federal register

WEDNESDAY, MAY 9, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 89

Pages 12085–12194

HIGHLIGHTS OF THIS ISSUE

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

(Continued inside)

federal register
Area Code 202 Phone 962–8626

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

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

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

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

Contents

(Continued on next page)

List of CFR Parts Affected

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears following the Notices section of each issue beginning with the second issue of the month. In the last issue of the month the cumulative list will appear at the end of the issue.

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

7 CFR
510 12091
908 12092
930 12092

9 CFR
82 (2 documents) 12093
112 12093
114 12093

12 CFR
220 12097
722 12098

17 CFR
239 12100
240 12103
249 12100

18 CFR
35 12114
101 12115
141 12116
154 12116
201 12117
260 12117

21 CFR
PROPOSED RULES:
308 (7 documents) 12119–12121, 12123, 12124, 12126, 12127
146e 12129
278 12129

23 CFR
790 12103

24 CFR
1914 12107
1915 12109

28 CFR
0 12110

32 CFR
PROPOSED RULES:
Ch. XVI (2 documents) 12134, 12135

32A CFR
Ch. XI:
OIAB 12118

38 CFR
21 12110
PROPOSED RULES:
21 12135

43 CFR
1821 12110

45 CFR
208 12112
249 12112
252 12112
PROPOSED RULES:
187 12130

46 CFR
PROPOSED RULES:
536 12134

49 CFR
PROPOSED RULES:
393 12133

REMINDERS

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

Rules Going Into Effect Today

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

page no. and date

FCC—FM Broadcast stations in Union Springs and Tallassee, Ala.... 8746; 4–6–73

—FM Broadcast table of assignments in Kernville, Calif.... 8746; 4–6–73

F&D—Demeclocycline hydrochloride and demeclocycline monographs; recodification, updating, and technical revisions..... 9010; 4–9–73

Next Week's Hearings

MAY 14

INT DEPT.—Disaster at Sunshine Silver Mine, Kellogg, Idaho.. 9339; 4–13–73

LABOR—Recommendation of minimum wages for certain Puerto Rican industries..... 9031, 4–9–73

MAY 15

OFFICE OF THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS—Trade Information Committee investigation of the effect of certain European trade agreements upon U.S. exports 8318, 3–30–73

MAY 16

OFFICE O THE SPECIAL REPRESENTATIVE FOR TRADE NEGOTIATIONS—Trade Information Committee investigates effect of certain European trade agreements upon U.S. exports.. 8318, 3–30–73

Next Week's Deadlines for Comments on Proposed Rules

MAY 14

CG—Sspecially hazardous conditions. 6900; 3–14–73

FAA—Addition of airworthiness directive applicable to the short body version of the Mitsubishi Model MU–2B airplane. 9314; 4–13–73

—Transition areas; alteration at Houlton and Waterville, Maine.... 9240–9241; 4–12–73

FCC—Radio Broadcast Services; frequency monitors and maintenance of operating frequency of stations. 8280; 3–30–73

F&D—Pasteurized process cheese spread, cold-pack cheese and cheese food, and cold-pack cheese food with fruits, vegetables or meats; use of additional and/or increased levels of mold-inhibitors..... 7008; 3–15–73

FOOD AND NUTRITION SERVICE—Special Program for Children; Alternate foods and meals:

—Enriched maraconi with fortified protein..... 9235; 4–12–73

—Textured vegetable protein products 9234; 4–12–73

—Formulated grain-fruit products. 9237; 4–12–73

—Requirements for meals.... 9236; 4–12–73

IRS—Definition of "knowing" regarding foundation excise taxes imposed on foundation managers and government officials 9512; 4–17–73

NARCOTICS AND DANGEROUS DRUGS BUREAU—Placement of Methaqualone and its salt in Schedule II.. 9170; 4–11–73

PHS—Armed Forces Health Profe sions Scholarship Program.. 9314; 4–13–73

REA—Design specifications for subscriber carrier systems..... 9309; 4–13–73

VA—Beneficary travel expenses; conditions for withholding payment..... 9316; 4–13–73

MAY 15

DoT—NHTSA—Bus passenger seating and crash protection; motor vehicle safety standards..... 4776; 2–22–73

FAA—Addition of an airworthiness directives applicable to Grumman model G–1159 airplanes..... 10010; 4–23–73

MAY 16

ASCS—Processor wheat marketing certificate regulations; adjustment to interest rate..... 9436; 4–16–73

EDUCATION OFFICE—Policies, procedures, and requirements for obtaining Federal financial assistance for evironmental education..... 9437; 4–16–73

—Veteras' cost-of-instruction payments to institution of higher education..... 9472; 4–16–73

FAA—British Aircraft Corp. model BAC 1–11, 200 and 400 series airplanes. 9441; 4–16–73

—Designation and alteration of transition areas at Piqua, Ohio, Rochester, Minn., Superior, Wis.. 9443; 9443; 9442; 4–16–73

SSS—Allocations of induction; action by local board upon receipt of allocation. 9444; 4–16–73

MAY 17

EPA—Exemption of Federal or State agencies for use of pesticides under emergency conditions..... 9519; 4–17–73

FAA—Alteration, designation, and extension of control zones, transition areas and VOR Federal Airways in certain States..... 9515–9516; 4–17–73; 10012, 4–23–73

FCC—FM broadcast stations in Michigan; revisions in table of assignments. 9315; 4–13–73

—Television broadcast stations in California; table of assignments. 10743; 5–1–73

—First published at.. 7341; 3–20–73

MAY 18

PHIS—Clarification and standardization of the sampling and inspection procedures for the import inspection and acceptance or rejection of canned and packaged imported meat food products..... 8449; 4–2–73

CG—Shaws Cove, Conn.; drawbridge operation regulations.. 9592; 4–18–73

FAA—Alteration of transition areas at: Oneonta, N.W., Statesville, N.C., Wrightstown, N.J.... 9593; 9593; 9593; 4–18–73

SEC—Fee schedule for investment advisers..... 9520; 4–17–73

VA—Names and addresses of former personnel; release to nonprofit organizations..... 9605; 4–18–73

Weekly List of Public Laws

This is a listing of public bills enacted by Congress and approved by the President, together with the law number, the date of approval, and the U.S. Statutes citation. Subsequent lists will appear every Wednesday in the FEDERAL REGISTER, and copies of the laws may be obtained from the U.S. Government Printing Office.

H.R. 6883..... Pub. L. 93–27
Rice, acreage allotments (Apr. 27, 1973; 87 Stat. 27)

H.J. Res. 496..... Pub. L. 93–25
Supplemental appropriations, 1973 (Apr. 26, 1973; 87 Stat. 25)

S. 398..... Pub. L. 93–28
Economic Stabilization Act Amendments of 1973 (Apr. 30, 1973; 87 Stat. 27)

S. 1493..... Pub. L. 93–26
Uniformed services, promotion while in a missing status (Apr. 27, 1973; 87 Stat. 26)

Rules and Regulations

Title 7—Agriculture

CHAPTER V—AGRICULTURAL RESEARCH SERVICE, DEPARTMENT OF AGRICULTURE

PART 510—PUBLIC INFORMATION

On July 1, 1972, the Agricultural Research Service was reorganized on a regional structure basis which necessitates redesignating officials responsible for maintaining informational material and for processing requests for information. Accordingly, pursuant to the public information provisions in 5 U.S.C. 552 and the provisions in 5 U.S.C. 301 and 559, a revised part 510 in chapter 5 of title 7, CFR, is issued to read as follows:

Subpart A—General

Sec.
510.1 General statement.
510.2 Organizational description.

Subpart B—Availability of Publications, Rules and Regulations, Staff Manuals and Instructions, and Related Material

510.3 ARS publications.
510.4 ARS rules and regulations.
510.5 Indices.
510.6 Records available from indices.
510.7 Facilities for inspection and copies.

Subpart C—Availability of Identifiable Records

510.10 Requests.
510.11 Delegation of authority.
510.12 Available records.
510.13 Exempt records.
510.14 Determinations.
510.15 Appeals.

AUTHORITY.—5 U.S.C. 301; 5 U.S.C. 552(a), (2), (3), and 552(b); 5 U.S.C. 559.

Subpart A—General

§ 510.1 General statement.

This part is issued in accordance with and subject to the regulations of the Secretary of Agriculture, §§ 1.1 through 1.4 of this title, and governs the availability of records of the Agricultural Research Service (ARS) to the public upon request.

§ 510.2 Organizational description.

The description of the central and field organization of ARS is published as a notice in the FEDERAL REGISTER and may be revised from time to time in a like manner.

Subpart B—Availability of Publications, Rules and Regulations, Staff Manuals and Instructions, and Related Material

§ 510.3 ARS publications.

The ARS issues publications covering results of completed research and furnishing technical agricultural information. Most of these publications are available free from the USDA Office of Communication or from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, at established rates. Publications not available from these sources will be made available for public inspection and copying.

§ 510.4 ARS rules and regulations.

The ARS continuously publishes and maintains current rules and regulations covering its research responsibilities. Such rules and regulations are set forth in this chapter and chapter IV, title 9 of the Code of Federal Regulations and are made currently available to the public by publication in the daily FEDERAL REGISTER, which is available to the public, as published, from the Government Printing Office.

§ 510.5 Indexes.

ARS will maintain and make available at each office listed in § 510.7 for public inspection and copying a current index providing identifying information with respect to the records referred to in § 510.6.

§ 510.6 Records available from indexes.

Records listed in the indexes will include final opinions and orders, statements of policy and interpretation, and administrative staff manuals and instructions, except those exempt from disclosure as described in § 510.13.

§ 510.7 Facilities for inspection and copies.

Facilities for public inspection and copying of the material described in the foregoing sections will be provided by ARS at the addresses listed below during regular working hours. Copies of such material may also be obtained in person or by mail. Applicable fees are prescribed by the Director, Office of Plant and Operations, USDA.

NATIONAL LEVEL OFFICES

I. Director, Information Division, ARS, room 5133, South Building, 14th and Independence Avenue SW., Washington, D.C. 20250.

II. Director, Program Analysis and Coordination Staff, ARS, room 320, Administration Building, 14th and Independence Avenue SW., Washington, D.C. 20250.

REGIONAL LEVEL OFFICES

I. Deputy Administrator, Northeastern Regional Office, ARS, room 333, Administration Building, Agricultural Research Center-West, Beltsville, Md. 20705.

II. Deputy Administrator, Southern Regional Office, ARS, 701 Loyola Avenue, New Orleans, La. 70153.

III. Deputy Administrator, North Central Regional Office, ARS, 2000 West Pioneer Parkway, Peoria, Ill. 61614.

IV. Deputy Administrator, Western Regional Office, ARS, 2850 Telegraph Avenue, Berkeley, Calif. 94705.

Subpart C—Availability of Identifiable Records

§ 510.10 Requests.

(a) Requests for ARS records, other than those available under subpart B, shall be made in writing to the appropriate official as outlined above. Each record sought must be identified with reasonable specificity. Requests may be submitted in person or by mail.

(b) The above does not preclude persons from requesting such material in person, or in writing, directly from a field office, if it has been customary to obtain the information in this manner and the request is made during the local working hours of the office involved.

§ 510.11 Delegation of authority.

Subject to § 510.15, the Director of the Information Division and the Director of the Program Analysis and Coordination Staff are authorized to act on behalf of ARS, on all such requests originating at the national level in accordance with 5 U.S.C. 552, as implemented by this subpart. Likewise, the regional Deputy Administrators are authorized to act on behalf of ARS on requests originating in the regions.

§ 510.12 Available records.

ARS will promptly make available all ARS records requested in accordance with § 510.10 except exempt records as described in § 510.13.

§ 510.13 Exempt records.

Exempt records of ARS include the following:

(a) Matters specifically required by executive order to be kept secret.

(b) Matters related solely to the internal personnel rules and practices of the agency.

(c) Matters specifically exempted from disclosure by statute.

(d) Matters that are trade secrets and commercial or financial information obtained from a person and privileged or confidential. This would include but would not be limited to:

(1) Scientific and technical data on products or processing methods submitted by contractor, grantee, cooperator, and manufacturer or processor.

(2) Data in research studies including information on commercial facilities and procedures where disclosure would adversely affect the respondent.

(3) Records concerning research project descriptions, progress reports or information concerning incomplete re-

search prior to formal publication when such release would adversely affect the public interest.

(e) Interagency or intra-agency memorandums or letters which would not be available by law to a party other than an agency in litigation with the agency. This would include but would not be limited to:

(1) Records involving any pending or expected claim actions against the Government resulting from property damage or personal injury.

(2) Documents covering agency plans which may be subject to revision before presentation.

(3) Reports of internal deliberations where premature release could harm the authorized and appropriate purpose for which they are being used.

(4) Preparatory budget material.

(f) Personnel and medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(g) Investigatory files compiled for law enforcement purposes except to the extent available by law to a party other than an agency.

§ 510.14 Determinations.

The appropriate official, depending upon whether the request is regional or national in origin, shall promptly make available any ARS records requested in accordance with § 510.10, unless he determines that it is an exempt record. He shall give prompt written notice of any such determination together with the reasons therefor.

§ 510.15 Appeals.

The denial of any request for an ARS record or records may be appealed by the person who made the request to the Administrator of ARS. The appeal shall be made in writing within 30 days of the date of the notice of denial. The Administrator will give written notice of the final determination of ARS.

The foregoing action is taken to reflect organizational changes within the Department of Agriculture, Agricultural Research Service, and does not substantially affect the rights or obligations of any member of the public.

This amendment shall become effective May 9, 1973.

Done at Washington, D.C., this third day of May 1973.

T. W. EDMINSTER,
Administrator,
Agricultural Research Service.

[FR Doc.73-9214 Filed 5-8-73;8:45 am]

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

[Valencia Orange Reg. 430]

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

Limitation of Handling

This regulation sets a minimum size requirement for the period May 11, 1973, through January 15, 1974, applicable to the handling of Valencia oranges grown in the production areas of California and Arizona Valencia oranges were regulated Arizona. Shipments of California-by size through April 26, 1973, pursuant to Orange Regulation 423. The regulatory requirements for California-Arizona Valencia oranges specified herein are the same as those published in the FEDERAL REGISTER on April 6, 1973, under notice of proposed rulemaking, except for the later effective date of May 11, 1973.

Notice was published in the FEDERAL REGISTER on April 6, 1973 (38 FR 8749), that consideration was being given to a continuation of the size regulation for Valencia oranges grown in Arizona and designated part of California, pursuant to the applicable provisions of the marketing agreement, as amended, and order No. 908, as amended (7 CFR part 908) regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The proposed regulation was recommended by the Valencia Orange Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof. The notice provided that all written data, views, or arguments in connection with the proposed amendment be submitted by April 18, 1973. None were received.

The recommendation by the Valencia Orange Administrative Committee reflects its appraisal of the crop and current and prospective marketing conditions. The Committee now estimates that the 1972–73 season crop of Valencia oranges will be 58,500 carlots. It further estimates that the demand in regulated market channels will require about 38 percent of this volume, and the remaining 62 percent will be available for utilization in export and processing. The volume and size composition of the corp are such that ample supplies of the more desirable sizes are available to satisfy the demand in regulated channels. Equivalent fresh on-tree returns for California-Arizona Valencia oranges averaged $1.92 per carton for the season through April 1973 or 79 percent of the equivalent parity price. The regulation herein specified is designed to permit shipment of ample supplies of fruit of the more desirable sizes in the interest of both growers and consumers. The action is necessary to maintain orderly marketing conditions, provide consumer satisfaction and guard against the shipment of undesirable sizes of Valencia oranges which tend to demoralize the market for later shipments of such fruit. The regulation therefore is consistent with the objective of the act of promoting orderly marketing, maintaining grower returns, and protecting the interest of consumers.

After consideration of all relevant matter presented, including the proposal set forth in the aforesaid notice and other available information, it is hereby found that the limitation of shipments of Valencia oranges, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for making this regulation effective at the time hereinafter set forth and for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) notice of proposed rulemaking concerning this regulation was published in the FEDERAL REGISTER on April 6, 1973 (38 FR 8749), and no objection to it was received; (2) except for the later effective date of May 11, 1973, the regulatory provisions are the same as those contained in said notice; (3) the recommendation and supporting information for regulation of Valencia oranges were submitted to the Department after an open meeting of the committee on March 20, 1973, which was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; (4) information concerning such provisions and effective time has been disseminated among handlers of such oranges; and (5) compliance with the regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 908.730 Valencia Orange Regulation 430.

(a) *Order.*—During the period May 11, 1973, through January 15, 1974, no handler shall handle any Valencia oranges grown in the production area which are of a size smaller than 2.20 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the Valencia oranges contained in any type of container may measure smaller than 2.20 inches in diameter.

(b) As used in this section, "handle", "handler", and "production area", shall have the same meaning as when used in said amended marketing agreement and order.

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

Dated May 4, 1973, to become effective May 11, 1973.

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

[FR Doc.73-9212 Filed 5-8-73;8:45 am]

PART 930—CHERRIES GROWN IN MICHIGAN, NEW YORK, WISCONSIN, PENNSYLVANIA, OHIO, VIRGINIA, WEST VIRGINIA, AND MARYLAND

Free and Restricted Percentages of Cherries for the 1972–73 Fiscal Period

This amendment releases 75 percent of the reserve pool which was established under the order's 1972 crop free and restricted percentage regulation. Handlers, eligible under the order, will be offered such an amount during the 10-day period May 8 through May 18, 1973. A

determination as to the need for such a release was based upon all available information on market prices for frozen cherries, level of supplies currently available to the market, and expected product usage to new crop.

Findings. (1) Pursuant to Marketing Order No. 930 (7 CFR Part 930), regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1973, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Cherry Administrative Board, established under the aforesaid amended marketing order, and upon other available information, it is hereby found that the release of reserve pool cherries, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation by the Cherry Administrative Board for the release of frozen cherries from the reserve pool is consistent with the remaining supply of frozen cherries available to commercial channels and prospective demand for such cherries.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because of the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of cherries grown in the production area included under Marketing Order No. 930.

Order. A new subparagraph (1) be added to paragraph (a) of § 930.501 (Free and restricted percentages for the 1972–73 fiscal period; 37 FR 13789) to read as follows:

§ 930.501 Free and restricted percentages for the 1972–73 fiscal period.

(a) * * *

(1) Seventy-five (75) percent of the volume of the reserve pool, established pursuant to § 930.54, with the aforementioned restricted percentage cherries, shall be offered for sale to eligible handlers by the Cherry Administrative Board during the period starting at 12:01 p.m. May 8, 1973, and ending 12 noon May 18, 1973, in accordance with the conditions governing the sale of reserve pool cherries.

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

Dated May 2, 1973.

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

[FR Doc.73-9112 Filed 5-8-73;8:45 am]

Title 9—Animals and Animal Products

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

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

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

Area Quarantined

This amendment quarantines a portion of San Diego County in California because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR part 82, as amended, apply to the quarantined area.

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

In § 82.3, in paragraph (a)(1) relating to the State of California, new paragraph (a)(1)(ix) relating to San Diego County is added to read:

(ix) The premises of Nicholas Van Dam, d.b.a. Rainbow Egg Ranch, 5405 5th Street, City of Fallbrook (Rainbow Community), in San Diego County.

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

Effective date.—The foregoing amendment shall become effective May 3, 1973.

The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 3d day of May 1973.

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

[FR Doc.73-9114 Filed 5-8-73;8:45 am]

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

Areas Released From Quarantine

This amendment excludes portions of Starr and Hidalgo Counties in Texas from the areas quarantined because of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah, and psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles from quarantined areas, as contained in 9 CFR part 82, as amended, will not apply to the excluded areas. No areas in Texas remain under quarantine.

