNE LIGHT CO. ET AL.

Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated April 20, 1973, a copy of which is attached as appendix A below.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's rules of practice, 10 CFR part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed on or before May 30, 1973, either (1) by delivery to the AEC public document room at 1717 H Street NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and Indemnity, Directorate of Licensing.

APPENDIX "A"

APRIL 20, 1973.

In the Matter of: Duquesne Light Co., Ohio Edison Co., Pennsylvania Power Co., Cleveland Illuminating Co., Toledo Edison Co., Beaver Valley Power Station, Unit No. 2, AEC Docket No. 50-412A.

You have requested our advice pursuant to the provisions of Section 105 of the Atomic Energy Act, as amended, in regard to the above cited application.

I. *The applicants.*—Beaver Valley Power Station, Unit 2, will consist of a single 923 MW unit located on the southern shore of the Ohio River in Beaver County, Pa., northwest of the City of Pittsburgh. The unit will be jointly owned by the following investor-owned utilities (the proportionate ownership indicated herein is tentative as of this time): Duquesne Light Co. (15 percent); Ohio Edison Co. (34 percent); Pennsylvania Power Co., a subsidiary of Ohio Edison Co. (6 percent); the Cleveland Electric Illuminating Co. (29 percent); and the Toledo Edison Co. (16 percent). The estimated cost of the unit at completion is $360 million, and it is scheduled to go into operation in 1978. The unit will be constructed and operated on behalf of the applicants by Duquesne Light Co.

Duquesne Light Co. (Duquesne) is an investor-owned integrated electric utility which serves an 800-square-mile area in the northwestern part of Pennsylvania which has a population of approximately 1,615,000 individuals. At present, Duquesne supplies the full bulk power requirements of one municipal electric utility. In 1971 Duquesne's total operating revenues were in excess of $192,959,000; the company has a net generating capacity of 2,321 MW.

Ohio Edison Co. (Ohio Edison) is a fully integrated investor-owned utility serving an area of approximately 7,400 mi^2 with a population of approximately 2,321,000 people in central and northeastern Ohio. Ohio Edison's net generating capacity is 3,340 MW. Ohio Edison supplies the full bulk power requirements of 19 municipal electric utilities and the partial bulk power requirements of two municipals. In 1971 Ohio Edison and its subsidiaries had electric operating revenues in excess of $306,049,000.

Pennsylvania Power Co. (PPC), a subsidiary of Ohio Edison Co., provides electrical service throughout an area of approximately 1,500 mi^2 in western Pennsylvania which has a population of 324,000 people. PPC supplies the full bulk power requirements of five cities. In 1971, PPC had operating revenues of $42,152,000 and a net generating capacity in excess of 561 MW.

The Cleveland Electric Illuminating Co. (CEI) is a fully integrated investor-owned utility which serves an area surrounding the city of Cleveland of approximately 1,700 mi^2 which has a population of approximately 2,100,000 people. CEI does not provide full or partial requirements wholesale electric service to any municipal or cooperative electric utility. In 1971, CEI had electric operating revenues in excess of $266,574,000 and a net generating capacity of 3,235 MW.

The Toledo Edison Company (Toledo) is a fully integrated investor-owned electric utility serving an area of 2,500 mi^2, including the City of Cleveland and territories to the west, south and east thereof, with a population of approximately 719,000 people. Toledo supplies the full bulk power requirements of 14 municipal electric utilities and the partial bulk power requirements of one municipal system, the city of Napoleon, at wholesale. In 1971, Toledo had electric operating revenues of $101,702,000 and a net generating capacity of 1,048 MW.

II. *The CAPCO pool.*—The Applicants are all members of a five-company power pool, known as CAPCO, which was organized in 1967. CAPCO provides the framework within which the members coordinate their operations, interchange power and share reserves. Generation and associated transmission facilities for the CAPCO members are planned on the basis of the requirements of the pool as a single system. The Beaver Valley Power Station, Unit No. 2, is a nuclear generating unit planned and constructed by the members of CAPCO to meet these requirements. The CAPCO members serve approximately 2 million customers within a 14,000-square-mile area in northern Ohio and western Pennsylvania.

III. *Competitors of the applicants.*—The smaller competitors of the applicants include a number of municipal electric systems and rural electrical cooperatives distributing electric power and energy within or adjacent to the areas served by the applicants.

a. *Rural electric cooperatives.*—All the rural electrical distribution cooperatives operating in the State of Ohio receive their bulk power from Buckeye Power, Inc. under long-term contracts. Buckeye is a wholesale supply company wholly owned and controlled by the 28 rural electric distribution cooperatives in Ohio. Buckeye owns one of two 600 MW generating units installed at the Cardinal plant of the Ohio Power Co. Through contractual arrangements with various investor-owned utilities in Ohio, including Toledo Edison, Buckeye utilizes the transmission systems of these companies to deliver power to the cooperatives. Ohio Edison, while not party to an agreement with Buckeye, has entered a separate agreement with Ohio Power Co., pursuant to which it wheels bulk power to seven distribution cooperatives located in its service area. The remaining applicants do not have distribution cooperatives located within their service areas, and thus, do not wheel Buckeye power.

During the course of our investigation, Buckeye Power informed the department that it was concerned over the fact that it did not have an express contractual right to new delivery points for cooperatives located within the service area of Ohio Edison. Such additional delivery points must be established by agreement between Ohio Edison and Ohio Power according to the contract between them.

Ohio Edison has supplied the Department with information indicating that the applicant does not have a policy of constant or arbitrary refusal to consider additional delivery points requested by Ohio Power on behalf of Buckeye or its members. From 1967 to the present, Buckeye has requested three additional delivery points for member cooperatives to which Ohio Edison wheels Buckeye power. Of these requests one has been withdrawn, one has been agreed to, and one is still under consideration.

Buckeye has also requested a delivery point for an additional cooperative to which Ohio Edison does not presently wheel power. Ohio Edison has indicated that the provision of wheeling services to this cooperative would require a modification of the terms of its agreement with Ohio Power; Ohio Edison has indicated to Buckeye and the Department its willingness to modify the agreement in this respect.

Ohio Edison has further indicated to the Department that it intends to continue its past practice with respect to the establishment of new delivery points for the provision of service to Buckeye member cooperatives; that is, to consider each request on an ad hoc basis and, when the capital expenditure required by the company to render service to the cooperatives would impose an unreasonable burden on Ohio Edison, to suggest that Ohio Power, Buckeye, or the affected member cooperative participate in the cost of establishing the requested delivery point.

At present, there does not appear to be any evidence that Ohio Edison has refused to establish a delivery point for reasons based upon or related to competition between it and any rural electric distribution coopera-

tive. Further, there does not appear to be any evidence that a refusal by Ohio Edison to establish a delivery point has had an anticompetitive effect. In view of Ohio Edison's past conduct and assurances that it is willing to modify its agreement with Ohio Power to provide for new wheeling service to additional cooperatives, there do not appear to be any presently existing anticompetitive effects generated by Ohio Edison's conduct relative to the cooperative distribution systems located in its service area.

b. *Municipally Owned Electric Utilities.*—The municipally owned electric utilities in Ohio and western Pennsylvania have not been granted access to Buckeye or any similar arrangement. Consequently, they obtain power either by generation or purchase from investor-owned utilities. Our investigation revealed that none of the municipal systems which are customers of the applicants had sought ownership participation specifically in unit No. 2 of the Beaver Valley Power Station.

Ohio Edison's 20 wholesale customers, which purchase all or part of their bulk power requirements from the applicant, made inquiry of Ohio Edison in August 1972, prior to the institution of our review, as to whether the company would allow the municipals to participate in generation projects and would provide the attendant wheeling and partial requirement service required. No specific reference was made in this request to the instant generating unit. While no answer was received to this request, Ohio Edison and its wholesale customers have entered into the following agreement:

The parties will conduct studies and investigations of the engineering, financial, and legal feasibility of an arrangement or arrangements under which the municipalities would by ownership in whole or in part, or by special contractual agreement, be in a position to participate directly in the output of specific generating capacity. In the event that the studies and investigations show that an arrangement appears to be feasible and to the mutual advantage of the municipalities and the company, and if a sufficient number of municipalities agree to participate in the arrangement, Ohio Edison and those interested municipalities will thereupon enter into appropriate agreements therefor and will use their best efforts to put the arrangement into effect.

In view of Ohio Edison's willingness to participate in a determination of the feasibility of municipal utility participation in specific generating projects in the future and absent any allegations of specific anticompetitive conduct relevant to this application, Ohio Edison's relations with its municipal electric customers would not seem to create or maintain a situation inconsistent with the antitrust laws.

Although CEI does not serve any municipal or cooperative wholesale customers, its facilities are located adjacent to the municipal systems of the city of Cleveland and the city of Painesville. American Municipal Power-Ohio, Inc. (AMP–O) [1], representing the city of Cleveland, made various allegations concerning CEI's practices which the Department was unable to substantiate upon investigation. The city of Painesville indicated that it was an isolated system which was seeking an interconnection with CEI; this interconnection was required if the City was to remain competitive with CEI. Discussions with both Painesville and CEI reveal that the two have been engaged in negotiations concerning an interconnection; both have indicated that the negotiations appear to be progressing satisfactorily and that no obstacle to a final agreement appears to exist. CEI has informed the Department that it expects a final proposal for interconnection to be formulated "within a few months." Absent any present indication that CEI has refused to interconnect its system with that of the city of Painesville, it does not appear that CEI's practices have been inconsistent with the principles of competition underlying the antitrust laws.

AMP–O has informed the Department of two other matters concerning the applicants and various municipally owned electric utilities: The first is restricted to the town of Napoleon and Toledo Edison, while the second involves Toledo Edison, Ohio Edison, and CEI. For purposes of this application, AMP–O represents nine municipal electric systems in the State of Ohio, all of which are located in the service area of one of the applicants.

AMP–O alleged that three times during 1971 the town of Napoleon asked Toledo Edison to either wheel Buckeye Power to the town or to release a Buckeye member cooperative from the contract which prohibited it from selling power for resale to a wholesale customer already supplied by Toledo Edison. It is alleged that Toledo Edison refused to acquiesce to either alternative.

Toledo Edison has indicated to the Department that any such refusal was made pursuant to the contract between it and Buckeye Power, Inc. which incorporates by reference the antipirating provisions of Ohio law (revised code, sec. 4905.261). This statute prohibits a utility from serving a customer presently served by another, unless the customer has been disconnected from his former supplier for 90 days or an order permitting the transfer is granted by the Ohio Public Utilities Commission. There is considerable doubt whether this statute would apply to the transfer of a wholesale customer. However, this is the interpretation placed upon the Buckeye agreement by Toledo Edison.

Toledo Edison has informed the Department that should Napoleon disconnect its system from that of the company for the requisite period, Toledo Edison would be obliged under the Buckeye agreement to wheel power which is ultimately purchased at wholesale by Napoleon. Indeed, press accounts indicate that the town of Napoleon presently intends to disconnect its system from that of Toledo Edison in the spring of 1974 in order to take advantage of this contractual provision.

Our review has indicated that Toledo Edison's conduct appears to be consistent with the terms of its contract with Buckeye Power, Inc. and, at least for the present, is regarded as not presenting the possibility of severe anticompetitive effects which would require the Department's request for an antitrust hearing on this application.

AMP–O also informed the Department that it had written to Toledo Edison, Ohio Edison and CEI on November 27, 1972, inquiring as to whether these companies would allow AMP–O to participate in bulk power generation, as well as whether the companies would provide wheeling service for power from various sources to AMP–O's member systems. All three of the applicants responded to AMP–O's request and indicated that they would be willing to meet with AMP–O's respondents to discuss these matters. AMP–O has made no further contact with the applicants concerning these requests.

There are no smaller investor-owned systems distributing electric power and energy within or adjacent to the areas served by the applicants.

IV. *Conclusion.*—As indicated above, there have been no requests for participation in unit No. 2 of the Beaver Valley Power Station. Our investigation has failed to disclose conduct by the applicants which has resulted in presently demonstrable serious anticompetitive effects. In the absence of any anticompetitive denials of access to the Beaver Valley unit or other practices of the applicants related in some way to that unit which appear to create or maintain a situation inconsistent with the antitrust laws, the Department recommends that the Commission proceed in its consideration of the instant application without an antitrust hearing.

[FR Doc.73-8310 Filed 4-27-73;8:45 am]

[1] AMP–O is a nonprofit Ohio corporation which was established in 1971 to coordinate the generation, transmission, and distribution of electric energy within Ohio by municipally owned electric utilities.

[Docket No. 50-431]

MITSUBISHI INTERNATIONAL CORP.

Notice of Application for and Atomic Energy Commission Consideration of Issuance of Facility Export License

Please take notice that Mitsubishi International Corp., New York, N.Y., has submitted to the Atomic Energy Commission an application for a license to authorize the export of a pressurized water reactor with a thermal power level of 1,650 MW to the Kyushu Electric Power Co., Fukuoka-shi, Japan, and that the issuance of such license is under consideration by the Atomic Energy Commission.

No license authorizing the proposed reactor export will be issued until the Atomic Energy Commisson determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (Act), nor until the Atomic Energy Commission has found that:

(a) The application complies with the requirements of the Act, and the Atomic Energy Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Atomic Energy Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless on or before May 15, 1973, a request for a hearing is filed with the Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation may, upon the determinations and findings noted above, cause to be issued to Mitsubishi International Corp., a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Atomic Energy Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Atomic Energy Commission's Public Document Room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 23d day of April 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.73-8309 Filed 4-27-73;8:45 am]

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Receipt and Consideration of Issuance of Facility License; Opportunity for Hearing

Notice is hereby given that the Atomic Energy Commission (the Commission) has received an application for facility operating license from The Toledo Edison Co. and The Cleveland Electric Illuminating Co. (the applicant) to possess, use, and operate Davis-Besse Nuclear Power Station, a pressurized water nuclear reactor (the facility), located on the applicant's site on the southwestern shore of Lake Erie in Ottawa County, Ohio, at steady-state power levels not to exceed 2,772 thml MW.

The Commisison will consider the issuance of a facility operating license to The Toledo Edison Co. and The Cleveland Electric Illuminating Co. which would authorize the applicant to possess, use, and operate the Davis-Besse Nuclear Power Station, in accordance with the provisions of the license and the technical specifications appended thereto, upon the completion of a favorable safety evaluation on the application by the Commission's Directorate of Licensing, the completion of the environmental review required by the Commisison's regulations in 10 CFR part 50, appendix D, the receipt of a report on the applicant's application for a facility operating license by the Advisory Committee on Reactor Safeguards, and a finding by the Commisison that the application for the facility license, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (Act), and the Commission's regulations in 10 CFR Chapter I. Construction of the facility was authorized by construction permit No. CPPR-80, issued by the Commission on March 24, 1971.

Prior to issuance of any operating license, the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of construction permit No. CPPR-80. In addition, the license will not be issued until the Commission has made the findings, reflecting its review of the application under the Act which will be set forth in the proposed license, and has concluded 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 applicant will be required to execute an indemnity agreement as required by section 170 of the Act and 10 CFR part 140 of the Commission's regulations.

The facility is subject to the provisions in 10 CFR part 50, appendix D, for notice of opportunity for filing petitions for leave to intervene and requests for a hearing on environmental considerations related to issuance of the facility operating license.

On or before May 30, 1973, the applicant may file a request for a hearing, with respect to issuance of the facility operating license and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an atomic safety and licensing board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated atomic safety and licensing board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR 2.714. As required in 10 CFR 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner including the facts and reasons why he should be permitted to intervene, with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Office of the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., on or before May 30, 1973. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, Office of the General Counsel, U.S. Atomic Energy Commission, Washington, D.C. 20545 and to Gerald Charnoff, Esq., Shaw, Pittman, Potts and Trowbridge, 910 17th Street NW., Washington, D.C. 20006, attorney for the applicant.

A petiiton for leave to intervene which is not timely will not be granted unless the Commission, the presiding officer, or the atomic safety and licensing board designated to rule on the petition and/or request determines that the petitioner has made a substantial showing of good cause for failure to file on time and after considering those factors specified in 10 CFR 2.714(a) (1)-(4) and 2.714(d).

For further details pertinent to the matters under consideration, see the application for the facility operating license, dated December 8, 1972, as amended, and docketed March 30, 1973, and the Applicant's environmental report—construction permit stage, dated August 3, 1970, as supplemented, July 6, 1972, and the Applicant's environmental report—operating license stage (which incorporates by reference the earlier environmental report), dated December 20, 1972, and docketed March 30, 1973, which are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Ida Rupp Public Library, Port Clinton, Ohio 43452. As they become available the following documents may be inspected at the above locations: (1) The safety evaluation prepared by the Directorate of Licensing; (2) the Commission's draft detailed statement on environmental considerations pursuant to 10 CFR part 50, appendix D; (3) the Commission's final detailed statement on environmental considerations; (4) the report of the Advisory Committee on Reactor Safeguards on the application for facility operating licenses; (5) the proposed facility operating license; and (6) the technical specifications, which will be attached to the proposed facility operating license.

Copies of items (1), (3), (4), and (5), when available, may be obtained by request to the Deputy Director for Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For the Atomic Energy Commission.

Dated at Bethesda, Md., this 19th day of April 1973.

A. SCHWENCER,
Chief, Pressurized Water Reactors No. 4, Directorate of Licensing.

[FR Doc.73-8336 Filed 4-27-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 25221]

AEROVIAS QUISQUEYANA C. POR. A

Notice of Prehearing Conference and Hearing

Aerovias Quisqueyana C. por A. Application for amendment of foreign air carrier permit Dominican Republic-Miami Service.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on May 16, 1973, at 10 a.m. (local time) in room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Joseph L. Fitzmaurice.

Notice is also given that the hearing in this case may be held immediately following the conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before May 9, 1973.

Dated at Washington, D.C., April 24, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-8356 Filed 4-27-73;8:45 am]

[Dockets Nos. 24209, 24303; Order 73-4-94]

ALOHA AIRLINES, INC. AND HAWAIIAN AIRLINES, INC.

Intra-Hawaiian Priority and Nonpriority Service Mail Rates

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of April 1973.

By this order the Board proposes to establish new final priority and nonpriority service mail rates for the transportation of mail over the intra-Hawaiian routes of Aloha Airlines, Inc. (Aloha) and Hawaiian Airlines, Inc. (Hawaiian) for the period on and after February 7, 1972.

Hawaiian on February 7, 1972, and Aloha on March 13, 1972, petitioned the Board to establish increased priority and nonpriority service mail rates of $1 and 38 cents per ton-mile, respectively.[1] In support of their petitions the carriers submitted analyses of their current costs data indicating that the service mail rates were inadequate. On the basis of these data, the carriers contended that the requested rates would offer substantial relief and fair compensation although they would not provide for realization of a full return on the related investment.

On February 8, 1973, the Postmaster General petitioned the Board to establish a priority rate of 91 cents per ton-mile and a nonpriority rate of 32 cents per ton-mile for intra-Hawaiian air mail services. The U.S. Postal Service's calculation of the carriers' operating results produced ton-mile costs of 86.37 cents for priority mail and 26.35 cents for nonpriority mail services. As a result of ensuing discussions between the Postal Service and the carriers, the parties reached an agreement that the rates requested in the Postmaster General's petition would produce reasonable compensation, thus assuring that the yields from these rates will more than cover operating costs. On February 8, 1973, Hawaiian filed an answer supporting the Postmaster General's petition; and, by letter dated February 12, 1973, Aloha indicated it has no objection to the rates proposed by the Postmaster General.

The proposed rates are based primarily on the carriers' operating results for the fiscal year 1971. These were reviewed by the Postmaster General and the carrier parties, and after further discussions and negotiations, the parties have mutually agreed to the rates set out in the Postmaster General's petition. However, the Board in compliance with its statutory responsibility has reviewed all of the submitted data and computed the carriers' costs for transporting priority and nonpriority mail consistent with the space costing method adopted in the domestic *Nonpriority Mail Rates* case.[2] The results of these calculations are set out in appendix II.[3]

Our priority mail cost determination of 93.98 cents per ton-mile is only slightly above the proposed 91 cent rate. Furthermore, taking into consideration the posture of the proposed priority rate within the range of the Postal Service's computation of 86.35 cents per ton-mile and the carriers' request for $1 per ton-mile, as summarized in appendix I,[4] we find that a priority mail rate of 91 cents per ton-mile falls within the zone of reasonableness.

The full cost allocation computation for nonpriority mail of 67.52 cents per ton-mile is considerably higher than the Postmaster General's proposal, the rate set forth in the carriers' petitions and the Postal Service's cost computation. However, the intra-Hawaiian nonpriority rate determination should also reflect the unique character of this mail service coupled with the Board's expressed intent when it established the past nonpriority mail rate.[5]

Nonpriority mail in the Hawaiian Islands includes what was formerly known as second-, third-, and fourth-class mail, the bulk of which receives only surface transportation on the mainland. Prior to 1965, this nonpriority mail was transported between the islands by boat. In its initial establishment of the intra-Hawaiian nonpriority rate,[6] the Board stated, "In consideration of the benefits in the public interest that the proposed mail service will provide, that the estimated volume of nonpriority mail can be accommodated on a space-available basis with revenues in excess of the added costs of such service, and the current costs of surface transportation which exerts a budgetary limitation for the Post Office Department, we find that a rate of 19 cents per ton-mile for the carriage of mail other than air mail and air parcel post within the State of Hawaii is fair and reasonable."

As set out in appendix II, we find the proposed nonpriority rate of 32 cents per ton-mile is more than adequate to cover the service and handling costs computed at 28.28 cents, leaving 3.72 cents per ton-mile to be applied against other operating costs.

Accordingly, considering the rate proposed by the carriers, the unique character of nonpriority mail services over intra-Hawaiian routes, the improved service benefits it provides to the public, the space-available limitations imposed on its air transportation, its contribution of revenues to offset the operating costs of the Hawaiian carriers, the increase in the nonpriority mail rate compared with the present rate, and the fact that the parties agree that the rate proposed is reasonable, the Board believes that the service mail rate of 32 cents per ton-mile for the transportation of nonpriority mail over the intra-Hawaiian routes will provide fair and reasonable compensation to the carriers.

PROPOSED FINDINGS AND CONCLUSIONS

Based on the foregoing, the Board tentatively finds that the fair and reasonable rates of compensation to be paid on and after February 7, 1972, to Aloha Airlines, Inc. and Hawaiian Airlines, Inc., by the Postmaster General, pursuant to the provisions of section 406 of the Federal Aviation Act of 1958, for the transportation of priority and nonpriority mail by aircraft over their intra-Hawaiian routes, the facilities used and useful therefor, and the services connected therewith are:

1. A final priority service mail rate of 91 cents per mail ton-mile;

2. A final nonpriority service mail rate of 32 cents per mail ton-mile;

3. The mail ton-miles used in computing the service mail payments at the foregoing rates shall be based upon the nonstop great circle mileage between the points of origin and destination of each shipment of priority and nonpriority mail;

4. The "priority mail" for which the rate is established in paragraph 1, above, is defined as airmail letters and cards, air parcel post, and first-class mail pieces exceeding 12 ounces in weight;

5. The "nonpriority mail" for which the rate is established in paragraph 2, above, is defined as all classes of mail—except airmail letters and cards, air parcel post and first-class mail pieces exceeding 12 ounces in weight—carried on a space-available basis; and

6. The final service mail rates fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to the Board's procedural regulations promulgated in 14 CFR part 302,

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[1] Aloha and Hawaiian presently receive temporary priority service mail payments at the rate of 81 cents per ton-mile established under Reorganization Plan No. 10 by order No. E-7721, Sept. 16, 1953, and, temporary nonpriority service mail payments at the rate of 19 cents per ton-mile established by order No. E-22636, Sept. 10, 1965.

[2] Orders 70-4-9 and 70-4-10, decided Apr. 2, 1970.

[3] Filed as part of original document.

[4] Ibid.

[5] Order No. E-22498, dockets 16230 and 16240, Aug. 2, 1965, at p. 3.

[6] Ibid.

It is ordered, That:

1. All interested persons and particularly Aloha Airlines, Inc., Hawaiian Airlines, Inc., and the Postmaster General are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions, and fix, determine, and publish the final rates specified above.

2. Further procedures herein shall be in accordance with 14 CFR part 302, and, if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days after the date of service of this order, and if notice is filed, written answer and supporting documents shall be filed within 30 days after date of service of this order.

3. If notice of objection is not filed within 10 days or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein.

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates herein shall be limited to those specifically raised by such answers except as otherwise provided in 14 CFR 302.307.

5. This order shall be served upon Aloha Airlines, Inc., Hawaiian Airlines, Inc., and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-8359 Filed 4-27-73;8:45 am]

[Docket No. 25459; Order 73-4-95]

AMERICAN AIRLINES, INC.

Round Trip Excursion Fares; Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of April, 1973.