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

In § 82.3, the introductory portion of paragraph (a) is amended by deleting the name of the State of Texas after the reference to "California,"; and paragraph (a)(2) relating to the State of Texas is deleted.

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

Effective date.—The foregoing amendment shall become effective May 3, 1973.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of exotic Newcastle disease, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this third day of May 1973.

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

[FR Doc.73-9113 Filed 5-8-73;8:45 am]

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS; ORGANISMS AND VECTORS

PART 112—PACKAGING AND LABELS

PART 114—PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

Miscellaneous Amendments to Subchapter

On December 8, 1972, there was published in the FEDERAL REGISTER (FR Doc.

72-21141) a notice of proposed rulemaking with respect to proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in part 112 of title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158).

These amendments to part 112 were proposed to update the current label requirements for biological products by restating the applicability of such requirements in a revised § 112.1; by specifying the basic requirements for the three label components, namely, final container labels, carton labels, and enclosures in a revised § 112.2; by clarifying diluent label requirements in a revised § 112.3; by adding requirements for subsidiary labels in a revised § 112.4; by codifying instructions for submission of labels currently found in administrative directives in a revised § 112.5; by revising the packaging and labeling requirements in § 112.6 for desiccated products to conform to present day needs; and by codifying administrative directives containing special label requirements for specified products. Special packaging and label requirements for products to be exported and for products to be imported for research and evaluation have been added in two new sections—§§ 112.8 and 112.9. Authority to issue label and/or packaging requirements for special products has been provided in a new section § 112.10.

Obsolete requirements, such as prelabeling restrictions in § 112.1(b) have been removed. Modern labeling methods, such as screen printing, make such restrictions inadvisable. Definitions of "label and labeling" have been recodified in a new § 101.4.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rulemaking, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151-158), the amendments of part 112 of subchapter E, chapter I, title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted and are set forth herein, subject to the following noted modifications:

Identification requirements for biological products while in course of preparation now contained in the second sentence of paragraph 112.1(c) have been redesignated as § 114.5. This amendment is merely editorial and makes no substantive change in the regulations.

The words "prepared" and "producer" have been substituted for "manufacturer," respectively, as being more appropriate terminology.

Section 112.2(a)(3) has been changed to permit the use of "U.S. Vet. Lic. No." as an abbreviation for "United States Veterinary License Number."

The storage temperature requirement in § 112.2(a)(4) has been rewritten to authorize use of either 45°F., or 7°C., or both.

To prevent unnecessary label revision, the requirements in §§ 112.2(a)(6) and 112.2(a)(7) have been reworded to conform to current labels. An abbreviated statement has been added to § 112.2 (a)(7) to accommodate small labels.

Section 112.2(a)(8) has been reworded to limit the requirement to food-producing animals when the product is for more than one species.

Section 112.2(a)(9)(iii) has been reworded for clarity.

Section 112.2(a)(10)(ii) has been rewritten to relax the requirements in the proposal but retain those now in effect.

The lead paragraph in § 112.3 has been rewritten to provide for products other than bacterins used as diluents by substituting "liquid biological product" for "bacterin." § 112.3(c) has been reworded for clarity. An abbreviated statement has been added to § 112.3(f)(2) to accommodate small labels.

In § 112.4(a) reference to "subsidiary" has been reworded for clarification. "Veterinary Services" has been substituted for "Deputy Administrator" for administrative efficiency.

Section 112.5 in the lead paragraph has been rewritten to limit review of labels to compliance with regulations and approval by Veterinary Services.

Sections 112.5(b) and 112.5(c) have been reworded to require submission of sketches and labels to be made to Veterinary Services. "Written" has been inserted in front of "approval" in § 112.5 (c) for completeness.

"Veterinary Services" has been inserted into § 112.5(d)(1)(i) to designate the file referred to and "At least" has been inserted in two places in § 112.5(d)(1)(ii) to permit processing of additional labels, if required. "According to § 112.5 (d)(1)(i)" has been substituted for "accordingly."

"Screen printing" has been substituted for "silk screen" in § 112.5(d)(2)(iv) for accuracy.

The words "by Veterinary Services" has been inserted in § 112.5(d)(4) for clarity.

Section 112.5(f) has been reworded to have a request for label list come from Veterinary Services for administrative efficiency.

"Except as provided in § 112.8," has been inserted in § 112.6(d) for completeness.

Section 112.7(c)(1) "Nerve" has been substituted for "neural" for accuracy and the dosage to be recommended limited to that in the approved outline of production. In both subparagraphs, § 112.7(c)(1) and (2), "dog and cat" have been substituted for "puppy" to provide for cat vaccination. "Approved Outline of Production" has been substituted for "outline" in § 112.7(c)(2).

The following substitutions of words have been made for accuracy: "modified live rabies virus" for "live rabies virus" in the lead paragraph in § 112.7(d) and in § 112.7(d)(3); "below 180th" for "40th—50th" in § 112.7(d)(2); and "Vaccination" for "Dosage" in § 112.7(d)(4). Section 112.7(d)(4)(iii) has been reworded to correspond with published recommendations for vaccinating cats.

Recommendation requirements for use of rabies vaccine in animals other than dogs and cats have been relaxed in § 112.7 (d)(4)(iii) by permitting licensees to make other claims for their products if such claims are in the approved outline of production.

Section 112.7(d)(5) has been reworded for clarity.

Section 112.7(e) has been rewritten to exempt inactivated vaccines from the pregnant cow label requirement and to authorize other exceptions to be made by the Deputy Administrator. Exception to § 112.7(f) has been provided if authorized in the approved outline of production for administrative purposes.

Section 112.7(f)(1) has been changed to provide for products containing *Clostridium septicum Bacterin* because it is used only in combination with *Clostridium chauvoei Bacterin*.

The proposed § 112.8(a)(3) has been relaxed to prohibit the use of only the establishment license number to comply with foreign requirements.

Section 112.8(c) has been reworded to limit the regulations to desiccated products identified with an approved label.

1. Section 114.5 is amended to read:

§ 114.5 Identification of biological products.

Suitable tags or labels of a distinct design shall be used for identifying all biological products while in course of preparation at licensed establishments.

2. Part 112 is amended to read:

Sec.

AUTHORITY: The provisions of this Part 112 issued under 37 Stat. 832-833; 21 U.S.C. 151-158.

§ 112.1 Applicability.

Unless otherwise authorized or directed by the Deputy Administrator, each biological product prepared at a licensed establishment or imported shall be packaged and labeled as prescribed in this part before it is removed from the licensed establishment or presented for importation: *Provided*, That biological products to be imported for research and evaluation shall be subject to packaging and labeling requirements as may be issued pursuant to § 112.9.

(a) No person shall apply or affix, or cause to be applied or affixed, any label, stamp, or mark, to any carton or final container of a biological product prepared or received in a licensed establishment or imported that is false or misleading in any particular or is not in compliance with the regulations.

(b) No person shall alter, mark, or remove any label or mark on any carton or final container of a biological product

so as to falsify the label or make it misleading.

(c) Labels stamped, printed, or glued directly on cartons and final containers, shall be legible throughout the dating period. Biological products shall be withheld from the market if such labels have been altered, mutilated, destroyed, obliterated, or removed.

§ 112.2 Final container label, carton label, and enclosure.

(a) Unless otherwise provided, final container labels, carton labels, and enclosures (inserts, circulars, or leaflets) shall include the information specified in this section.

(1) The principal part of the true name of the biological product which name shall be identical with that shown in the product license or special license under which such product is prepared, or the permit under which it is imported, shall be prominently lettered and placed giving equal emphasis to each word composing it. Descriptive terms used in the true name on the product license, special license, or permit shall also appear. Abbreviations of the descriptive terms may be used on the final container label if complete descriptive terms appear on a carton label and enclosures;

(2) If the biological product is prepared in the United States, the name and address of the producer (licensee or subsidiary) or if the biological product is prepared in a foreign country, the name and address of the permittee and of the foreign producer.

(3) The license or permit number assigned by the Department which shall be shown only in one of the following forms respectively: "U.S. Veterinary License No. ------," or "U.S. Vet. License No. ------," or "U.S. Vet Lic. No. ------," or "U.S. Veterinary Permit No. ------," or "U.S. Vet. Permit No. ------;" the word (Special) shall be added to indicate a special license when applicable.

(4) Storage temperature recommendation for the biological product stated as not over 45° F. or stated as not over 7° C. or stated as not over 45° F. or 7° C.

(5) Full instructions for the proper use of the product, including vaccination schedules, warnings, cautions, and the like: *Provided*, That in the case of very small final container labels or carton, a statement as to where such information is to be found, such as "See enclosure for complete directions," "Full directions on carton," or comparable statement;

(6) In the case of a multiple-dose final container, a warning to use entire contents when first opened: *Provided*, That a diagnostic or a desensitizing antigen packaged in a multiple-dose final container is exempt;

(7) If the biological product contains viable or dangerous organisms or viruses, a warning to "Burn this container and all unused contents," except that in the case of a small one-dose container, the statement "Burn this container" or "Burn this vial" may be used.

(8) In the case of a biological product recommended for use in domestic animals, the edible portion of which may be used for food purposes, a withholding statement of not less than 21 days to read: "Do not vaccinate within (insert number) days before slaughter," or "Do not vaccinate food-producing animals within (insert number) days before slaughter:" *Provided*, That longer periods shall be stated when deemed necessary by the Deputy Administrator.

(9) The following information shall appear on the final container label and carton label, if any, but need not appear on the enclosure:

(i) A permitted expiration date;

(ii) The number of doses where applicable;

(iii) The recoverable quantity of the content of each final container stated in cubic centimeters (cc.) or milliliters (ml.) or units.

(iv) A serial number by which the product can be identified with the manufacturer's records of preparation: *Provided*, That when a liquid antigenic fraction is to be used instead of a water diluent for one or more desiccated antigenic fractions in a combination package, a hyphenated serial number composed of a serial number for the desiccated fraction and the serial number for the liquid fraction shall be used on the carton;

(10 The following information shall appear on cartons and enclosures if used: *Provided*, That if cartons are not used, such information shall appear on the final container label;

(i) In the case of a biological product for which a standard requirement for evaluating potency has not been established, a statement, "No U.S. Standard of Potency." In the case of a multiple fraction product for which a standard requirement for potency has been established for one or more fractions of such product, the statement, "U.S. Standard of Potency for (name fraction) Fraction(s) Only," shall so appear;

(ii) In the case of a product which contains an antibiotic added during the production process, the statement "Contains ____ as a preservative," or an equivalent statement indicating the antibiotic added.

(b) Labels may also include any other statement which is not false or misleading and may include factual statements regarding variable response of different animals when vaccinated as directed but may not include disclaimers of merchantability, fitness for the purpose offered, or responsibility for the product.

(c) Labels of biological products prepared at licensed establishments or imported shall not include any statement, design, or device, which overshadows the true name of the product as licensed or which is false or misleading in any particular or which may otherwise deceive the purchaser.

(d) Restricted sales to veterinarians may be so stated on the labels: *Provided*, That the entire production of the product by the licensee involved shall be so restricted. The phrase, "For Veterinary Use Only," or an equivalent statement may be used to indicate a product is recommended specifically for animals and not for humans.

(e) When label requirements of a foreign country conflict with the requirements as prescribed in this part, special labels may be approved for use on biological products to be exported to such country.

(f) If a carton label or an enclosure is required to complete the labeling for a multiple-dose final container of liquid biological product, only one final container shall be packaged in each carton: *Provided*, That if the multiple-dose final container is fully labeled without a carton label or enclosure, two or more final containers may be packaged in a single carton which shall be considered a shipping box. Labels or stickers for shipping boxes shall not contain false or misleading information but need not be submitted for approval.

§ 112.3 Diluent labels.

Each final container of diluent, other than a liquid biological product, packaged with desiccated biological products shall bear a label that includes the following:

(a) The name—Sterile Diluent.

(b) True name of the biological product with which the diluent is packaged, except that when the firm packages all desiccated biological products with the same diluent, or two or more types of diluent are used, and the licensees' methods of identification and storage insure that all products are packaged with the correct type of diluent, labels affixed to the containers of diluent are exempt from this provision.

(c) The recoverable quantity of contents in cubic centimeters (cm^3) or milliliters (ml).

(d) A serial number by which the diluent can be identified with the manufacturer's records of preparation;

(e) Name and address of the licensee or the permittee;

(f) In the case of a diluent with which a desiccated biological product is to come in contact while the diluent is in its original container; and,

(1) Is in a multiple-dose container, a positive warning that all of the biological product shall be used at the time the container is first opened; and/or

(2) The biological product is composed of viable or dangerous organisms or viruses, the notice, "Burn this container and all unused contents," except that, in the case of a small one-dose container, the statement "Burn this container" or "Burn this vial" may be used.

§ 112.4 Subsidiaries, distributors, permittees.

Labels used by subsidiaries, distributors, and permittees shall comply with requirements for filing and approval of labels used for biological products distributed and sold by the licensee and as provided in this section.

(a) *Subsidiaries.*—Labels to be used on biological products prepared in a licensed establishment by a domestic subsidiary shall be submitted to Veterinary Services in accordance with § 112.5 and only labels approved for use on such product shall be used by the subsidiary.

(b) *Distributors.* The name and address of a distributor of a biological product (who is not the licensed producer of such product) shall not be placed on the labels or containers of such product in a manner as to indicate that he is the producer of such product or operating under the license number shown on the label. The name and address of such distributor may be placed on labels or containers if the term, "distributor," or "distributed by," or an equivalent term is prominently placed in connection therewith: *Provided,* The terms are not so used as to be false or misleading. Reference to such distributor shall be by name and address only.

(c) *Permittees.* The name and address of a permittee shall not be placed on the labels or containers of an imported biological product in such manner as to indicate that he is the manufacturer of such product. Reference to such permittee shall be made by name, address, and permit number only.

§ 112.5 Review and approval of labeling.

Labels used with biological products prepared at licensed establishments or imported for general distribution and sale shall be reviewed for compliance with the regulations and approved in writing by Veterinary Services prior to use.

(a) Transmittal forms, furnished by Veterinary Services upon request, shall be used with each submission of sketches (including proofs) and labels. Separate forms shall be used for each biological product but only one copy of the form shall be used for all sketches and labels submitted at the same time for the same biological product.

(b) Sketches may be submitted for comment to Veterinary Services by the licensee or permittee before preparing the finished label. Such sketches shall be returned to the licensee or permittee with comments, if any. Failure of the reviewer to take exception to a sketch shall not constitute approval of a finished label subsequently prepared.

(c) All labels shall be submitted to Veterinary Services for review and written approval. Only labels which are approved shall be used. When changes are made in approved labels, the new labels shall be subject to review and approval before use.

(d) Labels and sketches submitted shall be prepared in the number and manner prescribed in this paragraph.

(1) Copies required:

(i) Three copies of each sketch shall be submitted. Two copies shall be returned to the licensee or permittee with applicable comments. One copy shall be held in the Veterinary Services label file until replaced by a finished label but for not more than 1 year after processing: *Provided,* That sketches submitted in support of an application for a product license or permit shall be held as long as the application is considered active.

(ii) At least five copies of a label shall be submitted: *Provided,* That when an enclosure is to be used with more than one biological product, two extra copies shall be required for each additional product. At least two copies of items submitted shall be returned to the licensee or permittee. Labels to which exceptions are taken shall be marked as sketches and handled according to § 112.5 (d) (1) (i).

(2) Mounting:

(i) Each label or sketch shall be securely fastened to a separate sheet of heavy bond paper (8½" x 11") in such a manner that all information is available for review.

(ii) Two-or-three part cartons, including "sleeves," shall be considered as one label. All parts shall be submitted together.

(iii) (*a*) When two final containers are packaged together in a combination package, the labels for each shall be mounted on the same sheet of paper and shall be treated as one label.

(*b*) If either final container label is also used alone or in another combination package, sets of separate labels for each biological product with which it is used shall be submitted for review.

(iv) When the same final container label is applied by different methods such as paper or screen printing, one of each shall be mounted on the same sheet of paper as one submission.

(3) To appear on the top of each page:

(i) (*a*) Name and product code number of the biological product as it appears on the product license, special license or permit.

(*b*) Extra copies of enclosures to be used with another product shall bear the name and code number of the product affected.

(ii) (*a*) Designation of the specimen, as a sketch, final container label, carton label, or enclosure.

(*b*) If two final container labels or multiple parts are on one sheet, each shall be named, and the label or part being revised shall be designated.

(iii) Size of package (doses, ml., cc., or units) for which the labels or enclosures are to be used.

(4) To appear on the bottom of each page: The reason for the submission shall be stated in the lower left hand corner as:

(i) To replace Label and/or Sketch No. _____;
(ii) Addition to Label No. _____;
(iii) Refer to Label No. _____;
(iv) License Application Pending _____;
(v) Foreign Language Copy of Label No. _____

A 2-inch space shall be reserved in the lower right hand corner. A label number shall be assigned by Veterinary Services to each sketch and label reviewed. It shall be stamped in the space reserved and shall be used for reference to such label or sketch in all subsequent correspondence.

(e) Special requirements for foreign language labels:

(1) If true, a statement that the label is a direct translation from a corresponding approved domestic label.

(2) If the foreign language label is not a direct translation of an approved domestic label, an English version shall be submitted with an explanation for the difference in texts.

(3) Foreign language portion of a bilingual label shall be a true translation of the English portion. Reference to additional information on the enclosure shall not be made unless that enclosure is also bilingual.

(f) When a request is received from Veterinary Services, the licensee or permitee shall submit a list of all approved labels currently being used. Each label listed shall be identified as to:

(1) Name and product code number as it appears on the product license or permit for the product; and

(2) Where applicable, the size of the package (doses, ml., cc., or units) on which the label shall be used; and

(3) Label number and date assigned; and

(4) Name of licensee or subsidiary appearing on the label as the producer.

§ 112.6 Packaging desiccated products.

(a) Except as provided in § 112.8, each final container of a desiccated biological product, produced by a licensee or a subsidiary, or presented for importation by a permittee shall be packaged in a carton with accompanying container of diluent if such diluent is required for rehydration of the product before administration.

(b) Except as prescribed in paragraph (d) of this section and § 112.8, only one multiple-dose final container of a desiccated product with accompanying final container of diluent, if needed for rehydration, shall be packaged in an appropriately labeled carton.

(c) Several single-dose final containers of desiccated products and an equal number of containers of diluent, if needed for rehydration, may be marketed in an appropriately labeled carton.

(d) Except as provided in § 112.8, when a biological product is designed to be administered to poultry, multiple-dose final containers, not to exceed 1,000 doses per container and not to exceed 10 final containers per package, may be marketed with accompanying containers of diluent, if needed for rehydration, in a single appropriately labeled carton: *Provided,* That the statement, "Federal regulations prohibit the repackaging or sale of the contents of this carton in fractional units. Do not accept if seal is broken," shall be prominently placed on the carton label.

§ 112.7 Special additional requirements.

(a) In the case of biological products containing live Newcastle Disease virus, a caution statement indicating that Newcastle Disease can cause inflammation of the eyelids of humans, and a warning to the user to avoid infecting his eyes shall be included on the enclosure.

(b) In the case of a biological product containing infectious bronchitis virus, all labels shall show the infectious bronchitis virus type or types used in the product. Abbreviation is permitted.

(c) In the case of a biological product containing inactivated rabies virus, carton labels and enclosures shall include a warning against freezing; and for

(1) Nerve tissue origin rabies vaccine, a minimum dose recommendation shall be as stated in the approved Outline of Production; *Provided*, That a recommendation shall be made that a dog or cat under 3 months or age shall be revaccinated at 3 months and yearly thereafter; and for

(2) Tissue culture origin rabies vaccine, the minimum dose recommendation shall be as stated in the approved Outline of Production and recommended to be repeated in 30 days and yearly thereafter: *Provided*, That, if the second dose is given to a dog or cat under 3 months of age, a third dose to be given in 6 months shall also be recommended.

(d) In the case of a biological product containing modified live rabies virus, the carton labels, enclosures, and all but very small final container labels shall include the recommendations provided in this paragraph except as provided in subparagraph (5) of this paragraph.

(1) The statement "In high risk areas, revaccinate annually all animals for which this vaccine is recommended."

(2) For low egg-passage (below 180th) egg-passage level), the statement "For Use In Dogs Only! Not For Use In Any Other Animal!"

(3) For other vaccines containing modified live rabies virus, the statement "For Use In (designate animal(s)) Only! Not For Use In Any Other Animal!"

(4) Vaccination recommendations as provided in this paragraph.

(i) Dogs: One dose at age 3 months or older recommended to be repeated every 3 years: *Provided*, That for dogs less than 6 months of age at the time of the initial vaccination, the recommendation shall be for a repeat dose at 1 year of age. Subsequent vaccinations shall be not less frequently than every 3 years thereafter.

(ii) Cats: One dose at 3 months of age and annually thereafter.

(iii) Recommendation for use in animals other than dogs and cats shall be as stated in the approved Outline of Production.

(5) A statement, prominently placed on the enclosure, containing the recommended action to be taken in cases of exposure to the vaccine virus. Satisfactory recommendations may be found in the U.S. Department of Health, Education, and Welfare, Public Health Service, Center for Disease Control Weekly Report, June 24, 1972.

(e) In the case of bovine rhinotracheitis vaccine containing modified live virus, all labeling except small final container labels shall bear the following statement: "Do not use in pregnant cows or in calves nursing pregnant cows."; *Provided*, That such vaccines which have been shown to be safe for use in pregnant cows may be excepted from this label requirement by the Deputy Administrator.

(f) Unless otherwise authorized in an approved Outline of Production, labels for inactivated bacterial products shall contain an unqualified recommendation for a repeat dose to accomplish primary immunization be given at an optimum time interval if such has been established; otherwise, a second dose within 7 days for aqueous products and in 14 days for those containing adjuvants shall be recommended: *Provided*, That repeat dose recommendations prescribed in the subparagraphs of this paragraph are required for products containing the fractions listed:

(1) *Clostridium chauvoei* and/or *Clostridium septicum*. Calves vaccinated under 3 months of age should be revaccinated at weaning or 4 to 6 months of age."

(i) If in combination with *Pasteurella*, add: "Revaccination with Pasteurella Bacterin is recommended at 2 to 4 weeks."

(ii) If in combination with *Clostridium sordellii*, add: "Revaccination with Clostridium Sordellii Bacterin is recommended at 2 to 4 weeks."

(2) *Clostridium Hemolyticum Bacterin*. "Repeat the dose every 5 to 6 months in animals subject to reexposure."

(3) *Clostridium Novyi Bacterin*. "Repeat the dose every 5 to 6 months in animals subject to reexposure."

(4) *Erysipelas Bacterin*. "Swine: For breeding animals, repeat after 21 days and annually." "Turkeys: Repeat dose every 3 months."

(5) *Clostridium Botulinum Type C Toxoid and combinations*. "Revaccinate breeders 1 month before breeding."

§ 112.8 For export only.

The applicable regulations for packaging and labeling a biological product produced in the United States shall apply to such biological product if exported from the United States except as otherwise provided in this section. Only labels approved as provided in § 112.5 shall be used.

(a) Biological products which have been packaged and labeled for export or which have been exported, shall be subject to the applicable provisions in this paragraph.

(1) After leaving the licensed establishment, a biological product shall not be bottled, repackaged, relabeled, or otherwise altered in any way while in the United States; and

(2) An exported biological product shall not be returned to the United States: *Provided*, That, in the case of a biological product exported in labeled final containers, the Deputy Administrator may authorize by permit the importation of a limited number for research and evaluation by the producing licensee; and

(3) An exported biological product which is bottled, rebottled, or altered in any way in a foreign country shall not bear a label which indicates by establishment license number that it has been prepared in the United States.

(b) Desiccated products, packaged and labeled as for domestic use, may be exported without the diluent required for rehydration, if the labeling includes adequate instructions for rehydrating the product prior to use and the words "For Export Only".

(c) Final containers of desiccated products, labeled or unlabeled, with or without required diluent, may be exported in sealed shipping boxes, adequately identified as to contents with an approved label, and plainly marked "For Export Only": *Provided*, That such products shall not be diverted to domestic use.

(d) Completed inactivated liquid products, antiserums, and antitoxins, may be exported in large multiple-dose containers identified with an approved label that contains the words "For Export Only" prominently displayed.

§ 112.9 Biological products to be imported for research and evaluation.

A biological product imported into the United States for research and evaluation under a permit issued in accordance with Part 102 of this subchapter shall be labeled as provided in this section.

(a) The label shall identify the product, shall furnish a dosage table and full instructions for the proper use of the product, shall include all warnings and cautions needed by the permittee to safely use the product, and shall bear a statement "Notice! For Experimental Use Only—Not For Sale!"

(b) The labeling shall contain any other information deemed necessary by the Deputy Administrator and included on the permit.

§ 112.10 Special packaging and labeling.

A biological product, which requires special packaging and/or labeling not provided for in this part, shall be packaged and/or labeled in accordance with requirements written into the approved outline for such product.

Effective dates.—These amendments take effect June 11, 1973, except the rabies vaccine label requirements prescribed in § 112.7 (c) and (d), which shall become effective November 6, 1973.

Done at Washington, D.C., this fourth day of May, 1973.

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

[FR Doc.73-9213 Filed 5-8-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. T]

PART 220—CREDIT BY BROKERS AND DEALERS

Treatment of Simultaneous Long and Short Positions in a Margin Account With Respect to Options

Simultaneous long and short positions in the same security in the same margin account (often referred to as a short sale "against the box") may not be used to supply the place of the deposit of margin ordinarily required in connection with the guarantee by a creditor of a put or

call option or combination thereof on such stock, in accordance with § 220.3(d) (3) and (5) and § 220.3(g) (4) and (5).

§ 220.128 Treatment of simultaneous long and short positions in the same margin account when put or call options or combinations thereof on such stock are also outstanding in the account.

(a) The Board was recently asked whether under regulation T, "Credit by Brokers and Dealers" (12 CFR part 220), if there are simultaneous long and short positions in the same security in the same margin account (often referred to as a short sale "against the box"), such positions may be used to supply the place of the deposit of margin ordinarily required in connection with the guarantee by a creditor of a put or call option or combination thereof on such stock.

(b) The applicable provisions of regulation T are § 220.3(d) (3) and (5) and § 220.3(g) (4) and (5) which provide as follows:

(d) * * * the adjusted debit balance of a general account * * * shall be calculated by taking the sum of the following items:

* * * * *

(3) The current market value of any securities (other than unissued securities) sold short in the general account plus, for each security (other than an exempted security), such amount as the board shall prescribe from time to time in § 220.8(d) (the supplement to regulation T) as the margin required for such short sales, except that such amount so prescribed in such § 220.8(d) need not be included when there are held in the general account * * * the same securities or securities exchangeable or convertible within 90 calendar days, without restriction other than the payment of money, into such securities sold short;

* * * * *

(5) The amount of any margin customarily required by the creditor in connection with his endorsement or guarantee of any put, call, or other option;

* * * * *

(g) * * * (4) Any transaction which serves meet the requirements of paragraph (e) of this section or otherwise serves to permit any offsetting transaction in an account shall, to that extent, be unavailable to permit any other transaction in such account.

(5) For the purposes of this part (regulation T), if a security has maximum loan value under paragraph (c) (1) of this section in a general account, or under § 220.4(j) in a special convertible debt security account, a sale of the same security (even though not the same certificate) in such account shall be deemed to be a long sale and shall not be deemed to be or treated as a short sale.

(c) Rule 431 of the New York Stock Exchange requires that a creditor obtain a minimum deposit of 25 percent of the current market value of the optioned stock in connection with his issuance or guarantee of a put, and at least 30 percent in the case of a call (and that such position be "marked to the market"), but permits a short position in the stock to serve in lieu of the required deposit in the case of a put and a long position to serve in the case of a call. Thus, where the appropriate position is held in an account, that position may serve as the margin required by § 220.3(d) (5).

(d) In a short sale "against the box," however, the customer is both long and short the same security. He may have established either position, properly margined, prior to taking the other, or he may have deposited fully paid securities in his margin account on the same day he makes a short sale of such securities. In either case, he will have directed his broker to borrow securities elsewhere in order to make delivery on the short sale rather than using his long position for this purpose (see also 17 CFR 240.3b-3).

(e) Generally speaking, a customer makes a short sale "against the box" for tax reasons. Regulation T, however, provides in § 220.3(g) that the two positions must be "netted out" for the purposes of the calculations required by the regulation. Thus, the board concludes that neither position would be available to serve as the deposit of margin required in connection with the endorsement by the creditor of an option.

(f) A similar conclusion obtains under § 220.3(d) (3). That section provides, in essence, that the margin otherwise required in connection with a short sale need not be included in the account if the customer has in the account a long position in the same security. In § 220.3(g) (4), however, it is provided that "[A]ny transaction which * * * serves to permit any offsetting transaction in an account shall, to that extent, be unavailable to permit any other transaction in such account." Thus, if a customer has, for example, a long position in a security and that long position has been used to supply the margin required in connection with a short sale of the same security, then the long position is unavailable to serve as the margin required in connection with the creditor's endorsement of a call option on such security.

(g) A situation was also described in which a customer has purported to establish simultaneous offsetting long and short positions by executing a "cross" or wash sale of the security on the same day. In this situation, no change in the beneficial ownership of stock has taken place. Since there is no actual *"contra"* party to either transaction, and no stock has been borrowed or delivered to accomplish the short sale, such fictitious positions woud have no value for purposes of the Board's margin regulations. Indeed, the adoption of such a scheme in connection with an overall strategy involving the issuance, endorsement, or guarantee of put or call options or combinations thereof appears to be manipulative and may have been employed for the purpose of circumventing the requirements of the regulations.

By order of the Board of Governors, April 16, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9125 Filed 5-8-73;8:45 am]

CHAPTER VII—NATIONAL CREDIT UNION ADMINISTRATION

PART 722—ADVISORY COMMITTEE PROCEDURES

Miscellaneous Amendments

NOTE: In the FEDERAL REGISTER of Monday, May 7, 1973 at page 11347 this document inadvertently appeared in an incomplete form. It should read as set forth below:

On February 14, 1973, notice of proposed rule making concerning the advisory committee procedures of the National Credit Union Administration was published in the FEDERAL REGISTER (38 FR 4415).

This regulation implements the provisions of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, effective January 5, 1973, and is applicable to the National Credit Union Board and to any other advisory committee subsequently established to assist the National Credit Union Administration. The regulation deals with the meetings of the National Credit Union Board, procedures to be followed by both the Board and the public, procedures for gaining access to the records to the Board, and administrative relief for denials of requests for records.

After reviewing all comments submitted by interested persons, the proposed regulation is hereby adopted, subject to the following changes:

1. In paragraph (d) of § 722.1, line 2, change the word "desigee" to read "designee".

2. In paragraph (b) of § 722.2, insert the word "general" after the word "a" in line 6.

3. In paragraph (b) (2) of § 722.3, line 6, following the period after the word "meeting", add the following sentence: "Statements may be filed with the Chairman, National Credit Union Board, National Credit Union Administration, Washington, D.C. 20456."

Effective date.—This regulation is effective May 31, 1973.

HERMAN NICKERSON, Jr.,
Administrator.

MAY 1, 1973.

Sec.
722.0 Scope.
722.1 Designated Federal employee.
722.2 Calling of meetings.
722.3 Conduct of meetings.
722.4 Access to records.
722.5 Administrative remedies.

AUTHORITY.—Sec. 120, 73 Stat. 635, 12 U.S.C. 1766 and pursuant to provisions of the Federal Advisory Committee Act, Public Law 92-403, 86 Stat. 770, effective January 5, 1973.

§ 722.0 Scope.

The regulations contained in this part shall be applicable to the National Credit

Union Board and to any other advisory committee hereinafter established to assist the Administration which comes within the terms of the Federal Advisory Committee Act (Public Law 92-463, 36 Stat. 770, effective Jan. 5, 1973). These regulations deal with the meetings of the National Credit Union Board, procedures to be followed, access to records, and administrative relief.

§ 722.1 Designated Federal employee.

(a) The Federal Advisory Committee Act requires that an officer or employee of the Federal Government be designated to chair or attend each meeting of the National Credit Union Board. In fulfillment of this requirement, the Administrator, or his designee shall attend each meeting of the National Credit Union Board.

(b) No meeting of the National Credit Union Board shall be held except at the call of or with the advance approval of the Administrator and no meeting of the National Credit Union Board shall be conducted in the absence of the Administrator or his designee.

(c) The Administrator or his designee may adjourn any meeting of the National Credit Union Board whenever he determines that such adjournment is in the public interest such as in the event of an unwarranted departure from a meeting's agenda. The Administrator shall approve, in advance, the agenda for each meeting of the National Credit Union Board.

(d) The Chairman of the Board or the Administrator, or his designee, may request any attendee not a member of the Board who does not display the proper decorum as established in this part to leave the meeting and if such person refuses, the Chairman of the Board or the Administrator or his designee may order the removal of such person.

§ 722.2 Calling of meetings.

(a) *Time.*—Notice of each meeting of the National Credit Union Board shall be published in the FEDERAL REGISTER at least 7 days prior to the commencement of such meeting except in emergency situations where shorter notice may be required. Normally, notice will be published approximately 25 days in advance of such meeting.

(b) *Contents of notice.*—The notice required in paragraph (a) of this section shall contain the name of the National Credit Union Board, the time and place of the meeting, and the purpose of the meeting, including a general summary of the agenda items. The notice will also state whether there are any items on the agenda which will be closed to the public and the extent to which the public may participate in the meeting.

§ 722.3 Conduct of meetings.

(a) *Agenda.*—Each meeting of the National Credit Union Board shall be conducted in accordance with an agenda which has been approved by the Administrator pursuant to § 722.1(c). The proposed agenda shall be submitted to the Administrator at least 35 days prior to the scheduled date of the meeting except in the case of an emergency meeting where a shorter time may be required. The agenda shall list the matters to be considered at the meeting and shall indicate whether any part of the meeting is concerned with matters which are within the exemptions of the Freedom of Information Act (5 U.S.C. 552(b)). Copies of the agenda shall ordinarily be distributed to members of the National Credit Union Board prior to the date of the meeting.

(b) *Public participation.*—(1) Subject to the provisions of this section, each meeting of the National Credit Union Board shall be open to the public. Each meeting shall be held at a reasonable time and at a place reasonably accessible to the public and shall use facilities of reasonable size considering such factors as the number of members of the public who could be expected to attend the particular meeting, the number of persons who attended similar meetings in the past, and the resources and facilities available to the Administration. Members of the public attending such meeting shall conduct themselves in accordance with these regulations and with proper decorum or subject themselves to removal as set forth in § 722.1(d).

(2) Any member of the public may file a written statement with the National Credit Union Board, either before or after the meeting. Such statement shall become a part of the official record of that particular meeting. Statements may be filed with the Chairman, National Credit Union Board, National Credit Union Administration, Washington, D.C. 20456.

(3) To the extent that the time available for the meeting permits, interested persons may be permitted to present oral statements to the National Credit Union Board: *Provided*, That such persons obtain approval from the Chairman of the Board in advance of the date of the meeting: *And provided further*, That such oral statements are confined to items listed on the published agenda. Such statements will normally be limited to 10 minutes in duration. Such requests should be directed to the Chairman, National Credit Union Board, National Credit Union Administration, Washington, D.C. 20456.

(4) Subject to the limits of time and in the discretion of the Chairman of the Board, members of the public may, during the course of the meeting, submit written questions to the National Credit Union Board. Such questions shall be confined to items on the agenda and, in accordance with the aforementioned limitations, may be answered orally by the National Credit Union Board.

(c) *Meetings closed to the public.*—(1) If a meeting (or portion thereof) will have the express purpose of discussing an existing document which is within one of the exemptions set forth in 5 U.S.C. 552(b), the meeting (or portion thereof) may be closed to the public: *Provided*, That a meeting (or portion thereof) involving consideration of a document prepared by or for the National Credit Union Board and exempt only under exemption (5) of 5 U.S.C. 552(b) (concerning intra- and interagency memoranda and letters) may be closed only if the Administrator determines that it is essential to close such meeting (or portion thereof) to protect the free exchange of internal views and to avoid undue interference with the Administration or National Credit Union Board operations.

(2) If a meeting (or portion thereof) will have the express purpose of discussing a matter which is within one of the exemptions set forth in 5 U.S.C. 552(b), other than exemption (5), the meeting (or portion thereof) may be closed to the public, even though no specific document is to be discussed.

(3) If a meeting (or portion thereof) will be such that neither paragraph (c)(1) nor paragraph (c)(2) of this section furnishes a basis for closing such meeting (or portion thereof), the meeting shall be open to the public unless such a meeting (or portion thereof) will consist of an exchange of opinions, and such discussion, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and it is essential to close such meeting (or portion thereof) to protect the free exchange of internal views and to avoid undue interference with the Administration or National Credit Union Board operations.

(4)(i) When the National Credit Union Board seeks to have a meeting (or portion thereof) closed on the basis of 5 U.S.C. 552(b), the Board shall notify the Administrator in writing setting forth the reasons why the meeting (or portion thereof) should be closed. Such notification shall be submitted to the Administrator at least 35 days prior to the scheduled date of such meeting.

(ii) The Administrator may, upon receiving the proposed agenda pursuant to § 722.3(a), determine that the meeting (or portion thereof) shall be closed even though the National Credit Union Board has not so requested in accordance with paragraph (c)(4)(i) of this section: *Provided*, That this determination is made pursuant to the standards set forth in paragraphs (c) (1), (2), and (3) of this section.

(iii) The determination of the Administrator made pursuant to paragraph (c)(4)(i) or (4)(ii) of this section shall be in writing and shall contain a brief statement of the reasons upon which the determination is based.

(5) The determination with respect to closing a meeting may be made, where appropriate, to a series of meetings but a determination to close a series of meetings does not remove the requirement that public notice be given regarding each meeting.

(6) If a meeting is to consider several separable matters, not all of which are within the exemption of 5 U.S.C. 552(b), only the portion of the meeting dealing with exempted matters (as contained in

paragraphs (c) (1), (2), and (3) of this section) may be closed.

(7) When all or part of a meeting is to be closed, such fact shall be indicated in the public notice of the meeting and in the agenda. When only part of a meeting is to be closed, the agenda shall be arranged, whenever practicable, to facilitate attendance by the public at the open portion of the meeting.

(8) When a meeting (or portion thereof) is closed, members of the National Credit Union Board shall not disclose the matters discussed except to other members of the Board or Administration employees on a need-to-know basis.

(9) When a meeting (or portion thereof) is closed, the National Credit Union Board shall issue a report, at least annually, setting forth a summary of its activities and related matters which are informative to the public and is consistent with the policy of 5 U.S.C. 552(b).

(d) *Minutes.*—Detailed minutes shall be kept of each meeting of the National Credit Union Board. The minutes shall include at least the following: The time and place of the meeting; a list of the Board members and Administration employees present; a complete summary of matters discussed and conclusions reached; copies of all reports received, issued, or approved by the Board; an explanation of the extent to which the meeting was open to the public; an explanation of the extent of public participation, including a list of members of the public who presented oral or written statements and an estimate of the number of members of the public who attended the meeting. The Chairman of the National Credit Union Board shall certify to the accuracy of the minutes.

§ 722.4 Access to records.