By tariff revisions[1] marked to become effective May 15, 1973, American Airlines, Inc. (American), proposes to introduce round trip excursion fares in all of its markets over 1,000 miles at discounts from normal coach fares of 12½ percent on Friday through Monday and 30 percent on Tuesday, Wednesday, and Thursday. The fares would be subject to a minimum stay requirement of 6 days and a maximum of 21 days, and would be available year round except during major holiday periods. Stopovers in addition to outward destination would be permitted upon payment of $10 each. The tariff is marked to expire May 31, 1974.[2]

American alleges that its major purpose is simplification of the fare structure. If its proposal is permitted to become effective and if competition permits, American allegedly plans to cancel all individual inclusive tour basing and family plan fares in markets where the new excursion fare is available. Concurrently with the instant filing, American is canceling its Discover America fares.

The fares, which involve an average dilution of 21.3 percent, allegedly must generate an increase in traffic of 27.8 percent, over and above that now generated by the fares to be canceled, if they are to meet the profit impact test adopted by the Board in phase 5 of the *Domestic Passenger-Fare Investigation* (*DPFI*). American estimates that traffic generation will at a minimum be 35 percent, based on its experience with other discount fares and its continuing series of in-flight surveys.[3] The carrier expects $3.3 million in additional net revenue as a result of the proposed fares. Finally, American alleges that the differential it proposes in the discount for weekend versus midweek travel (12½ percent versus 30 percent) will reduce weekend traffic peaking and shift travel to days of historically lower load factors.

Complaints have been filed by Braniff Airways, Inc., Trans World Airlines, Inc., (TWA), and United Air Lines, Inc. The Board has determined to suspend the proposal on its own motion, however, without consideration of arguments or information advanced in the complaints. In our opinion, American's justification does not adequately support its proposal, and accordingly we do not believe it necessary or in the public interest to delay disposition of the matter. To the contrary, we believe the public interest would be best served by prompt clarification of what, if any, new promotional fares are to be available this summer.

Upon consideration of American's proposal and other relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board has also concluded to suspend the fares pending investigation.

In its decision in phase 5 of the *DPFI*, the Board indicated its willingness to permit experimentation with promotional fares provided the fares are not unjustly discriminatory and a prima facie demonstration of favorable profit impact is made. American's justification here, however, does not afford a sufficient basis upon which to determine the probable profit impact with any degree of certainty, particularly when the broad availability of the fares is taken into consideration. Moreover, the proposal runs counter to efforts by the carriers in recent years to reduce the size of the discounts applicable to widely available fares, and thereby improve yield and net revenue. In our opinion, the extensive availability of such substantially discounted fares as proposed suggests the probability that they will be highly diversionary.

At the time it proposed the 7-9-day excursion fare of last November and December (the Great American Sale),[4] American indicated that it considered five factors necessary to insure the success of that experiment. These five requisites were: Availability limited to off-peak days during an off-peak period; limited overall time frame (the fares were available only 17 days throughout the period); travel in both directions on midweek days only; limited to trips of 7 to 9 days' duration; and advance purchase requirement of 7 days.

None of these restrictions would apply to the fares here proposed, despite the fact that the midweek discount is comparable and applies in like markets.[5] The fares would apply year round (except for certain holiday blackouts), passengers may elect to take advantage of the large midweek discount in combination with the weekend fares, and the return limit of 21 days is significantly more liberal. In addition, no advance purchase requirement would be imposed. American has made no attempt to justify the lack of comparable restrictions here, despite its conviction that they were needed to protect a similarly discounted midweek fare only a short time ago.

American alleges that the 7-9-day fares had a generative impact of 52 percent, as compared with its estimate here of a 35-percent generative factor. However, the estimated generation experience with the 7-9-day excursion fares was apparently based on a single in-flight survey question.[6] In our opinion, this limited information does not provide a solid basis for concluding that the broadly available fares here proposed will be sufficiently generative to have a favorable impact upon profit, particularly in light of the substantial diversion which appears likely. In this connection, we note that American does not intend to impose the customary promotional fare blackouts for travel during the Friday and Sunday peaks.

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[1] Revisions to Airline Tariff Publishers, Inc., agent, Tariff CAB Nos. 136 and 142.

[2] TWA has made a defensive filing.

[3] American's current generation experience based upon its in-flight surveys for 1972 is as follows:

	Discount	Generation
	Percent	*Percent*
Family plan	15.6	24.9
Discover America	12.5	26.7
Individual tour-basing	30.0	41.6
Weighted average	14.8	26.7

[4] Order 72-10-9, Oct. 5, 1972.

[5] The average discount of the 7-9-day excursion fare was 34 percent compared with a midweek discount of 30 percent under the instant proposal. The weekend discount of 12½ percent is equivalent to present Discover America fares which are more limited in availability (markets above 1,500 versus 1,000 miles).

[6] "Would (you) have made a trip by air—if this special fare (7-9-day excursion fare) were not available?"

We distinguish the instant proposal from TWA's "Demand Scheduling" experiment[7] since the latter is limited to operations between only five east coast and two west coast markets and is, in effect, a small self-contained operation which hopefully will have a minimal effect on TWA's total resources and existing traffic. Here, on the other hand, the fares would be available throughout much of American's system, and their usage restrained only by relatively liberal conditions. For this reason, we believe the risk of an adverse effect upon yield is a very real one, and that the proposal should not be permitted in the absence of considerably more detailed and persuasive information than the carrier has supplied.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the fares and provisions described in appendix A hereto,[8] and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in appendix A hereto are suspended and their use deferred to and including August 12, 1973, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints in dockets 25401, 25403, and 25404 are hereby dismissed;

4. The investigation ordered herein be assigned before an Administrative Law Judge of the Board at a time and place hereafter to be designated; and

5. Copies of this order be served upon American Airlines, Inc., Braniff Airways, Inc., Trans World Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,[9]
Secretary.

[FR Doc.73-8358 Filed 4-27-73;8:45 am]

[7] Order 73-3-129, Mar. 29, 1973.

[8] Filed as part of the original document.

[9] MINETTI, Member, dissenting and filing a statement, which is filed as part of the original document.

[Docket 25182; Order 73-4-104]

ARIES AIR CARGO INTERNATIONAL, INC., AND OVERSEAS NATIONAL AIRWAYS, INC.

Order of Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of April 1973.

Aries Air Cargo International, Inc. (Aries) and Overseas National Airways, Inc. (ONA) request disclaimer of jurisdiction or approval pursuant to the third proviso of section 408(b) of the Federal Aviation Act of 1958, as amended (the Act) with respect to the lease by ONA to Aries of one DC-8-63CF aircraft.

Aries is a Nevada corporation having its principal place of business at El Segundo, Calif. The company intends to do business as a commercial operator of large aircraft subject to part 121 of the Federal Aviation Regulations and to operate its aircraft solely in private or contract carriage of cargo. ONA is a U.S. certificated supplemental air carrier.

The aircraft dry lease is to run for a period of 2 years, which may be extended by Aries at its election for an addition 3-year period.

In support of the request for disclaimer, it is stated that the one DC-8-63 aircraft, under the circumstances presented here, does not constitute a substantial portion of the properties of ONA under section 408(a)(2) of the Act. In this respect, the aircraft to be leased to Aries is stated to represent at most, 10.5 percent of the total value of ONA's flight equipment and, in more realistic terms, only five-ninths of its leasehold interest in the aircraft (5.8 percent of the value of the company's total flight equipment[1]). Furthermore, the aircraft is under 10 percent of ONA's total lift capacity, and is less than 10 percent of the total number of aircraft in ONA's fleet. Thus the applicants submit that the aircraft to be leased is insignificant enough in value, lift capacity, and number of aircraft to properly be viewed as less than a substantial part of ONA's properties within the principles established in recent orders disclaiming jurisdiction.[2]

In support of approval, it is urged that the lease is beneficial to ONA in that it will reduce by one aircraft the size of ONA's fleet and thereby help make room in the fleet for two DC-10 aircraft which ONA hopes to take delivery of later this year.[3]

Comments opposing disclaimer or approval have been filed by Airlift International, Inc. (Airlift), Seaboard World Airlines, Inc. (Seaboard), and Flying Tiger Line, Inc. (Flying Tiger). Aries has filed a reply to those comments.[4]

The opposing parties aver that Aries' operations will exceed the bounds of contract carriage, and that Aries will in effect be engaging in interstate and foreign air transportation without requisite authority from the Board. It is contended that Aries is actually "holding itself out" to the shipping public. Seaboard and Airlift complain that, even if within the bounds of contract carriage, a significant increase in the amount of traffic handled by contract carriers could undermine the present air transportation system. Seaboard further alleges that certain provisions of the lease agreement,[5] when combined with ONA's status as Aries' major creditor, may give ONA control of Aries within the meaning of section 408 of the Act. All three opposing parties request that the matter be set for a hearing.

Subsequent to the filing of Aries' reply to the opposing comments, counsel for ONA notified the Board that the lease agreement had been terminated, mooting the application and making it subject to dismissal. Aries has responded that the purported lease termination is illegal and ineffective, and that the Board should continue to process the application.

Upon consideration, we have concluded that the application should be considered as submitted, leaving the apparent contractual dispute to the appropriate forum, cf. SCA Services, Inc. et al., order 72-6-82; and we conclude that Board jurisdiction over the lease should be asserted. Applicants concede that the aircraft to be leased exceeds the 10 percent rule of thumb used by the Board in disclaiming jurisdiction in the Frontier

[1] ONA has itself leased the aircraft from the owner, and is obligated for a remaining term of 9 years, 5 of which it may sublease the aircraft to Aries.

[2] Overseas National Airways, Inc., order 72-2-60 (Feb. 16, 1972); Frontier Airlines, Inc., order 70-11-13, Nov. 4, 1970; Allegheny Airlines, Inc., order 70-11-14, Nov. 4, 1970. These orders disclaimed jurisdiction over lease transactions wherein the leased aircraft constituted less than 10 percent of the number, less than 10 percent of the market value, and less than 10 percent of the air carrier/lessor's total lift capacity, and where, but for the fact that the lessee was not an air carrier, the transaction would be exempt under part 299 of the Board's Economic Regulations.

[3] Because it claims not to be an "air carrier" as defined by the Act, Aries does not fit within the precise terms of the exemption from section 408 automatically applying to transactions such as this via part 299 of the Board's Economic Regulations. However, the applicants assert that this technicality does not alter the fundamental fact that the proposed lease meets all of the Board's standards set forth in part 299.

[4] Inasmuch as the opposing comments raise questions potentially relevant to this proceeding which have not been addressed in the application, Aries' motion to file an otherwise unauthorized document will be granted.

[5] The contested lease provisions are (1) Aries shall do business with its prospective customers at terms providing for guaranteed form of payment satisfactory in all respects to ONA; (2) Aries shall place such payments in escrow on terms satisfactory to ONA, with a bank acceptable to ONA; and (3) Aries shall have obtained a minimum of $350,000 in financing on terms satisfactory to ONA.

Airlines, Inc. and Allegheny Airlines, Inc., orders.[6] It is urged, however, that the 10 percent rule is exceeded only with respect to the total value of ONA's operating fleet (the total number of aircraft, and the lift capacity represented by the aircraft are below 10 percent, and that the excess is so nominal (the aircraft amounts to 10.5 percent of ONA's total aircraft) that no meaningful purpose exists for the taking of jurisdiction. While some room for discretion in the matter may exist, the objecting parties have raised questions which we believe require consideration. We will therefore take jurisdiction.[7]

Essentially, there are two questions to be answered: Should the application be set for hearing, and should it be approved. The opposing parties request a hearing to explore the bona fides of Aries' alleged private carriage operations, obviously worried about the competitive impact of such operations. A similar concern prompted a request for hearing by TWA when Seaboard attempted to dry lease a DC-8 to Loftleidir, which the latter planned to use for instituting its first turbojet service across the North Atlantic. There, the Board determined that a hearing was neither necessary nor appropriate, finding that most of the matters sought to be litigated were not material to a straightforward equipment lease application, and that the remaining factor—competitive impact—was insufficient by itself to invoke the hearing process or to block the transaction. *Loftleidir, H. F.*, order 70-5-111, May 21, 1970.

Analogous circumstances exist here. There is not the appearance of a less-than-arm's-length equipment transaction,[7] or one which will result in the creation of a monopoly which will restrain competition or jeopardize another air carrier; nor is there any indication that the transaction will impair ONA's ability to serve the public. While there is substantial concern that Aries' operations will be a competitive threat, that is a factor which is insufficient alone to set the application for hearing, or to disapprove it.

Of course, to the extent that the competitive fear is grounded in Aries' engaging in unlicensed common carrier operations, it may well warrant appropriate Board scrutiny. This application, nevertheless, is neither the right time nor the best place for such scrutiny. The actual operations are inchoate; the allegedly unlawful ones are speculative; the issues pertaining thereto are not directly material to the section 408 standards; and appropriate enforcement tools exist for any necessary examination and remedial action.

The Board tentatively concludes that the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, and does not result in the creation of a monopoly or tend to restrain competition. No substantial cause for hearing has been raised, and it is tentatively concluded that the public interest does not require a hearing. It appears that ONA is able to consummate its obligations under the lease without depriving itself of aircraft necessary to meet its own commitments and, under all the circumstances, it is the Board's tentative view that the lease transaction will not be inconsistent with the public interest and that the conditions of section 408 will be fulfilled.

Accordingly, it is ordered, That:

1. The motion of Aries and ONA to file an otherwise unauthorized document be and it hereby is granted;

2. Interested persons are hereby afforded a period of 14 days in which to file comments; and

3. The Attorney General of the United States shall be furnished a copy of this order within 1 day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-8360 Filed 4-27-73;8:45 am]

[Docket 25110]

HUGHES AIRWEST

Apple Valley Deletion Case; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 30, 1973, at 10 a.m. (local time), in room 726, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Associate Chief Administrative Law Judge Robert L. Park.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before May 10, 1973, and the other parties on or before May 21, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., April 25, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-8355 Filed 4-27-73;8:45 am]

[Docket No. 25179]

DOMINICAN REPUBLIC-MIAMI; DOMINICAN REPUBLIC-PUERTO RICO

Notice of Prehearing Conference and Hearing

Application for foreign air carrier permit, Dominican Republic-Miami; Dominican Republic-Puerto Rico.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on May 22, 1973, at 10 a.m. (local time) in room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Thomas P. Sheehan.

Notice is also given that the hearing in this case may be held immediately following the conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before May 15, 1973.

Dated at Washington, D.C., April 25, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-8354 Filed 4-27-73;8:45 am]

[Docket No. 25448]

TRANS-MEDITERRANEAN AIRWAYS, S.A.L.

Notice of Prehearing Conference and Hearing

Trans-Mediterranean Airways, S.A.L. application for amendment of foreign air carrier permit; addition of Pakistan and Hong Kong.

Notice is hereby given that a prehearing conference on the above-entitled application is assigned to be held on May 15, 1973, at 10 a.m. (local time) in room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge James S. Keith.

Notice is also given that the hearing in this case may be held immediately following the conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before May 8, 1973.

Dated at Washington, D.C., April 24, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-8357 Filed 4-27-73;8:45 am]

[6] Footnote 2, supra.

[7] Seaboard does raise a material question, i.e. whether the transaction will result in the control by ONA of Aries by virtue of the lease provisions summarized in footnote 5 supra. It appears that taken together these may result in a control relationship under section 408(a)(6) of the Act in view of the extent to which they could involve ONA directly in the business affairs of Aries. However, to the extent that a control relationship may be involved, the Board tentatively concludes that it does not result in the creation of a monopoly and thereby restrain competition or jeopardize Seaboard or any other air carrier; nor, it is tentatively found, does it appear that such control relationship, to the extent that it exists, will be inconsistent with the public interest. As to all aspects pertaining to the instant application, the Board intends to retain jurisdiction in its final order to be in a position to effect whatever further relief may be required in the public interest.

COMMISSION ON CIVIL RIGHTS

WISCONSIN STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Wisconsin State Advisory Committee to this Commission will convene at 8 p.m. on April 30, 1973, in suite 2206 at 1626 North Prospect Avenue, Milwaukee, Wis. 53202.

Persons wishing to attend this meeting should contact the Chairman, or the Midwestern Regional Office, room 1428, at 219 South Dearborn Street, Chicago, Ill. 60604.

The purpose of this meeting shall be to hear discussions of a proposed Wisconsin State Advisory Committee Conference on Police Reform, including date of proposed meeting, agenda, participation, and media commitments of State Advisory Committee members residing in the Milwaukee area.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., April 24, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-8429 Filed 4-27-73;8:45 am]

COMMITTEE FOR IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal from Warehouse for Consumption

APRIL 25, 1973.

On June 29, 1971, the U.S. Government, in furtherance of the objectives of, and under the terms of, the long-term arrangement regarding international trade in cotton textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Mexico concerning exports of cotton textiles and cotton textile products from Mexico to the United States over a 5-year period beginning on May 1, 1971. Among the provisions of the agreement are those establishing an aggregate limit for the 64 categories; within the aggregate limit, group limits on categories 1–4, 5–27, and part of 64 (knit fabrics), and 28–64 (excluding knit fabrics); and within both of the aforesaid limits, specific limits for categories 9, 10, 22, 23, 26, 27, 63, and 64, with sublimits on duck fabric (parts of categories 26 and 27), and on zipper tapes (part of category 64) for the agreement year beginning May 1, 1973.

Accordingly, there is published below a letter of April 25, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in categories 1 through 64, produced or manufactured in Mexico, which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning May 1, 1973, be limited to designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

APRIL 25, 1973.

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Under the terms of the long-term arrangement regarding international trade in cotton textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 29, 1971, between the Governments of the United States and Mexico, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective May 1, 1973, and for the 12-month period extending through April 30, 1974, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in categories 1 through 64, produced or manufactured in Mexico, in excess of the designated levels of restraint set forth below.

The combined level of restraint for categories 1 through 4, shall be 11,756,005 pounds.

The overall level of restraint for categories 5 through 27 and part of 64 (knit fabrics) shall be 45,919,125 yd² equivalent.

Within the overall level of restraint for categories 5 through 27 and part of 64 (knit fabrics) the following specific levels of restraint shall apply:

Category:	*12-month level of restraint*
9/10	13,519,406 yd².
22/23	13,519,406 yd².
26/27 and part of 64 (knit fabrics).	18,880,313 yd². (but not more than 7,441,875 yd². in categories 26 and 27 shall be in duck,[1] and not more than 689,063 yd² equivalent shall be in knit fabrics, TSUSA Nos. 345.1020, 345.1040, 346.4560, 353.5014, and 359.1040).

Within the overall level of restraint for categories 5 through 27 and part of 64 (knit fabrics), each category without a specific level of restraint is subject to a consultation level of 670,049 yd², pursuant to paragraph 7 of the bilateral agreement. If appropriate, future directions concerning these categories will be made to you by letter.

The overall level of restraint for categories 28 through 63 and 64 (excluding knit fabrics) shall be 8,158,500 yd² equivalent. There was attached to the directive of April 28, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee, concerning cotton textiles and cotton textile products from Mexico a table of the rates of conversion into square yard equivalents of categories 28 through 64 which may be used in implementing this part of this directive.

Within the overall level of restraint for categories 28 through 63 and 64 (excluding knit fabrics), the following specific level of restraint shall apply:

Category:	*12-month level of restraint*
64 (excluding knit fabrics)[2]	671,088 lb (of which not more than 431,412 lb shall be in zipper tapes, TSUSA No. 347.3340).

Within the overall level of restraint for categories 28 through 63 and 64 (excluding knit fabrics), each category without a specific level of restraint is subject to a consultation level of 469,033 square yards equivalent. If appropriate, future directions concerning these categories will be made to you by letter.

In carrying out this directive, cotton textiles and cotton textile products in categories 1 through 64 produced or manufactured in Mexico and which have been exported to the United States prior to May 1, 1973, shall to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period May 1, 1972, through April 30, 1973. In the event that any level of restraint for that period has been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 29, 1971, between the Governments of the United States and Mexico which provide in part that within the aggregate limit, the group limits for groups I and II may be exceeded by not more than 10 percent and the group limit on group III may be exceeded by not more than 5 percent; within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

A detailed description of the categories in terms of TSUSA numbers was published in the FEDERAL REGISTER on April 29, 1972 (37 FR 8802, as amended on February 14, 1973 (38 FR 4436).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commission of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-8480 Filed 4-27-73;8:45 am]

[1] Only TSUSA Nos.:
320.01 through 320.04, 320.06, 320.08.
321.01 through 321.04, 321.06, 321.08.
322.01 through 322.04, 322.06, 322.08.
326.01 through 326.04, 326.06, 326.08.
327.01 through 327.04, 327.06, 327.08.
328.01 through 328.04, 328.06, 328.08.

[2] All of category 64 except TSUSA Nos. 345.1020, 345.1040, 346.4560, 353.5014, and 359.1040.

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Availability of Agency Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendixes during the period from March 16, 1973, to March 30, 1973.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this reviewing period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in appendix II, and the EPA source for copies of the comments as set forth in appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in appendixes I, III, and IV.

Copies of the EPA Order 1640.1, setting forth the policies and procedures for EPA's review of agency actions, may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151.

Dated April 23, 1973.

SHELDON MEYERS,
Director,
Office of Federal Activities.

APPENDIX I

DRAFT ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN MARCH 16, 1973 AND MARCH 30, 1973

Responsible Federal Agency	Title and Identifying Number	General nature of comments	Source for copies of comments
Atomic Energy Commission	D-AEC-09002-00: Proposed rulemaking, appendix I	LO-2	A
Department of Agriculture	D-AFS-82065-WA: Douglas-Fir Tussock Moth Pest Management Plan, Wash.	ER-2	K
Do	D-DOA-82057-UT: Herbicide Control Sagebrush Wyethia in Utah/Montana.	ER-2	I
Do	D-DOA-82064-ME: Cooperative Spruce Budworm Suppression Project—1973, Maine.	ER-2	B
Do	D-SCS-34005-MN: Knife Lake Improvement Reconstruction and Development, Kanabec County, Minn.	LO-2	F
Do	D-SCS-36221-AL: Swan Creek Watershed, Limestone County, Ala.	LO-1	E
Do	D-SCS-36143-TN: Red Boiling Springs watershed project, Macon and Clay Counties, Tenn.	LO-2	E
Do	D-SCS-36210-KY: Short Creek watershed (flood control) Grayson County, Ky.	ER-2	E
Department of Commerce	D-EDA-02118-NB:Airport/Riverfront Industrial Park, Douglas County, Nebr.	LO-2	H
Do	D-EDA-24049-SC: City of Florence, Water and Sewer Service, S.C.	LO-2	E
Corps of Engineers	D-COE-09003-PA: Lake City Combined Cycle Powerplant, Lake City, Erie County, Pa.	ER-2	D
Do	D-COE-32405-AL: Claiborne Lock and Dam, Alabama River, Ala.	ER-2	E
Do	D-COE-32406-TX: Gulf Intracoastal Waterway—Chocolate Bayou, Tex.	ER-2	G
Do	D-COE-32408-LA: Mississippi River, Baton Rouge to the Gulf of Mexico, La.	LO-1	G
Do	D-COE-35061-AL: Fly Creek (maintenance dredging) Baldwin County, Ala.	LO-2	E
Do	D-COE-36232-VA: Four Mile Run, City of Alexandria, Local Flood Project, Arlington County, Va.	ER-2	D
Do	D-COE-36218-WA: Vancouver Lake Flood Control Project, Wash.	LO-1	K
Do	D-COE-39010-AK: Operation and Maintenance of of Ninilchik Small Boat Harbor, Alaska.	LO-2	K
Do	D-COE-39012-OR: Dixon Farm Levee Improvements, Clackamas River, Oreg.	LO-1	K
Do	D-COE-09003-NY: U.S. Postal Service Manhattan Vehicle Maintenance Facility, N.Y.	3	C
Department of the Interior	D-BLM-02043-TX: Proposed 1973 Outer Continental Shelf East Texas General Oil and Gas Lease Sale, Tex.	LO-2	G
Do	D-BOR-64000-NV: Carson City-Lake Tahoe, 120 KV Power Transmission Line, Nev.	LO-2	J
Department of Transportation	D-CGD-10033-AL: Berthing of SS Mayo Lykes at USCG Fire Test Facility, Little Sand Island, Mobile Bay, Mobile, Ala.	LO-2	E
Do	D-FAA-51220-MI: Roscommon County Airport, Houghton Lake, Mich.	LO-1	F
Do	D-FAA-51224-OH: Greater Portsmouth Regional Airport, Scioto County, Ohio.	LO-1	F
Do	D-FAA-51225-MN: Detroit Lakes Airport, Becker County, Minn.	LO-2	F
Do	D-FAA-51240-OK: Seminole Municipal Airport, Seminole, Okla.	LO-2	G
Do	D-FHW-41645-UT: Mills Junction North Nephi, I-15-5(1)207, Utah.	LO-2	I
Do	D-FHW-41683-MN: T.H. 61, Minnesota City Bypass, Winona County, Minn.	ER-2	F
Do	D-FHW-41692-IA: Freeway 561, Scott and Clinton Counties, Iowa.	3	H
Do	D-FHW-41698-SC: Georgetown and Charleston Counties, Proposed Widening of Section of U.S. 17 to Near SR 41 From SR S-23, S.C.	LO-2	E
Do	D-FHW-41701-NC: Alligator Creek to Belville, Proposed Reconstruction of U.S. 74, 76, 17, Brunswick County, N.C.	ER-2	E
Do	D-FHW-41702-KY: Multi-Agency Open Cut, Including U.S. 23, U.S. 119 Railroad and River Relocation, Pike County, Pikeville, Ky.	ER-2	E
Do	D-FHW-41709-NB: Abbott Drive Improvement, Douglas County, Nebr.	LO-1	H
Do	D-FHW-41711-IN: St. Joe Road from Stellhorn Road to Evard Road, Allen County, Ind.	ER-2	F
Do	D-FHW-41714-PA: Section 1, L.R. 1117, Fayette County, Pa.	LO-1	D
Do	D-FHW-41735-FL: Broward and Dade Counties, from Andytown to Palmetto Expressway, S.R. 93 (I-75), Fla. metto Expressway, S.R. 93 (I-75), Fla.	ER-2	E
Do	D-FHW-41643-RI: I-84, Providence West to Connecticut border, R.I.	ER-2	B
Do	D-FHW-50120-NY: I-787 Hoosick Street bridge, Albany and Rensselaer County, N.Y.	3	C
Do	D-UMT-54019-NY: East 63d Street line, New York City Transit Authority,borough of Manhattan and Queens, N.Y.	LO-2	C
Department of Housing and Urban Development.	D-HUD-85005-IL: Belvista Lakeside Estates, St. Clair County, Ill.	ER-2	F
Do	D-HUD-85007-AZ: Four proposed subdivisions, Tucson, Ariz.	ER-2	J
Do	D-HUD-89118-CO: Alamo Plaza Urban Renewal, Colorado Springs, Colo.	ER-2	I
Architect of the Capitol	D-AOC-09006-DC: Proposed modification to/and enlargement of the Capitol powerplant, Washington, D.C.	3	D
Tennessee Valley Authority	D-TVA-82062-TN: Vector control program, Tenn.	LO-2	E

APPENDIX II—DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

ENVIRONMENTAL IMPACT OF THE ACTION

LO—Lack of objection

EPA has no objections to the proposed action as described in the draft impact statement; or suggests only miner changes in the proposed action.

ER—Environmental reservations

EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these aspects.

EU—Environmentally unsatisfactory

EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

ADEQUACY OF THE IMPACT STATEMENT

Category 1—Adequate

The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient information

EPA believes that the draft impact statement does not contain sufficient information to asses fully the environmental impact of the proposed project or action. However, from the information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate

EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonably available alernatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

If a draft impact statement is assigned a category 3, no rating will be made of the project or action, since a basis does not generally exist on which to make such a determination.

APPENDIX III

FINAL ENVIRONMENTAL IMPACT STATEMENTS FOR WHICH COMMENTS WERE ISSUED BETWEEN MARCH 16, 1973 AND MARCH 30, 1973

Title and Identifying number	General nature of comments	Source for copies of comments
None		

APPENDIX IV

REGULATIONS, LEGISLATION AND OTHER FEDERAL AGENCY ACTIONS FOR WHICH COMMENTS WERE ISSUED BETWEEN MARCH 16, 1973 AND MARCH 30, 1973

Agency	Title and indentifying number	General nature of comments	Source for copies of comments
Atomic energy Commission	R-AEC-00000-00: Environmental effects of fuel and waste from nuclear power reactors	EPA evaluation concludes that both the matters of calculational methods and basic safety related parameters should be handled on a generic basis with appropriate public review as new developments are made. On individual site related risks, however, there should be a statement of the methods and parameters and the results of the calculations for each individual facility.	A

APPENDIX V

SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Environmental Protection Agency, room 2303, John F. Kennedy Federal Building, Boston, Mass. 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, room 847, 26 Federal Plaza, New York, N.Y. 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pa. 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, suite 300, 1421 Peachtree Street NE., Atlanta, Ga. 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 North Wacker Drive, Chicago, Ill. 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Tex. 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Mo. 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, room 916, 1860 Lincoln Street, Denver, Colo. 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, Calif. 94102.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Wash. 98101.

[FR Doc.73-8304 Filed 4-27-73;8:45 am]

3,5-DICHLORO-N-(1,1-DIMETHYL-2-PROPYNYL)BENZAMIDE

Notice of Reextension of Temporary Tolerances

In response to a petition (PP 9G0821), the Rohm and Haas Co., Independence Mall West, Philadelphia, Pa. 19105, was granted temporary tolerances for residues of the herbicide 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide and its metabolites calculated as 3,5-dichloro-*N*-(1,1-dimethyl-2-propynyl) benzamide in or on the raw agricultural commodities alfalfa, clover, lespedeza, trefoil, and vetch at 3 p/m; lettuce at 1 p/m; kidney and liver at 0.2 p/m (negligible residue); and milk at 0.01 p/m (negligible residue) on August 29, 1969 (notice was published in the FEDERAL REGISTER of Sept. 9, 1969 (34 FR 14133)). At the request of the firm, the temporary tolerances were extended to August 29, 1971 (notice was published in the FEDERAL REGISTER of Nov. 17, 1970 (35 FR 17678)).

Subsequently, the firm amended the petition by: (a) Withdrawing the proposed tolerance on lespedeza; (b) specifying that the temporary tolerance of 0.2 p/m for negligible residues in kidney and liver apply to cattle and poultry; (c) proposing temporary tolerances for negligible residues of the herbicide in eggs and the meat, fat, and meat byproducts (except kidney and liver) of cattle and poultry at 0.01 p/m; and (d) requesting a 1-year reextension to obtain additional experimental data (notice of reextension was published in the FEDERAL REGISTER of Dec. 22, 1971 (36 FR 24237)).

The firm was granted a third extension of the temporary tolerances on alfalfa, clover, trefoil, and vetch at 3 p/m; kidney and liver of cattle and poultry at 0.2 p/m (negligible residue); and milk at 0.01 p/m (negligible residue) and a reextension of the temporary tolerances for negligible residues in eggs and the meat, fat, and meat byproducts (except kidney and liver) of cattle and poultry at 0.01 p/m to obtain additional experimental data (notice was published in the FEDERAL REGISTER of July 12, 1972 (37 FR 13656)).

A permanent tolerance of 2 p/m was established for residues of the herbicide on lettuce (notice was published in the FEDERAL REGISTER of May 11, 1972 (37 FR 9483)).

The firm, in order to obtain additional experimental data, has requested a fourth extension of the temporary tolerances in or on alfalfa, clover, trefoil, and vetch at 3 p/m; kidney and liver of cattle and poultry at 0.2 p/m (negligible residue); and milk at 0.01 p/m (negligible residue) and a third extension of the temporary tolerances for negligible residues in eggs and the meat, fat, and meat byproducts (except kidney and liver) of cattle and poultry at 0.01 p/m.

It is concluded that such reextension will protect the public health. A condition under which these temporary tolerances are reextended is that the herbicide will be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Rohm and Haas Co. name.

As reextended, these temporary tolerances expire January 31, 1974.

This action is taken pursant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy As-

sistant Administrator for Pesticide Programs (36 FR 9038).

Dated April 25, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-8374 Filed 4-27-73;8:45 am]

MONSANTO CO.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1372) has been filed by Monsanto Co., 800 North Lindbergh Boulevard, St. Louis, Mo. 63166, proposing establishment of a tolerance (40 CFR part 180) for negligible residues of the herbicide 2-chloro-2',6'-diethyl - *N* - (methoxymethyl) acetanilide and its metabolites (calculated as 2-chloro-2',6'-diethyl-*N*-(methoxymethyl) acetanilide) in or on the raw agricultural commodity potatoes at 0.2 p/m.

The analytical method proposed in the petition for determining residues of the herbicide is a procedure in which the herbicide is refluxed in acid to remove the methoxymethyl group, followed by cleavage of the anilide. The resulting 2,6-diethylaniline is determined by a gas-liquid chromatographic technique using a flame-ionization detector.

Dated April 19, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-8372 Filed 4-27-73;8:45 am]

NATIONAL AIR QUALITY CRITERIA ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given that a meeting of the National Air Quality Criteria Advisory Committee will be held at 9 a.m., on May 17, 1973, in Conference Room A (room 1112), Crystal Mall Building No. 2, 1921 Jefferson Davis Highway, Arlington, Va.

The purpose of the meeting will be: (1) To conclude consultations with the committee regarding the determination and documentation of adverse effects on the public health and welfare of the following atmospheric pollutants: (a) Particulate polycyclic organic matter and (b) cadmium, and (2) to discuss with the committee current assessments of atmospheric nitrogen oxides as regards measurement methodology and health effects studies. The agenda will also include briefing reports on control options under the Clean Air Act, as amended, and on the EPA fuels and fuel additives research program.

The meeting will be open to the public. Any member of the public wishing to attend or submit a paper should contact the Executive Secretary, Mr. Ernst Linde, Scientist Administrator, National Environmental Research Center, Environmental Protection Agency, Research Triangle Park, N.C. 27711.

The telephone number is area code 919-549-8411, extension 2266.

STANLEY M. GREENFIELD,
Assistant Administrator for Research and Monitoring.

APRIL 24, 1973.

[FR Doc.73-8377 Filed 4-27-73;8:45 am]

PPG INDUSTRIES, INC.

Notice of Filing of Petition Regarding Pesticide Chemical

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 3F1358) has been filed by PPG Industries, Inc., One Gateway Center, Pittsburgh, Pa. 15222, proposing establishment of tolerances (40 CFR part 180) for residues of azide ion in or on rice forage and straw at 0.2 part per million and rice grain at 0.1 part per million (negligible residue) from application of the herbicide potassium azide to growing rice.

The analytical method proposed in the petition for determining residues of the chemical is a procedure in which the azide ion is oxidized with nitrite ion. The excess nitrite ion diazotizes sulfanilic acid and the resulting diazosulfanilic acid couples with *N*-1-naphthylethylenediamine to form a complex which has an intense pink color and is measured spectrophotometrically at 550 nanometers.

Dated April 19, 1973.

HENRY J. KORP,
Deputy Assistant Administrator for Pesticide Programs.

[FR Doc.73-8373 Filed 4-27-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 645]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

APRIL 23, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the attached list below must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed in the appendix below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

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

APPENDIX

APPLICATIONS ACCEPTANCE FOR FILING:

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE:

7575-C2-P/ML-73, The Bell Telephone Co. of Pennsylvania (KGC228): C.P. to change antenna system, replace transmitter and change power at Mount Penn, 1.75 miles northeast of Reading, Pa., on frequency: 152.60 MHz.

7576-C2-P/ML-73, The Bell Telephone Co. of Pennsylvania (KGC411): C.P. to change antenna system, replace transmitter and change power at Hilltop, 4 miles north-northwest of Altoona, Pa., on 152.63 MHz.

7577-C2-P/ML-73, same as above (KGC229): C.P. to change antenna system, replace transmitter and change power on 152.57 MHz at 0.46 mile west-southwest of Junction Route 23 and Stony Battery Road, West Hempfield Township, Pa.

7578-C2-P-73, Tel-Car, Inc. (KSV957): C.P. for a new control facility to operate on 454.300 MHz at 408 Sixth Avenue West, Twin Falls, Idaho.

7579-C2-P-73, Nolen H. Cope (new): C.P. for a new two-way station to operate on 454.025 MHz at South Seventh Street, between Lynn and Akron Avenues, Lamesa, Tex.

7580-C2-P-73, Tel-Car, Inc. (new): C.P. for a new one-way station to operate on 152.24 MHz at Flattop Butte, 5.5 miles east of Jerome, Idaho.

7581-C2-P-73, Poughkeepsie Radio, Inc. (KLF561): C.P. to add transmitter and antenna location to operate on 152.09 MHz at Quaker Lane, 0.5 mile north of Rusky Lane, Hyde Park, N.Y.

7582-C2-P-73, Monroe Radiotelephone Co. (KKM574): C.P. to specify transmitter

[1] All applications listed in the appendix are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (part 21 of the rules).

operating power, on 152.03 MHz at 468 South 14th Avenue, Laurel, Miss.

7583–C2–P–73, same as above (KKK711): C.P. to specify transmitter operating power, on 152.06 MHz at 0.5 mile northwest of Petal, Miss.

7584–C2–P–73, Delta Valley Radiotelephone Co., Inc. (new): C.P. for a new control station to operate on 75.70 MHz at 508 Second Street, Antioch, Calif.

7585–C2–P–73, same as above (new): C.P. for a new one-way signaling station to operate on 43.22 MHz at 7.5 miles northeast of Danville atop north peak of Mount Diablo, near Danville, Calif.

7586–C2–P–73, Southwestern Bell Telephone Co. (KKJ442): C.P. to replace transmitter on 152.63 MHz at 0.5 mile south of slide, Lubbock, Tex.

7588–C2–TC–73, Radio Dalton, Inc.: Consent to transfer of control from L. C. McCall, transferor, to Deaderick and Sanford, Inc., transferee. Stations: Hiawassee, Ga./KIM900.

7589–C2–AL–(4)–73, Canaveral Communications. Consent to assignment of license from W. Donald Molitor and Donald N. Molitor doing business as Canaveral Communications, assignor, to Donald N. Molitor and Mildred Terry Molitor, executrix of the estate of W. Donald Molitor, deceased, doing business as Canaveral Communications. Stations: KFL876, Vero Beach, Fla., KIY516 and KTS225, Cocoa, Fla., KUO561, Vero Beach, Fla.

7590–C2–AL–73, Dome Communications: Consent to assignment of license from C. L. McHolland doing business as Come Communications, assignor, to Keith Van Buren doing business as Dome Communications. Station: KLF516, Little Goose Peak, Wyo.

7594–C2–P–73, Mobilfone Communications, Inc. (KLF661): C. P. for additional facilities, and a new antenna location to operate on 158.70 MHz (one-way) at 0.17 mile south of intersection of Highways 81 and 183, Austin, Tex. (location No. 2).

Corrections

7058–C2–P–73, Tel-Illinois, Inc. (new): Delete entry on PN 4–16–73. Should read as a major amendment instead of a new station to operate on 43.22 MHz at an existing tower at St. John's Orphanage, Belleville, Ill. (one-way).

Informative

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

Frequency: 152.84 MHz

New York Telephone Co. (new): 6192–C2–P–68.

General Telephone Co. of Upstate New York, Inc. (new): 3625–C2–P–69.

RURAL RADIO SERVICE

7591–C6–P–73, Caprock Radio Dispatch (KLP87): C.P. to add points of communication, frequency, and transmitters to operate on 158.58 MHz at a temporary location.

7592–C6–P–73, Continental Telephone Co. of California (KTF56): C.P. to correct location of coordinates ground elevation and length of radio path and azimuth, increase the height of the antenna, operating on 454.50 MHz at Black Metal Mountain, Calif.

7593–C6–P–73, same as above (KTF57): C.P. to correct location of transmitting antenna, ground elevation, length of radio path and azimuth, increase height of antenna, operated on 459.50 MHz at Alamo Dam, Ariz.

7589–C6–AL–73, Canaveral Communications: Consent to assignment of license from W. Donald Molitor and Donald N. Molitor doing business as Canaveral Communications, assignors, to Donald N. Molitor and Mildred Terry Molitor, executrix of the estate of W. Donald Molitor, deceased, doing business as Canaveral Communications, assignee. Station: KJJ25 temporary-fixed.

7590–C6–AL–73, Dome Communications: Consent to assignment of license from C. L. McHolland doing business as Dome Communications, assignor, to Keith Van Buren doing business as Dome Communications, assignee. Station: KOB49 temporary-fixed.

POINT TO POINT MICROWAVE RADIO SERVICE

7453–C1–MP–73, MCI Texas East Microwave, Inc. (WPX34): Modification of C.P. to relocate station to 2222 Grouwyler Road, Irving, Tex. Latitude 32°49'44" N., longitude 96°54'45" W.

7454–C1–MP–73, same (WPX35): Modification of C.P. to relocate station to 403 North Watson Road, Arlington, Tex. Latitude 32°44'26" N., longitude 97°03'33" W.

7455–C1–MP–73, same (WPX46): 1.5 miles south of Burleson, Tex. Latitude 32°31'00" N., longitude 97°19'33" W. Modification of C.P. to change frequency 5945.2V to 6152.8V MHz toward Fort Worth, Tex., on azimuth 358°58'.

7456–C1–MP–73, same (WPX47): Seventh and Throckmorton Street, Fort Worth, Tex. Latitude 32°45'08" N., longitude 97°19'51" W. Modification of C.P. to change frequency 6197.2V to 6404.8V MHz toward Burleson, Tex., on azimuth 178°58'.

7460–C1–P–73, American Telephone & Telegraph Co. (KCA44): 5 miles northwest of Worcester, Mass. Latitude 42°18'04" N., longitude 71°53'51" W. C.P. to add frequency 3770V MHz toward Littleton, Mass.; frequency 3770V MHz toward Worcester, Mass.

7461–C1–P–73, same (KCM82): 1.6 miles south of Littleton, Mass. Latitude 42°31'29" N., longitude 71°27'49" W. C.P. to add frequency 3770V MHz toward Asnebumskit Mountain, Mass.

7462–C1–P–73, same (KZS67): 15 Chestnut Street, Worcester, Mass. Latitude 42°15'55" N., longitude 71°48'17" W. C.P. to add frequency 3730V MHz toward Asnebumskit Mountain, Mass.

7463–C1–P–73, South Central Bell Telephone Co. (WGI28): 701, 23rd Avenue, Meridian, Miss. Latitude 32°21'53" N., longitude 88°42'06" W. C.P. to add frequency 10,715V MHz toward Meridian Radio Tower, Miss., and change alarm center location.

7464–C1–P–73, same (KLJ76): 2 miles southsoutheast of Meridian, Miss. Latitude 32°19'36" N., longitude 88°41'18" W. C.P. to add frequency 3710H MHz toward new point of communication at Paulding, Miss.; frequency 11,645V MHz toward Meridian, Miss., and change antenna system.

7465–C1–P–73, same (new): 2 miles eastsoutheast of Paulding, Miss. Latitude 32°01'18" N., longitude 89°00'36" W. C.P. for a new station on frequency 3750V MHz toward Laurel, Miss.; frequency 3750H MHz toward Meridian RT, Miss.

7466–C1–P–73, same (new): 2 miles northnortheast of Moselle, Miss. Latitude 31°31'37" N., longitude 89°16'26" W. C.P. for a new station on frequency 3730V MHz toward Hattiesburg, Miss.; frequency 3730H MHz toward Laurel, Miss.

7467–C1–P–73, South Central Bell Telephone Co. (KLF99): 607 Fourth Street, Laurel, Miss. Latitude 31°41'45" N., longitude 89°07'47" W. C.P. to change antenna system, replace transmitter, and change frequency to 3710V MHz toward new point of communication at Paulding, Miss.; frequency 3770H MHz toward new point of communication at Moselle, Miss.

7468–C1–P–73, same (KLG21): 100 Brunie Street, Hattiesburg, Miss. Latitude 31°19'36" N., longitude 89°17'37" W. C.P. to change antenna system, replace transmitter, and change frequency 3770V MHz toward new point of communication at Moselle, Miss.

7469–C1–P–73, Western Tele-Communications, Inc. (KSQ33): Blackhorse, 6 miles north of Great Falls, Mont. Latitude 47°35'42" N., longitude 111°20'25" W. C.P. to change coordinates of receiver site, Great Falls to latitude 47°35'42" N., longitude 111°20'25" W. on azimuth 150°33'.

7470–C1–P–73, Microwave Communications Corp. (KNM53): St. John Mountain, Calif. Latitude 39°26'05" N., longitude 122°41'32" W. C.P. to add new point of communication on frequencies 6004.5V, 5974.8H, and 6063.8H MHz via power split toward Mount Sanhedrin, Calif., on azimuth 284°43'. (Informative: Microwave Communications Corp. proposes to deliver the TV signals of KGO–TV and KBHK–TV, San Francisco, and KTXL, Sacramento, to CATV systems in Fort Bragg, Ukiah, and Willits, Calif.)

7471–C1–P–73, American Television Relay, Inc. (KOS63): Heliograph Peak, 13.9 miles southwest of Safford, Ariz. Latitude 32°38'59" N., longitude 109°50'53" W. C.P. to add new point of communication on frequency 6308.4H MHz via power split toward Willcox, Ariz., on azimuth 183°41'. (Informative: American Television Relay, Inc., proposes to deliver the TV signal of KPHO, Phoenix, to a CATV system serving Willcox, Ariz.)

7476–C1–R–73, the Pacific Telephone & Telegraph Co. (KMQ44): Application for renewal of radio station license for term: May 29, 1973, to May 29, 1974.

7503–C1–MP–73, MCI St. Louis-Texas, Inc. (WOJ26): Modification of C.P. to relocate station to Sara, 5.7 miles northwest of Oklahoma City, Okla. Latitude 35°34'24" N., longitude 97°41'40" W.

7514–C1–MP–73, same (WPE21): 2 miles south-southeast of Roanoke, Tex. Latitude 32°59'56" N., longitude 97°10'49" W. Modification of C.P. to change frequency 6063.8V to 5974.8V MHz toward Irving, Tex., on azimuth 126°54'.

7515–C1–MP–73, same (WPE22): Modification of C.P. to relocate station to 2222 Graumyler Road, Irving, Tex. Latitude 32°49'44" N., longitude 96°54'45" W. Change frequency 6315.9V to 6226.9H MHz toward Dallas, Tex., on azimuth 113°51'.

7516–C1–MP–73, MCI St. Louis-Texas, Inc. (WPE23): 2001 Bryan Street, Dallas, Tex. Latitude 32°47'07" N., longitude 96°47'45" W. Modification of C.P. to change frequency 6152.8V to 5945.2V MHz toward Irving, Tex., on azimuth 293°54'.

7531–C1–P–73, the Mountain States Telephone & Telegraph Co. (KPB54): 1210 West Center Street, Provo, Utah. Latitude 40°14'03" N., longitude 111°40'41" W. C.P. to add frequency 3990V MHz toward Salem, Utah.

7532–C1–P–73, same (KPR37): 3.3 miles southeast of Salem, Utah. Latitude 40°01'09" N., longitude 111°36'49" W. C.P. to add frequency 3950V MHz toward Provo, Utah; frequency 3950V MHz toward Soldier Summit, Utah.

7533–C1–P–73, same (KPR36): 8 miles northwest of Helper, Utah. Latitude 39°45'22" N., longitude 110°59'24" W. C.P. to add frequency 3990V MHz toward Salem, Utah; frequency 3990V MHz toward Price, Utah.

7534–C1–P–73, same (KPR35): 107 East First North Street, Price, Utah. Latitude 39°36'08" N., longitude 110°48'30" W. C.P. to add frequency 3950V MHz toward Soldier Summit, Utah.

7535–C1–P–73, the Western Union Telegraph Co. (KEL61): 2.8 miles south of Warwick, N.Y. Latitude 41°12'30" N., longitude 74° 21'23"W. C.P. to change antenna system; add points of communication and transmitter; add frequency 11,265V, 11,385H, 11,505V, and 11,625H MHz toward Vernon, N.J.; frequency 6004.5H, 6034.2V, 6123.1H, and 6152.8V MHz toward New York, N.Y.

7536–C1–P–73, same (KEA75): 60 Hudson Street, New York, N.Y. Latitude 40°43'03" N., longitude 74°00'33" W. C.P. to change antenna system, add transmitter and add frequency 6226.9H, 6256.5V, 6345.5H, and 6375.2V MHz toward Warwick, N.Y.

7537–C1–P–73, same (new): 1.7 miles southwest of Vernon, N.J. Latitude 41°10'38" N., longitude 74°29'51" W. C.P. for a new station on frequency 10,755H, 10,895V, 11,015 H, and 11,135V, MHz toward Glenwood, N.J., on azimuth 04°27'; frequency 10,735H, 10, 855V, 10,975H, and 11,095V MHz toward Warwick, N.Y., on azimuth 73°41'.

7538–C1–P–73, same (new): Glenwood, 1.1 miles northwest of Vernon, N.J. Latitude 41°12'44" N., longitude 74°29'38" W. C.P. for a new station on frequencies 11,225V, 11,345H, 11,465V, and 11,585H MHz toward Vernon, N.J.

7539–C1–MP–73, Carolina Telephone & Telegraph Co. (KJH22): 102 South Ninth Street, Morehead, N.C. Latitude 34°43'14" N., longitude 76°42'53" W. Modification of C.P. to change bandwidth, power, replace transmitter, and change frequency to 5989.7V and 6108.3V MHz toward Kuhns, N.C.

7540–C1–MP–73, same (KJG33): 401 West Fifth Street, Greenville, N.C. Latitude 35° 36'40" N., longitude 77°22'35" W. Modification of C.P. to change bandwidth and change frequency to 5974.8H, 6093.5H, and 6063.8V MHz toward Calico, N.C.