(a) *Generally.*—Subject to the provisions of 5 U.S.C. 552, the records, reports, transcripts, minutes, appendices, working papers, drafts, studies, agenda, or other documents which were made available to or prepared for or by the National Credit Union Board shall be available for public inspection and copying at the National Credit Union Administration, Washington, D.C. 20456.

(b) *Exemptions.*—Access to the items listed in paragraph (a) of this section is subject to the exemptions contained in 5 U.S.C. 552(b). When the only basis for denying access to a document is exemption (5) (concerning intra- and interagency memoranda and letters), access may not be denied unless the Administrator determines that such denial is essential to protect the free exchange of internal views and to avoid undue interference with the Administration or the National Credit Union Board operations.

(c) *Meeting partially closed.*—With respect to any meeting, part of which was closed to the public, access shall be permitted to records relating to the open portion of the meeting.

(d) *Transcripts.*—In addition to detailed minutes required by § 722.3(d), each meeting of the National Credit Union Board will be recorded, either mechanically or by other appropriate means. Transcripts will not be made unless specifically requested and the actual cost of such transcription shall be paid by the person or persons making the request.

(e) *Procedure for requesting access to records.*—Requests for inspection and copying records under this part shall be made in accordance with the provisions of part 720 entitled "Disclosures of Official Records and Information" of this chapter. Such requests shall be directed to the National Credit Union Board management officer who shall be the assistant administrator for Administration.

§ 722.5 Administrative remedies.

(a) *Records.*—Any person whose request for access to a National Credit Union Board record or document is denied, may seek administrative review of that denial by the Administrator in accordance with the provisions of § 720.4 *Procedure for denials and review of denials of request for records* of this chapter.

(b) *Other matters.*—(1) When there is an allegation of noncompliance with the Federal Advisory Committee Act, of the regulations contained in this part, the allegation shall be filed with the Administrator, in writing, and shall set forth, in detail, the facts constituting the alleged noncompliance.

(2) Complaints under paragraph (b) (1) of this section shall be filed with the Administrator within 35 days after the date of the alleged noncompliance.

(3) The Administrator shall consider the complaint and allegation contained therein and promptly notify, in writing, the complainant of the disposition of the complaint.

[FR Doc.73-8889 Filed 5-4-73;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Releases Nos. 33-5386, 34-10116]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Disclosure With Respect to Compliance With Environmental Requirements and Other Matters

The Securities and Exchange Commission today adopted amendments to its registration and reporting forms to require more meaningful disclosure of certain items pertaining to business and litigation, and particularly as to the effect upon the issuer's business of compliance with Federal, State, and local laws and regulations relating to the protection of the environment. The forms which are amended are forms S-1 [17 CFR 239.11], S-7 [17 CFR 239.26], and S-9 [17 CFR 239.22] under the Securities Act of 1933 and forms 10 [17 CFR 249.210], 10-K [17 CFR 249.310], and 8-K [17 CFR 249.308] under the Securities Exchange Act of 1934. This action is being taken pursuant to the National Environmental Policy Act (NEPA).

The Commission notes that section 105 of the NEPA states that the policies and goals set forth therein are supplementary to those in existing authorizations of Federal agencies. Having considered the public comments on Securities Act Release No. 5235 (February 16, 1972) [37 FR 4365] it is the Commission's opinion that the amendments will promote investor protection and at the same time promote the purposes of NEPA.

The amendments adopted herewith will require as a part of the description of an issuer's business, appropriate disclosure with respect to the material effects which compliance with environmental laws and regulations may have upon the capital expenditures, earnings and competitive position of the issuer and its subsidiaries. Other amendments describe the extent to which litigation disclosures should contain specific descriptions of environmental proceedings. These amendments obviate the need for the environmental disclosure guidelines set forth in part I of Securities Act Release No. 5170 (July 19, 1971) [36 FR 13989] and accordingly these amendments will supersede such guidelines.

I. *Description of Business.*

The description of business items in the forms require information concerning business done and intended to be done with respect to the development of business during prior years and in future periods. The amendments emphasize the possible future effect of environmental statutes and regulations, and proceedings thereunder, on the issuer, and they specify the information to be furnished in connection with the description of business. Under the description of business items, the amendments require disclosure of the:

> * * * material effects that compliance with Federal, State, and local provisions regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries.

The Commission is aware that the amendments do not specify any minimum or maximum time period in the future required to be described. However, inasmuch as environmental compliance programs for different industries may involve substantially differing leadtimes, the Commission feels the time period is best left unspecified. If management has a reasonable basis to believe that future environmental compliance may have a material effect on the issuer's expenditures, earnings, or competitive position in the industry, then such matters should be disclosed.

Expenditures solely attributable to compliance with environmental provisions should be disclosed if material. When expenditures are partly for the replacement, modification, or addition of

equipment or facilities, and partly for the purpose of complying with any environmental provisions, management should estimate the cost of environmental compliance when there is a reasonable basis to segregate such amount. Such disclosures should be based upon all information reasonably known to management and should not be calculated and stated on an annual basis when such would diminish the apparent materiality of the expenditures or result in nondisclosure.

II. *Legal Proceedings.*

The amendments include several revisions relative to disclosure requirements for legal proceedings. It is noted that some of the forms have a separate item for legal proceedings; others contain requirements or instructions under the business caption.

A. Item 12 of form S–1 now generally requires information as to material legal proceedings "known to be contemplated by governmental authorities." The Commission has adopted amendments the same as those published for comment to include a requirement similar to that in form S–1 in item 10 of form 10 and item 5 of form 10–K. The requirement is applicable to proceedings relating to environmental matters as well as to other types of proceedings.

B. The existing requirements in the various forms pertaining to disclosure of litigation generally call only for a description of certain proceedings. The Commission has adopted amendments to forms S–1, 10, 10–K, and 8–K, as published for comment, to require a description of the factual basis of the proceedings and the relief sought. The Commission notes that nothing in the amendments alters the present practice permitting in disclosures of legal proceedings, counsel's opinion as to the meritorious character of the claim and as to the validity of alleged defense or cross-claims.

C. Heretofore, instructions under item 12 of form S–1, item 10 of form 10, item 5 of form 10–K, and item 3 of form 8–K have stated that a legal proceeding is not material if it involves primarily a claim for damages and if the amount involved does not exceed 15 percent of the issuer's current assets on a consolidated basis. The amendments adopt the proposals published for comment to reduce this standard of economic materiality to 10 percent of current assets, as being a more realistic test of materiality and one which conforms to other similar standards appearing elsewhere in the Commission's rules and forms. This reduction will apply to all forms of litigation, regardless of whether it is related to the environment.

D. Presently, the instructions to the items of the forms mentioned in the preceding paragraph state that even though a legal proceeding does involve damages in an amount meeting the standard of economic materiality, information need not be given if the proceeding is considered "ordinary routine litigation incidental to the business." The Commission has adopted amendments to the instructions to the litigation items to state that administrative or judicial proceedings arising under any Federal, State, or local provision regulating the discharge of materials into the environment, or otherwise specifically relating to the protection of the environment, shall not be considered "ordinary routine litigation incidental to the business," and shall be described if such proceeding is material to the business or financial condition of the registrant or if it involves primarily a claim for damages and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis.

E. At the present time, the Commission's disclosure forms contain no specific requirement for obtaining descriptions of environmentally related proceedings, although certain descriptions are called for in Securities Act Release No. 5170. Securities Act Release 5235 proposed a revision to the litigation items to indicate, generally, that any environmentally related administrative or judicial proceeding by governmental authority shall be deemed material and shall be described. The Commission at this time believes that the proposal on this matter is too broad and that the disclosures elicited by the proposal generally would cause the disclosure documents filed with the Commission to be excessively detailed without commensurate benefit to average investors. Accordingly, the Commission has revised the proposal published for comment to indicate that detailed disclosure of each such proceeding need not be given. Instead, issuers may set forth groupings of similar proceedings, specifying the number of such proceedings in each group, giving generic descriptions thereof, stating the issues generally involved, and, if such proceedings in the aggregate are material to the business of financial condition of the issuer, describing the effect of such proceedings on the issuer. Any such single proceeding, whether public or private, involving a claim for damages in excess of 10 percent of the issuer's current assets on a consolidated basis, or which otherwise may be material, should be individually described. The proposals under the instructions to the litigation headings included the following sentence: "Any such proceedings by private parties shall be described if material." Under the amendments adopted, that sentence is deleted as being redundant; other provisions of the amendments establish that private environmentally related proceedings shall be described if they are material. The Commission intends to review the disclosures resulting from this requirement to determine whether subsequent modification is appropriate, in the public interest and for the protection of investors in such a manner as will promote the purposes of NEPA.

III. *General.*

Under amendments to the description of business and the litigation items, the types of environmental provisions dealt with are those "regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment." The Commission recognizes that this description, particularly the last clause thereof, is broad. Also, with respect to certain types of provisions, the description may not give a precise answer as to whether or not a given provision lies within the description quoted. To provide assistance to issuers, the staff will be available to respond to written inquiries.

Commission action.—Pursuant to authority in sections 6, 7, 8, 10, and 19(a) of the Securities Act of 1933 and sections 12, 13, 15(d), and 23(a) of the Securities Exchange Act of 1934, the Commission hereby amends §§ 239.11, 239.26, 239.22, 249.210, 249.310, and 249.308 of chapter II of title 17 of the Code of Federal Regulations all as set forth below:

I. § 239.11 is amended as follows:

A. Item 9(a) of § 239.11 is amended by adding thereto a new instruction 5 reading as follows:

5. Appropriate disclosure shall also be made as to the material effects that compliance with Federal, State, and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings, and competitive position of the registrant and its subsidiaries.

B. Item 12 of § 239.11 is amended to read as follows:

Item 12. Legal Proceedings.

Briefly describe any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the registrant or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, and the principal parties, thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

Instructions. 1. [No change.]

2. No information need be given with respect to any proceeding which involves primarily a claim for damages if the amount involved exclusive of interest and costs, does not exceed 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis. However, if any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

3. [No change.]

4. Notwithstanding the foregoing, administrative or judicial proceedings arising under any Federal, State, or local provisions regulating the discharge of materials into the environment or otherwise relating to the protection of the environment shall not be deemed "ordinary routine litigation incidental to the business" and shall be described if such proceeding is material to the business or financial condition of the registrant or if it involves primarily a claim for damages and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis. Any such proceedings by governmental authorities shall be deemed material and shall be described whether or

not the amount of any claim for damages involved exceeds 10 percent of current assets on a consolidated basis and whether or not such proceedings are considered "ordinary routine litigation incidental to the business": *Provided, however,* That such proceedings which are similar in nature may be grouped and described generically stating: The number of such proceedings in each group; a generic description of such proceedings; the issues generally involved; and, if such proceedings in the aggregate are material to the business or financial condition of the registrant, the effect of such proceedings on the business or financial condition of the registrant.

II. § 239.26 is amended as follows:

A. Item 5(a) of § 239.26 is amended to read as follows:

(a) Identify the business done and intended to be done by the registrant and its subsidiaries. In the case of an extractive enterprise, give appropriate information as to development, reserves, and prodution. Appropriate disclosure shall be made with respect to (i) any portion of the business which may be subject to renegotiation of profits or termination of contracts or subcontracts at the election of the Government, and (ii) the material effects that compliance with Federal, State, and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings and competitive position of the registrant and its subsidiaries.

B. Item 5(e) of § 239.26 is amended to read as follows:

(e) Briefly describe any pending legal proceedings to which the registrant or any of its subsidiaries is a party which may have a substantial effect upon the earnings or financial condition of the registrant, and any administrative or judicial proceedings (i) now pending, or (ii) known to be contemplated by governmental authorities, arising under any Federal, State, or local provisions referred to in (a)(ii) above, including the name of the court or agency, the factual basis alleged to underlie the proceeding, and the relief sought.

III. § 239.22 is amended as follows:

A. Item 3 of § 239.22 is amended by adding thereto the following new paragraph (c):

(c) Appropriate disclosure shall be made as to the material effects that compliance with Federal, State, and local provisions regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings, and competitive position of the registrant and its subsidiaries.

IV. § 249.210 is amended as follows:

A. Item 1(b) of § 249.210 is amended by adding thereto a new instruction 6 reading as follows:

6. Appropriate disclosure shall also be made as to the material effects that compliance with Federal, State, and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings, and competitive position of the registrant and its subsidiaries.

B. Item 10 of § 249.210 is amended as follows:

Item 10. Legal Proceedings.

Briefly describe any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the registrant or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceeding, and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

Instructions. 1. [No change.]

2. No information need to be given with respect to any proceeding which involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis. However, if any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

3. [No change.]

4. Notwithstanding the foregoing, administrative or judicial proceedings arising under any Federal, State, or local provisions which have been enacted or adopted regulating the discharge of materials into the environment or otherwise relating to the protection of the environment, shall not be deemed "ordinary routine litigation incidental to the business" and shall be described if such proceeding is material to the business or financial condition of the registrant or if it involves primarily a claim for damages and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis. Any such proceedings by governmental authorities shall be deemed material and shall be described whether or not the amount of any claim for damages involved exceeds 10 percent of current assets on a consolidated basis and whether or not such proceedings are considered "ordinary routine litigation incidental to the business": *Provided, however,* That such proceedings which are similar in nature may be grouped and described generically stating: The number of such proceedings in each group; a generic description of such proceedings; the issues generally involved; and, if such proceedings in the aggregate are material to the business or financial condition of the registrant, the effect of such proceedings on the business or financial condition of the registrant.

V. § 249.310 is amended as follows:

A. Item 1(b) of § 249.310 is amended by adding thereto a new paragraph reading as follows:

(7) The material effects that compliance with Federal, State, and local provisions which have been enacted or adopted regulating the discharge of materials into the environment, or otherwise relating to the protection of the environment, may have upon the capital expenditures, earnings, and competitive position of the registrant and its subsidiaries.

B. Item 5 of § 249.310 is amended to read as follows:

Item 5. Legal Proceedings.

Briefly describe any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the registrant or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceeding, and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

Instructions. 1. [No change.]

2. No information need be given with respect to any proceeding which involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis. However, if any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

3. [No change.]

4. Notwithstanding the foregoing, administrative or judicial proceedings arising under any Federal, State, or local provisions which have been enacted or adopted regulating the discharge of materials into the environment or otherwise relating to the protection of the environment, shall not be deemed "ordinary routine litigation incidental to the business" and shall be described if such proceeding is material to the business or financial condition of the registrant or if it involves primarily a claim for damages and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis. Any such proceedings by governmental authorities shall be deemed material and shall be described whether or not the amount of any claim for damages involved exceeds 10 percent of current assets on a consolidated basis and whether or not such proceedings are considered "ordinary routine litigation incidental to the business": *Provided, however,* That such proceedings which are similar in nature may be grouped and described generically stating: The number of such proceedings in each group; a generic description of such proceedings; the issues generally involved; and, if such proceedings in the aggregate are material to the business or financial condition of the registrant, the effect of such proceedings on the business or financial condition of the registrant.

VI. § 249.308 is amended as follows:

A. Item 3 of § 249.308 is amended to read as follows:

Item 3. Legal Proceedings.

(a) Briefly describe any material legal proceedings, other than ordinary routine litigation incidental to the business, to which the registrant or any of its subsidiaries has become a party or of which any of their property has become the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to under the proceedings, and the relief sought.

(b) [No change.]

Instructions. 1. [No change.]

2. No information need be given with respect to any proceeding which involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis. However, if any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

3. [No change.]

4. Notwithstanding the foregoing, administrative or judicial proceedings arising under any Federal, State, or local provisions regulating the discharge of materials into the environment or otherwise relating to the protection of the environment, shall not be deemed "ordinary routine litigation incidental to the business" and shall be described if such proceeding is material to the business or financial condition of the registrant or if it involves primarily a claim for damages and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis. Any such proceedings by governmental authorities shall be deemed material and shall be described whether or not the amount of any claim for damages involved exceeds 10 percent of current assets on a consolidated basis and whether or not such proceedings are considered "ordinary routine litigation incidental to the business": *Provided, however,* That such proceedings which are similar in nature may be grouped and described generically stating: The number of such proceedings in each group; a generic description of such proceedings; the issues generally involved; and, if such proceedings in the aggregate are material to the business or financial condition of the registrant, the effect of such proceedings on the business or financial condition of the registrant.

The foregoing amendments shall be effective with respect to reports and registration statements filed on or after July 3, 1973.

[SEAL] RONALD F. HUNT,
Secretary.

APRIL 20, 1973.

[Secs. 6, 7, 8, 10, 19(a), 48 Stat. 78, 79, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 301, 54 Stat. 857; sec. 8, 68 Stat. 685; 15 U.S.C. 77f, 77g, 77h, 77j, 77s(a); secs. 12, 13, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; sec. 203(a), 49 Stat. 704; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 2, 52 Stat. 1075; sec. 202, 68 Stat. 686; secs. 3, 4, 6, 10, 78 Stat. 565, 569, 570, 580; secs. 1, 2, 82 Stat. 454; secs. 1, 2, 3, 4, 5, Public Law 91-567, 15 U.S.C. 78l, 78m, 78o(d), 78w(a).]

[FR Doc.73-9093 Filed 5-8-73;8:45 am]

[Release No. 34-10093]

PART 240—GENERAL RULES AND REGULATIONS SECURITIES EXCHANGE ACT OF 1934

Indefinite Continual Suspension of Exempted Securities

On January 30, 1973, in Securities Exchange Act Release No. 9974 (37 FR 4401), the Commission suspended the operation of paragraph (m) of rule 15c3-3 under the Securities Exchange Act of 1934 as to sell orders for exempted securities (e.g., U.S. Government and municipal obligations) until March 1, 1973,[1] and requested the comments of interested persons regarding the operational problems encountered by customers in making deliveries of exempted securities within the designated time frame of paragraph (m). The Commission has carefully considered the comments received and has determined that due to representations made concerning possible operational hardships that may result from attempts to buy-in exempted securities, particularly municipal obligations, the Commission will continue the suspension of paragraph (m) with respect to exempted securities for an indefinite period.[2]

The Commission has been advised that primarily because of the very thin floating supply and numerous serial maturities of municipal obligations such securities may be difficult to buy-in and very often contracts to purchase such obligations may remain failing for long periods of time.

The Commission believes that the failure or inability of customers, whether they be public customers, financial institutions or banks, and broker-dealers to make timely delivery of such obligations is a problem requiring the Commission's continuing attention, particularly in light of the obligations of SIPC to complete the open contractual commitments of insolvent broker-dealers in which a customer has an interest and in light of the Commission's desire to improve the processing of securities transactions. The Commission believes that the problem requires further study before any final conclusions and determinations can be made. Therefore, the Commission has today sent a letter to all registered national securities exchanges and the National Association of Securities Dealers, Inc. (NASD) requesting them to adopt procedures for monitoring failing contracts and open transactions in exempted securities of both customers and broker-dealers and the methods by which such contracts and transactions are closed out.

The indefinite suspension of paragraph (m) with regard to exempted securities relieves a restriction within the meaning of 5 U.S.C. 553(d) and is effective immediately.

The following is the text of the letter sent to all registered national securities exchanges and the NASD:

To Presidents of Self-Regulatory Organizations:

On January 30, 1973, in Exchange Act Release No. 9974, the Commission suspended the buy-in provision found in paragraph (m) of rule 15c3-3 with respect to exempted securities until March 1, 1973 and requested comments from interested parties regarding the operational problems encountered by customers in making deliveries of exempted securities within the designated time frame of paragraph (m). In Exchange Act Release No. 10020, the Commission continued that suspension until April 10, 1973 and today has determined to continue the suspension until further notice. It has been represented to the Commission, is such that it is difficult to buy-in customers who fail to make timely delivery of their securities to a broker-dealer after sale. There are limited statistics as to the nature and extent of failing contracts and open transactions in exempted securities and the manner in which those failing contracts and transactions are eventually settled or closed out.