7541–C1–MP–73, Carolina Telephone & Telegraph Co. (KNZ46): 1.6 miles south-southwest of Fountain Crossroads, N.C. Latitude 34°49'10" N., longitude 77°40'53" W. Modification of C.P. to change bandwidth, replace transmitter and change frequency to 6226.9H, 6345.5H. 6197.2V, and 6315.9V MHz toward Warsaw, N.C.; frequencies 6286.2H, 6404.8H, 6256.5V, and 6375.2V MHz toward Jacksonville, N.C.

7542–C1–MP–73, same (KNZ45): 4.5 miles south-southwest of Warsaw, N.C. Latitude 34°55'53", longitude 78°06'31" W. Modification of C.P. to change bandwidth, replace transmitter and change frequencies to 6034.2H, 6152.8H, 6004.5V, and 6123.1V MHz toward Roseboro, N.C.; frequencies 5945.2H, 6063.8H, 5974.8V, and 6093.5V MHz toward Fountain Crossroads, N.C.

7543–C1–MP–73, same (KNZ44): 2.0 miles west of Roseboro, N.C. Latitude 34°57'00" N., longitude 78°32'18" W. Modification of C.P. to change bandwidth, replace transmitter and change frequencies to 6197.2V, 6315.9V, 6226.9H, and 6345.5H toward Fayetteville, N.C.; frequencies 6256.5H, 6375.2H, 6286.2V, and 6404.8V toward Warsaw, N.C.

7544–C1–MP–73, same (KNZ47): 3.0 miles west-northwest of Maysville, N.C. Latitude 34°55'03" N., longitude 77°17'11" W. Modification of C.P. to change bandwidth, replace transmitter and change frequencies to 6256.5V, 6375.2V, and 6286.2H MHz toward New Bern, N.C.; frequencies 6197.2H, 6315.9H, and 6226.9V MHz toward Jacksonville, N.C.

7545–C1–MP–73, same (KJH21): 0.8 mile north-northeast of Kuhns, N.C. Latitude 34°47'55" N., longitude 77°07'20" W. Modification of C.P. to change bandwidth, replace transmitter and change frequencies to 6241.7H and 6360.3H MHz toward New Bern, N.C.; frequencies 6212.0V and 6330.7V MHz toward Morehead City, N.C.

7546–C1–MP–73, same (KJG35): 501 Broad Street, New Bern, N.C. Latitude 35°06'28" N., longitude 77°02'31" W. Modification of C.P. to change bandwidth, replace transmitter and change frequencies to 5974.8V and 6093.5V MHz toward Calico, N.C.; frequencies 5960.0H and 6078.6H MHz toward Kuhns, N.C.; frequencies 6004.5H, 6034.2V, and 6152.8V MHz toward Maysville, N.C.

7547–C1–MP–73, same (WAD68): 719 McGilvary Street, Fayetteville, N.C. Latitude 35°03'11" N., longitude 78°53'27" W. Modification of C.P. to change bandwidth, replace transmitter and change frequencies to 5945.2H, 6063.8H, 5974.8V, and 6093.5V MHz toward Roseboro, N.C.

7548–C1–MP–73, same (KJG34): 17 miles east of Calico, N.C. Latitude 35°25'35" N., longitude 77°13'30" W. Modification of C.P. to change bandwidth and change frequencies 6197.2H and 6315.9H MHz toward Greenville, N.C.; frequencies 6197.2V and 6315.9V MHz toward New Bern, N.C.; frequency 6404.8H MHz toward WCTI–TV, New Bern, N.C.

7549–C1–MP–73, same (KJJ95): 300 New Bridge Street, Jacksonville, N.C. Latitude 34°45'01" N., longitude 77°25'45" W. Modification of C.P. to change bandwidth, replace transmitter and change frequencies to 6034.2V, 6152.8V, 6004.5H, and 6123.1H MHz toward Fountain Crossroads, N.C.; frequencies 5945.2V, 5974.8H, and 6093.5H MHz toward Maysville, N.C.

1847–C1–P–70, Western Tele-Communications, Inc. (new): Carney, 1.0 mile southwest of Carney, Okla. (lat. 35°47'54" N., long. 97°01'40" W.): Application amended (a) to change name of applicant from United Video, Inc., to Western Tele-Communications, Inc.; (b) to change point of communication to Stillwater (lat. 35°47'54" N., long. 97°01'40" W.), Okla., on azimuth 329°30'; and (c) to change transmitting equipment.

1170–C1–P–70, Western Tele-Communications, Inc. (new): 8.5 miles southwest of Stillwater, Okla. (lat. 36°04'26" N., long. 97°13'40" W.): Application amended (a) to change name of applicant from Microrelay of New Mexico, Inc., to Western Tele-Communications, Inc.; (b) to delete Enid, Okla., as point of communication; and (c) to add frequencies 11015V MHz and 11175V MHz toward new points of communication at Lucien and Stillwater (lat. 36°06'39" N., long. 97°02'25" W.), Okla., on azimuths 315°08' and 76°18', respectively.

7572–C1–P–73, Western Tele-Communications, Inc. (new): 2.3 miles northwest of Lucien, Okla. (lat. 36°17'08" N., long. 97°-29'18" W.): C.P. for a new station—frequencies 3750H MHz and 3830H MHz toward Enid (lat. 36°29'55" N., long. 97°-55'01" W.), Okla., on azimuth 301°43'. (Informative: Western Tele-Communications, Inc. (Western), through an agreement with United Video, Inc. (United), will adopt certain pending United applications * * * resulting in, in part, Western's filing/modifying the above applications to deliver the signals of KDTV and KTVT, Dallas/Fort Worth, Tex., to CATV systems in Enid and Stillwater, Okla. A waiver of section 21.701 (l) FCC rules, is requested by Western. The agreement between Western and United apparently resolves the mutual exclusivity regarding service to Enid.)

7552–C1–P–73, South Central Bell Telephone Co. (KJK55): 131 Amesbury Street, Middlesboro, Ky. Latitude 36°36'37" N., longitude 83°42'49" W. C.P. to replace transmitter on frequencies 5974.8H and 6093.5H MHz toward Logmont, Ky., via Passive Repeater.

7553–C1–P–73, same (KJK56): Logmont, approximately 7.6 miles west of Middlesboro, Ky. Latitude 36°37'07" N., longitude 83°-51'06" W. C.P. to replace transmitter on frequencies 6226.9H and 6345.5H MHz toward Middlesboro, Ky., via Passive Repeater.

7574–C1–P–73 West Texas Microwave Co. (new) Monahans, Tex. Latitude 31°36'22" N., longitude 102°54'01" W. C.P. for a new station on frequencies 5974.8H and 6034.2H MHz toward Pecos, Tex., on azimuth 250°-30'. (Informative: West Texas Microwave proposes to provide the television signals of KTVT, Fort Worth, Tex., and KERA–TV, Dallas, Tex., to the CATV system in Pecos, Tex.)

Corrections

7258–C1–P–73, Mountain States Telephone & Telegraph Co. (KPP22): 2 miles southwest of Hardin, Colo. Latitude 40°19'35" N., longitude 104°26'19" W. Correct to read: C.P. to change polarization from H to V on frequency 6382.6 MHz toward Wiggins, Colo. (All other particulars same as reported in public notice No. 643, dated Apr. 9, 1973.)

7089–C1–P–73, American Telephone & Telegraph Co. (KID64): 20 miles northwest of Cummings, Ga. Latitude 34°14'18" N., longitude 84°09'25" W. Correct to read: C.P. to add frequencies 6197.2H and 6226.9H MHz toward Atlanta, Ga. (All other particulars same as reported in public notice No. 643, dated Apr. 9, 1973.)

6950–C1–P–73, Blue Mountain Telephone Co. (new): Spray, 1 block west of Highway 19, Spray, Oreg. (Latitude 44°49'56" N., longitude 119°47'38" W. Correct to read: C.P. for a new station on frequency 10995H MHz toward Monument, Oreg. (All other particulars same as reported in public notice No. 642, dated Apr. 2, 1973.)

6436–C1–P–73, Continental Telephone Co. of California (KMN33): Havasu Landing, Calif. Latitude 34°29'02" N., longitude 114°24'57" W. Correct to read: C.P. to change antenna system and lower antenna; correction of azimuth on path to KNB36 on frequency 6152.7V MHz toward Black Mountain, Calif. (All other particulars same as reported in public notice No. 639, dated Mar. 12, 1973.)

Major Amendments

3770–C1–P–72, United Video, Inc. (new): Change station location to 3.3 miles southeast of Norway, S.C. Latitude 33°26'06" N., longitude 81°04'13" W. Change azimuth from 106°59' to 107°59' toward Bowman, S.C., and change frequencies from 3730V, 3810V, 3890V, and 3750H; to 3730H, 3810H, 3890H, and 3910V.

3771–C1–P–72, same as above (new): Change location to 2.3 miles southeast of Bowman, S.C. Latitude 33°19'24" N., longitude 80° 39'40" W. Change azimuth from 136°26' to 138°15' toward Dorchester, S.C., and change frequencies from 3710V, 3790V, 3870V, and 3950V; to 3710H, 3790H, 3870H, and 3770V.

3772–C1–P–72, same as above (new): Change location to 2.4 miles southwest of Dorchester, S.C. Latitude 33°05'25" N., longitude 80°24'47" W. Change azimuth from 126°55' to 124°14' toward Ladson, S.C., and change frequencies 3770H, 3850H, and 3750V to 3730H, 3810H, and 3890H.

3773–C1–P–72, same as above (new): Station 3 miles south of Ladson, S.C. Change frequency from 3910V to 4190H, toward WCSC.

3774–C1–P–72, same as above (new): Change location to 4.5 miles north of Highway 278, Bath, S.C. Latitude 33°28'50" N., longitude 81°50'23" W. Change azimuth from 67°02' to 67°40' toward Kitchings Mill, S.C. Change azimuth from 197°42' to 197°44' toward Greens Cut, Ga. Change azimuth from 269°35' to 269°00' toward WJBF and

change frequency from 10855H to 11345H on this azimuth. Change azimuth from 284°35' to 283°58' toward WRDW and change frequency from 10775V to 11505H on this azimuth.

3775–C1–P–72, same as above (new): Change location to 0.9 mile south of Greens Cut, Ga. Latitude 33°09'30" N., longitude 81° 57'46" W. Change azimuth from 17°38' to 17°40' toward Bath, S.C. Change azimuth from 165°34' to 165°28' toward Millen, Ga., and change frequencies from 3770H, 3850H, 3710V, 3790V, and 3870V MHz; to 6004.5V, 6034.2H, 6063.8V, 6093.5H, and 6152.8H MHz on this azimuth.

3776–C1–P–72, same as above (new): Change location to 4.8 miles northeast of Millen, Ga. Latitude 32°49'53" N., longitude 81° 51'43" W. Change azimuth from 345°37' to 345°31' toward Greens Cut, Ga., and change frequencies from 4130V and 4150H MHz; to 6226.9V and 6256.5H MHz on this azimuth. Change azimuth from 184°24' to 185°05' toward Statesboro, Ga., and change frequencies from 3730V, 3810V, 3890V, 3750H, and 3830H MHz; to 6197.2H, 6226.9V, 6256.5H, 6286.2V, and 6404.8V on this azimuth.

3777–C1–P–72, same as above (new): Change location to 7 miles west of Statesboro, Ga. Latitude 32°27'44" N., longitude 81°54'03" W. Change azimuth from 4°23' to 5°4' toward Millen, Ga., and change frequencies from 4710H and 4110V MHz; to 5974.8H and 6004.5V MHz on this azimuth. Change azimuth from 158°30' to 157°18' toward Groveland, Ga., and change frequencies from 3770H, 3850H, 3750V, 3830V, and 3910V MHz; to 5945.2V, 6004.5V, 6034.2H, 6063.8V, and 6152.8H MHz on this azimuth.

3764–C1–P–72, United Video, Inc. (new): Change location to 214 South Tryon Street, Charlotte, N.C. Latitude 35°13'34" N., longitude 80°50'43" W. Change frequency from 11,325.0H to 11,345.0V on an azimuth of 269°17' toward WBTV. Change frequency from 11,405.0V to 11,505.0V on an azimuth of 46°49' toward WSOC. Change azimuth to WCCB from 115°15' to 119°46'. Change azimuth from 212°40' to 230°28' toward York, S.C. (formerly Rock Hill, S.C.), and switch polarizations of all frequencies on this azimuth.

3765–C1–P–72, same as above (new): Change station name and location to 6 miles northeast of York, S.C. Latitude 35°01'50" N., longitude 81°08'03" W. Change azimuth from 32°32' to 50°18' toward Charlotte, N.C. and change frequency 4110V to 4090H on this azimuth. Change azimuth from 192°07' to 173°54' toward Chester, S.C. (formerly Cornwell, S.C.).

3766–C1–P–72, same as above (new): Change station name and location to 5.5 miles northeast of Chester, S.C. Latitude 34°40'-08" N., longitude 81°05'14" W. Change azimuth from 12°4' to 353°56' toward York, S.C. (formerly Rock Hill), and change frequency 4150V to 4050H on this azimuth. Change azimuth from 161°48' to 172°52' toward Simpson, S.C., and switch polarizations of all frequencies on this azimuth.

3767–C1–P–72, same as above (new): Change station location to 0.5 mile east of Simpson, S.C. Latitude 34°18'35" N., longitude 81°-01'58" W. Change azimuth from 341°52' to 352°54' toward Cheser, S.C. (formerly Cornwell). Change azimuth from 208°54' to 209°22' toward Gilbert, S.C.

3768–C1–P–72, same as above (new): Change station location to 5 miles southeast of Gilbert, S.C. Latitude 33°53'28" N., longitude 81°18'59" W. Change azimuth from 28°45' to 29°13' toward Simpson, S.C. Change azimuth from 205°37' to 205°16' toward Kitchings Mill, S.C., and switch polarizations of all frequencies on this azimuth. Change azimuth from 64°58' to 65°03' toward WIS and change frequency from 3770H to 6175.0H on this azimuth. Change azimuth from 72°14' to 72°19' toward WNOK and change frequency from 3930H to 5974.8H on this azimuth. Change azimuth from 59°11' to 59°14' toward WOLO and change frequency from 4190H to 6152.8H on this azimuth.

3769–C1–P–72, same as above (new): Change station location to 1.8 miles north of Kitchings Mill, S.C. Latitude 33°36'12" N., longitude 81°28'46" W. Change azimuth from 247°14' to 247°52' toward Bath, S.C. Change azimuth from 25°32' to 25°11' toward Gilbert, S.C., and switch polarizations of all frequencies on this azimuth. Change azimuth from 117°00' to 116°09' toward Norway, S.C., and switch polarizations of all frequencies on this azimuth.

3778–C1–P–72, United Video, Inc. (new): Station located 0.2 mile north of Highway 280, Groveland, Ga. Latitude 32°08'50" N., longitude 81°44'43" W. Change azimuth from 338°35' to 337°23' toward Statesboro, Ga., and change frequencies from 4130V and 4110H MHz; to 6226.9V and 6286.2V MHz on this azimuth. Change azimuth from 228°01' to 227°39' toward Tison, Ga., and change frequencies from 3730V, 3810V, 3710H, 3790H, and 3870H MHz; to 6226.9V, 6256.5H, 6286.2V, 6040.8V, and 6315.9H MHz on this azimuth. Change frequencies toward Bloomingdale, Ga., from 3730V, 3810V, 3710H, and 3790H MHz; to 6197.2V, 6256.5V, 6315.9V, and 6375.2V MHz.

3779–C1–P–72, same as above (new): Station located 1.5 miles north of U.S. Highway 80, Bloomingdale, Ga. Latiude 32°08'45" N., longitude 81°20'05" W. Change frequency on azimuth of 131°41' toward WJCL–TV from 3750V MHz to 6034.2H MHz. Change frequency on azimuth of 114°28' toward WSAV–TV from 3850H MHz to 5974.8H MHz. Change frequency on azimuth of 110°36' toward WTOC–TV from 4170H MHz to 6123.1V MHz.

3780–C1–P–72, same as above (new): Change location to Highway 169, Tison, Ga. Latitude 31°55'50" N., longitude 82°01'30" W. Change azimuth from 47°52' to 47°30' toward Groveland, Ga., and change frequencies from 4170H and 4150V MHz to 6004.5V and 6034.2H MHz on this azimuth. Change azimuth from 167°18' to 171°22' toward Jesup, Ga., and change frequencies from 3770H, 3850H, 3750V, 3830V, and 3910V MHz to 5974.8H, 6004.5V, 6034.2H, 6063.8V, and 6152.8H MHz on this azimuth.

3785–C1–P–72, same as above (new): Change location to 5 miles west of Jesup, Ga. Latitude 31°36'34" N., longitude 81°58'04" W. Change azimuth from 347°21' to 351°24' toward Tison, Ga., and change frequencies from 4130V and 4110H MHz to 6286.2V and 6375.2H MHz on this azimuth. Change azimuth from 20°30' to 204°13' toward Owen, Ga., and change frequencies from 3730H, 3810H, 3710V, 3790V, and 3870V MHz; to 6256.5H, 6286.2V, 6315.9H, 6345.5V, and 6404.8V MHz on this azimuth.

3781–C1–P–72, same as above (new): Station located 4 miles east of Owen, Ga. Latitude 31°19'11" N., longitude 82°07'13" W. Change azimuth from 27°25' to 24°08' toward Jesup, Ga., and change frequencies from 4170V and 4150H MHz to 6004.5V and 6123.1V MHz on this azimuth. Change azimuth from 181°09' to 180°51' toward Racepond, Ga., and change frequencies from 3770H, 3930H, 3750V, 3830V, and 3910V MHz to 5974.8H, 6004.5V, 6034.2H, 6063.8V, and 6152.8H MHz on this azimuth.

3782–C1–P–72, same as above (new): Change location to 0.2 miles east of Highway 1, Racepond, Ga. Latitude 30°59'53" N., longitude 82°07'33" W. Change azimuth from 1°8' to 0°51' toward Owen, Ga., and change frequencies from 4130H and 4110V MHz to 6626.9V and 6286.2V MHz on this azimuth. Change azimuth from 169°51' to 170°12' toward Toledo, Ga., and change frequencies from 3730H, 3810H, 3710V, 3790V, and 3870V MHz to 6226.9V, 6256.5H, 6286.2V, 6315.9H, and 6404.8V MHz on this azimuth.

3783–C1–P–72, United Video, Inc. (new): Change location to 4.9 miles north of Toledo, Ga. Latitude 30°42'22" N., longitude 82°04'02" W. Change azimuth from 349° 53' to 350°14' toward Racepond, Ga., and change frequencies from 4170H and 4150V MHz to 6004.5V and 6123.1V MHz on this azimuth. Change azimuth from 154°40' to 154°14' toward Verdie, Fla., and change frequencies from 3770V, 3850V, 3750H, 3830H, and 3910H MHz to 5974.8H, 6004.5V, 6034.2H, 6063.8V, and 6123.1V MHz on this azimuth.

3784–C1–P–72, same as above (new): Change location to 0.4 mile north of Verdie, Fla. Latitude 30°26'28" N., longitude 81°55'08" W. Change azimuth from 334°45' to 334°18' toward Toledo, Ga., and change frequencies from 4130H and 4110V MHz to 6226.9V and 6286.2V MHz on this azimuth. Change azimuth from 149°53' to 150°19' toward Orange Park, Fla., and change frequencies from 3730V, 3810V, 3710H, 3790H, and 3870H MHz to 6226.9V, 6256.5H, 6286.2V, 6315.9H, and 6375.2H MHz on this azimuth.

404–C1–P–72, same as above (new): Station located 4 miles west-northwest of Orange Park, Fla. Latitude 30°10'52" N., longitude 81°44'51" W. Change azimuth from 329°59' to 330°24' toward Verdie, Fla., and change frequencies from 4170H and 4150V MHz to 6004.5V and 6063.8V MHz on this azimuth.

3396–C1–P–71, General Telephone Co. of California (new): Delete frequencies 10,915V, 10,995V, 11,155V MHz toward Topanga Ridge, Calif., and add frequencies 10,995V and 11,155V MHz toward new point of communication at Saddle Peak, Calif. (All other particulars same as reported in public notice No. 525, dated Jan. 11, 1971.)

5461–C1–P–71, CML Satellite Corp. (formerly MCI Lockheed Satellite Corp.) (new): For interconnection with Earth station at Red Oak, Tex. Change frequencies and point of communication from 11,245 and 11,485 MHz toward Arlington, Tex., to 10,775V and 11,175V MHz on azimuth 173°20' toward Red Oak, Tex. (All other particulars same as reported in public notice No. 539, dated Apr. 12, 1971.)

5905–C1–P–70, CPI Microwave, Inc. (WPE57): Station 3.7 miles west of Sour Lake, Tex. Change coordinates to latitude 30°09'14" N., longitude 94°28'23" W. Delete frequency 6271.4 and add frequency 6330.7H to Ames, Tex., azimuth 239°30'. Change polarization of frequency 6182.4 to vertical toward Beaumont, Tex., on azimuth 103°25'.

4446–C1–MP–73, same (WPE57): Station 3.7 miles west of Sour Lake, Tex. Change coordinates to latitude 30°09'14" N., longitude 94°28'23" W. Delete frequency 6330.7 and add frequency 6271.4H to Ames, Tex., azimuth 239°30'.

5906–C1–P–70, same (WPE58): Station at Beaumont, Tex. Delete frequency 6108.3H and add frequency 5989.7H to Sour Lake, Tex., azimuth 282°36'.

4447–C1–MP–73, same (WPE58): Station at Beaumont, Tex. Delete frequency 6049.0 and and add frequency 5989.7H to Sour Lake, Tex., azimuth 282°36'.

Corrections

5196–C1–P–71, American Telephone & Telegraph Co. (new): Correct to read: Change frequencies and path toward Franklin Grove to 3710.0V, 3790.0V, 3870.0V, and 4190.0V MHz on azimuth 114°02' toward Dixon, Ill.; add frequency 4190.0H MHz toward Elizabeth, Ill.

[FR Doc.73-8236 Filed 4-27-73;8:45 am]

FEDERAL POWER COMMISSION

[Rate Schedule No. 2, etc.; Opinion No. 639]

KERR-McGEE CORP., ET AL.

Notice of Rate Change Filings

APRIL 20, 1973.

Take notice that the producers listed in the appendix attached below have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the appendix below.

Any person desiring to be heard or to make any protest with reference to said filing should on or before May 3, 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 party 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.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
Apr. 6, 1973	Kerr-McGee Corp., Kerr-McGee Bldg., Oklahoma City, Okla. 73102.	2	Northern Natural Gas Co.	Hugoton-Anadarko.
Apr. 9, 1973	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	268	do	Do.
Apr. 9, 1973	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	46	Arkansas Louisiana Gas Co.	Do.

[FR Doc.73-8258 Filed 4-27-73;8:45 am]

PENDING SMALL PRODUCER CERTIFICATE APPLICATIONS

Order Issuing Temporary Certificates

MARCH 30, 1973.

The Commission in order No. 428 issued March 18, 1971, 45 F.P.C. 454, established a blanket certificate procedure for small producers pursuant to which they would be authorized to make sales nationwide under existing and future contracts at the price specified in each such contract. Thereafter, the Court in *Texaco Inc., et al.* v. *F.P.C.* (C.A.D.C. No. 71-1560, et al., decided Dec. 12, 1972, rehearing denied Feb. 5, 1973) reversed order No. 428, holding that the Commission exceeded its authority under the Natural Gas Act in issuing that order. Since the issuance of the *Texaco* decision on December 12, 1972, the Commission has not issued any small producer certificates. As a result, there are many applications by small producers awaiting Commission action. The appendix attached to this order contains a list of small producers in this category.

The solicitor general in behalf of the Commission has agreed recently to file a petition for certiorari with the U.S. Supreme Court to review the Court of Appeals' decision in the *Texaco* case. We believe that upon the completion of judicial review our action in order No. 428 will be affirmed.

In the meantime, we shall issue temporary certificates to the small producers listed in the appendix which will permit them in accordance with order No. 428 to collect their contract rates for current as well as future small producer sales as of the date each small producer application was filed. These certificates, however, shall also provide that if upon the completion of judicial review it is held that the Commission had no authority to issue order No. 428, then any amounts collected under these temporary certificates in excess of the rates determined by the Commission to be just and reasonable for such sales will be subject to refund, with interest.

Each applicant listed in the appendix is an independent producer of natural gas which is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10 million M ft³ at 14.65 lb/in²a during the preceding calendar year.

The Commission orders

(A) A temporary certificate is hereby issued to each producer listed in the appendix authorizing it to make small producer sales, as defined in § 157.40(a)(3) of the Commission's regulations under the Natural Gas Act, pursuant to the provisions of order No. 428, effective as of the date its small producer application was filed.

(B) If it is held upon the completion of judicial review that the Commission had no authority to issue order No. 428, then any amounts collected for any sale made under the temporary certificates issued in ordering paragraph (A) above in excess of the rate determined by the Commission to be just and reasonable for such sale will be subject to refund, with interest at 7 percent per annum.

(C) With respect to any sale made pursuant to the temporary certificates issued in ordering paragraph (A), the producer shall not be relieved from compliance with section 7(b) of the Natural Gas Act, regardless of whether the contract term for such sale has expired.

(D) Each producer listed in the appendix below shall file annual statements as provided in § 154.104 of the Commission's regulations under the Natural Gas Act.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

Docket No. CS	Filing (effective) date	Applicant
66-5	Sept. 1, 1965[1]	Estate of Scott B. Appleby, deceased, W. O. Anderson and Demova K. Frost.
72-811[2]	Mar. 3, 1972	Alan L. Lamb.
72-1169	June 12, 1972	Bobby Joe Mansiel.
73-62	July 28, 1972	Gene A. Carter.
73-63	do	The Mid-Gulf Exploration Co.
73-64	do	Jay J. Harris.
73-65	July 27, 1972	Texas Gas Production Co.
73-66	do	Pan Mutual Royalties, Inc.
73-67	do	Graham, Forester & Harper.
73-68	do	W. K. Downey.
73-69	do	Jack W. Little d.b.a. H. M Oil Co.
73-70	do	SRG Oil Corp.
73-71	do	L. M. Dyll.
73-72	do	Dr. James W. Dyll.
73-73	do	Paul Plevack.
73-74	do	Dr. Louis M. Dyll.
73-75	do	W. R. Gillespie, Jr.
73-76	do	T. J. Raleigh.
73-77	do	D. D. Rost.
73-78	July 31, 1972	J. Roy McCoy.
73-79	do	A. F. Roberts, Jr.
73-81	do	Pauley Petroleum, Inc.
73-96	July 27, 1972	Jane H. Grigsby.
73-97	July 24, 1972	Weaver Oil & Gas Corp.
73-98	Aug. 4, 1972	Cody C. Beasley.
73-99	July 31, 1972	Estate of Francis W. Scott.
73-102	Aug. 7, 1972	Prince Brothers Drilling Co.
73-188	Sept. 11, 1972	Robert Cargill et al.
73-195	Aug. 30, 1972	LaJolla Properties, Inc.
73-196	Sept. 8, 1972	W. G. Cook.
73-202	Sept. 6, 1972	K-Sam Oil Co.
73-203	Aug. 11, 1972	Lora B. McAlpin.
73-214	Sept. 11, 1972	Mustang Exploration Co., Inc., et al.
73-215	Sept. 14, 1972	Birch LOG Co.
73-228	Sept. 21, 1972	Sunland Refining Corp.
73-237	Sept. 27, 1972	Cuttychamp Oil & Gas Corp.
73-270	Oct. 2, 1972	Central Producers, Inc.
73-271	do	John R. Royall, Trustee u/w/o N. R. Royall, Jr. John R. Royall, Trustee u/w/o Fannie May Royall. Tucker K. Royall, Trustee u/w/o Fannie May Royall.
73-272	Oct. 3, 1972	Travis Oil Co.
73-274	Oct. 2, 1972	Joseph B. Singer, Ann G. Singer, Richard H. Fleischaker, Adeline S. Fleischaker.
73-275	Oct. 4, 1972	Usu, Inc.
73-276	Oct. 5, 1972	American Liberty Oil Co.
73-277	do	V. B. Bottoms.
73-278	do	Vernon Oil Co.
73-279	do	Merle S. Burgess.
73-280	Oct. 2, 1972	H. R. Harris and James R. Walton.
73-281	do	Hobert Key, Jr.
73-282	Oct. 6, 1972	International Energy Corp.
73-283	do	Sam F. Hurt, Jr.
73-284	do	James R. Hurt.
73-285	Oct. 10, 1972	Robert Neil Hillin.
73-286	Oct. 11, 1972	Vaughey & Vaughey.
73-287	Oct. 12, 1972	C. C. Stephenson, Jr.
73-288	do	R. W. Stough.
73-289	Oct. 16, 1972	Helen Lorraine Harvey et al.
73-290	do	R. J. Schumacher.
73-291	do	Harry J. Owens.
73-292	do	R. L. Burns Corp.
73-293	do	Productive Exploration Co.
73-294	Oct. 18, 1972	Cecil Stein.
73-295	Oct. 17, 1972	Wm. J. O'Connor.
73-297	Oct. 18, 1972	Charles B. Wilson, Jr., Ltd.
73-298	Oct. 19, 1972	Howard & Son.
73-299	do	Herbert E. Williams.
73-300	Oct. 18, 1972	Yegua Stillwell Gas Corp.
73-301	Oct. 13, 1972	Dan Schusterman d.b.a. Schusterman Development Co.
73-302	Oct. 16, 1972	Ray H. Eubank.
73-303	do	H. H. Fullilove et al.

Docket No. CS	Filing (effective) date	Applicant
73-304	do	Magic Circle Oil Co.
73-305	Oct. 13, 1972	Robert P. Lammerts.
73-306	Oct. 16, 1972	Wilco Properties, Inc.
73-307	Oct. 13, 1972	American Natural Gas Exploration, Inc.
73-308	Oct. 19, 1972	Classen Oil & Gas Co.
73-309	do	Radcliffe Killam.
73-310	do	Elmer H. Wahl, Inc.
73-311	Oct. 20, 1972	Robert K. Hillin.
73-312	do	Herbert E. Ware, Jr.
73-313	Oct. 24, 1972	The OHB Co., Ltd.
73-314	do	Ted Solomon.
73-315	do	Del-Lea, Inc.
73-316	do	Jim Leonard.
73-317	do	John M. Clark.
73-318	Oct. 25, 1972	Wells, Rich, Greene, Inc.
73-319	do	Dinero Oil Co.
73-320	do	Transcontinental Oil Corp.
73-321	do	Brookings, Moffatt & Waddle.
73-322	Oct. 26, 1972	David R. Key.
73-323	Oct. 19, 1972	W. E. Hall, deceased, Mrs. Virgil J. Hall, W. E. Hall, Jr. and Frank J. Hall.
73-324	Oct. 25, 1972	Craig Ferris, Sr.
73-325	do	Transcontinental Oil Programs, Inc.
73-326	do	Charles F. Foster.
73-327	Oct. 26, 1972	Richard Abrons.
73-328	do	Frits Markus.
73-329	do	John Wallace.
73-330	do	Arthur S. Zankel.
73-331	Oct. 24, 1972	F. A. Gillespie & Sons Co.
73-332	do	F. A. Gillespie Trust No. 1.
73-333	do	F. A. Gillespie Trust No. 3.
73-334	Oct. 27, 1972	G. L. Gallaspy.
73-335	do	Jack P. Rayzor et al.
73-336	Oct. 25, 1972	McGarr & Clutts.
73-337	Oct. 24, 1972	Sterling W. Woolsey.
73-338	Oct. 27, 1972	James P. Evans, Jr. et al.
73-339	Oct. 31, 1972	C. E. Hearn.
73-340	Oct. 27, 1972	H. L. Hawkins and H.L. Hawkins, Jr. et al.
73-341	Oct. 26, 1972	George F. Scanlon.
73-342	Oct. 30, 1972	Bayou Oil Co. et al.
73-343	do	Bi-Co Pavers, Inc.
73-345	do	Dr. R. M. Connell.
73-346	do[3]	Ralph Spence et al.
73-347	do[4]	Western Natural Gas Co. et al.
73-348	Nov. 2, 1972	Nancy Ann Asfahl.
73-349	Oct. 30, 1972	Petroleum Associates Fund, Inc., et al.
73-350	do	Wm. S. Richardson.
73-351	do	D. L. Hannifin.
73-352	do	Production Management Association.
73-353	Nov. 1, 1972	Frances G. Jahn.
73-354	Nov. 2, 1972	Breckenridge Gasoline Co.
73-355	Nov. 3, 1972	Donald E. Jarvis.
73-356	do	David S. Gottesman.
73-357	do	W. C. Bradford.
73-358	Nov. 6, 1972	E. C. Butts.
73-359	do	H.A. Bornefeld, Jr., Bruce K. Bornefeld, Marianne B. Martin, Betty B. Garrett.
73-360	do	Borger Enterprises.
73-361	do	United Oil & Gas Co.
73-362	do	Myco Industries, Inc.
73-363	do	Abo Petroleum Corp.
73-364	Nov. 3, 1972	Charles C. Peppers.
73-365	Nov. 6, 1972	Wilson Production Co.
73-366	do	Joseline Production Co.
73-367	do	Singer-Fleischaker Royalty Co.
73-368	do	Singer Brothers.
73-369	do	Pedestal Co.
73-370	do	Joe L. Singer.
73-371	do	Alex Singer.
73-372	do	Natural Gas Compression Corp.
73-373	do	Jerry Pinkley Transports, Inc.
73-374	Nov. 7, 1972	Ermyl W. Bloyd.
73-375	Nov. 6, 1972	J. K. Hannifan.
73-376	do	Hannifan Oil Corp.
73-377	Nov. 8, 1972	James A. Justice.
73-378	do	Dudley R. Stanley.
73-380	Nov. 9, 1972	Watson Oil Corp.
73-381	do	A. G. Kirschner.
73-382	Nov. 10, 1972	Flynn Energy Corp.
73-383	do	Lenhart and Bennett, Inc.
73-384	do	Cow Gulch Oil Co.
73-385	Nov. 9, 1972	Jackson M. Langton.
73-386	Nov. 13, 1972	H. E. Bryan.
73-387	do	Elmer Dixon.
73-389	Nov. 9, 1972	Hyrdro-Carbon Facilities, Inc.
73-390	Nov. 13, 1972	Penroc Oil Corp.
73-391	do	C. H. Coster Gerard.
73-392	Nov. 9, 1972	Zoller & Danneberg Exploration, Ltd.
73-393	do	Warall J. N. Whipple and Albert H. Stall.
73-394	Nov. 14, 1972	Standard Southern Corp., Gerald and Lila Rauch, Leonard Rauch, Morris and Verda Mae Glesby, Anita K. Rauch, Rauch Properties, and Estate of Birdie Rauch.
73-395	Nov. 13, 1972	L. E. Smith.
73-396	Nov. 16, 1972	Weimer & FitzHugh et al.
73-397	do	Clayton Oil Co. of 1960, Ltd., and Clayton Oil Co. of 1961, Ltd.
73-400	Nov. 17, 1972	Victoria Equipment & Supply Co.
73-401	Nov. 20, 1972	Lucius C. Geer, d.b.a. Lucius C. Geer & Associates.
73-402	Nov. 16, 1972	Lincoln Rock Corp.
73-403	Nov. 21, 1972	C. Ralph Blodgett.
73-404	do	Ralph P. Clark, Jr.
73-405	do	Red Clark, Inc.
73-406	do	Emma Frei Beck.
73-407	Nov. 20, 1972	Joseph L. Hargrove.
73-408	Nov. 22, 1972	Norphlet Corp.
73-409	do	John A. Taylor.
73-410	Nov. 24, 1972	Northeast Texas Production Co.
73-411	do	E. A. Wood, Jr.
73-412	do	George W. Arrington.
73-413	do	Engeo, Co.
73-414	do	Big Horn-Powder River Corp.
73-415	Nov. 22, 1972	Mumma Oil Production Co.
73-416	Nov. 24, 1972	Robert L. Waller.
73-417	Nov. 27, 1972	George M. Shelton.
73-418	Nov. 28, 1972	Charles W. Boggs.
73-419	Nov. 29, 1972	Midroc Oil Co.
73-421	Nov. 21, 1972	Petrofunds, Inc., agent for Petrofunds, Inc., 1972 "A" Drilling Fund and Petrofunds, Inc., agent for Petrofunds, Inc., 1972 "B" Drilling Fund.
73-422	Dec. 1, 1972	Caddo Oil Co., Inc.
73-423	do	A. H. Rowan.
73-424	do	Merle M. Rowan, individually and as independent executrix of the estate of C. L. Rowan, deceased.
73-425	do	A. C. Pegg.
73-426	Nov. 30, 1972	James E. Blacketer and Verlene M. Blacketer.
73-427	Dec. 4, 1972	Earl H. Linn.
73-428	do	Meridian Exploration Corp.
73-429	do	John M. Carson.
73-430	Nov. 24, 1972	B. A. Becker.
73-431	Dec. 4, 1972	M. L. Mayfield.
73-432	do	L. I. Freeman.
73-433	do	United Petroleum Co.
73-434	Dec. 5, 1972	Craico Corp.
73-435	do	R. P. Brewer, Jr.
73-436	Dec. 4, 1972	Murph Wilson.
73-437	do	J. S. Hudnall.
73-438	do	A. W. Riter, Jr.
73-439	do	Sam Trant.
73-440	do	G. J. Loetterle.
73-441	do	George W. Pirtle.
73-442	do	Lonnie Holotik.
73-443	do	Fairway Oil & Gas Co., Inc.
73-444	Dec. 5, 1972	Loyle P. Miller.
73-445	Dec. 1, 1972	J. J. McRoberts, trustee.
73-446	Dec. 8, 1972	J. N. Warren.
73-447	do	Bill Mathis.
73-448	do	G. A. Kelly.
73-449	do	Kenneth W. Rees.
73-450	do	Jean Zucher, trustee.
73-451	do	Louis Kessler and Augusta Kessler.
73-452	do	Milton S. Shapiro.
73-453	Dec. 11, 1972	Murray B. Herman.
73-454	do	D. Paul Rittmaster.
73-455	do	James E. Logan.
73-456	Dec. 8, 1972	E. I. Rydin.
73-457	Dec. 2, 1972	Star Pet.
73-458	Dec. 14, 1972	Jack L. Cayias.
73-459	Dec. 15, 1972	P. C. Bundy.
73-460	Dec. 18, 1972	I. W. Lovelady.
73-461	do	Wm. L. Audas.
73-462	do	D. L. McClure.
73-463	do	R. B. Montgomery.
73-464	do	Cyril S. Birch.
73-465	do	Home Oil Co. of Canada.
73-466	do	H. B. Pyle.
73-467	do	Standard Silver Corp.
73-468	do	Robert Zinke.
73-469	do	Walter L. Williams.
73-470	Dec. 19, 1972	Kemp Special Trusts.
73-471	do	Dallas McCasland.
73-472	Dec. 20, 1972	Leslie Oil & Gas Co.
73-473	Dec. 21, 1972	Hanover Management Co.
73-474	do	Marine Properties, Inc.
73-475	Dec. 18, 1972	Shreve Operating Co.
73-476	Dec. 21, 1972	Roy B. Riggs, Jr.
73-477	do	Walter G. George.
73-478	do	J. W. Rutland, Jr.
73-479	do	Keith D. Sheppard.
73-480	do	John M. Penrod.
73-481	Jan. 2, 1973	Sack Properties.
73-482	do	George C. Francisco, III.
73-483	do	David B. Remick.
73-484	do	Glenn W. Patterson.
73-485	do	Bart L. Jones.
73-486	do	W. T. Mendell.
73-487	do	Barbara Smullyan.
73-488	do	Emil Mosbacher, et ux.
73-489	do	Emil Mosbacher, Jr., et ux.
73-490	Dec. 26, 1972	Tara Petroleum Corp.
73-491	Jan. 2, 1973	Eleanor W. Dana.
73-492	Dec. 20, 1972	Petrofunds, Inc. agent for Petrofunds, Inc. 1972 "C" Drilling Fund.
73-493	Jan. 2, 1973	Conkling-Panola, Ltd.
73-494	Jan. 4, 1973	Gene E. Roark.
73-495	do	Paul D. Meadows.
73-496	Jan. 8, 1973	Roy V. Edwards.
73-497	do	Jim Riley, agent for C. Howard Phifer.
73-498	do	Tri-Star Petroleum Corp.
73-499	Jan. 9, 1973	A. J. Gebert.
73-500	do	Rae Key Dulaney.
73-501	Jan. 18, 1973	Vaughn Good & Boyd Phillips, d.b.a. Good & Phillips Oil Co.
73-502	Jan. 12, 1973	George S. Monkhouse.
73-503	Jan. 15, 1973	Oil Corp. of America.
73-504	Jan. 17, 1973	Chaparral Exploration Co.
73-505	Jan. 18, 1973	Kathol Natural Gas, Inc.
73-506	Jan. 22, 1973	Araphoe Co.
73-507	do	Amarex Drilling Partnership, No. 72/73-B.
73-508	do	Joshua Oil & Gas Co.
73-509	Jan. 18, 1973	Sage Oil Co., Inc.
73-510	Aug. 9, 1972	J. F. Hood.
73-511	Jan. 31, 1973	Champlin Exploration, Inc., 1972 oil and gas partnership.
73-512	Feb. 5, 1973	John R. Seay.
73-513	Feb. 1, 1973	A. F. Chisholm.
73-514	Feb. 9, 1973	Lacy Armour d.b.a. Armour Properties.
73-515	Feb. 8, 1973	S. H. Killingsworth et al.
73-516	Feb. 9, 1973	Ranola Oil Co.
73-517	Feb. 16, 1973	Bernard Boyer.
73-518	do	Payne Petroleum Corp.
73-519	Feb. 20, 1973	Lionel Cohen.
73-520	Feb. 22, 1973	Tideway Oil Co.
73-521	Feb. 26, 1973	38 Oil Co.
73-522	Mar. 2, 1973	James C. Leisk.
73-523	do	Travis L. Booker.
73-524	do	Ray S. Waterman.
73-525	do	T. W. McGuire.
73-526	do	Jessie M. Davis.
73-527	Feb. 26, 1973	G. J. Sharp.
73-528	Mar. 5, 1973	Carl M. Archer.
73-529	July 3, 1972	N. G. & Delta Busch.
73-530	Mar. 12, 1973	Dean No. 1, Ltd.
73-531	do	Jack N. Blair.
73-532	do	Tom Metcalfe.
73-533	do	Stanley E. Neely.
73-534	do	Dan C. Williams.
73-535	do	William H. Tinsley.
73-536	do	John T. Kipp.
73-537	do	James B. Goodson.
73-538	do	RANDEX.
73-539	Mar. 15, 1973	Louis W. Hill, Jr.

[1] Filing date only, effective date should be 45 days from issuance of order No. 428 consistent with said order.
[2] Applicant filed amendment to application on Oct. 27, 1972.
[3] Amendment filed to include et al. parties.
[4] Amendment filed Nov. 2, 1972.

[FR Doc.73-8247 Filed 4-27-73;8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA FINANCIAL GROUP, INC.

Acquisition of Bank

The Alabama Financial Group, Inc., Birmingham, Ala., 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 not less than 80 percent of the voting shares of the successor by merger to Baldwin County Bank, Bay Minette, Ala. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 21, 1973.

Board of Governors of the Federal Reserve System, April 23, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-8325 Filed 4-27-73;8:45 am]

BANK HOLDING COMPANIES

Notice That Hearings on Individual Applications To Engage in Insurance Agency Activities Are Public

Notice is hereby given that the Board of Governors of the Federal Reserve System, in response to numerous requests from members of the public to attend the hearings directed by the Board order of March 6, 1973 (38 FR 6441), with respect to 22 applications by bank holding companies to engage in insurance agency activities, has ordered the hearings to be conducted as public hearings.

By order of the Board of Governors, effective April 19, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-8346 Filed 4-27-73;8:45 am]

CONSOLIDATED BANKSHARES OF FLORIDA, INC.

Acquisition of Bank

Consolidated Bankshares of Florida, Inc., Fort Lauderdale, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Orange State Bank of Orlando, Orlando, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 21, 1973.

Board of Governors of the Federal Reserve System, April 23, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-8331 Filed 4-27-73;8:45 am]

DEARBORN FINANCIAL CORP.

Order Approving Formation of a Holding Company

Dearborn Financial Corp., Chicago, Ill., has applied 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 100 percent (less directors' qualifying shares) of the successor by merger to Upper Avenue National Bank of Chicago, Chicago, Ill. (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate acquisition of the voting shares of Bank. Accordingly, the proposed acquisition is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. Time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant, a newly organized corporation, was formed by the management of Bank (deposits of $96 million).[1] Upon acquisition of Bank, applicant would control less than half of a percent of deposits of commercial banks in Illinois. Since this application only seeks in general to change the ownership of Bank from individual holdings to a corporate form, there would be no adverse effects on competition in any relevant area.

The financial and managerial resources and future prospects of applicant depend on Bank. These prospects appear favorable, particularly in view of Bank's desirable location in Chicago. Applicant has committed itself to provide additional capital for Bank so that banking factors lend support for approval of the application. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (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 Chicago, pursuant to delegated authority.

By order of the Board of Governors,[2] effective April 20, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-8342 Filed 4-27-73;8:45 am]

[1] All banking data are as of June 30, 1972.

[2] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Bucher. Present and abstaining: Governor Sheehan. Absent and not voting: Chairman Burns.

DOMINION BANKSHARES CORP.

Order Approving Acquisition of the Fitton Co.

Dominion Bankshares Corp., Roanoke, Va., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of the Fitton Co., Alexandria, Va. The Fitton Co., through its ownership of all the shares of Metropolitan Mortgage Fund, Inc. (Metropolitan), Alexandria, Va., and 53.5 percent of the shares of Metropolitan Data Services, Inc. (Data Services), Alexandria, Va., engages in the activities of a mortgage company and in the activities of a data processing company, respectively. Certain mortgage banking activities and data processing activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a) (1), (3), and (8)). A bank holding company may acquire a company engaged in an activity determined by the Board to be closely related to banking provided that the proposed acquisition is warranted under the relevant public interest factors specified in section 4(c)(8) of the act (12 U.S.C. 1848(c)(8)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 916).[1] The time for filing comments and views has expired, and the Board has considered all comments received in the light of the public interest factors set forth in section 4(c)(8) of the act.

Applicant, the fifth largest banking organization in Virginia, controls seven banks with aggregate deposits of $735 million, representing 7.5 percent of commercial bank deposits in the State.[2] Each of applicant's banks makes individual and commercial mortgage loans, and applicant's lead bank also engages in servicing mortgages for investors. Two of applicant's banks are also engaged in providing data processing services similar to those provided by Data Services. Applicant's nonbanking subsidiaries include a service company, a bank premises company, a leasing corporation, and State Mortgage Corp., which engages primarily in the making of loans to individuals secured by second mortgages on residential real estate.

The Fitton Co. engages in no business activity directly and only serves to hold all of the stock of Metropolitan and 53.5

[1] The published notice of this application included notice of a related application to acquire Fitton Insurance Agency, Inc., Alexandria, Va., and thereby to engage in certain insurance agency activities. However, after an objection to that application was received, applicant requested separate consideration of the applications to avoid delay in Board consideration of this application. This order relates only to the application to acquire the Fitton Co.

[2] All banking data are as of June 30, 1972, adjusted to reflect bank holding company formations and acquisitions approved through Feb. 28, 1973.

percent of the stock of Data Services.[3] Metropolitan engages in the origination of residential, commercial, and industrial mortgage loans for its own account and for the accounts of investors, and the servicing of such loans for investors. Metropolitan also owns an undeveloped tract of land which it purchased with the intention of holding for future sale to a developer. The Board has stated that the purchase and sale of land is not an activity closely related to banking (1972 Federal Reserve Bulletin 429). Applicant has indicated its willingness promptly to dispose of the tract.

Data Services engages primarily in providing bookkeeping and accounting services for Metropolitan. Data Services also provides limited data processing services for other businesses and had gross servicing income of $58,000 in its last fiscal year from these outside sources. Applicant has stated that, if its application is approved, Data Services will no longer provide services unrelated to the provision of financially oriented data processing services .

Metropolitan originated approximately $42 million of mortgage loans during the 12-month period ending August 31, 1972, and had a mortgage servicing volume of about $141 million as of November 30, 1972. The activities of Metropolitan, whose sole office is in Alexandria, are centered in the Washington, D.C., market[4] where in excess of 92 percent of its mortgage originations and 95 percent of its mortgage servicing activities take place. Metropolitan's mortgage originations of approximately $38 million in the Washington, D.C., market represent 2 percent of originations within the market.

Of Applicant's subsidiaries, only Dominion National Bank (Bank), Bailey's Crossroads, Va. (deposits of $54 million), actively competes for mortgage originations in the Washington area and none of applicant's subsidiaries engages in mortgage servicing activities in the Washington area. During the 12-month period ending August 31, 1972, Bank originated some $8 million in mortgage loans representing less than 0.5 percent of originations within the Washington market.

It appears that consummation of the proposal, insofar as it relates to Metropolitan, would not eliminate any significant existing competition nor foreclose the development of significant competition, particularly in view of the large number of firms engaged in mortgage company activities within the Washington market. Nor does it seem likely that consummation of the proposal would have any meaningful adverse competitive effects outside the Washington market. Consummation of the proposal, insofar as it relates to Data Services, is not expected to have significant anticompetitive effects, particularly in view of the facts that Data Services principally serves Metropolitan's data servicing needs and has only a limited number of outside customers.