In order for the Commission to evaluate the extent of the problems associated with the failure of customers, financial institutions, banks, exempt dealers or broker-dealers to make timely settlements of exempted securities to fulfill the Commission's obligation to insure the expeditious processing of securities transactions, the Commission requests your organization to adopt procedures for monitoring such failing contracts and open transactions. It is suggested that the information regarding exempted securities should include the number of such failing contracts and open transactions in exempted securities and the dollar amount thereof whether due to or from customers, financial institutions, banks, exempt dealers or broker-dealers. The monitored data should also indicate the manner in which such transactions and contracts are eventually closed out. Such failing contracts and transactions should be aged to indicate those which have not been settled within 10 business days after settlement date and those which have not been settled within 30 calendar days after settlement date.

As this matter is of importance in the performance of the Commission's obligations under the Federal securities laws to protect the integrity of customers' funds and securities and of the SIPC Fund and to improve the processing of securities transactions, we would appreciate it if you would act promptly to adopt such procedures.

If you have any further questions on this matter, please do not hesitate to contact us.

Sincerely,

LEE A. PICKARD,
Director.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

APRIL 10, 1973.

[FR Doc.73-9126 Filed 5-8-73;8:45 am]

---

[1] The suspension was continued until April 10, 1973 (see Securities Exchange Act Release No. 10020, March 1, 1973) [37 FR 6277].

[2] Broker-dealers are reminded that paragraph (m) remains in effect as to the sale transactions by all customers with regard to all securities other than exempted securities.

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER J—RIGHT-OF-WAY AND ENVIRONMENT

PART 790—PUBLIC HEARINGS (CORRIDOR AND DESIGN)

This amendment adds a new part, part 790, to the regulations of the Federal Highway Administration.

Part 790 implements 23 U.S.C. 128, which requires public hearings in Federal-aid highway projects and 23 U.S.C. 109(h) requiring the promulgation of guidelines designed to insure that possible adverse social, economic, and environmental effects have been fully considered in the development of Federal-aid highway projects. It establishes rules intended to afford full opportunity for effective public participation in the consideration of highway location and design proposals by highway departments before submission to the Federal Highway Administration for approval.

It codifies policies and procedures previously contained in Federal Highway Administration Policy and Procedures Memorandum 20-8 and Instructional Memorandums IM 20-3-72 and 20-4-72.

In consideration of the foregoing, effective May 9, 1973, chapter 1 of title 23,

Code of Federal Regulations is amended by adding a new part, "Part 790—Public Hearings (Corridor and Design).

Sec.

AUTHORITY.—23 U.S.C. 101 et seq., 109(h), 128, 315, 49 U.S.C. 1651 (a) and (a)(2), 1657(e)(1) and 49 CFR 1.48(b).

§ 790.1 Purpose.

(a) The purpose of this part is to insure, to the maximum extent practicable, that highway locations and designs reflect and are consistent with Federal, State, and local goals and objectives. The rules, policies, and procedures established by this part are intended to afford full opportunity for effective public participation in the consideration of highway location and design proposals by highway departments before submission to the Federal Highway Administration (FHWA) for approval. They provide a medium for free and open discussion and are designed to encourage early and amicable resolution of controversial issues that may arise.

(b) This part requires State highway departments to consider fully a wide range of factors in determining highway locations and highway designs. It provides for extensive coordination of proposals with public and private interests. In addition, it provides for a two-hearing procedure designed to give all interested persons an opportunity to become fully acquainted with highway proposals of concern to them and to express their views at those stages of a proposal's development when the flexibility to respond to these views still exists.

(c) This part is further designed to assure that:

(1) Possible adverse economic, social, and environmental effects relating to any proposed federally funded project on any Federal-aid highway system have been fully considered in developing such project, and that

(2) Final decisions on the project are made in the best overall public interest, taking into consideration the need for fast, safe, and efficient transportation, public services, and the costs of eliminating or minimizing adverse effects.

§ 790.2 Applicability.

(a) This part applies to all Federal-aid highway projects.

(b) If preliminary engineering or acquisition of right-of-way related to an undertaking to construct a portion of a Federal-aid highway project is carried out without Federal-aid funds, subsequent phases of the work are eligible for Federal-aid funding only if the nonparticipating work after January 18, 1969, was done in accordance with this part.

(c) This part shall not apply to the construction of highway projects where the Federal Highway Administrator has made a formal determination that the construction of the project is urgently needed because of a national emergency, a natural disaster, or a catastrophic failure.

§ 790.3 Definitions.

As used in this part:

(a) A "corridor public hearing" is a public hearing that:

(1) Is held before the route location is approved and before the State highway department is committed to a specific proposal, except as provided in § 790.5(g).

(2) Is held to ensure that an opportunity is afforded for effective participation by interested persons in the process of determining the need for, and the location of, a Federal-aid highway; and

(3) Provides a public forum that affords a full opportunity for presenting views on each of the proposed alternative highway locations and the social, economic, and environmental effects of those alternate locations.

(b) A "highway design public hearing" is a public hearing that:

(1) Is held after the route location has been approved, but before the State highway department is committed to a specific design proposal, except as provided in § 790.5(g).

(2) Is held to ensure that an opportunity is afforded for effective participation by interested persons in the process of determining the specific location and major design features of a Federal-aid highway; and

(3) Provides a public forum that affords a full opportunity for presenting views on major highway design features, including the social, economic, environmental, and other effects of alternate designs.

(c) "Social, economic, and environmental effects" means the direct and indirect benefits or losses to the community and to highway users. It includes such effects that are relevant and applicable to the particular location or design under consideration as to:

(1) Regional and community growth including general plans and proposed land use, total transportation requirements, and status of the planning process.

(2) Conservation and preservation including soil erosion and sedimentation, the general ecology of the area as well as manmade and other natural resources, such as: park and recreational facilities, wildlife and waterfowl areas, historic and natural landmarks.

(3) Public facilities and services including religious, health, and educational facilities; and public utilities, fire protection and other emergency services.

(4) Community cohesion including residential and neighborhood character and stability, highway impacts on minority and other specific groups and interests, and effects on local tax base and property values.

(5) Displacement of people, businesses, and farms including relocation assistance, availability of adequate replacement housing, economic activity (employment gains and losses, etc.).

(6) Air, noise, and water pollution including consistency with approved air quality implementation plans, FHWA noise level standards, and any relevant Federal or State water quality standards (as set forth in Parts 770, 771, 772, and 773 of this chapter).

(7) Aesthetic and other values including visual quality, such as: "view of the road" and "view from the road," and the joint development and multiple use of space.

This listing is not meant to be exclusive, nor does it mean that each effect considered must be given equal weight in making a determination upon a particular highway location or design. (See § 790.8.)

(d) "Design approval" means that action or series of actions by which the FHWA indicates to the State highway department that the essential elements of a highway as set out in § 790.9 are satisfactory or acceptable for preparation of plans, specifications and estimates for actual construction (PS&E approval).

§ 790.4 Coordination.

(a) When a State highway department begins considering the development or improvement of a traffic corridor in a particular area, it shall solicit the views of that State's resources, recreation, and planning agencies, and of those Federal agencies and local public officials and agencies, and public advisory groups which the State highway department knows or believes might be interested in or affected by the development or improvement. The State highway department shall establish and maintain a list upon which any Federal agency, local public official or public advisory group may enroll, upon its request, to receive notice of projects in any area specified by that agency, official, or group. The State highway departments are also encouraged to establish a list upon which other persons and groups interested in highway corridor locations may enroll in order to have their views considered. If the corridor affects another State, views shall also be solicited from the appropriate agencies within that State. All written views received as a result of coordination under this paragraph must be made available to the public as a part of the public hearing procedures set forth in § 790.7.

(b) Other public hearings or informal public meetings, clearly identified as such, may be desirable either before the study of alternate routes in the corridor begins or as it progresses to inform the public about highway proposals and to obtain information from the public which might affect the scope of the study or the choice of alternatives to be considered, and which might aid in identification of critical social, economic and environ-

mental effects at a stage permitting maximum consideration of these effects. State highway departments are encouraged to hold such a hearing or meeting whenever that action would further the objectives of this part or would otherwise serve the public interest.

§ 790.5 Hearing requirements.

(a) Both a corridor public hearing and a design public hearing must be held, or an opportunity afforded for those hearings, with respect to each Federal-aid highway project that:

(1) Is on a new location; or

(2) Would have a substantially different social, economic, or environmental effect; or

(3) Would essentially change the layout or function of connecting roads or streets.

However, with respect to Secondary Road Plan projects which are subject to this part, two hearings are not required on a project covered by paragraph (a) (1) or (2) of this section, unless it will carry an average of 750 vehicles a day in the year following its completion.

(b) A single combined corridor and highway design public hearing must be held, or the opportunity for such a hearing afforded, on all other projects before route location approval, except as provided in paragraph (c) of this section.

(c) Hearings are not required for those projects that are solely for such improvements as resurfacing, widening existing lanes, adding auxiliary lanes, replacing existing grade separation structures, installing traffic control devices or similar improvements, unless the project:

(1) Requires the acquisition of additional right-of-way; or

(2) Would have an adverse effect upon abutting real property; or

(3) Would change the layout or function of connecting roads or streets or of the facility being improved.

(d) With respect to a project on which a hearing was held, or an opportunity for a hearing afforded, before January 18, 1969, the following requirements apply:

(1) With respect to projects which have not received location approval:

(i) If location approval is not requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the corridor hearing requirements is required unless a substantial amount of right-of-way has been acquired.

(ii) If location approval is requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the corridor hearing requirements is not required.

(2) With respect to those projects which have not received design approval:

(i) If design approval is not requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the design hearing requirements is required.

(ii) If design approval is requested within 3 years after the date of the hearing or an opportunity for a hearing, compliance with the design hearing requirements is nevertheless required unless the Division Engineer finds that the hearing adequately dealt with design issues relating to major design features.

(e) If location approval is not requested within 3 years after the date of the related corridor hearing held, or an opportunity for a hearing afforded, under this part, a new hearing must be held or the opportunity afforded for such a hearing.

(f) If design approval is not requested within 3 years after the date of the related design hearing held, or an opportunity for a hearing afforded, under this part, a new hearing must be held or the opportunity afforded for such a hearing.

(g) With respect to any project for which a public hearing has been held under Federal-aid procedures, and for which it is determined by the State highway department and the Division Engineer that a new hearing is desirable to consider supplemental information on social, economic, or environmental effects relative to proposals presented at a previous public hearing or with respect to additional proposals, then, as appropriate, a new corridor or design hearing should be held. When recommended by the State and approved by the Division Engineer, a new corridor hearing held in accordance with this paragraph may be combined with the design hearing, whether or not a design hearing for the project has been previously held. In such instances, the location shall be reconsidered and a new request for location approval shall be submitted together with the request for design approval.

§ 790.6 Opportunity for public hearings.

(a) A State may satisfy the requirements for a public hearing by (1) holding a public hearing, or (2) publishing two notices of opportunity for public hearing and holding a public hearing if any written requests for such a hearing are received. The procedure for requesting a public hearing shall be explained in the notice. The deadline for submission of such a request may not be less than 21 days after the date of publication of the first notice of opportunity for public hearing, and no less than 14 days after the date of publication of the second notice of opportunity for public hearing.

(b) A copy of the notice of opportunity for public hearing shall be furnished to the Division Engineer at time of publication. If no requests are received in response to a notice within the time specified for the submission of those requests, the State highway department shall certify that fact to the Division Engineer.

(c) The opportunity for another public hearing shall be afforded in any case where proposed locations or designs are so changed from those presented in the notices specified above or at a public hearing as to have a substantially different social, economic, or environmental effect, or where § 790.5(g) is applicable.

(d) The opportunity for a public hearing shall be afforded in each case in which either the State highway department or the Division Engineer is in doubt as to whether a public hearing is required.

(e) Public hearing procedures authorized and required by State law may be followed in lieu of any particular hearing requirement of this section or § 790.7, if, in the opinion of the Administrator, such procedures are reasonably comparable to that requirement.

§ 790.7 Public hearing procedures.

(a) Notice of public hearing:

(1) When a public hearing is to be held, a notice of public hearing shall be published at least twice in a newspaper having general circulation in the vicinity of the proposed undertaking. The notice should also be published in any newspaper having a substantial circulation in the area concerned; such as foreign language newspapers and local community newspapers. The first of the required publications shall be from 30 to 40 days before the date of the hearing, and the second shall be from 5 to 12 days before the date of the hearing. The timing of additional publications is optional.

(2) In addition to publishing a formal notice of public hearing, the State highway department shall mail copies of the notice to appropriate news media, the State's resource, recreation, and planning agencies, and appropriate representatives of the Departments of Interior and Housing and Urban Development. The State highway department shall also mail copies to other Federal agencies, and local public officials, public advisory groups and agencies who have requested notice of hearing and other groups or agencies who, by nature of their function, interest, or responsibility the highway department knows or believes might be interested in or affected by the proposal. The State highway department shall establish and maintain a list upon which any Federal agency, local public official, public advisory group or agency, civic association or other community group may enroll upon its request to receive notice of projects in any area specified by that agency, official, or group.

(3) Each notice of public hearing shall specify the date, time, and place of the hearing and shall contain a description of the proposal. To promote public understanding, the inclusion of a map or other drawing as part of the notice is encouraged. The notice of public hearing shall specify that maps, drawings, and other pertinent information developed by the State highway department and written views received as a result of the coordination outlined in § 790.4(a) will be available for public inspection and copying and shall specify where this information is available; namely, at the nearest State highway department office or at some other convenient location in the vicinity of the proposed project.

(4) A notice of highway design public hearing shall indicate that tentative schedules for right-of-way acquisition and construction will be discussed.

(5) Notices of public hearing shall indicate that relocation assistance programs will be discussed.

(6) The State highway department shall furnish the Division Engineer with a copy of the notice of public hearing at the time of first publication.

(b) Conduct of public hearing:

(1) Public hearings are to be held at a place and time generally convenient for persons affected by the proposed undertaking.

(2) Provision shall be made for submission of written statements and other exhibits in place of, or in addition to, oral statements at a public hearing. The procedure for the submissions shall be described in the notice of public hearing and at the public hearing. The final date for receipt of such statements or exhibits shall be at least 10 days after the public hearing.

(3) At each required corridor public hearing, pertinent information about location alternatives studied by the State highway department shall be made available. At each required highway design public hearing information about design alternatives studied by the State highway department shall be made available.

(4) The State highway department shall make suitable arrangements for responsible highway officials to be present at public hearings as necessary to conduct the hearings and to be responsive to questions which may arise.

(5) The State highway department shall describe the State-Federal relationship in the Federal-aid highway program by an appropriate brochure pamphlet, or statement, or by other means.

(6) A State highway department may arrange for local public officials to conduct a required public hearing. The State shall be appropriately represented at such public hearing and is responsible for meeting other requirements of this part.

(7) The State highway department shall explain the relocation assistance program and relocation assistance payments available.

(8) At each public hearing the State highway department shall announce or otherwise explain that, at any time after the hearing and before the location or design approval related to that hearing, all information developed in support of the proposed location or design will be available upon request, for public inspection and copying.

(9) To improve coordination with the State highway department, it is desirable that the Division Engineer or his representative attend a public hearing as an observer. At a hearing, he may properly explain procedural and technical matters, if asked to do so. An FHWA decision regarding a proposed location or design will not be made before the State highway department has requested location or design approval in accordance with § 790.9.

(c) Transcript:

(1) The State highway department shall provide for the making of a verbatim written transcript of the oral proceedings at each public hearing. It shall submit a copy of the transcript to the Division Engineer within a reasonable period (usually less than 2 months) after the public hearing, together with:

(i) Copies of, or reference to, or photographs of each statement or exhibit used or filed in connection with a public hearing.

(ii) Copies of, or reference to, all information made available to the public before the public hearing.

(2) The State highway department shall make copies of the materials described in paragraph (c)(1) of this section available for public inspection and copying not later than the date the transcript is submitted to the Division Engineer.

§ 790.8 Guidelines for consideration of social, economic, and environmental effects.

(a) *Pre-September 29, 1972.* State highway departments shall consider social, economic, and environmental effects before submission of requests for location or design approval, whether or not a public hearing has been held. Consideration of social, economic, and environmental effects shall include an analysis of information submitted to the State highway department in connection with public hearings or in response to the notice of the location or design for which a State highway department intends to request approval. It shall also include consideration of information developed by the State highway department or gained from other contacts with interested persons or groups.

(b) *Modified guidelines—Post-September 29, 1972—(1) Application.* These modified guidelines apply to projects which have not received PS&E approval as of September 29, 1972. They do not apply to projects which are already in various stages of physical construction or are exempt under the emergency provisions of § 790.2(c).

(2) *Procedures.* (i) Projects for which location and/or design approval are requested after September 29, 1972, in accordance with § 790.9 cannot receive such approval unless the request for location and design approval, is accompanied by reports and other documents showing that the development of the project has taken into consideration the need for fast, safe, and efficient transportation together with highway costs, traffic benefits and public services including provisions of national defense; and which, to the extent applicable, discuss the anticipated economic, social, and environmental effects, as defined in § 790.3(c), of the proposal and alternatives under consideration.

(ii) In addition to coverage of the significant differences and reasons supporting the alternative locations and designs, discussions of the required items in § 790.3(c) and other economic, social, and environmental effects, which were raised during public hearings or which were otherwise considered, shall include: (A) Identification of the adverse effects, (B) appropriate measures to eliminate or minimize the adverse effects, (C) the estimated costs (expressed in either monetary, numerical, or qualitative terms) of the measures considered.

(iii) The degree of analysis of the items may vary, depending upon the scope and the nature of project, the stage of project development, and the extent of the adverse effect.

(iv) Where material required by this paragraph has been previously submitted pursuant to other requirements, such as those in § 790.9 or in Part 770 of this chapter, the State highway department may either resubmit such material or make reference to it.

(v) Projects which have already received design approval, as defined herein, as of September 29, 1972, may receive PS&E approval, if, otherwise satisfactory, on the basis of past State highway department submissions which identify and document the economic, social, and environmental effects previously considered with respect to these advanced projects, together with a supplemental report, if necessary, covering the consideration and disposition of the items not previously covered and now listed herein in § 790.3(c). The supplemental report shall be prepared by the State and submitted to the Division Engineer not later than the time of submission of PS&E documents for the next Federal-aid improvement of the highway section. This supplemental documentation may take the form of statements in the program submission (PR–1 or PR–9 forms and attachments), relative to the overall proposal being advanced, unless the Division Engineer determines that a more detailed report is warranted.

§ 790.9 Location and design approval.

(a) This section applies to all requests for location or design approval whether or not public hearings, or the opportunity for public hearings, are required by this part.

(b) Each request by a State highway department for approval of a route location or highway design must include a study report containing the following:

(1) Descriptions of the alternatives considered and a discussion of the anticipated social, economic, and environmental effects of the alternatives, pointing out the significant differences and the reasons supporting the proposed location or design. In addition, the report must include an analysis of the relative consistency of the alternatives with the goals and objectives of any urban plan that has been adopted by the community concerned.

(i) Location study reports must describe the termini, the general type of facility, the nature of the service which the highway is intended to provide, and other major features of the alternatives.

(ii) Design study reports must describe essential elements such as design standards, number of traffic lanes, access control features, general horizontal and vertical alinement, right-of-way requirements and location of bridges, interchanges, and other structures.

(2) Appropriate maps or drawings of the location or design for which approval is requested.

(3) A summary and analysis of the views received concerning the proposed undertaking.

(4) A list of any prior studies relevant to the undertaking.

(c) In addition, each request by a State highway department for approval of a route location or highway design must be accompanied by documentation or reports or other acceptable material indicating compliance with § 790.8.

(d) At the time it requests approval under this section, each State highway department shall publish in a newspaper meeting the requirements of § 790.7(a)(1), a notice describing the location or design, or both, for which it is requesting approval. The notice shall include a narrative description of the location or design. Where practicable, the inclusion of a map or sketch of that location or design is desirable. In any event, the publication shall state that such maps or sketches as well as all other information submitted in support of the request for approval is publicly available at a convenient location.

(e) The following requirements apply to the processing of requests for highway location or highway design approval:

(1) *Location approval.* The Division Engineer may approve a route location and authorize design engineering only after the following requirements are met:

(i) The State highway department has requested route location approval.

(ii) Corridor public hearings required by this part have been held, or the opportunity for hearings has been afforded.

(iii) The State highway department has submitted public hearing transcripts and certificates required by section 128, title 23, United States Code.

(iv) The requirements of this part and of other applicable laws and regulations.

(2) *Design approval.* The Division Engineer may approve the highway design and authorize right-of-way acquisition, approve right-of-way plans, approve construction plans, specifications, and estimates, or authorize construction, only after the following requirements have been met:

(i) The route location has been approved.

(ii) The State highway department has requested highway design approval.

(iii) Highway design public hearings required by this part have been held, or the opportunity for hearings has been afforded.

(iv) The State highway department has submitted the public hearing transcripts and certificates required by section 128, title 23, United States Code.

(v) The requirements of this part and of other applicable laws and regulations.

(f) The Division Engineer, under criteria to be promulgated by the Federal Highway Administrator, may in other appropriate instances authorize the acquisition of right-of-way before a design or corridor hearing.

(g) Secondary Road Plan agreements, unless amended in accordance with subchapter F, part 305, shall incorporate procedures similar to those required for other projects and shall include provisions requiring:

(1) Route location and highway design approval,

(2) Preparation of study reports as described in § 790.9(b), and

(3) Corridor and highway design public hearings in all cases where they would be required for Federal-aid projects not administered under the Secondary Road Plan. Project actions by the Division Engineer or submissions to the Division Engineer which are not now required should not be established for Secondary Road Plan projects as a result of this part.

§ 790.10 Publication of approval.

In cases where a public hearing was held, or the opportunity for a public hearing afforded, the State highway department shall publish notice of the action taken by the Division Engineer on each request for approval of a highway location or design, or both, in a newspaper meeting the requirements of § 790.7(a)(1) within 10 days after receiving notice of that action. The notice shall include a narrative description of the location and/or design, as approved. Where practicable, the inclusion of a map or sketch of that location or design is desirable. In any event, the publication shall state that such maps or sketches as well as all other information concerning the approval is publicly available at a convenient location.

§ 790.11 Reimbursement for public hearing expenses.

Public hearings are an integral part of the preliminary engineering process. Reasonable costs associated with public hearings are eligible for reimbursement with Federal-aid funds on the same basis as other preliminary engineering costs.

R. R. BARTELSMEYER,
Acting Federal Highway Administrator.

[FR Doc.73-9211 Filed 5-8-73;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-119]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Louisiana	Ascension Parish.	Sorrento, Town of.				Apr. 30, 1973. Emergency.
Do.	Assumption Parish.	Napoleonville, Town of.				Do.
Do.	Avoyelles Parish.	Plaucheville, Village of.				May 1, 1973. Emergency.
Do.	Concordia Parish.	Unincorporated areas.				Apr. 30, 1973. Emergency.
Do.	do.	Clayton, Village of.				May 1, 1973. Emergency.
Do.	do.	Ridgecrest, Town of.				Apr. 30, 1973. Emergency.
Do.	do.	Vidalia, Town of.				Do.
Do.	Iberia Parish.	Jeanerette, Town of.				Do.
Do.	LaSalle Parish.	Unincorporated areas.				Do.
Do.	St. Martin Parish.	Henderson, Town of.				Do.
Do.	Terrebonne Parish.	Houma, City of.				Do.
Do.	West Baton Rouge Parish.	Unincorporated areas.				Do.
Do.	do.	Addis, Village of.				Do.
Do.	do.	Brusly, Town of.				Do.
Do.	do.	Port Allen, City of.				Do.
Massachusetts	Barnstable	Falmouth, Town of.	H 25 001 0330 01 through H 25 001 0330 14	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Board of Selectmen, Town of Falmouth, Falmouth, Mass. 02540.	July 23, 1971. Emergency. May 18, 1973. Regular.
Rhode Island	Providence	East Providence, City of.	H 44 007 0057 03 through H 44 007 0057 08	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, R.I. 02907. Rhode Island Insurance Division, 169 Weybosset St., Providence, R.I. 02903.	Department of Planning and Urban Development, Weaver Memorial Bldg., 31 Grove Ave., East Providence, R.I. 02914.	June 5, 1970. Emergency. May 18, 1973. Regular.
Tennessee	Hamilton	Soddy-Daisy, City of.	H 47 065 2260 01 through H 47 065 2260 13	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Soddy-Daisy City Hall, P.O. Box 478, Highway 27, Daisy, Tenn. 37319.	Mar. 3, 1972. Emergency. May 18, 1973. Regular.

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

Issued May 1, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-9006 Filed 5-8-73;8:45 am]

[Docket No. FI-120]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

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

§ 1915.3 **List of communities with special hazard areas.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
Massachusetts	Barnstable	Falmouth, Town of.	I 25 001 0330 01 through I 25 001 0330 14	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, Mass. 02202.	Board of Selectmen, Town of Falmouth, Falmouth, Mass. 02540.	May 18, 1973.
Pennsylvania	Bucks	Falls, Township of.	I 42 017 2778 01 through I 42 017 2778 08	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Township Bldg., 285 Yardley Ave., Falsington, Pa. 19054.	Do.
Rhode Island	Providence	East Providence, City of.	I 44 007 0057 03 through I 44 007 0057 08	Rhode Island Statewide Planning Program, 265 Melrose St., Providence, R.I. 02907. Rhode Island Insurance Division, 169 Weybosset St., Providence, R.I. 02903.	Department of Planning and Urban Development, Weaver Memorial Bldg., 31 Grove Ave., East Providence, R.I. 02914.	June 5, 1970.
Tennessee	Hamilton	Soddy-Daisy, City of.	I 47 065 2260 01 through I 47 065 2260 13	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Soddy-Daisy City Hall, P.O. Box 478, Highway 27, Daisy, Tenn. 37319.	May 18, 1973.

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

Issued May 1, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-9007 Filed 5-8-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Order No. 514-73]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart X—Authorization With Respect to Personnel and Certain Administrative Matters

WAIVER OF CLAIMS FOR ERRONEOUS PAYMENT OF PAY AND ALLOWANCES

Under 5 U.S.C. 5584, a claim of the United States arising out of an erroneous payment of pay to a Federal employee, which is not more than $500, may be waived by the agency head if collection of it would be against equity and good conscience and not in the best interests of the United States. The waiver must be in accordance with standards prescribed by the Comptroller General. Public Law 92-453, approved October 2, 1972, amended 5 U.S.C. 5584 to apply to erroneous payments of certain allowances as well as of pay.

This order amends a provision in the Department of Justice regulations, delegating the Attorney General's authority under 5 U.S.C. 5584 to certain Department officials, to conform with the amendment to the statute and revised regulations of the Comptroller General (37 FR 26095; 4 CFR parts 91-93). The order also adds the Administrator of the Law Enforcement Assistance Administration to the list of Department officials authorized to waive claims.

By virtue of the authority vested in me by 5 U.S.C. 301 and 28 U.S.C. 509 and 510, § 0.155 of subpart X of part 0 of chapter I of title 28, Code of Federal Regulations, is revised to read as follows:

§ 0.155 Waiver of Claims for Erroneous Payments of Pay and Allowances.

The Director of the Federal Bureau of Investigation, the Director of the Bureau of Prisons, the Commissioner of Federal Prison Industries, the Commissioner of Immigration and Naturalization, the Director of the Bureau of Narcotics and Dangerous Drugs, and the Administrator of the Law Enforcement Assistance Administration, as to their respective jurisdictions, and the Assistant Attorney General for Administration as to all other organizational units of the Department (including U.S. Attorneys and Marshals) are authorized to exercise the authority under 5 U.S.C. 5584, as amended by Public Law 92-453, for the waiver of claims of the United States for erroneous payments of pay and allowances to employees of the Department of Justice in accordance with the standards prescribed by the Comptroller General in 4 CFR parts 91-93.

Dated May 2, 1973.

RICHARD G. KLEINDIENST,
Attorney General.

[FR Doc.73-9061 Filed 5-8-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Educational Assistance Allowance; Eligibility and Computation

On page 7403 of the FEDERAL REGISTER of Mar. 21, 1973, there was published a notice of proposed regulatory development to amend §§ 21.3021(a) and 21.4272(d). The change to § 21.3021(a) provides that a child and wife of a serviceman who has a total disability evaluated as total and permanent in nature resulting from a service-connected disability are eligible for educational assistance benefits. The change to § 21.4272 (d) clarifies the present regulation concerning use of the measurement equivalency formula for computation of the educational assistance allowance when the veteran or eligible person pursues a program on other than the standard semester or quarter. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written objections have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date.—These VA regulations are effective May 2, 1973.

Approved May 2, 1973.

By direction of the Administrator,

[SEAL] FRED B. RHODES,
Deputy Administrator.

1. In § 21.3021(a), paragraphs (1)(iii) and (3)(i) are amended to read as follows:

§ 21.3021 Definitions.

(a) "Eligible person" means:

(1) A child of a:

* * * * *

(iii) Veteran or serviceman who has a total disability permanent in nature resulting from a a service-connected disability.

* * * * *

(3) The wife of a:

(i) Veteran or serviceman who has a total disability permanent in nature resulting from a service-connected disability.

* * * * *

2. In § 21.4272, paragraph (d) is amended to read as follows:

§ 21.4272 Collegiate undergraduate; credit-hour basis.

* * * * *

(d) *Courses; measurement equivalency.* Where a term is not a standard semester or quarter as defined in § 21.4200(b), the equivalent for full-time training will be measured by multiplying the credits to be earned in the session by 18 if credit is granted in semester hours, or by 12 if credit is granted in quarters, and dividing the product by the number of whole weeks in the session. The resulting quotient will be the semester hours on which educational assistance allowance will be computed using the criteria of § 21.4270 proper or the criteria of footnote 3 to that section, whichever is appropriate. In determining whole weeks for this formula, 3 days or less will be disregarded and 4 days or more will be considered a full week.

[FR Doc.73-9149 Filed 5-8-73;8:45 am]

Title 43—Public Lands: Interior

CHAPTER II—BUREAU OF LAND MANAGEMENT; DEPARTMENT OF THE INTERIOR

[Circular No. 2342]

PART 1820—APPLICATION PROCEDURES

Subpart 1821—Execution and Filing of Forms

CHANGES OF OFFICIAL TITLES

The purpose of the amendment is to change references to certain officials and offices wherever they appear in chapter II, title 43 of the Code of Federal Regulations, as follows:

1. The title "examiner" or hearing examiner" is changed to "Administrative Law Judge", in conformance with Civil Service Commission notice published in volume 37, No. 162 of the FEDERAL REGISTER dated August 19, 1972.

2. References to Bureau of Land Management offices are changed from "land office", "proper land office" or "district and land office" to "proper office".

3. The references to officials of those offices are changed from "manager" or "land office manager" to "authorized officer."

The latter two changes are in response to office title changes made in the Department of the Interior manual. This notice sets forth the amended text of title 43 of the Code of Federal Regulations, § 1821.2; Office hours; place for filing; time limit; which are general provisions covering all of chapter II.

It is the policy of the Department of the Interior to give notice of proposed rulemaking and to invite the public to participate in rulemaking except where such participation would be impracticable, unnecessary or contrary to the public interest and a specific finding to this effect is published with the rules or regulations (36 FR 8336, May 4, 1971). Public participation is unnecessary in this case since title changes have been made without altering functions or responsibilities of the offices or officials.

1. Section 1821.2 of chapter II, title 43 of the Code of Federal Regulations is revised to read as follows:

§ 1821.2 Office hours; place for filing; time limit.

§ 1821.2–1 Office hours; place for filing.

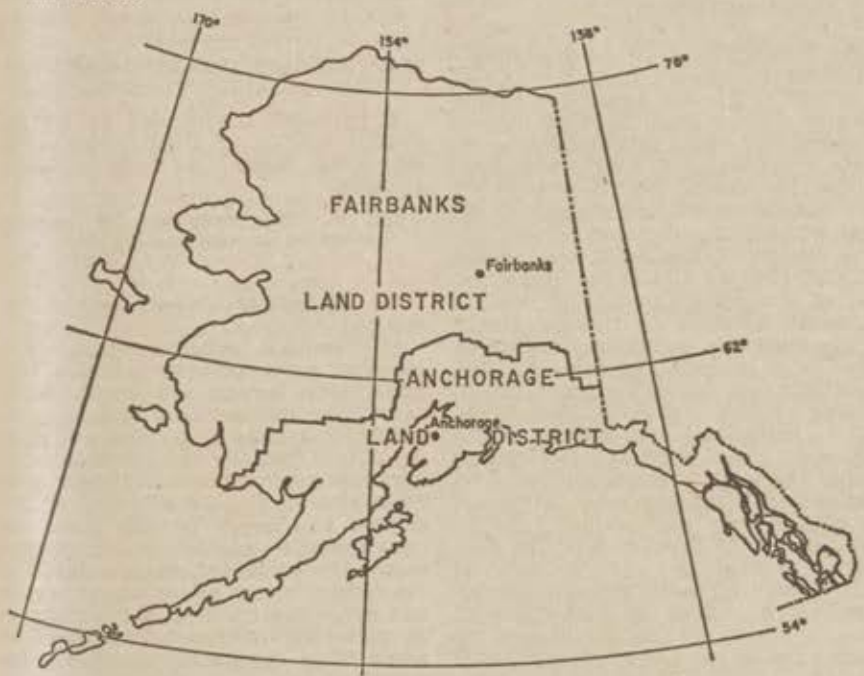
(a) The offices listed in paragraph (d) of this section are open to the public on Monday through Friday for the filing of applications and other documents and inspection of records from 10 a.m. to 4 p.m., standard time or daylight saving time, whichever is in effect at the city in which the office is located, with the exception of those days when the office may be closed because of a national holiday or by Presidential or other administrative order.

(b) Applications and other documents cannot be received for filing by the authorized officer out of office hours, nor elsewhere than at his office; nor can affidavits or proofs be taken by him except in the regular and public discharge of his ordinary duties.

(c) Copies of forms may be obtained from any of the offices listed under paragraph (d) of this section. However, completed forms and other documents must be filed in the office having jurisdiction.

(d) Location of the offices and area of jurisdiction of each office in which applications for rights and privileges under subchapters A, B, and C of this title must be filed are as follows:

Office:	*Area of jurisdiction*
Alaska State Office, 555 Cordova Street, Anchorage, Alaska 99501.	Southern Alaska.[1]
Fairbanks District Office, 1028 Aurora Drive, Fairbanks, Alaska 99707.	Northern Alaska.[1]



FOOTNOTE 1.

Arizona State Office, Federal Building, Phoenix, Ariz. 85025.	Arizona.
California State Office, Federal Building, 2800 Cottage Way, Sacramento, Calif. 95825.	California.
Colorado State Office, Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202.	Colorado.
Eastern States Office, 7981 Eastern Avenue, Silver Spring, Md. 20910.	Arkansas, Iowa, Louisiana, Minnesota, Missouri, and all States east of the Mississippi River.
Idaho State Office, Federal Building, Boise, Idaho 83701.	Idaho.
Montana State Office, Federal Building, and U.S. Courthouse, 316 North 26th Street, Billings, Mont. 59101.	Montana, North Dakota, and South Dakota.
Nevada State Office, Federal Building, and U.S. Courthouse, 300 Booth Street, Reno, Nev. 89502.	Nevada.
New Mexico State Office, U.S. Post Office and Federal Building, South Federal Place, Santa Fe, N. Mex. 87501.	New Mexico, Oklahoma, and Texas.
Oregon State Office, 729 Northeast Oregon Street, Portland, Oreg. 97208.	Oregon and Washington.
Utah State Office, Federal Building, Salt Lake City, Utah 84111.	Utah.
Wyoming State Office, U.S. Post Office and Courthouse, 2120 Capitol Avenue, Cheyenne, Wyo. 82001.	Wyoming, Kansas, and Nebraska.

[1] See diagram for division line.

§ 1821.2–2 Time limit for filing documents.

(a) The authorized officer will reject all applications to make entry which are executed more than 10 days prior to filing.

(b) Such rejections should be subject to the right of appeal and to the right to file a new and properly executed application, or to reexecute the rejected application, without priority.

(c) The authorized officer will accept as filed within the time named in paragraph (a) of this section all applications to enter which were deposited in the mails within 10 days from the date of execution.

(d) Any document required or permitted to be filed under the regulations of this chapter, which is received in the proper office, either in the mail or by personal delivery when the office is not open to the public, shall be deemed to be filed as of the day and hour the office next opens to the public.

(e) Any document required by law, regulation or decision to be filed within a stated period, the last day of which falls on a day the office is officially closed, shall be deemed to be timely filed if it is received in the proper office on the next day the office is open to the public.

(f) Except when (c) of this section is applicable, filing is accomplished when a document is delivered to and received by the proper office. Depositing a document in the mails does not constitute filing.

(g) When the regulations of this chapter provide that a document must be filed or a payment made within a specified period of time, the filing of the document or the making of the payment after the expiration of that period will not prevent the authorized officer from considering the document as being timely filed or the payment as being timely made except where:

1. The law does not permit him to do so.

2. The rights of a third party or parties have intervened.

3. The authorized officer determines that further consideration of the document or acceptance of the payment would unduly interfere with the orderly conduct of business.

§ 1821.2–3 Simultaneous filings; determination of order of priority.

(a) Two or more documents are considered as simultaneously filed when:

(1) In accordance with the regulations in § 1821.2–2, they are delivered to and received by the proper office at the same time; or

(2) They are filed pursuant to an order which specifies that documents delivered to and received by the proper office during a specified period shall be considered as simultaneously filed.

(b) Whenever it is necessary, for the purposes of the regulations in this chapter, to determine the order of priority of consideration among documents which have been simultaneously filed, such order of priority will be established by a drawing open to public view.

(c) Nothing in this regulation shall be construed as denying any preference right granted by applicable law or regu-

lation or as validating any document which is invalid under applicable law or regulation.

2. All other portions of chapter II of title 43 of the Code of Federal Regulations are amended as follows:

(a) All references to "examiner" or "hearing examiner" are changed to "Administrative Law Judge."

(b) All references to "land office", "proper land office", or "district and land office" are changed to "proper office."

(c) All references to "manager" and "land office manager" are changed to "authorized officer."

JACK O. HORTON,
Assistant Secretary of the Interior.

May 2, 1973.

[FR Doc.73-9085 Filed 5-8-73;8:45 am]

Title 45—Public Welfare

CHAPTER II—SOCIAL AND REHABILITATION SERVICE (ASSISTANCE PROGRAMS), DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Medicaid Program

Chapter II, title 45, of the Code of Federal Regulations is amended to implement certain provisions of Public Law 92-603, Social Security Amendments of 1972, affecting the medical assistance program administered under title XIX of the Social Security Act.