Any slight anticompetitive effects which might result from approval of the proposal are outweighed in the public interest by other considerations. Upon consummation of the proposal, applicant proposes to augment the capital of Metropolitan by at least $500,000, thereby significantly strengthening Metropolitan's capital position and enabling it to become a more effective competitor. Affiliation with applicant will also provide Metropolitan with more ready access to financial markets; thereby increasing funds available to meet the credit demands for housing and other construction in the Washington area.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c)(8) is favorable. However, as noted previously, Metropolitan is presently holding a tract of land for development and, in the Board's judgment, such activity is not a permissible one for bank holding companies. Thus, Board approval of the proposal is granted subject to the condition that applicant divest of the tract of land at the earliest practicable time, but in no event later than 1 year from the date of this order. Accordingly, applicant's proposal to acquire the Fitton Co. is hereby approved subject to the above condition and on the understanding that Data Services' activities will be limited to activities permitted under § 225.4(a)(8) of the Board's regulation Y.

The order herein is also subject to the conditions set forth in § 225.4(c) of regulation Y (12 CFR 225.4(c)) 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,[5] effective April 23, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-8329 Filed 4-27-73;8:45 am]

[3] The remainder of the stock is held by Data Services' employees subject to an agreement whereby Data Services may purchase such shares if employment is terminated.

[4] Approximated by the Washington, D.C., SMSA comprised of Washington, D.C., Prince Georges and Montgomery Counties in Maryland, the city of Alexandria, and Fairfax, Arlington, Prince William, and Loudon Counties in Virginia.

[5] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, Sheehan and Bucher. Absent and not voting: Chairman Burns.

FIRST ALABAMA BANCSHARES, INC.

Order Approving Acquisition of Bank

First Alabama Bancshares, Inc., Birmingham, Ala., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to acquire 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to First National Bank of Bay Minette, Bay Minette, Ala. (Bank). The bank into which Bank is to merge has no significance except as a means to facilitate the acquisition of voting shares of Bank. Accordingly, the proposed acquisition is treated herein as the proposed acquisition of the shares of Bank.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with 3(b) of the act. The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in § 3(c) of the act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Alabama, controls four banks with total deposits of $565.5 million, which represents 9.3 percent of the total commercial bank deposits in the State. (All banking data are as of June 30, 1972.) Approval of this application would not significantly increase applicant's share of State-wide deposits, and its present ranking in the State would remain unchanged.

Bank ($13.7 million in deposits) is the seventh largest of 13 banks in the Mobile banking market (approximated by Mobile and Baldwin Counties), and controls only 2 percent of deposits in commercial banks in that market. Applicant's nearest subsidiary is located in Montgomery, approximately 150 miles from Bank. No meaningful competition exists between Bank and any of applicant's present subsidiaries, nor does it appear likely that such competition would develop in the future in view of the distances separating Bank from applicant's subsidiaries, the number of intervening banks, and the State's restrictive branching laws.

The financial and managerial resources and future prospects of applicant, its subsidiaries, and Bank are satisfactory. Considerations relating to the convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that consummation of the proposed transaction would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (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 Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective April 23, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-8328 Filed 4-27-73;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Mitchell.

FIRST & MERCHANTS CORP.

Acquisition of Bank

First & Merchants Corp., Richmond, Va., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the Peoples Bank of Stafford, Falmouth, Va. 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 Richmond. 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 21, 1973.

Board of Governors of the Federal Reserve System, April 23, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-8332 Filed 4-27-73;8:45 am]

FIRST INTERNATIONAL BANCSHARES, INC.

Acquisition of Bank

First International Bancshares, Inc., Dallas, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3) to acquire 100 percent of the voting shares of the successor by merger to University State Bank, Houston, 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 21, 1973.

Board of Governors of the Federal Reserve System, April 23, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-8330 Filed 4-27-73;8:45 am]

FIRST NATIONAL BANCORPORATION, INC.

Order Approving Acquisition of Bank

The First National Bancorporation, Inc., Denver, Colo., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the Routt County National Bank of Steamboat Springs, Steamboat Springs, Colo. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Colorado, controls eight banks with deposits of $787.2 million, representing 14.7 percent of total deposits of commercial banks in the State. (All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through December 31, 1972.)[1] Consummation of the proposed acquisition of Bank ($20 million of deposits) would increase applicant's share of deposits of commercial banks in Colorado by less than 0.5 percentage points and would not result in a significant increase in concentration of bank resources in Colorado.

Bank operates one office and is the only bank in Steamboat Springs, Routt County, Colo., a sparsely populated rural community located in northwestern Colorado. Bank is located approximately 150 road miles northwest of applicant's lead bank (First National Bank, Denver, deposits of $615 million) which is located in Denver, Colo., and is the largest commercial bank in the State. Consummation of this proposed acquisition would constitute applicant's initial entry into an area west of the Rocky Mountains. No competition exists between Bank and any of applicant's subsidiaries. In view of distances separating Bank from applicant's present subsidiaries, geographical barriers, and Colorado's restrictive branching laws, it is unlikely that any significant competition would develop in the future between Bank and any of applicant's subsidiary banks that would be eliminated by consummation of the proposed acquisition.

Considerations relating to the financial and managerial resources and prospects of applicant, its subsidiaries and Bank are regarded as satisfactory and consistent with approval of the application.

The U.S. Department of Justice in commenting on the proposal stated that if multiple acquisitions were made in western Colorado by the few leading Colorado bank holding companies, such a course might have serious competitive effects by deterring the formation of local alternatives. While stating that it was difficult to assess the weight of these anticompetitive effects in the context of any single acquisition, the Department felt that the proposal would have adverse effects.

The Board agrees that developments such as those cited by the Department would have serious competitive effects. However, the Board evaluates each proposal as to the merits of that proposal. As stated above, consummation of this proposal would eliminate no existing or likely potential competition with present subsidiaries of applicant. A recent charter application for Steamboat Springs was denied by the Colorado Banking Board on the basis that the need for the new bank had not been demonstrated. This determination was reversed by the Routt County District Court and is currently on appeal. In the interim, two other State charter applications have been filed, including one by a multibank holding company. In view of the above, and the low population density of Steamboat Springs, it appears unlikely that applicant would attempt to enter the market de novo.

On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. The Board further concludes that consummation of the proposal would not have a significantly adverse effect on the development of a new bank in Steamboat Springs were a charter to be granted.

Development of the Steamboat Springs area into a year-round vacation area has increased the demand for banking services beyond local capabilities, particularly for business enterprise and commercial real estate lending. Affiliation with applicant would facilitate loan participations with respect to larger real estate loans and other business loans as well as giving bank access to real estate lending expertise. It would also allow Bank to aggressively encourage the development of recreational enterprises and to service the growing trust needs of the area which are presently going unserved locally. Considerations relating to the convenience and needs of the communities to be served, therefore, lend considerable weight toward approval of the application. It is the Board's judgment that the transaction would be in the public interest and should be approved.

On the basis of the record, the application is approved for the reasons summarized above.[2] The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (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.

By order of the Board of Governors,[3] effective April 20, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-8345 Filed 4-27-73;8:45 am]

[1] On June 9, 1970, and Nov. 3, 1970, respectively, the Board announced the approval of applicant's applications to acquire the First National Bank of Greeley, Greeley, Colo. ($40 million of deposits) and the Security State Bank of Sterling, Sterling, Colo. ($24 million of deposits). Consummation of these acquisitions has been delayed by litigation instituted by the Department of Justice.

[2] Dissenting statement of Governors Robertson and Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City.

[3] Voting for this action: Governors Mitchell, Sheehan, and Bucher. Voting against this action: Vice Chairman Robertson and Governor Brimmer. Absent and not voting: Chairman Burns and Governor Daane.

FLORIDA BANKSHARES, INC.

Order Approving Formation of Bank Holding Company

Florida Bankshares, Inc., Hollywood, Fla., 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 100 percent of the voting shares (less directors' qualifying shares) of the following banks: First National Bank of Hollywood, Hollywood (Hollywood Bank); First National Bank of Hallandale, Hallandale (Hallandale Bank); and Second National Bank of West Hollywood, Hollywood (West Hollywood Bank), all located in Florida.

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant is a nonoperating corporation formed for the express purpose of acquiring Hollywood Bank (deposits of $77 million); Hallandale Bank (deposits of $6 million); and West Hollywood Bank (established September 19, 1972). (All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through March 31, 1973.)

The three banks proposed to be acquired are located in the Greater Miami Banking Market where 22 bank holding companies are presently represented. Hollywood, Hallandale, and West Hollywood Banks control approximately 2 percent of market deposits. All three banks are closely affiliated through common officers, directors, shareholders, and operating policies, and no significant present competition exists between the group. In view of their close relationship, it appears unlikely that consummation of this proposal would foreclose any meaningful potential competition. It is the Board's opinion that the proposed formation would have no adverse effect on existing or potential competition, and would not tend to create a monopoly or in any manner be in restraint of trade in the relevant areas.

Applicant has no present operations, and its financial condition, management, and prospects are dependent on those same conditions in the banks proposed to be acquired, all of which are considered to be satisfactory. Prospects for the group appear favorable. Banking factors are consistent with approval of this application. The banking needs of the communities appear to be satisfactorily served at the present time. Applicant proposes no substantial benefits that would be derived from the proposed affiliation. However, the holding company structure would result in expanded lending limits for the banks and a broader market for corporate stock. Considerations relating to the convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that the transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (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 Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] effective April 20, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-8343 Filed 4-27-73;8:45 am]

GLOBE CORP.

Order Approving Acquisition of Bank

Globe Corp., Scotsdale, Ariz., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the act (12 U.S.C. 1842(a)(3)) to indirectly acquire 28.87 percent of the voting shares of Upper Avenue National Bank of Chicago, Chicago, Ill. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. Time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant, which presently controls 28.87 percent of the voting shares of Bank, will exchange these shares, on a share-for-share basis, for those of Dearborn Financial Corp., Chicago, Ill., resulting in applicant owning indirectly instead of directly 28.87 percent of the shares of Bank. For the reasons summarized in the Board's order of this date approving the formation of Dearborn Financial Corp., the Board concludes that approval of this application is in the public interest.

On the basis of the record the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order, or (b) later than 3 months after the effective date of this order, unless this period is extended for good cause by the Board or by the Federal Reserve Bank of Chicago, pursuant to delegated authority.

By order of the Board of Governors,[1] effective April 20, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-8344 Filed 4-27-73;8:45 am]

OTC MARGIN STOCK

[Regs. G, T, U]

Changes in List

The following changes have been made, effective April 23, 1973, in the "List of OTC Margin Stocks," as of May 15, 1972, published in the FEDERAL REGISTER on May 24, 1972.

(1) *Additions.*—Stocks now subject to margin requirements: ALODEX Corp., $0.10 par common; Cayman Corp., $0.10 par common; Champion Parts Rebuilders, Inc., common; Florida National Banks of Florida, Inc., $12.50 par common; Hartford National Corp., $6.25 par common; Mary Kay Cosmetics, Inc., $0.10 par common; Offshore Logistics, Inc., no par common; Pennzoil Offshore Gas Operators, Inc., class B, $1 par common; Raymond Corp., The, $1.50 par common; U.S. Bancorp, $10 par common; and UniCapital Corp., $1 par common.

(2) *Deletions.*—Stocks delisted for failing to meet the continued listing standards: Alphanumeric, Inc., $0.03⅓ par common; Alpine Geophysical Associates, Inc., $0.10 par common; Dasa Corp., $1 par common; Empire Life Insurance Co. of America, class A, $1 par common; Energy Resources Corp., $1 par common; Fabri-Tek Inc., $0.10 par common; Gyrodyne Co. of America, Inc., $1 par common; Lehigh Coal & Navigation Co., The, $1 par common; Louisiana & Southern Life Insurance Co., $1 par common; Scientific Control Corp., $0.20 par common; Spang Industries, Inc., $1 par common; Subscription Television, Inc., $0.10 par common; Texas International Airlines, Inc., $2 par common; and Werner Continental, Inc., $0.50 par common. Stocks now registered on national securities exchanges: Conagra, Inc., $5 par common; Inland Container Corp., class A, no par common; National Detroit Corp. (formerly National Bank of Detroit), $12.50 par common; Pizza Hut, Inc., $0.01 par common; Pope & Talbot, Inc., $2 par common; Telecor, Inc., $0.50 par common; and Union Fidelity Corp., $0.10 par common. Stocks of company acquired by another firm: First National Bank in Dallas, $10 par capital; Georgia International Corp., $1 par common; Nicholson File Co., $1 par common; and Old Line Life Insurance Co. of America, The, $1.33⅓ par common.

(3) *Changes.*—Hughes Supply, Inc., $2 par common now reads as Hughes Supply, Inc., $1 par common; Long Island Trust Co., $5 par common becomes LITCO Corp. of New York, $5 par com-

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns.

[1] Voting for this action: Vice Chairman Robertson and Governors Mitchell, Daane, Brimmer, and Bucher. Present and abstaining: Governor Sheehan. Absent and not voting: Chairman Burns.

mon; Mellon National Bank & Trust Co., common is changed to Mellon National Corp., common; Monterey Life Systems, Inc., $0.10 par common is renamed MLS Industries, Inc., $0.10 par common; Seismic Computing Corp., $0.10 par common becomes Seiscom Delta Inc., $0.10 par common; and Southwestern Life Insurance Co., $2.50 par capital reads as Southwestern Life Corp., $2.50 par capital.

Board of Governors of the Federal Reserve System, by its Director of Supervision and Regulation pursuant to delegated authority (12 CFR 265.2(c)(13)), April 23, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-8327 Filed 4-27-73;8:45 am]

TENNESSEE NATIONAL BANCSHARES, INC.

Proposed Acquisition of Maryville Savings & Loan Corp.

Tennessee National Bancshares, Inc., Maryville, Tenn., has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y, for permission to acquire voting shares of Maryville Savings & Loan Corp. (an industrial loan and thrift company), Maryville, Tenn. Notice of the application was published on April 10, 1973, in the Maryville-Alcoa Times, a newspaper circulated in Maryville, Tenn.

Applicant states that the proposed subsidiary would engage in the following activities: Carry-on business of an industrial loan and thrift company, including making of loans, the sale of credit life insurance and credit accident and health insurance in connection therewith; the sale of comprehensive physical damage insurance on certain personal property taken as security in connection with loans; and the borrowing of funds at interest as provided by the applicable law. Such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 21, 1973.

Board of Governors of the Federal Reserve System, April 23, 1973.

CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-8326 Filed 4-27-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON NOISE

Agenda and Notice of Meetings

Notice is hereby given that the Standards Advisory Committee on Noise, established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), will meet on Wednesday, May 9, 1973, and Thursday, May 10, 1973, starting at 9 a.m. each day, in Hearing Room B, Interstate Commerce Commission, 12th and Constitution Avenue NW., Washington, D.C.

The agenda provides for the consideration of the following subjects: (a) Control of Noise Exposure; (b) Noise Exposure Analysis, and (c) Medical Surveillance. Three informal subgroups will start developing recommendations for occupational safety and health regulations dealing with the above subject areas. Another subgroup will summarize the comments and recommendations submitted at the chairman's request by other members of the committee. The full committee will then meet to consider the reports from the subgroups using them as the basis for discussion and preparation of its recommendations for a standard on noise.

The meetings shall be open to the public. Written data, views, or arguments concerning the subjects to be considered may be filed, together with 20 copies thereof, with the committee's Executive Secretary by May 7, 1973. Any such submissions, timely received, will be provided to the members of the committee and will be included in the record of the meeting.

Persons wishing to orally address the committee at the meeting should submit a written request to be heard, together with 20 copies thereof, to the Executive Secretary no later than May 7, 1973. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed. At the meeting the chairman will announce whether oral presentations will be allowed, and, if so, under what conditions.

Communications to the Executive Secretary should be addressed as follows:

Executive Secretary, Standards Advisory Committee on Noise, OSHA-OSMC, Railway Labor Building—Room 509, U.S. Department of Labor, Washington, D.C. 20210.

Signed at Washington, D.C., this 25th day of April 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-8379 Filed 4-27-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 231]

ASSIGNMENT OF HEARINGS

APRIL 25, 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-128944, sub 11, Reliable Truck Lines, Inc., MC-136678, Alabama-Tennessee Express, Inc., now assigned May 14, 1973, at Birmingham, Ala., is postponed to July 9, 1973 (1 week), at Birmingham, Ala., in a hearing room to be later designated.

MC-121600, sub 1, Averitt Express, Inc., now assigned May 21, 1973, at Nashville, Tenn., is postponed indefinitely.

MC-135754, sub 1, Robert E. Williamson, Jr., common carrier application, now assigned June 28, 1973, will be held at the Federal Courthouse, Laurel and Assembly Streets, Columbia, S.C.

MC-114019 (sub-No. 244), Midwest Emery Freight System, Inc., now assigned May 14, 1973, at Boston, Mass., is canceled and application dismissed.

No. 35533, Petroleum Products, Williams Bros. Pipe Line Co., No. 35533, sub 1, petroleum products to Illinois, Iowa, and Missouri, Williams Brothers Pipe Line Co., No. 35533, sub 2, Petroleum Products, Williams Bros. Pipe Line Co., No. 35540, petroleum products, Louisiana and Texas to Midwest, and FSA No. 42327, Pipeline rates—petroleum products from the Southwest, continued to April 30, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-C-7924, Overland Motor Express, Inc., doing business as Boulder-Denver Truck Line, et al. v. Englewood Transit Co., now being assigned continued hearing October 5, 1973 (1 day), at Denver, Colo., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-8339 Filed 4-27-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 25, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before May 15, 1973.

FSA No. 42668—Sand from Crystal City, Mo. Filed by Southwestern Freight Bureau, agent (No. B-400), for interested rail carriers. Rates on sand, in carloads, as described in the application, from Crystal City, Mo., to points in official (including Illinois) territory, and Somerset, Ky.

Grounds for relief—Market competition.

Tariff—Supplement 179 to Southwestern Freight Bureau, agent, tariff 162-X, ICC No. 4797. Rates are published to become effective on June 1, 1973.

FSA No. 42669—Joint Water-Rail Container Rates—Compania Peruana De Vapores. Filed by Compania Peruana De Vapores (No. 1), for itself and interested rail carriers. Rates on general commodities, from ports in Japan to rail terminals in Kearny, N.J., and Houston, Tex.

Grounds for relief—Water competition.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-8340 Filed 4-27-73;8:45 am]

[Notice 261]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 21, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74250. By order of April 12, 1973, the Motor Carrier Board approved the transfer to Pack Transport, Inc., Salt Lake City, Utah, of the operating rights in certificate No. MC-40690 issued July 25, 1968, to Lyle Maydole, doing business as Diamond Truck Line, Las Vegas, Nev., authorizing the transportation of general commodities, with exceptions, between St. George, Utah, and Moapa, Nev., over regular routes, serving all intermediate points. Max D. Ellison, P.O. Box 2602, Salt Lake City, Utah 84110, attorney for applicants.

No. MC-FC-74332. By order of April 18, 1973, the Motor Carrier Board approved the transfer to Short & Son, Inc., Goodland, Kans., of the operating rights in certificate No. MC-54220 issued November 4, 1949, to C. E. Short and Gene Short, a partnership, doing business as Short & Son, Goodland, Kans., authorizing the transportation of various commodities from, to and between specified points and areas in Kansas, Missouri, Colorado, Nebraska, and Iowa. Selby S. Soward, Professional Building, Goodland, Kans. 67735, attorney for applicants.

No. MC-FC-74351. By order of April 12, 1973, the Motor Carrier Board conditionally approved the transfer to Mishak Truck Line, Inc., Clear Lake, Iowa, of certificate No. MC-46880 issued November 27, 1968, to Homer L. Blickenderfer, Charles City, Iowa, authorizing the transportation of: Agricultural machinery, implements and parts, building materials, coal, feed, tankage, seed, flour, hardware, garage supplies, plumbing supplies, household goods, emigrant movables, livestock, twine, wire, nails and steel products, from, to and between specified points in Minnesota, Iowa, and Illinois. Larry D. Knox, ninth floor, Hubbell Building, Des Moines, Iowa 50309 and Keith S. Noah, P.O. Box 309, Charles City, Iowa 50616, attorneys for applicants.

No. MC-FC-74372. By order of April 19, 1973, the Motor Carrier Board approved the transfer to United Distribution Service, Inc., Cornwells Heights, Pa., of the operating rights in certificate No. MC-119210 issued March 18, 1960, to Cal Cartage, Inc., Camden, N.J., authorizing the transportation of new furniture from Philadelphia, Pa., to New York, N.Y., and points in Maryland, Delaware, and New Jersey, subject to certain restrictions. Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-8341 Filed 4-27-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Determination To Close Meeting

The Director of the Cost of Living Council has determined that the meeting of the Food Industry Wage and Salary Committee to be held, as previously announced, on May 2, 1973, will consist of exchanges of opinions, that the discussions, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C., on April 26, 1973.

WILLIAM N. WALKER,
General Counsel,
Cost of Living Council.

[FR Doc.73-8542 Filed 4-27-73;12:01 pm]

federal register

MONDAY, APRIL 30, 1973
WASHINGTON, D.C.
Volume 38 ■ Number 82

PART II

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the Public Debt

■

RESTRICTIVE ENDORSEMENTS OF UNITED STATES BEARER SECURITIES

Dept. Circular No. 853 2d Rev.

Title 31—Money and Finance: Treasury

CHAPTER II—FISCAL SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 328—RESTRICTIVE ENDORSEMENTS OF U.S. BEARER SECURITIES

The regulations in 31 CFR part 328 have been amended for the purpose of reducing costs of shipping definitive bearer securities submitted for conversion to book-entry securities or for redemptions or exchanges.

Notice and public procedures are unnecessary and are dispensed with as the fiscal policy of the United States is involved. The changes were effected under authority of R.S. 3706; 40 Stat. 288, 502, 1309; 46 Stat. 20; 48 Stat. 343; 49 Stat. 20; 56 Stat. 189; 73 Stat. 622; 85 Stat. 5, 74 (31 U.S.C. 738a, 739, 752, 752a, 753, 754, 754a and 754b); and 5 U.S.C. 301.

Dated April 11, 1973.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

Department of the Treasury Circular No. 853, Revised, dated December 4, 1964, is hereby further amended and revised and issued as Department of the Treasury Circular No. 853, Second Revision, effective April 11, 1973.

Sec.

AUTHORITY: R.S. 3706; 40 Stat. 288, 502, 1309; 46 Stat. 20; 48 Stat. 343; 49 Stat. 20; 56 Stat. 189; 73 Stat. 622; 85 Stat. 5, 74 (31 U.S.C. 738a, 739, 752, 752a, 753, 754, 754a and 754b); and 5 U.S.C. 301.

§ 328.1 Scope of regulations.

The regulations in this part are applicable only to U.S. bearer securities[1] presented (a) by or through banks for payment at or after their maturity or call date, or in exchange for any securities under any exchange offering, (b) by banks for conversion to book-entry securities, (c) by or through banks at any time prior to their maturity or call date for redemption at par and application of the entire proceeds in payment of Federal estate taxes, provided said securities by the terms of their issue are eligible for such redemption, and (d) by Service Center Directors and District Directors, Internal Revenue Service, for redemption, with the proceeds to be applied in payment of taxes (other than securities presented under paragraph (c) of this section). These regulations do not apply to bearer securities presented for any other transactions, or to registered securities assigned in blank, or to bearer, or so assigned as to become, in effect, payable to bearer.

[1] Certain agencies of the United States and certain Government and Government-sponsored corporations also authorize the restrictive endorsement of bearer securities.

§ 328.2 Definitions.

Certain words and terms, as used in these regulations, are defined as follows:

(a) "Banks" refer to, and include, incorporated banks (i.e., banks doing a general commercial banking business), incorporated trust companies (i.e., trust companies doing either a general banking business or a general trust business), and savings and loan associations, building and loan associations, and such other financial institutions as may be designated by the Federal Reserve banks. This definition is limited to institutions incorporated within the United States, its territories and possessions, the Commonwealth of Puerto Rico and the Canal Zone.

(b) "Bearer securities" or "securities" are those which are payable on their face to "bearer," the ownership of which is not recorded. They include "Treasury bonds," "Treasury notes," "Treasury certificates of indebtedness," and "Treasury bills."

§ 328.3 Authorization for restrictive endorsements.

(a) *By banks.*—Banks are authorized, under the conditions and in the form hereinafter provided, to place restrictive endorsements upon the face of bearer securities owned by themselves or their customers for the purpose of presentation to Federal Reserve banks or branches, or to the Treasurer of the United States, as follows:

(1) For payment or redemption—at any time within 1 calendar month prior to their maturity date, or the date on which they become payable pursuant to a call for redemption, or at any time after their maturity or call date;

(2) For exchange—during any period for their presentation pursuant to an exchange offering;

(3) For redemption at par in payment of Federal estate taxes (only eligible securities)—at any time prior to their maturity or call redemption date; and

(4) For conversion to book-entry securities under subpart O of part 306 of this chapter—at any time prior to their maturity or call redemption date.