1. *Maintenance of effort.*—Section 295 of Public Law 92-603 repealed section 1903(b)(1) of the Social Security Act, which provided for maintenance of effort in total Federal, State, and local expenditures within a State for mental health services, as a condition for Federal financial participation in expenditures with respect to individuals 65 years of age or older in mental institutions. The regulation has been amended to delete the requirement for such maintenance of effort with respect to title XIX. (§ 208.1)

2. *Skilled nursing facilities on Indian reservations.*—Section 299L(b) of Public Law 92-603 provides for the certification by the Secretary of skilled nursing facilities located on Indian reservations. The regulatory definition of skilled nursing facility has been amended to include facilities so located and certified. A similar change to implement section 299L (a) of Public Law 92-603 with respect to intermediate care facilities is included in the proposed rulemaking on that subject. (§ 249.10(b)(4)(i))

3. *Administrators of nursing homes.*—Section 268 of Public Law 92-603 amends section 1908(g)(1) of the Social Security Act to exempt Christian Science sanatoria from the requirement that no nursing home may operate under medicaid except under the supervision of a licensed nursing home administrator. Section 269 of Public Law 92-603 amends section 1908(d) of the act which specifies conditions under which certain standards for licensure of nursing home administrators may be waived. Both provisions are implemented by amending the current regulations on licensing administrators. (§ 252.10)

In addition, the regulations for the program of grants to States for training and instruction of waivered nursing home administrators are being revoked, since the authorization in section 1908(e)(1) of the Social Security Act for appropriations for such program has expired. (§ 252.20)

Notice of proposed rulemaking with respect to these amendments of chapter II has been dispensed with, since the regulations merely implement the requirements of law, and notice and public procedure thereon are unnecessary.

Chapter II, title 45, of the Code of Federal Regulations is amended as set forth below.

PART 208—ASSISTANCE TO AGED INDIVIDUALS IN INSTITUTIONS FOR MENTAL DISEASES

1. Section 208.1(b) is revised to read as follows:

§ 208.1 Assistance to individuals 65 years of age or older in institutions for mental diseases.

* * * * *

(b) *Federal financial participation.*—(1) Federal payments in relation to title I or XVI of the act under this section for any quarter shall be made only to the extent that total expenditures in the State from Federal, State, and local sources for mental health services for such quarter exceed the average of the total expenditures for such services for each quarter of the fiscal year ending June 30, 1965. As a basis for determination of the proper amount of Federal payments, the State agency shall submit to the Secretary annual reports which show total expenditures from Federal, State, and local sources for mental health services (including payment to or in behalf of individuals with mental health problems) under State and local public health and public welfare programs including total expenditures for each quarter of the fiscal year ending June 30, 1965, and total expenditures for each quarter in which the State has received Federal financial participation in making payments in behalf of individuals 65 years of age or over in institutions for mental diseases; and which show for each quarter all assistance payments and administrative costs incurred in behalf of individuals 65 years of age or older in institutions for mental diseases, and of Federal shares of such payments and such costs. In fulfilling this requirement such reports should be submitted not later than 3 months after the close of the fiscal year.

(2) For purposes of this section, an institution for mental diseases is one that meets the definition contained in § 249.10(b)(14)(iv) of this chapter.

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

2. Section 249.10(b)(4)(i) is amended by revising the heading and introductory words thereof, as set forth below:

§ 249.10 Amount, duration, and scope of medical assistance.

* * * * *

(b) *Federal financial participation.* * * *

(4)(i) *Skilled nursing facility services (other than services in an institution for tuberculosis or mental diseases) for individuals 21 years of age or older.*—"Skilled nursing facility services" means those items and services furnished by a skilled nursing facility maintained primarily for the care and treatment of inpatients with disorders other than tuberculosis or mental diseases which are provided under the direction of a physician or other licensed practitioner of the healing arts within the scope of his practice as defined by State law. A "skilled nursing facility" is a facility, or a distinct part of a facility, which meets the following conditions; the term also includes any institution which is located on an Indian reservation and is certified by the Secretary as being a qualified skilled nursing facility by meeting the requirements of section 1861(j) of the Social Security Act:

* * * * *

PART 252—MEDICAL ASSISTANCE PROGRAMS: RELATED RESPONSIBILITIES

3. Part 252 is amended by revising § 252.10 (b)(1), (c)(2)(iii), and (d) as set forth below; and by revoking § 252.20.

§ 252.10 State programs for licensing administrators of nursing homes.

* * * * *

(b) *Definitions.*—When used in this section:

(1) "Nursing home," for purposes of requiring supervision by a licensed administrator, means any institution or facility, or distinct part of a hospital, which, regardless of its designation, is licensed or formally recognized as meeting State nursing home standards under State law. In those States that do not employ the term "nursing home" in their licensing statutes, "nursing home" means the equivalent term or terms as determined by the administrator, Social and Rehabilitation Service. For purposes of obtaining such determination, the single State agency responsible for the administration of the title XIX program in such State shall submit to the Regional Commissioner copies of current State statutes which define for licensure purposes institutional health care facilities. Not included in this definition is a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Mass., or a distinct part of a hospital, which hospital meets the definition in § 249.10 (b)(1) or (14)(iv) of this chapter, that is designated or certified as a skilled nursing facility but is not licensed separately or formally approved as a nursing home by the State.

* * * * *

(c) *State plan requirements.* * * *

(2) * * *

(iii) Except as provided for in paragraph (d) of this section, issue licenses to individuals determined, after the application of such techniques, to meet such standards, and revoke or suspend licenses previously issued by the agency or board

in any case where the individual holding such license is determined substantially to have failed to conform to the requirements of such standards. Provisional licenses may be issued, for a single period not to exceed 6 months, to a qualified individual for the purpose of enabling him to fill the position of nursing home administrator which has been unexpectedly vacated. Qualifications for a provisional license shall include good character, suitability, and the ability to meet such other standards as are established by the State agency or board;

* * * * *

(d) *Waivers.*—The agency or board may waive any of the standards referred to in paragraph (c) (2) (i) of this section with respect to any individual who, during all of the 3 calendar years immediately preceding the calendar year in which the requirements prescribed in paragraph (c) of this section are first met by the State, has served in the capacity of a nursing home administrator.

* * * * *

§ 252.20 [Revoked]

(Sec. 1102, 49 Stat. 647, 42 U.S.C. 1302.)

Effective date.—The regulations shall be effective on May 9, 1973.

Dated April 23, 1973.

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

Approved May 4, 1973.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.73-9216 Filed 5-8-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-462; Order 483]

UNIFORM SYSTEM OF ACCOUNTS

Research and Development, Accounting and Reporting

APRIL 30, 1973.

On December 13, 1972, the Commission issued a notice of proposed rulemaking in this proceeding (37 FR 27640, Dec. 19, 1972) proposing to amend its Uniform Systems of Accounts to prescribe accounting treatment for expenditures for research and development, and revise the present definition. It was also proposed to revise certain schedules of FPC Annual Report Forms No. 1 and No. 2, certain statements in part 35 of the regulations under the Federal Power Act, and part 154 of the regulations under the Natural Gas Act.

The provisions of the rulemaking relate to the Commission's concern that electric utilities and natural gas companies commit themselves to meaningful research and development (R. & D.) activities and, in addition to the proposed amendments to the definition of R. & D., involved the following proposed revisions and amendments to the Uniform Systems of Accounts:

1. Amendment of Account 188, Research and Development Expenditures, to provide that utilities may request advance rate base assurances from the Commission for R. & D. expenditures of $50,000 or more for projects undertaken by the utility or as part of a project undertaken by others, or for a group of projects which, in the aggregate, cost $50,000 or more.

2. Amendment of Account 456, Other Electric Revenues, and Account 495, Other Gas Revenues, which would provide that any payments for rights and/or benefits received from others which are realized through R. & D. ventures recorded in account 188 shall be credited to those accounts.

3. In addition of Account 103, Experimental Electric (Gas) Plant Unclassified (Account 103, Electric (Gas) Plant in Process of Reclassification, title and text would be revoked), for recording the costs of R. & D. plants operated for a time in an experimental status.

In addition, the rulemaking proposed that utilities may request authorization from the Commission to track expenditures of $50,000 or more when recorded in account 188.

Comments were invited from interested parties to be submitted by January 29, 1973. In response to this notice, the Commission received comments from 26 respondents.[1]

The overall reaction to the rulemaking was generally favorable, with several respondents recommending that the provisions be adopted as soon as possible. Of the 26 responses received, only one respondent did not support the provisions. The respondent alleged that the proposed revisions to the definition of R. & D. would make the definition too liberal in that expenditures "reasonably related to the existing or future utility business" could permit utilities to substantially increase expenditures without having to show concrete results. We intended to broaden the definition of R. & D. and believe that the revised definition establishes reasonable guidelines for R. & D. expenditures related to utility business. We can make the determination of whether the expenditures are "reasonably related" to utility business by examinations during rate proceedings and by other means of surveillance available to us.

Suggestions were received that the proposed tracking provisions for R. & D. expenditures be extended to amounts currently charged to income and costs recorded in proposed new Account 103, Experimental Plant Unclassified, and Account 107, Construction Work in Progress. Questions were received on what the mechanism would be to track the expenditures.

The purpose of the rulemaking was to encourage R. & D. activity through establishment of procedures which would permit electric utilities and natural gas companies, whose rates are subject to our jurisdiction, to receive advance rate assurance for major projects involving expenditures of $50,000 or more. Consequently, we do not believe that tracking should extend to amounts currently expensed which normally relate to recurring R. & D. activity or utilities' normal R. & D. programs. However, we will extend tracking to amounts currently expensed which exceed the utilities' normal R. & D. expenditures as well as provide for rate base assurance for a project or projects involving expenditures in the aggregate of $50,000 or more. With respect to account 103 we believe it would be inappropriate to extend the tracking provisions to costs recorded in this account because the plant would be considered plant in service and, under the Commission rules, part of utilities rate bases. While cost recorded in account 107 are not afforded rate base treatment by the Commission, utilities are compensated by permitting them to capitalize an allowance for funds used during construction on which they may earn in the future.

Ratemaking techniques employed by this Commission properly require that cost and revenues be matched to the extent possible. R. & D. expenditures chargeable to operations of routine and recurring nature have already been included in the utilities rates and tracking authority should not therefore be extended to this portion of R. & D. expenditures. Likewise R. & D. expenditures resulting from incentives, such as "add-on amounts" to customers' bills which have already been allowed by other jurisdictional bodies will be disallowed for tracking purposes. It is also appropriate that revenues related to R. & D. expenditures recorded in accounts 456 and 495 be considered in determining the amount of the balances in account 188 which may receive rate base treatment for to do otherwise would be to ignore completely the required matching of revenues and costs. Therefore, in determining the amount of R. & D. expenditures currently chargeable to operations we shall use as a base the amounts currently in rates when so identified or the average of such expenditures actually expended by the company during the past 3 years. We believe this amount will reasonably represent utilities normal and

---

[1] Haskins and Sells, American Electric Power Service Corp., Cleveland Electric Illuminating Co., The, Commonwealth Edison Co., Consumers Power Co., Detroit Edison Co., The, Duke Power Co., Northern States Power (Minn.), Pennsylvania Power & Light Co., Philadelphia Electric Co., Public Service Electric & Gas Co., Public Service Indiana, Southern California Edison Co., Southern Services, Inc., Washington Water Power Co., Wisconsin Electric Power Co., Pacific Gas & Electric Co., Colorado Interstate Gas Co., Consolidated Gas Supply Corp., Northern Natural Gas Co., Southern Natural Gas Co., Texas Eastern Transmission Corp., Transcontinental Gas Pipe Line Co., United Gas Pipe Line Co., American Gas Association, Independent Natural Gas Association.

recurring R. & D. activity and shall only permit tracking of amounts in excess of the amounts currently in rates when so identified or the average of such expenditures actually expended by the company during the past 3 years, as appropriate. The amount in account 188 eligibile for rate base treatment shall be the balance in account 188 less any revenues received related to R. & D. expenditures and recorded in accounts 456 or 495.

Suggestions were received that only payments received from others for rights and/or benefits in excess of the related costs recorded in account 188 should be credited to Account 456, Other Electric Revenues, or Account 495, Other Gas Revenues, and amounts representing cost recovery or cost sharing credited to account 188. Similar accounting was suggested for payments received relating to costs recorded in account 103. However, we believe that it is equitable for all revenues received for such rights and/or benefits to be recorded in accounts 456 and 495 because the related costs will be included in rate base. If a sharing of costs among utilities is involved, utilities should only record their share of such costs on their books of account.

As a result of a suggestion received, we are amending the text of proposed new account 103 to provide that, should an experimental plant fail to satisfactorily perform any utility function, the costs shall be accounted for as directed or authorized by the Commission. We are also amending account 103 to provide that a nonutility project, which is no longer considered experimental, shall be transferred to Account 121, Nonutility Property.

It was suggested that for competitive reasons some projects should be kept confidential. In general, we believe that information on such projects should be open to public review. We are providing, however, that utilities may petition the Commission to keep the information confidential.

On February 27, 1973, the General Services Administration (GSA) filed its comments which indicated approval of the intent and purpose of this rulemaking but requested a conference to discuss the proposal in detail. We believe that the proposals in the notice of proposed rulemaking are clear and that a conference to further explain its provisions is unnecessary.

The notice of rulemaking proposed that the modifications to the Commission's FPC Annual Report Forms No. 1 and No. 2 become effective for the reporting year 1972. It was suggested by respondents that the reporting provisions be made effective for the reporting year 1973. It is important to us to obtain information on R. & D. activity as soon as practicable. Consequently, we believe that the reporting provisions should be made effective for the reporting year 1972. This will involve a filing of supplemental schedules to FPC Annual Report Forms No. 1 and No. 2. Our staff is directed to forward these schedules to electric utilities and natural gas companies after issuance of this order.

The Commission finds

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by section 553 of title 5 of the United States Code.

(2) The amendments to part 101 of the Commission's Uniform System of Accounts for Public Utilities and Licensees and Annual Report Form No. 1, prescribed by § 141.1, chapter I, title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Federal Power Act.

(3) The amendments to part 201 of the Commission's Uniform System of Accounts for Natural Gas Companies and Annual Report Form No. 2, prescribed by § 260.1, chapter I, title 18 of the Code of Federal Regulations, herein prescribed, are necessary and appropriate for the administration of the Natural Gas Act.

(4) The amendments to part 35, subchapter B of the regulations under the Federal Power Act and part 154, subchapter E of the regulations under the Natural Gas Act, herein prescribed, are necessary and appropriate for the administration of the Federal Power and Natural Gas Acts.

(5) Since the revisions prescribed herein, which were not included in the notice of the proceeding, are of a minor nature and consistent with the prime purpose of the proposed rulemaking, further compliance with the notice provision of 5 U.S.C. 553 is unnecessary.

(6) Good cause exists for making the revisions to the Uniform Systems of Accounts for Public Utilities and Licensees and Natural Gas Companies and regulations under the Federal Power Act and the Natural Gas Act ordered and adopted herein, effective upon issuance of this order.

(7) Good cause exists for making the amendments to FPC Annual Report Forms No. 1 and No. 2, adopted herein, effective for the reporting year 1972.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly sections 205, 301, 303, 304, and 309 (40 Stat. 854, 855) and of the Natural Gas Act, as amended, particularly sections 4, 8, 9, 10, and 16 (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o), orders:

PART 35—FILING OF RATE SCHEDULES

A. Part 35 is amended as follows:

(1) Section 35.13, Filing of changes in rate schedules, prescribed in Part 35, "Filing of rate schedules," chapter I, title 18 of the Code of Federal Regulations is amended as follows:

(a) In § 35.13 Filing of changes in rate schedules, amend paragraph (b)(4)(iv) by adding "Statement E1—Research and development," immediately following "Statement E—Accumulated (depreciation," to read as follows:

§ 35.13 Filing of changes in rate schedules.

* * * * *

(b) * * *

(4) * * *

(iv) * * *

Statement E1—Research and development.—A statement disclosing all expenditures in Account 188, Research and Development, showing each venture separately as of the beginning and end of the test period. This statement shall include all related amortization for the same period.

* * * * *

2. Subchapter B regulations under the Federal Power Act, chapter 1, title 18 of the Code of Federal Regulations is amended by adding a new § 35.22 Research and Development Clauses and expenses, to part 35 as follows:

§ 35.22 Research and development clauses.

(a) Commission approval may be requested of rate treatment for R. & D. expenditures of $50,000 or more related to a project undertaken by the company or as part of a project undertaken by others, or for a group of projects which, in the aggregate, cost $50,000 or more when advance assurance of rate base treatment is desired. This approval may be requested regardless of whether the R. & D. is undertaken by the utility or by another party or organization. Approval requests shall describe the project in such detail so as to satisfy the Commission that the project expenditures involved qualifies as being valid, justifiable, and reasonable. In addition, the request shall specifically include the estimated cost of the project and a description of utility's expenditure percentage in the total project program. When a utility participates in a joint project, the contractual agreements should provide the utility complete access to cost records and results related to the project. Records shall be so kept that unscheduled progress reports may be called for as determined by the Commission. (See definition 27.B.)

(b) An electric utility may submit a research and development cost adjustment provision to flow through changes in its expenditures for research and development.[2] Changes permitted hereunder include both expenditures chargeable to operations as well as rate base treatment of the balances in account 188 as hereinafter defined. No R. & D. adjustment provision shall become effective until authorized by the Commission. No request for an R. & D. adjustment provision will be considered by the Commission unless the proposed clause indicates the following terms and conditions:

(1) The R. & D. expenditure adjustment shall be reflected in the company's rates only when it amounts to at least $0.00001 per kWh of annual sales. Rate changes shall be applied to the energy component of the existing rates.

[2] For purposes of this section, R. & D. expenditures represent those costs includable in Account 188—Research and Development Expenditures.

(2) Rate changes shall be computed and filed semiannually.

(3) R. & D. expenditures chargeable to operations which may be tracked and reflected in rates shall be the amount which actual R. & D. expenditures during the 12-month period ending 3 months prior to a proposed rate adjustment exceed or are less than (a) the amount allowed in the company's last rate proceeding, or the average of 3 years R. & D. expenditures if such rate adjustment is an initial filing under this subsection; or (b) the actual R. & D. expenditures in the company's last prior rate adjustment under this subsection.

(4) Products containing benzphetamine which are eligible to receive rate base treatment and which may be tracked and reflected in rates shall be the amount which the actual balances in such account during the 12-month period ending 3 months prior to the proposed rate adjustment exceed or are less than the balances in such account as of the date of this regulation if an initial filing under this subsection, or the balances in account 188 included in the company's last prior rate adjustment under this subsection. For the purpose of determining the balance which may be tracked the company shall reduce the balance in account 188 by all money received related to its R. & D. expenditures. The rate of return used by the company to determine the rate effect of the rate base treatment of the balance in account 188 shall be the rate of return last allowed by the Commission for this class of service during the previous 3-year period. If there has been no such rate of return allowed then, in absence of evidence submitted to the contrary, the return utilized shall be the present interest rate used for computing refunds as specified in § 35.19a of the Commission's regulations under the Federal Power Act.

(5) Any rate schedule filing made by the company to increase its rates to its customers shall meet the notice requirements of § 35.3 of the regulations which provide, in pertinent part, that the filing be filed with the Commission and posted (as defined in § 35.2(d) of the regulations) at least 60 days prior to the date on which any change(s) in its existing rates is to become effective. Simultaneously with the above filing, the company shall furnish the Commission, jurisdictional customers, and interested State commissions a report containing detailed computations which clearly show the derivation of the proposed rate adjustment. The effect upon jurisdictional rates shall be determined by computing the unit change (either increase or decrease) based upon sales for the 12-month period ending 3 months prior to the proposed rate adjustment. Any R. & D. expenditures for which the company has been allowed to track by other regulatory bodies shall be clearly designated and treated in such a manner so as to avoid double recovery. Each rate adjustment shall become effective on the proposed effective date without suspension provided that any rate increase shall be subject to reduction and refund of any portion found after hearing to be unjustified by a final and nonappealable Commission order. The filing fee requirements of § 36.2 of the regulations are hereby waived and shall not apply to any filings made under this subsection (35.22).