(b) *By Service Center Directors and District Directors, Internal Revenue Service.*—Service Center Directors and District Directors, Internal Revenue Service, are authorized, under the conditions and in the form hereinafter provided, to place restrictive endorsements upon the face of bearer securities for the purpose of presentation to Federal Reserve banks or branches, or to the Treasurer of the United States, for redemption and application of the proceeds in payment of taxes (other than securities presented for redemption at par and application of the proceeds in payment of Federal estate taxes).

(c) *Instructions from Federal Reserve banks.*—Federal Reserve banks will inform eligible banks and Service Center Directors and District Directors, Internal Revenue Service, in their respective districts as to the procedure to be followed under the authority granted by these regulations. Restrictive endorsements shall not be placed on securities until such information is received from the Federal Reserve banks.

§ 328.4 Effect of restrictive endorsements.

Bearer securities bearing restrictive endorsements as herein provided will thereafter be nonnegotiable and payment, redemption, or exchange will be made only as provided in such endorsements.

§ 328.5 Forms of endorsement.

(a) *When presented by banks*—(1) *For payment or exchange.*—The endorsement placed on a bearer security presented for payment or exchange by a bank should be in the following form:

For presentation to the Federal Reserve Bank of _____, Fiscal Agent of the United States, for redemption or in exchange for securities of a new issue, in accordance with written instructions submitted by _____
(Insert name of presenting bank)

(2) *For redemption at par.*—The endorsement placed on a bearer security presented for redemption at par in payment of Federal estate taxes should be in the following form:

For presentation to the Federal Reserve Bank of _____, Fiscal Agent of the United States, for redemption at par in payment of Federal estate taxes, in accordance with written instructions submitted by _____
(Insert name of presenting bank)

(b) *For conversion to book-entry securities.*—The endorsement placed on a bearer security presented for conversion to a book-entry security shall be in the following form:

For presentation to the Federal Reserve Bank of _____, Fiscal Agent of the United States, for conversion to book-entry securities by _____
(Insert name of presenting bank)

(c) *When presented by Service Center Directors or District Directors, Internal Revenue Service.*—The endorsement placed on a bearer security by a Service Center Director or a District Director, Internal Revenue Service, should be in the following form:

For presentation to the Federal Reserve Bank of _____, Fiscal Agent of the United States, for redemption, the proceeds to be credited to the account of the Service Center Director, Internal Revenue Service, at _____, for credit on the Federal _____ taxes due
(Income, gifts, or other)
from _____
_____
(Name and address)

§ 328.6 Requirements for endorsement.

(a) *On bearer securities.*—The endorsement must be imprinted in the left-hand portion of the face of each security with the first line thereof parallel to the left edge of the security and in such

manner as to be clearly legible and in such position that it will not obscure the serial number, series designation, or other identifying data, and cover the smallest possible portion of the text on the face of the security. The dimensions of the endorsement should be approximately 4 inches in width and 1½ inches in height, and must be imprinted by stamp or plate of such character as will render the endorsement substantially ineradicable. The name of the Federal Reserve bank of the district must appear on the plate or stamp used for the imprinting of the endorsement, and presentation to the appropriate branch of the Federal Reserve bank named will be considered as presentation to the bank. When securities are to be presented to the Treasurer of the United States, the words "Treasurer of the United States" should be used in lieu of the words "Federal Reserve Bank of ----------, Fiscal Agent of the United States." No subsequent endorsement will be recognized. If the form of endorsement on a security is different than that prescribed in § 328.5, the provisions of §§ 328.7 and 328.8 shall not apply to the security.

(b) *On coupons.*—Unmatured coupons attached to restrictively endorsed securities should be canceled by imprinting the prescribed endorsement in such manner that a substantial portion of the endorsement will appear on each such coupon. If any such coupons are missing, deduction of their face amount will be made in cases of redemption, and in cases of exchange, remittance equal to the face amount of the missing coupons must accompany the securities. All matured coupons, including coupons which will mature on or before the date of redemption or exchange (except as otherwise specifically provided in an announcement of an exchange offering), should be detached from securities upon which restrictive endorsements are to be imprinted.

§ 328.7 Shipment of securities.

Securities bearing restrictive endorsements may be shipped, at the risk and expense of the shipper, by registered mail, messenger, armored car service, or express to the Federal Reserve bank of the district in which the presenting bank, the Service Center Director, or the District Director, Internal Revenue Service, is located, or to the appropriate branch of such Federal Reserve bank, shipments to the Treasurer of the United States, Washington, D.C., should be made by messenger or armored car.

§ 328.8 Loss, theft or destruction of securities bearing restrictive endorsements.

(a) *General.*—Relief will be provided on account of securities bearing restrictive endorsements proved to have been lost, stolen or destroyed, upon the owner's application, in the same manner as registered securities which have not been assigned. (See subpart N of the current revision of Department Circular No. 300, the general regulations governing United States securities.) Except for bearer securities submitted for redemption at par in payment of Federal estate taxes, a bank will be considered the owner of securities handled on behalf of customers unless it otherwise requests. The application for relief (form PD 2211) and instructions will be furnished by the Federal Reserve banks.

(b) *Bond of indemnity.*—Where securities bearing restrictive endorsements shipped by a bank have been lost, stolen, or destroyed, a bond of indemnity with surety satisfactory to the Secretary of the Treasury will be required from the owner. If such bond is executed by a bank or other corporation, the execution must be authorized by general or special resolution of the board of directors, or other body exercising similar functions under its bylaws. Ordinarily, no surety will be required on a bond executed by a presenting bank. The Secretary of the Treasury reserves the right, however, to require a surety in any case in which he considers such action necessary for the protection of the United States.

§ 328.9 Miscellaneous.

The provisions of this circular are subject to the current revision of Department Circular No. 300. The Secretary of the Treasury reserves the right at any time to amend, supplement, or withdraw any or all of the provisions of these regulations.

[FR Doc.73-7401 Filed 4-27-73;8:45 am]

federal register

MONDAY, APRIL 30, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 82

PART III

DEPARTMENT OF THE INTERIOR

GEOLOGICAL SURVEY

■

Proposed Revision of Coal Mining Operating Regulations

DEPARTMENT OF THE INTERIOR

GEOLOGICAL SURVEY

[30 CFR Parts 211, 216]

COAL MINING OPERATING REGULATIONS

Proposed Revision

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under the Mineral Leasing Act of February 25, 1920, as amended and supplemented (30 U.S.C. 181–287), the Mineral Leasing Act for Acquired Lands (30 U.S.C. 351–359), 5 U.S.C. 301, the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4347), and various statutes relating to mining on Indian lands, it is proposed to revise 30 CFR part 211 as set forth below.

The primary purpose of the proposed revision is to update the regulations governing operations conducted under coal leases, permits, and licenses, on public domain and acquired lands of the United States and on Indian lands administered by the Department of the Interior by deleting obsolete material and including new provisions and requirements consistent with modern mining practices. The revised regulations clarify the responsibility of lessees, permittees, and licensees for the protection of the surface, the natural resources, the environment and existing improvements during operations for the discovery, testing, development, mining, and preparation of coal and for timely reclamation of disturbed lands.

It is also proposed that 30 CFR part 216, applicable to coal mining operations under leases in the State of Alaska which were issued pursuant to the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741), prior to its repeal by Public Law 86–252, September 9, 1959, 73 Stat. 490, be revoked and that operations under those leases also be governed by the regulations in 30 CFR part 211 as set forth below.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed revision of 30 CFR part 211 and the proposed revocation of 30 CFR part 216 to the Director, U.S. Geological Survey, Washington, D.C. 20244, on or before June 29, 1933. After the period for comments has expired, the proposed regulations will be revised, if deemed necessary, and republished in the FEDERAL REGISTER as interim regulations.

The Department of the Interior is currently conducting an environmental review of the coal leasing program. The Council on Environmental Quality has recommended that regulations for the effective management and protection of the public lands be promulgated to serve as interim regulations pending completion of that environmental review. The revision of 30 CFR part 211 presently proposed is essential for effective management and protection of the public lands. The delay which would be occasioned by the preparation of a separate environmental statement related solely to the proposed regulations or the withholding of promulgation until an environmental statement on the coal leasing program is completed would create a period during which effective management and protection of the public land would be hindered. The proposed regulations are not fundamentally new regulations, but are essentially the existing regulations already applicable to the same mineral resources and land, reorganized, clarified, and, in some respects, amplified. Moreover, the interim nature of the proposed regulations would limit their overall cumulative impact on the quality of the human environment. Accordingly, the proposed regulations are published without the preparation of an environmental statement. When the review and statement on the coal leasing program are completed, the regulations in effect at that time will be revised to conform with the conclusions of the review.

Part 211 of title 30 of the Code of Federal Regulations is revised to read as follows:

PART 211—COAL-MINING OPERATING REGULATIONS

ADMINISTRATION OF REGULATIONS AND DEFINITIONS

MAPS AND PLANS

PROSPECTING AND EXPLORATION OPERATIONS

WELFARE AND SAFETY

MINING METHODS AND MINE ABANDONMENT

PROTECTION AGAINST MINE HAZARDS

WASTE FROM MINING

PRODUCTION RECORDS, ROYALTY AND AUDITS

INSPECTION, ISSUANCE OF ORDERS, AND ENFORCEMENT OF ORDERS

AUTHORITY.—34 Stat. 539, 35 Stat. 312 (25 U.S.C. 355 NT); 35 Stat. 781 (25 U.S.C. 396); sec. 32, 41 Stat. 450 (30 U.S.C. 189); 49 Stat. 1967 (25 U.S.C. 501, 502); 52 Stat. 347 (25 U.S.C. 396 a–f); 61 Stat. 915 (30 U.S.C. 359); 5 U.S.C. 301; Public Law 91–190, 83 Stat. 852 (42 U.S.C. 4321).

§ 211.1 Scope and purpose.

(a) The regulations in this part shall govern operations for the discovery, testing, development, mining, and preparation of coal under coal leases, licenses, and permits issued for public domain and acquired lands pursuant to the regulations in 43 CFR group 3500 and the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741). These regulations shall also apply to operations for the discovery, testing, development, mining, and preparation of coal in tribal and allotted Indian lands under leases and permits issued under the regulations in 25 CFR parts 171, 172, 173, and 174.

(b) The purpose of the regulations in this part is to promote orderly and efficient prospecting, exploration, testing, development, mining, and preparation operations and production practices without waste or avoidable loss of coal or other mineral deposits or damage to coal or other mineral-bearing formation; to encourage maximum recovery and use of coal resources; to promote operating practices which will avoid, minimize or correct damage to the environment—land, water, and air—and avoid, minimize or correct hazards to public health and safety; and to obtain a proper record and accounting of all coal produced.

(c) These regulations will be interpreted and administered to the fullest extent possible in accordance with the policies of the National Environmental Policy Act of 1969 (83 Stat. 852) 42 U.S.C. 4321–4347.

(d) When the regulations in this part relate to matters included in the regulations in 25 CFR part 177—Surface Exploration, Mining and Reclamation of Lands—pertaining to Indian lands, the regulations in that part shall govern to the extent of any inconsistencies.

(e) When the regulations in this part relate to matters included in the regulations in 43 CFR part 23, the regulations in that part shall govern with respect to technical examinations, issuance or denial of leases, performance bonds, reclamation of land, and reports to the extent of any inconsistencies; otherwise, the regulations in this part shall govern.

§ 211.2 Definitions.

The terms used in this part shall have the following meanings:

(a) *Secretary.*—The Secretary of the Interior.

(b) *Director.*—The Director of the U.S. Geological Survey, Washington, D.C.

(c) *Division Chief.*—The Chief of the Conservation Division, U.S. Geological Survey, Washington, D.C.

(d) *Regional Manager.*—The Regional Conservation Manager, Conservation Division, U.S. Geological Survey.

(e) *Mining Supervisor.*—The Area Mining Supervisor, Conservation Division, U.S. Geological Survey, a representative of the Secretary, subject to the direction and supervisory authority of the Director, the Division Chief, and the appropriate Regional Manager, authorized and empowered to regulate operations and to perform other duties prescribed in the regulations in this part, or a subordinate acting under his direction.

(f) *Lessee.*—Any person or persons, partnership, association, corporation, or municipality to whom a coal lease is issued subject to the regulations in this part, or an assignee of such lease under an approved assignment.

(g) *Permittee.*—Any person or persons, partnership, association, corporation, or municipality to whom a coal prospecting permit is issued subject to the regulations in this part, or as assignee of such permit under an approved assignment.

(h) *Licensee.*—Any individual, association of individuals, or municipality to whom a coal license is issued subject to the regulations in this part.

(i) *Leased lands, leased premises, or leased tract.*—Any lands under a coal lease and subject to the regulations in this part.

(j) *Permit lands.*—Any lands under a coal prospecting permit and subject to the regulations in this part.

(k) *Operator.*—A lessee, permittee, or licensee, or one conducting operations on lands under the authority of the lessee, permittee, or licensee.

(l) *Reclamation.*—The measures undertaken to bring about the necessary reconditioning or restoration of land or water that has been affected by exploration, testing, mineral development, mining, onsite processing operations, or waste disposal, in ways which will prevent or control onsite or offsite damage to the environment.

(m) *Coal.*—Coal of all ranks from lignite to anthracite.

(n) *Mine.*—An underground or surface excavation and all parts of the property of a mining plant, either on the surface or underground, that contribute directly or indirectly to the mining and preparation of coal.

(o) *Preparation.*—The sizing, cleaning, drying, mixing, and crushing of the coal and such other work of preparing coal for market.

(p) *Portal.*—Any surface entrance to an underground mine.

(q) *Entry.*—An underground passage used for haulage, ventilation, or as a manway.

(r) *Shaft.*—A mine opening, the axis of which is approximately vertical, extending from the surface to develop one or more coal deposits.

(s) *Slope.*—A mine opening or inclined entry in a dipping coal formation or an inclined tunnel through rock to intersect a coal bed.

(t) *Drift.*—A mine opening or horizontal entry or passage underground.

(u) *Stripping operation.*—The term "stripping operation" or "strip pit" or "open pit" shall mean a mining excavation or development by means of a surface pit in which material over the coal bed is first removed and the coal itself is then extracted.

(v) *Explosive dust.*—An explosive dust is a combustible solid in airborne dispersion capable of propagating flame when ignited.

(w) *Flammable and explosive gases.*—A mixture of atmospheric air and combustible natural gases in such proportions that the mixture is flammable or explosive.

§ 211.3 Responsibilities.

(a) Subject to the supervisory authority of the Secretary, the regulations in this part shall be administered by the Director of the Geological Survey.

(b) The health and safety of miners engaged in mining operations on lands covered by coal leases, permits and licenses is governed by the Federal Coal Mine Health and Safety Act of 1969.

(c) The Mining Supervisor is empowered to regulate prospecting, exploration, testing, development, mining, and preparation operations under the regulations in this part. The Mining Supervisor in the performance of his duties shall:

(1) *Inspection and supervision of operations to prevent waste or damage.*—Examine frequently the lease, permit, or license lands where operations for the discovery, testing, development, mining, or preparation of coal are conducted or are to be conducted; inspect and regulate such operations, including operations at accessory plants, for the purpose of preventing waste of mineral substances or damage to formations and deposits, or nonmineral resources affected by the operations; and insure that the terms and conditions of the permit, lease, or license and the provisions of the approved exploration or mining plans are being complied with.

(2) *Compliance with regulations, lease, permit, or license terms; and approved plans.*—Require operators to conduct their operations in compliance with the provisions of applicable regulations, the terms and conditions of the leases, permits, or licenses, and the requirements of approved exploration or mining plans.

(3) *Reports on condition of lands and manner of operation; recommendations for protection of property.*—Make reports to the division chief through the regional manager, as to the general condition of lands under permit, lease, or license and the manner in which operations are being conducted and orders or instructions are being complied with; and submit information and recommendations for protecting the coal, the coal-bearing formations, other minerals and the nonmineral resources.

(4) *Manner and form of records, reports and notices.*—Prescribe, subject to the approval of the division chief, the manner and form in which records of operations, reports and notices shall be made.

(5) *Records of production; rentals and royalties.*—Obtain and check the records of production of coal; determine rental and royalty liability of lessees, and permittees; collect and deposit rental and royalty payments; and maintain rental and royalty accounts.

(6) *Suspension of operations and production.*—Act on applications for suspension of operations or production or both filed pursuant to 43 CFR 3503.3.2 (e), and terminate, when appropriate, suspensions which have been granted; and transmit to the Bureau of Indian Affairs for appropriate action applications for suspension of operations or production or both under leases on Indian lands.

(7) *Cessation and abandonment of operations.*—Upon receipt of a report of cessation or abandonment of operations, or relinquishment of a lease, permit or license, inspect and determine whether the operator has complied with the terms and conditions of the permit or lease and the approved exploration or mining plans; and determine and report to the agency having administrative jurisdiction over the lands when the lands have been properly conditioned for abandonment. The mining supervisor, in accordance with applicable regulations, in 43 CFR part 23 or 25 CFR part 177, will consult with, or obtain the concurrence of the authorized officer of the agency having administrative jurisdiction over the lands with respect to compliance by the operator with the surface protection and reclamation requirements of the lease or permit and the exploration or mining plan.

(8) *Wells or prospect holes.*—Prescribe or approve the methods of protection from wells or prospect holes drilled for any purpose through the coal measures and mines on leased lands and on coal lands subject to lease, with a view to the prevention of leakage of oil, gas, water, or other fluid substances that might endanger the life or health of employees, and prescribe or approve methods of obtaining the utimate extraction, so far as practicable, of coal in the vicinity of such wells.

(9) *Trespass; involving removal of coal deposits.*—Report to the agency having administrative jurisdiction over the lands any trespass that involves removal of coal deposits.

(10) *Water and air quality.*—Inspect exploratory and mining operations to determine the adequacy of water management and pollution control measures for the protection and control of the quality of surface and ground water resources and the adequacy of emission control measures for the protection and control of air quality.

(11) *Compliance with regulations.*—Issue such orders and instructions, not in conflict with the laws of the State in which the leased or permit lands are situated, as necessary to assure compliance with the purposes of the regulations in this part.

(d) In the exercise of his jurisdiction under the regulations in this part, the mining supervisor shall be subject to the direction and supervisory authority of the division chief, and the appropriate regional manager, each of whom may exercise the jurisdiction of the mining supervisor.

§ 211.4 General obligations of licensees, permittees and lessees (including designated operators or agents).

(a) Operations involving the discovery, testing, development, mining, or preparation of coal shall conform to the provisions of the applicable regulations; the terms and conditions of the lease, permit or license; the requirements of approved exploration or mining plans; and the orders and instructions issued by the mining supervisor. The operator shall take precautions to prevent waste and damage to coal-bearing formations, and shall take such steps as may be needed to prevent injury to life or health and to provide for the health and welfare of employees.

(b) The operator shall take such action as may be needed to avoid, minimize, or repair soil erosion; pollution of air; pollution of surface or ground water; damage to vegetative growth, crops, or timber; injury or destruction of fish and wildlife and their habitat; creation of unsafe or hazardous conditions; and damage to improvements, whether owned by the United States, its permittees, licensees or lessees, or by others; and damage to recreational, scenic, historical, and ecological values of the land. The surface of leased or permit lands shall be reclaimed in accordance with the terms and conditions prescribed in the lease or permit and the provisions of the approved exploration or mining plan. Good "housekeeping" practices shall be observed at all times. Where any question arises as to the necessity for or the adequacy of an action to meet the requirements of this paragraph, the determination of the mining supervisor shall control.

(c) All operations conducted under the regulations in this part must be consistent with Federal and State water and air quality standards.

(d) When the mining supervisor determines that a water pollution problem exists, he may require that a lessee, permittee, or licensee maintain records of the use of water, quantity and quality of waste water produced, and the quantity and quality of waste water disposal, including mine drainage discharge, process wastes and associated wastes. In order to obtain this information, the lessee, permittee, or licensee may be required to install a suitable monitoring system.

(e) Full written reports of accidents, inundations, or fires shall be promptly made to the mining supervisor by the operator or his representative. Fatal accidents, accidents threatening damage to the mine, the lands, or the deposits, or accidents which could cause water pollution shall be reported promptly to the mining supervisor by telephone. Reports required by this section shall be in addition to those required by part 80 of this title, or other applicable regulations.

(f) Lessees and permittees shall submit the reports required by 25 CFR part 177 and part 200 of this chapter.

(g) If the operator fails to take appropriate action to protect the mine, coal deposits, or surrounding environment from damage or threatened damage by fire, water, oil, gas, subsidence, or other hazards, or fails to protect properly the mine or deposits or eliminate hazards to the public, upon abandonment or cancellation of a lease, permit, or license, the lessee, permittee, or licensee shall be liable for the expense of labor and supplies used by, or under the direction of the mining supervisor for the protection of the property and elimination of hazards to the public.

§ 211.5 Public inspection of records.

Geological and geophysical interpretations, maps, and data and commercial and financial information required to be submitted under this part shall not be available for public inspection without the consent of the permittee or lessee so long as the permittee or lessee furnishing such data, or his successors or assignees, continues to hold a permit or lease of the lands involved.

§ 211.6 Appeals.

Orders or decisions issued under the regulations in this part may be appealed as provided in part 290 of this chapter.

MAPS AND PLANS

§ 211.10 Exploration, mining and reclamation plans.

(a) *General.*—Before conducting any operations, the operator shall submit to the Mining Supervisor for approval an exploration or mining plan, in quintuplicate, which shall show in detail the proposed exploration, prospecting, testing, development, or mining operations to be conducted. Exploration and mining plans shall be consistent with and responsive to the requirements of the lease or permit for the protection of nonmineral resources and for the reclamation of the surface of the lands affected by the operations. The Mining Supervisor shall consult with the other agencies involved, and shall promptly approve the plans or indicate what modifications of the plans are necessary to conform to the provisions of the applicable regulations and the terms and conditions of the permit or lease. No operations shall be conducted except under an approved plan.

(b) *Exploration plans.*—The Mining Supervisor may require that an exploration plan include any or all of the following:

(1) A description of the environmental conditions within the area where exploration is to be conducted and a general description of the regional environmental conditions.

(2) A narrative description including:

(i) Method of exploration.

(ii) Measures to be taken to prevent or control fire, soil erosion, pollution of surface and ground water, pollution of air, damage to fish and wildlife or their habitat, or other natural resources and hazards to public health and safety.

(iii) Method for plugging drill holes.

(iv) Method for reclaiming lands disturbed by the exploration work, including grading, leveling and revegetation.

(3) Estimated timetable for each phase of the work and for final completion of the program.

(4) Five copies of a suitable map or aerial photograph showing topographic, cultural and drainage features, and the proposed location of drill holes, trenches, access roads, etc.

(c) *Mining plans.*—The Mining Supervisor may require that a mining plan include any or all of the following:

(1) A description of the environmental conditions within the area where mining is to be conducted and a general description of the regional environmental conditions.

(2) A narrative description including:

(i) Nature and extent of the coal deposit.

(ii) Method of mining including mining sequence and production rate.

(iii) Measures to be taken to prevent or control fire, soil erosion, pollution of surface or ground water, pollution of air, damage to fish and wildlife or their habitat or other natural resources, and hazards to public health and safety.

(iv) Method for disposal of refuse, waste or overburden, including location, design to prevent erosion, water pollution, and dump failure.

(v) Design for the necessary impoundment, treatment or control of all runoff water and drainage from mine workings and preparation plants so as to reduce soil erosion and prevent the pollution and increased sedimentation of watercourses.

(vi) The surface reclamation portion of the plan shall include:

(*a*) A reclamation schedule.

(*b*) Method of grading, backfilling and contouring.

(*c*) Method of soil preparation and fertilizer application.

(*d*) Type and mixture of shrubs, trees, grasses, or legumes to be planted.

(*e*) Method of planting, including amount and spacing.

(*f*) Method of abandoning mine openings, including mine portals, shafts, slopes and entries.

(3) Five copies of suitable maps or aerial photographs showing:

(i) Topographic, cultural and drainage features, roads and vehicular trails.

(ii) Cross sections of the deposit.

(iii) Size and locations for mine and surface structures and facilities.

(iv) Location of refuse and waste disposal areas.

(v) Location of settling or water treatment ponds.

(vi) For a surface mine, the planned mine layout map including the coal-outcrop line and a line indicating the

limits to which the mining is expected to extend.

(vii) For an underground mine, the planned mine layout map including locations of shafts, slopes, drifts, main haulageways, aircourses, entries, and barrier pillars; and the proposed widths of all slopes, entries, haulageways, aircourses, rooms, crosscuts, and barrier pillars.

(d) *Changes in plans.*—Exploration and mining plans may be changed by mutual consent of the Mining Supervisor and the operator at any time to adjust to changed conditions or to correct an oversight. To obtain approval of a changed or supplemental plan, the operator shall submit a written statement of the proposed changes or supplement and the justification for the proposed changes.

(e) *Partial plan.*—If the circumstances warrant, or if development of an exploration or mining plan for the entire operation is dependent upon unknown factors which cannot or will not be determined except during the progress of the operations, a partial plan may be approved and supplemented from time to time. The operator shall not, however, perform any operation except under an approved plan.

§ 211.11 Approaching oil, gas, or water wells.

When mining operations approach within 200 ft of wells or bore holes that may liberate oil, gas, water, or other fluid substances, the lessee shall present his plans for mining the coal in proximity to such holes to the Mining Supervisor and obtain his approval before proceeding with the work planned. The plans shall provide that the coal be extracted as completely as practicable with safety and in such manner that the well will not be damaged, and that precautions be taken against the sudden liberation of a body of oil, gas, water, or other fluid. In approaching such holes, the instructions in § 211.42 shall be followed.

§ 211.12 Mine maps.

(a) *General requirements.*—The operator shall maintain an accurate and up-to-date map of the mine, drawn to a scale acceptable to the Mining Supervisor. All maps shall be appropriately marked with reference to Government landmarks or lines and elevations with reference to sea level. Copies of such maps shall be properly posted to date and furnished, in duplicate, to the Mining Supervisor annually or at such other times as he deems necessary. Before any mine or section of a mine is abandoned, closed, or made inaccessible, a survey of such mine or section shall be made and recorded on the map. All excavations in each separate bed shall be shown in such a manner that the production of coal for any royalty period can be accurately ascertained. Additionally, the map shall show the name of the mine, the name of the lessee, the Land Office serial number, the lease boundary lines, surface buildings, dip of the coalbed, true north, the map scale, an explanatory legend, and such other information as the Mining Supervisor shall request.

(b) *Underground mine maps.*—Underground mine maps shall, in addition to the general requirements of paragraph (a) of this section, show all mine workings; the date of extension of the mine workings, and a coal section at each entry face; the location of all surface mine fans; the position of all fire walls, dams, main pumps, fire pipelines, permanent ventilating stoppings, doors, overcasts, undercasts, permanent seals, and regulators; the direction of the ventilating current in the various parts of the mine at the time of making the latest surveys; sealed areas; known bodies of standing water either in or above the workings of the mine; areas affected by squeezes; the elevations of surface and underground levels of all shafts, slopes or drifts; and the elevation of the floor or bottom of the mine workings at regular intervals in main entries, panels or sections, sump areas, etc.

(c) *Surface mine maps.*—Surface mine maps shall, in addition to the general requirements of paragraph (a) of this section, show the date of extension of the mine workings and a coal section at each working face; all worked-out areas; the stripped but unmined coalbed; and the elevation of the top of the coalbeds and the surface.

(d) *Profiles of steeply dipping beds; vertical view of workings.*—When required by the mining supervisor, vertical projections and cross sections shall accompany plan views of steeply dipping beds.

(e) *Other maps.*—The opeartor shall prepare such other maps of the leased lands as in the judgment of the mining supervisor are necessary to show the surface boundaries; location, surface elevation, depth, and thickness of the coal, and total depth of each bore hole; improvements; reclamation completed; topography, including subsidence resulting from mining; and the geological conditions as determined from outcrops, drill holes, exploration or mining.

(f) *Accuracy of maps.*—The accuracy of maps furnished shall be certified by a professional engineer, professional land surveyor, or other professionally qualified person.

§ 211.13 Failure of lessee to furnish maps.

(a) *Liability of lessee for expense of survey.*—If the operator fails to furnish a required map, the mining supervisor shall employ a competent mine surveyor to make a survey and a map of the mine, the cost of which shall be charged to and promptly paid by the operator.

(b) *Incorrect maps.*—If any map submitted by an operator is believed to be incorrect, the mining supervisor may cause a survey to be made. If the survey shows the map submitted by the lessee to be substantially incorrect in whole or in part, the cost of making the survey and preparing the map shall be charged to and promptly paid by the operator.

PROSPECTING AND EXPLORATION OPERATIONS

§ 211.20 Information required to be submitted.

The operator shall submit promptly to the mining supervisor upon request, completion, suspension of prospecting or exploration operations, or as provided in the leases and permits, signed copies, in duplicate, of records of all prospecting operations performed on the lease or permit lands along with vertical cross sections through the land and a map showing the exact location of coal outcrops, all drill holes, trenches and other prospecting activities. The records shall include a log of all strata penetrated and conditions encountered, such as water, quicksand, gas, or any unusual conditions; copies of all other in-hole surveys, such as electric logs, gamma ray-neutron logs, sonic logs or any other logs produced; and copies of analyses and results of other tests conducted on the land. All drill holes, trenches and excavations will be logged under the supervision of a competent geologist or engineer. Unless otherwise authorized by the mining supervisor, the core and cuttings from test holes shall be retained by the operator for 1 year and shall be available for inspection at the convenience of the mining supervisor. The mining supervisor may sample such parts of the core and cuttings as he deems advisable.

§ 211.21 Core and test holes.

(a) *Abandonment.*—Drill holes, trenches and other excavations for development or prospecting shall be abandoned in a manner to protect the surface and not to endanger any present or future underground operation or any deposit of oil, gas, other mineral substances, or water strata. Methods of abandonment shall be by backfilling, cementing or capped casing, or both, or by other methods approved in advance by the mining supervisor.

(b) *Surveillance wells.*—With the approval of the mining supervisor, drill holes may be utilized as surveillance wells for the purpose of determining the effect of subsequent operations upon the quantity, quality, or pressure of ground water or mine gases.

(c) *Blowout control devices.*—When drilling on lands valuable or potentially valuable for oil and gas or geothermal resources, the drilling equipment shall be equipped with blowout control devices acceptable to the mining supervisor before penetrating more than 100 feet of consolidated sediments unless a greater depth is approved in advance by the mining supervisor.

(d) *Use of wells by others.*—Upon receipt of a written request from the surface owner or surface administering agency, the mining supervisor may approve the transfer of an exploratory well for further use as a water well. Approval of such well transfer will be accompanied by a corresponding transfer of responsibility for any liability for damage and eventual plugging.

WELFARE AND SAFETY

§ 211.25 Sanitary, welfare, and safety arrangements.

The underground and surface sanitary, welfare, health, and safety arrangements shall be in accordance with the regulations of the U.S. Public Health Service and the applicable standards in chapter 1 of this title.

CROSS REFERENCE.—For regulations of the U.S. Public Health Service, Department of Health, Education, and Welfare, see 42 CFR chapter 1.

MINING METHODS AND MINE ABANDONMENT

§ 211.30 Good practice to be observed.

The operator shall observe good practice following the highest standards in prospecting, exploration, testing, development and mining, sinking wells, shafts, and slopes, driving drifts and tunnels, blasting, transporting coal, hoisting, the use of explosives, timbering, pumping, reclamation, and other activities on the leased or permit lands.

§ 211.31 Ultimate maximum recovery.

(a) *Maximum recovery and protection for future use.*—Mining operations shall be conducted in a manner to yield the ultimate maximum recovery of the coal deposits, consistent with the protection and use of other natural resources, sound economic practice, and the protection and preservation of the environment—land, water and air.

(b) *No available coal to be abandoned.*—The lessee shall not leave or abandon any coal which otherwise could be safely recovered by approved methods of mining when in the regular course of mining operations the time shall arrive for mining such coal. No entry, level, or panel workings in which the pillars have not been completely extracted within safe limits shall be permanently abandoned and rendered inacessible, except with the written approval of the mining supervisor.

§ 211.32 Multiple seam mining.

(a) *Sequence of mining.* In general, the available coal in the upper beds shall be worked out before the coal in the lower beds is mined. Simultaneous workings in an upper coalbed shall be kept in advance of the workings in each lower bed. The mining supervisor may authorize mining of any lower beds before mining the available coal in each known upper bed.

(b) *Protective barrier pillars in multiple-seam mining.*—In areas subject to multiple-seam extraction, the protective barrier pillars for all main and secondary slope entries, main haulageways, primary aircourses, bleeder entries and manways in each seam shall be superimposed regardless of vertical separation or rock competency; however, modifications, exceptions, or variations of this requirement may be approved in advance by the mining supervisor.

§ 211.33 Advance workings; underground mines.

(a) *Limits for removing coal.*—Where the room and pillar or other system of mining requires advance working in solid coal, including entries, rooms, and crosscuts or breakthroughs, the lessee, except with the written consent of the mining supervisor, shall not extract by such advance workings or first mining more than 60 percent of the total area of the coalbed within any particular tract or panel entered by said advance workings where the cover is less than 500 feet; nor more than 50 percent where the cover is more than 500 feet and less than 1,000 feet; nor more than 40 percent where the cover is more than 1,000 feet and less than 1,500 feet; nor more than 30 percent where the cover is more than 1,500 feet and less than 2,000 feet; nor more than 20 percent where the cover is more than 2,000 feet. The mining supervisor may require a greater percentage to be left where unfavorable roof or floor conditions exist, where other adverse geologic conditions prevail or where the coalbed is or may be affected by mining elsewhere.

(b) *Pillar size and shape.*—During development, the size and shape of the pillars will be determined by the depth of cover, heights of coal, proposed method of pillar recovery and other conditions associated with the coalbed. The pillars will be of uniform size and shape insofar as is possible and the smallest dimension shall not be less than 20 feet.

(c) *Basis for computing percentage of tract to be mined.*—The percentage of the total area of the coalbed in a tract to be mined on advance mining shall be computed on the basis of the area and not on the basis of the calculated available tonnage.

§ 211.34 Pillar extraction.

(a) The pillar recovery plan must be approved in advance by the mining supervisor.

(b) Where full pillar recovery is undertaken, extraction shall be such as to allow total caving of the main roof in the pillared area.

(c) Pillars of substantial size which must be abandoned prematurely due to safety considerations must be drilled and shot, if possible, to reduce their size so as to minimize undue forces overriding the working places.

(d) Pillaring methods shall be designed to eliminate pillar points and pillars that project in by the break line.

(e) The overall pillar recovery system shall be designed to minimize the possibility of outbursts, bounces and squeezes.

§ 211.35 Pillars left for support.

(a) *Shaft, entry and slope pillars.*—A pillar proportionate in size to the depth below the surface and the thickness of coal being extracted shall be left in each coalbed for the support of each shaft, main slope, main entry and main aircourse.

(b) *Shaft pillar size.*—Shaft pillars shall be not less in radius than one-half the thickness of cover over the pillar, but not less than 100 feet in radius.

(c) *Slope, main haulage and main aircourse pillar size.*—A pillar width not less than one-fourth of the thickness of cover above it shall be left on each side of the main slope entry system, main haulage entry system and/or main aircourse system. The pillar width will be determined by the maximum depth of the cover anticipated.

(d) *Openings in shaft and slope pillars.*—Shaft and slope landings, sidings, and entries for haulage, ventilation, manways, and shops may be excavated in a pillar provided the area of such places does not exceed 15 percent of the area of the pillar and that no rooms or other openings are made therein for the sole purpose of obtaining quick production.

(e) *Barrier pillars.*—The operator shall not, without the prior consent of the mining supervisor, mine any coal, drive any underground workings, or drill any lateral boreholes within 50 feet of any of the outside boundary lines of the leased lands, nor within such greater distance of said boundary lines as the mining supervisor may prescribe. Payment up to and including the full value of the coal mined may be required for coal mined within such designated distances of the boundary without the written consent of the mining supervisor.

(f) *Lessee may be required to mine barrier pillars on adjacent lands.*—If the coal on land covered by these regulations beyond any barrier pillar has been worked out and the water level beyond the pillar is below the lessee's adjacent operations, the lessee shall, on the written demand of the mining supervisor, mine out and remove all available coal in such barrier, both in the lands covered by the lease and in the adjoining premises, if it can be mined without hardship to the lessee. Authorization of the mining supervisor shall constitute a modification of the lease to include the necessary land.

(g) *Privately owned coal on adjoining premises.*—If the coal mining rights in adjoining premises are privately owned and this coal has been worked out, an agreement may be made with the coal owner for the extraction of the coal remaining in the boundary pillars which otherwise may be lost.

§ 211.36 Development of leased tract through adjoining mines.

An operator may mine leased land from an adjoining underground mine on land privately owned or controlled or from adjacent leased lands, under the following conditions:

(a) The entire mine and operations therein including that part on land privately owned or controlled shall conform to all the regulations in this part.

(b) Free access for inspection of said connecting mine on land privately owned or controlled shall be given at any reasonable time to the mining supervisor or his representative.

§ 211.37 Surface or open pit mining.

(a) *Fire prevention.*—Accumulations of slack coal or combustible waste shall be stored in a location and manner so as not to be a fire hazard to the coal deposit.

(b) *Coal face to be covered in strip pits.*—Upon completion or indefinite suspension of mining operations in all or any part of a strip pit, the face of the coal shall be covered with noncombustible material that will effectively prevent the coalbed from becoming ignited.

(c) *Underground workings from any strip pit.*—The driving of any underground openings by auger or other methods from any strip pit shall not be undertaken without prior written approval of the mining supervisor.

(d) *Reclamation and restoration of mined area.*—Reclamation must be performed as concurrently with mining as feasible.

§ 211.38 Mining isolated blocks of nonleased coal.

Narrow strips of coal which are owned by the United States between leased lands and the outcrop, or small blocks of coal which are owned by the United States adjacent to leased land that would otherwise be isolated or lost may be mined on written authorization of the mining supervisor. Authorization of the mining supervisor shall constitute a modification of the lease to include the necessary land.

§ 211.39 Mine abandonment; surface openings.

(a) *General requirement for abandonment.*—The operator shall substantially backfill, fence, protect or otherwise effectively close all surface openings, subsidence holes, surface excavations or workings which are a hazard to people or animals. Such protective measures shall be maintained in a secure condition during the term of the lease, permit or license. Before permanent abandonment of operations all openings and excavations, including water discharge points, shall be closed or backfilled according to a plan approved by the mining supervisor.

(b) *Permanent abandonment of shafts.*—Mine shafts shall be abandoned in a permanent manner so as not to cause a public hazard or nuisance. This shall be done by filling the entire depth with incombustible material or by placing a reinforced concrete slab in solid rock and backfilling to the surface. All proposals for abandoning a shaft must have prior approval of the mining supervisor.

(c) *Permanent abandonment of slope and drift openings.*—Slope or drift openings when permanently abandoned shall be effectively sealed with solid incombustible material such as reinforced concrete, solid concrete blocks, or other substantial material; or shall be completely filled with incombustible material for a distance of at least 25 feet into such openings. The surface openings and the coal exposed by the operator shall be covered by a sufficient amount of incombustible material that will effectively prevent the coalbed from becoming ignited. All proposals for abandoning a slope or drift must have prior approval of the mining supervisor.

(d) *Temporary abandonment of surface openings.*—Surface openings at all underground mines which are temporarily closed shall be adequately fenced or equipped with a substantial incombustible gate or door which shall remain locked when not in use. Conspicious signs shall be posted prohibiting entrance of unauthorized persons.

(e) *Permanent abandonment—surface mines and strip pits.*—The highwall of the final cut of any abandoned strip or open pit mine must be graded to a slope not greater than 2 to 1. Details shall be provided in the approved plan of reclamation required under part 211.10.

(f) *Reclamation and cleanup.*—Reclamation and cleanup of surface areas around and near permanently abandoned underground and strip mines must commence without delay following cessation of mining operations.

PROTECTION AGAINST MINE HAZARDS

§ 211.40 Abandonment of underground workings.

(a) *Approval for abandonment required.*—No underground workings or part thereof shall be permanently abandoned and rendered inaccessible without the written approval of the mining supervisor.

(b) *Sealing or ventilating abandoned workings.*—All abandoned workings shall be either sealed or ventilated. All seals shall be constructed of solid, substantial, incombustible material, and at least one seal in each sealed area will be fitted with a pipe and valve for testing the atmosphere and pressures in the sealed area.

§ 211.41 Flammable gas and coal dust.

(a) *Flammable gas.*—All active underground workings shall be ventilated by a current of air containing not less than 19.5 percent oxygen by volume, not more than 0.5 percent carbon dioxide by volume, and contain no harmful quantities of other noxious or poisonous gases. The volume and velocity of the current of ventilating air shall be sufficient to dilute, render harmless, and to carry away flammable, explosive, noxious, and harmful gases, dust, and smoke. No dangerous accumulations of flammable gas will be allowed in or on surface coal handling facilities nor near active strip or augering mining or other types of remote coal recovery methods under an open pit highwall.

(b) *Coal dust.*—Accumulations of coal dust, loose coal, and other combustible materials shall not be permitted to accumulate in dangerous quantities in active underground and surface mine workings, on electrical equipment, or on surface coal handling facilities.

§ 211.42 Approaching abandoned workings.

Whenever a working place in an underground mine approaches within 50 ft of abandoned areas which can be inspected or within 200 ft of any abandoned areas of the mine which cannot be inspected and which may contain dangerous accumulations of water or gas, or within 200 ft of any workings of an adjacent mine, a borehole or boreholes shall be drilled to a distance of at least 20 ft in advance of the working face of such working place and shall be continually maintained to a distance of at least 10 ft in advance of the working face. Such boreholes shall be drilled sufficiently close to each other to insure that the advancing face will not accidentally hole through into abandoned areas or adjacent mines. Boreholes shall also be drilled at an angle of 45° and not more than 8 ft apart in the rib of such working places to a distance of at least 20 ft and such rib holes shall be drilled in one or both ribs of such working places as may be necessary for adequate protection of persons working in such places.

§ 211.43 Fire protection and prevention.

All structures within 100 ft of any mine opening shall be of fireproof construction. Flammable material shall not be stored within 100 ft of a mine opening. All shafts shall be fireproof, or adequate fire-control devices, satisfactory to the mining supervisor, shall be installed. All underground offices, stations, shops, magazines, and stores shall be of fireproof construction and so equipped and maintained to eliminate fire hazards. Sufficient materials and firefighting apparatus in working condition shall be maintained at the mine openings and at convenient points in the mine workings for fire emergencies. An adequate water supply shall be held in storage tanks or reservoirs for fire emergencies and shall be available for immediate use through connecting pipelines for either surface or underground fires.

§ 211.44 Alternate source of power for main mine fans.

If deemed necessary by the mining supervisor, all electrically driven main mine fans shall be provided with an alternate source of power for immediate use in case of failure of the electrical power source.

WASTE FROM MINING

§ 211.51 Disposal of mine waste or rejects.

(a) The operator shall dispose of all solid wastes resulting from the mining and preparation of coal and mineral substances as required by the mining supervisor.

(b) All waste or rejects containing practically no coal shall be deposited separately and apart from sized coal for which no immediate market exists. The waste containing coal in such quantity that it may be later separated from the waste by washing or other means shall also be stored separately.

PRODUCTION RECORDS, ROYALTY AND AUDITS

§ 211.60 Production records.

(a) Lessees shall maintain books in which will be kept a correct account by weight of all coal mined; coal sold; to whom sold and the price received; coal stored; coal used on the premise; and coal otherwise disposed of.

(b) Permittees, if producing coal under a prospecting permit, must maintain the same records as required of the lessees in paragraph (a) of this section.

(c) Licensees must maintain a correct record of all coal mined and removed from the land under license.

(d) All records and books maintained by lessees, permittees and licensees showing the required information must be kept current and in such manner that the records can be readily checked by the mining supervisor or his representative upon request.

§ 211.61 Basis for Royalty Computation.

(a) *Sale price.*—The sale price basis for determination of the amount of royalty due shall not be less than the highest and best obtainable market price for coal of similar quality at the usual and customary place of disposal:

(1) At the time of sale, if the coal is sold.

(2) At the time of use by the operator or other disposition, if the coal is used or otherwise disposed of.

(3) On the date the royalty is paid, if the coal is stored for future use, sale, or other disposition.

(b) *Bone or other impurities.*—All bone coal, rock and other impurities may be removed from the raw coal prior to determination of coal weights for royalty purposes.

(c) *Discretion of mining supervisor.*—(1) The right is reserved to the mining supervisor to determine and declare the sale price if it is deemed necessary by him to do so for the protection of the interests of the lessor.

(2) If royalties become due and payable prior to extraction of bone coal, rock, and other impurities or final weighing of coal, the mining supervisor may determine by estimate the weight of the coal for royalty purposes. In addition, the mining supervisor may, after the removal of bone coal, rock and other impurities and final weighing of the coal, require the payment of such additional royalties or allow such credits or refunds as may be necessary to adjust the royalty payments to reflect the true weight of the coal.

§ 211.62 Production reports and payment—other reports.

(a) *Lessees.*—Lessees shall report, on the report form provided, within 30 days after expiration of the period covered by the report, all coal mined from the leased land during each calendar quarter and the sales price basis on which royalty has been paid or will be paid. Except as provided by leases and permits issued under the regulations in 25 CFR parts 171, 172, 173, and 174, the royalty for coal mined shall be paid prior to the end of the third month succeeding the extraction of the coal from the mine.

(b) *Permittees.*—Permittees shall report the prospecting work done, the cost of the work, the results of prospecting and such other information as may be necessary. Permittees shall report all coal mined while determining the existence or workability of the deposit.

(c) *Licensees.*—Licensees shall report all coal mined on a semiannual basis on the report form provided.

(d) *Penalty.*—If a lessee or permittee records or reports less than the true weight or value of coal mined, the Secretary may impose a penalty equal to double the amount of royalty due on the shortage, or the full value of the shortage, which penalty shall be paid in addition to royalty due and payable. If, after warning a lessee or permittee maintains false records or files false reports, a suit to cancel the lease may be instituted in addition to the imposition of penalties.

§ 211.63 Audits.

An audit of the lessee's or permittee's accounts and books may be made annually, or at other such times as may be directed by the mining supervisor, by certified public accountants and at the expense of the lessee. The lessee shall furnish, free of cost, duplicate copies of such annual or other audits to the mining supervisor within 30 days after the completion of each auditing.

INSPECTION, ISSUANCE OF ORDERS, AND ENFORCEMENT OF ORDERS

§ 211.70 Inspection of underground and surface conditions.

Operators shall provide means at all reasonable hours, either day or night, for the Mining Supervisor or his representative to inspect or investigate the underground or surface mine conditions; to conduct surveys; to estimate the amount of coal mined; to study the methods of prospecting, exploration, testing, development, preparation, and handling necessary; to determine the volumes, types, and composition of wastes generated, the adequacy of measures for minimizing the amount of such wastes, and the measures for treatment and disposal of such wastes; and to determine whether the terms and conditions of the permit or lease and the requirements of the exploration, mining or reclamation plan have been complied with.

§ 211.71 Issuance of notices, instructions, and orders.

(a) *Address of responsible party.*—Before beginning operations, the operator shall inform the Mining Supervisor in writing of the designation and post office address of the exploration or mining operation, the operator's temporary and permanent post office address, and the name and post office address of the superintendent, or designated operator or agent, who will be in charge of the operations and who will act as the local representative of the operator. Thereafter, the Mining Supervisor shall be informed of each change of address of the mine office or in the name or address of the local representative.

(b) *Receipt of the notices, instructions, and orders.*—The operator shall be considered to have received all notices, instructions, and orders that are mailed to or posted at the mine or mine office, or mailed or handed to the superintendent, the mine foreman, the mine clerk, or higher officials connected with the mine or exploration site for transmittal to the operator or his local representative.

§ 211.72 Enforcement of orders.

(a) *Notice of noncompliance.*—If the Mining Supervisor determines that an operator has failed to comply with the regulations in this part, other applicable departmental regulations, the terms and conditions of the permit or lease, the requirements of an approved exploration or mining plan, or with the Mining Supervisor's orders or instructions, the Mining Supervisor shall serve a notice of noncompliance. The notice shall specify in what respects the operator has failed to comply with the provisions of applicable regulations, the terms and conditions of the permit or lease, the requirements of an approved exploration or mining plan or the orders and instructions of the Mining Supervisor, and shall specify the action which must be taken to correct the noncompliance and the time limits within which such action must be taken. A written report shall be submitted by the operator to verify that noncompliance has been corrected.

(b) *Penalty for noncompliance.*—If, in the judgment of the Mining Supervisor, failure to comply with the regulations, the terms and conditions of the permit or lease, the requirements of approved exploration or mining plans, or with the Mining Supervisor's orders or instructions threaten immediate, serious, or irreparable damage to the environment, the mine or the deposit being mined, or other valuable mineral deposits or other resources, the Mining Supervisor or his representative is authorized, either in writing or orally with written confirmation, to suspend operations without prior notice of noncompliance. Failure of the operator to take action in accordance with the notice of noncompliance shall be grounds for ordering suspension of operations by the Mining Supervisor.

PART 216—OPERATING REGULATIONS GOVERNING THE MINING OF COAL IN ALASKA [REVOKED]

Part 216 of chapter II of title 30 of the Code of Federal Regulations is revoked.

JOHN B. RIGG,
Deputy Assistant Secretary of the Interior.

APRIL 24, 1973.

[FR Doc.73-8318 Filed 4-27-73;8:45 am]

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