(6) In addition to the above-required report containing the derivation of the proposed rate, the following additional data shall be submitted as part of the application:

A statement as to the anticipated scope and objective of the R. & D. and the relationship of such objective to the jurisdictional service for which the tracking is to apply. If the tracking is not to apply to certain jurisdictional service but is to apply to others, a statement as to the reasons for such determination.

(7) No company shall be required to reduce its rates under this subsection by an increment exceeding the aggregate increases allowed thereunder.

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

(B) The Commission's Uniform System of Accounts for class A and class B Public Utilities and Licensees, prescribed in Part 101, Chapter 1, Title 18 of the Code of Federal Regulations is amended as follows:

1. In the definition section, revise definition "27.B." As revised definition 27.B. reads as follows:

Definitions

* * * * *

27. * * *

B. "Research and Development" means expenditures incurred by public utilities and licensees either directly or through another person or organization (such as research institute, industry association, foundation, university, engineering company or similar contractor) in pursuing research and development activities including experiment, design, installation, construction, or operation. Such research and development costs should be reasonably related to the existing or future utility business, broadly defined, of the public utility or licensee or in the environment in which it operates or expects to operate. The term includes but is not limited to: all such costs incidental to the design, development or implementation of an experimental facility, a plant process, a product, a formula, an invention, a system or similar items, and the improvement of already existing items of a like nature; amounts expended in connection with the proposed development and/or proposed delivery of alternate sources of electricity; and the costs of obtaining its own patent, such as attorney's fees expended in making and perfecting a patent application. The term does not include expenditures for efficiency surveys; studies of management, management techniques and organization; consumer surveys, advertising, promotions, or items of a like nature.

* * * * *

2. In the chart of the balance sheet accounts, amend the chart of accounts by revising the account title to Account "103, Electric Plant in Process of Reclassification," to read account 103, Experimental Electric Plant Unclassified. As so amended account 103 reads:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

Electric plant.

* * * * *

103 Experimental electric plant unclassified.

* * * * *

3. In the text of the balance sheet accounts:

a. Revise the title and complete text of Account "103, Electric Plant in Process or Reclassification."

b. Amend paragraph A of Account "188, Research and Development Expenditures."

As so revised and amended, the revised and amended portions of the balance sheet account text read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

103 Experimental electric plant unclassified.

A. This account shall include the cost of electric plant which was constructed as a research and development plant under the provisions of paragraph C, Account 107, Construction Work in Progress—Electric, and due to the nature of the plant it is desirous to operate it for a period of time in an experimental status.

B. Amounts in this account shall be transferred to Account 101, Electric Plant in Service, or Account 121, Nonutility Property as appropriate when the project is no longer considered as experimental.

C. The depreciation on property in this account shall be charged to Account 403, Depreciation Expense, and credited to Account 108, Accumulated Provision for Depreciation of Electric Utility Plant. The amounts herein shall be depreciated over a period which would correspond to the estimated useful life of the relevant project considering the characteristics involved. However, when projects are transferred to Account 101, Electric Plant in Service, a new depreciation rate based on the remaining service life and undepreciated amounts, will be established.

D. Records shall be maintained with respect to each unit of experiment so that full details may be obtained as to the cost, depreciation and the experimental status.

E. Should it be determined that experimental plant recorded in this account will fail to satisfactorily perform its function, the costs thereof shall be accounted for as directed or authorized by the Commission.

* * * * *

4. DEFERRED DEBITS

* * * * *

188 Research and development expenditures.

A. This account shall be charged with the cost of all expenditures coming within the meaning of Research and Development (R. & D.) of this uniform system of accounts (see definition 27.B.), except those expenditures properly chargeable to account 107, Construction Work in Progress—Electric.

* * * * *

4. Account 456, Other Electric Revenues, of the Operating Revenue Accounts is amended by adding an additional item numbered 6 to the items list as follows:

Operating Revenue Accounts

* * * * *

2. OTHER OPERATING REVENUES

* * * * *

456 Other electric revenues.

* * * * *

ITEMS

* * * * *

6. Include in a separate subaccount revenues in payment for rights and/or benefits received from others which are realized through research and development ventures. In the event the amounts received are so large as to distort revenues for the year in which received (5 percent of net income before application of the benefit) the amounts shall be credited to Account 253, Other Deferred Credits, and amortized by credits to this account over a period not to exceed 5 years.

PART 141—STATEMENT AND REPORTS (SCHEDULES)

(C) Effective for the reporting year 1972, schedule pages 401, 403, 406, 416, and 448 of FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (class A and class B), prescribed by § 141.1, chapter I, title 18 of the Code of Federal Regulations are amended as set out in attachment A hereto.[1]

PART 154—RATE SCHEDULES AND TARIFFS

(D) Paragraph (f) Description of statements, prescribed in § 154.63. Changes in a tariff, executed service agreement or part thereof, Part 154—Rate Schedules and Tariffs, chapter I, title 18 of the Code of Federal Regula- § 154.63 read as follows:

1. In "Schedule C–4," of "Statement C—Cost of plant," 103 is added immediately following (account 101) shown in brackets in the first sentence.

2. Schedule N–11 is added to "Statement N—Cost determinants for minor changes in rate level," immediately following "Schedule N–10."

As so amended those portions of § 154.63 read as follows:

[1] Attachment A filed as part of the original document.

§ 154.63 Changes in a tariff, executed service agreement or part thereof.

* * * * *

(f) *Description of statements.* * * *

* * * * *

Statement C—Cost of plant. * * *

Schedule C–4, which is to be part of the working papers, summarizing the following by years with respect to the book changes in gas plant in service (accounts 101 and 103) * * *

* * * * *

Schedule N—Cost determinants for minor changes in rate level. * * *

* * * * *

Schedule N–11. A complete description of amounts, by venture, recorded in Account 188, Research and Development, as of the beginning and as of the end of the test period to include a description and amounts of any related amortization.

93. Subchapter E, regulations under the Natural Gas Act, chapter I, title 18 of the Code of Federal Regulations, is amended by adding a new paragraph (d) (5) to § 154.38 to immediately follow paragraph (d) (4) as follows:

§ 154.38 Composition of rate schedule.

(d) *Statement of rate.* * * *

(5) (i) Commission approval may be requested of rate treatment for R. & D. expenditures of $50,000 or more related to a project undertaken by the company or as part of a project undertaken by others, or for a group of projects which, in the aggregate, cost $50,000 or more when advance assurance of rate base treatment is desired. This approval may be requested regardless of whether the R. & D. is undertaken by the utility or by other party or organization. Approval requests shall describe the project in such detail so as to satisfy the Commission that the project expenditures involved qualifies as being valid, justifiable, and reasonable. In addition, the request shall specifically include the estimated cost of the project and a description of utility's expenditure percentage in the total project program. When a utility participates in a joint project, the contractual agreements should provide the utility complete access to cost records and results related to the project. Records shall be so kept that unscheduled progress reports may be called for as determined by the Commission. (See definition 28.B.)

(ii) A natural gas pipeline company may submit a research and development cost adjustment provision to flow through changes in its expenditures for research and development.[1] Changes permitted hereunder include both expenditures chargeable to operations as well as rate base treatment of the balances in account 188 as hereinafter defined. No. R. & D. adjustment provision shall become effective until authorized by the Commission. No request for R. & D. adjustment provision will be considered by the Commission unless the proposed clause indicates the following terms and conditions:

(*a*) The R. & D. expenditure adjustment shall be reflected in the company's rates only when it amounts to at least one-tenth of 1 mill ($0.0001) per thousand cubic feet of annual jurisdictional sales. Rate changes shall be applied to the commodity component of the existing rates of a pipeline company's two-part rates and to the volumetric rates of a pipeline company's one-part rates.

(*b*) Rate changes shall be computed and filed not more frequently than semi-annually. Rate changes by companies having Commission approved PGA clauses should be computed and filed to the extent practicable to coincide with the proposed effective date of a PGA rate change.

(*c*) R. & D. expenditures chargeable to operations which may be tracked and reflected in rates shall be the amount which actual R. & D. expenditures during the 12-month period ending 3 months prior to a proposed rate adjustment exceed or are less than the (*1*) amount allowed in the companies last rate proceeding or the average of 3 years R. & D. expenditures if such rate adjustment is an initial filing under this subsection; (*2*) or the actual R. & D. expenditures in the company's last prior rate adjustment under this section.

(*d*) R. & D. expenditures in account 188 which are eligible to receive rate base treatment and which may be tracked and reflected in rates shall be the amount which the actual balances in such account during the 12-month period ending 3 months prior to the proposed rate adjustment exceed or are less than the balances in such account as of the date of this regulation, if an initial filing under this section, or the balances in account 188 included in the company's last prior rate adjustment under this subsection. For the purpose of determining the balance which may be tracked the company shall reduce the balance in account 188 by all moneys recorded in account 495 related to its R. & D. expenditures. The rate of return used by the company to determine the rate effect of the rate base treatment of the balance in account 188 shall be the rate of return last allowed by the Commission during the previous 3-year period. If there has been no such rate of return allowed during the previous 3-year period, then, in the absence of evidence submitted to the contrary, the return utilized shall be the present interest rate used for computing refunds as specified in § 154.67.

(*e*) Any tariff filing made by the company to increase its rates to its customers shall meet the notice requirements of § 154.22, which provide, in pertinent part, that the filing be filed with the Commission and posted (as defined in § 154.16) at least 45 days prior to the date on which any change(s)

[1] For purposes of this subsection, R. & D. expenditures represent those cost includable in Account 188, Research and Development Expenditures.

in its existing rates is to become effective. Simultaneously with the above filing, the company shall furnish the Commission, jurisdictional customers, and interested State Commissions a report containing detailed computations which clearly show the derivation of the proposed rate adjustment. The effect upon jurisdictional rates shall be determined by computing the unit change (either increase or decrease) based upon jurisdictional sales volumes for the 12-month period ending 3 months prior to the proposed rate adjustment. Any R. & D. expenditure for which the company has been allowed to track by other regulatory body shall be clearly designated and treated in such a manner so as to avoid double recovery. Each rate adjustment shall become effective on the proposed effective date without suspension provided that any rate increase shall be subject to reduction and refund of any portion found after hearing to be unjustified by a final and nonappealable Commission order.

(*f*) In addition to the above required report containing the derivation of the proposed rate, the following additional data shall be submitted as part of the application: A statement as to the anticipated scope and objective of the R. & D. and the relationship of such objective to the jurisdictional service for which the tracking is to apply. If the tracking is not to apply to certain jurisdictional service but is to apply to others, a statement as to the reasons for such determination.

(*g*) No company shall be required to reduce its rate under this subsection by an increment exceeding the aggregate increases allowed thereunder.

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES (CLASS A AND CLASS B)

(E) The Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies, prescribed in part 201, chapter I, title 18 of the Code of Federal Regulations is amended as follows:

1. In the definition section, definition "28.B." is revised. As revised, definition 28.B. reads:

Definitions

* * * * *

28. * * *

B. "Research and Development" means expenditures incurred by natural gas companies either directly or through another person or organization (such as research institute, industry association, foundation, university, engineering company, or similar contractor) in pursuing research and development activities including experiment, design, installation, construction, or operation. Such research and development costs should be reasonably related to the existing or future utility business, broadly defined, of the company or to the environment in which it operates or expects to operate. The term includes but is not limited to: all such costs incidental to the design, development or implementation of an experimental facility, a plant process, a product, a formula, an invention, a system or similar items, and the improvement of already existing items of a like nature; amounts expended in connection with the proposed development and/or proposed delivery of substitute or synthetic gas supplies (alternate fuel sources for example, an experimental coal gasification plant or an experimental plant synthetically producing gas from liquid hydrocarbons); and the costs of obtaining its own patent, such as attorney's fees expended in making and perfecting a patent application. The term does not include expenditures for efficiency surveys; studies of management, management techniques and organization; consumer surveys, advertising, promotions, or items of a like nature.

* * * * *

2. In the chart of the balance sheet accounts, amend the chart of accounts by revising the account title of "Account 103, Gas Plant in Process of Reclassification," to read Account 103, Experimental Gas Plant Unclassified. As amended account 103 reads:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

Gas Plant.

* * * * *

103 Experimental gas plant unclassified.

* * * * *

3. In the text of the balance sheet accounts:

a. Revise the title and text of account "103, Gas Plant in Process of Reclassification."

b. Amend paragraph A of "Account 188, Research and Development Expenditures."

As so revised and amended, the revised and amended portions of the balance sheet account text read:

Balance Sheet Accounts

ASSETS AND OTHER DEBITS

1. UTILITY PLANT

* * * * *

103 Experimental gas plant unclassified.

A. This account shall include the cost of gas plant which was constructed as a research and development project under the provisions of paragraph C, Account 107, Construction Work in Progress—Gas, and due to the nature of the plant it is desirous to operate it for a period of time in an experimental status.

B. Amounts in this account shall be transferred to Account 101, Gas Plant in Service, or Account 121, Nonutility Property, as appropriate, when the project is no longer considered as experimental. Prior to transfer to an account 101 the subject plant must be certified by the Commission for use as gas plant in service.

C. The depreciation on property in this account shall be charged to Account 403, Depreciation Expense, and credited to Account 108, Accumulated Provision for Depreciation of Gas Utility Plant. The amounts herein shall be depreciated over a period which would correspond to the estimated useful life of the relevant project considering the experimental characteristics involved. However, when projects are transferred to Account 101, Gas Plant in Service, a new depreciation rate based on the remaining service life and undepreciated amounts, will be established.

D. Records shall be maintained with respect to each unit of experiment so that full details may be obtained as to the cost, depreciation, and the experimental status.

E. Should it be determined that experimental plants recorded in this account will fail to satisfactorily perform its function, the costs thereof shall be accounted for as directed or authorized by the Commission.

* * * * *

4. DEFERRED DEBITS

* * * * *

188 Research and development expenditures.

A. This account shall be charged with the cost of all expenditures coming within the meaning of Research and Development (R. & D.) of this Uniform System of Accounts (see definition 28.B), except those expenditures properly chargeable to Account 107, Construction Work in Progress—Gas.

* * * * *

4. Account 495, Other Gas Revenues, of the Operating Revenue Accounts is amended by adding an additional item, No. 8, to the item list. As so amended, the item list reads:

Operating Revenue Accounts

* * * * *

2. OTHER OPERATING REVENUES

* * * * *

495 Other gas revenues.

* * * * *

ITEMS

* * * * *

8. Include in a separate subaccount revenues in payment for rights and/or benefits received from others which are realized through research and development ventures. In the event the amounts received are so large as to distort revenues for the year in which received (5 percent of net income before application of the benefit) the amounts shall be credited to Account 253, Other Deferred Credits, and amortized by credits to this account over a period not to exceed 5 years.

PART 260—STATEMENT AND REPORTS (SCHEDULES)

(F) Effective for the reporting year 1972, schedule pages 501, 504, 507, 526, and 572 of FPC form No. 2, Annual Report for Natural Gas Companies (class A and class B) prescribed by § 260.1, chapter I, title 18 of the Code of Federal Regulations are amended as set out in attachment B hereto.[3]

---

[3] Attachment B filed as part of the original document.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9160 Filed 5-8-73;8:45 am]

Title 32A—National Defense, Appendix

CHAPTER XI—OIL IMPORT APPEALS BOARD

PROCEDURAL REGULATIONS

Miscellaneous Amendments

The purpose of these amendments is to effectuate as final rulemaking changes in the Oil Import Appeals Board procedural regulations to conform them to the amendment of Oil Import Regulation No. 1, published in the FEDERAL REGISTER on May 2, 1973 (38 FR 10811), the guidelines established for the Board by the Chairman of the Oil Policy Committee, published in the FEDERAL REGISTER on May 2, 1973 (38 FR 10811–10812), and the Presidential Proclamation No. 4210 of April 18, 1973, published in the FEDERAL REGISTER on April 19, 1973 (38 FR 9645–9656), which modified proclamation 3279, as amended.

The changes made are as follows:

Section 3 has been amended to provide an up-dated statement of authority of the Oil Import Appeals Board.

The present requirements of section 6, relating to the form and content of petitions to the Board, have been redesignated as paragraph (a) of section 6, and there has been added a new paragraph (b) to section 6 providing that each petition shall be accompanied by a completed questionnaire—crude oil or finished product, as applicable—on approved questionnaire forms supplied by the Board.

Effective date.—The amendments of these regulations are effective as of May 2, 1973, publication of notice of proposed rulemaking in respect of them being impracticable and contrary to the public interest in view of the many petitions now pending before the Oil Import Appeals Board and the urgent need for prompt action upon these petitions by the Board to implement provisions of the proclamation 3279, as amended.

SETH BODNER,
Member.

GEORGE H. SCHUELLER,
Member.

DANIEL HARRIS,
Acting Chairman.

Dated May 4, 1973.

1. Section 3 is revised to read as follows:

SEC. 3 Authority of the Board.

(a) The Board considers petitions by persons affected by the regulation that fall within the limits of the jurisdiction specified in this paragraph and may:

(1) Within the limits of the maximum levels of imports established in section 2 of proclamation 3279, as amended, modify on the grounds of error any allocation made to any person of license-fee-free imports under the regulation.

(2) Without regard to the limits of the maximum levels of imports established in section 2 of proclamation 3279,

(i) Modify on the grounds of exceptional hardship any allocation of imports of crude and unfinished oils with respect to which license fees are not applicable made to any person under the regulation.

(ii) Grant allocations of license-fee-free imports of crude oil and unfinished oils in special circumstances to persons with importing histories who do not qualify for allocations of license-fee-free imports under the regulation.

(iii) Grant allocations of imports of finished products, to which license fees shall not be applicable, on the grounds of exceptional hardship.

(iv) Grant allocations of imports of crude oil, unfinished oils, and finished products, to which license fees shall not be applicable, to independent refiners or established independent marketers who are experiencing exceptional hardship, or in emergencies in order to assure that adequate supplies are available.

(v) Review the revocation or suspension of any allocation or license.

(b) In its evaluation of petitioners' requests the Board will consider the following guidelines as may be appropriate: A petitioner:

(1) Must be established and in operation;

(2) Must demonstrate that its total oil operations are not producing a reasonable profit but did so in the past;

(3) Must be unable to obtain sufficient supply at economic prices to meet its normal requirements;

(4) Must demonstrate that it has made diligent efforts to obtain needed supplies;

(5) Must demonstrate that payment of the license fee will cause it an exceptional hardship;

(6) If possessing an import capability, must demonstrate to the satisfaction of the Board that it is not feasible for it to alleviate its hardship by means of exchange agreements involving the use of licenses already granted to others who do not have an import capability;

(7) Must demonstrate to the satisfaction of the Board its ability to utilize import allocations to obtain supplies through license exchange or direct import;

(8) If in control or possession of domestic crude oil production, must agree to make supplies of crude oil available in reasonable quantities and at economic prices, to established independent customers;

(9) If in the business of wholesaling products to resellers, must agree to make supplies of products available in reasonable quantities and at economic prices, to established independent customers; and

(10) Must demonstrate that it is taking, or planning to take, effective action to establish an economically feasible supply to maintain its operations.

(c) In making determinations on exceptional hardships, the Board will consider, among other things, the situation of the petitioner's customers and of the community concerned as well as the public interest in preserving the independent segment of the petroleum industry.

(d) Only petitions relating to matters covered by paragraph (a) of this section may be considered by the Board. Petitions requesting a change or disregard of the proclamation or the regulation may not be considered.

2. Section 6 is revised to read as follows:

SEC. 6 Form and content of petition.

(a) A petition must be in writing, signed by the petitioner or his duly authorized representative or attorney, clearly marked as "petition," and filed in sextuplicate. Each petition shall be organized under headings, as follows: (1) The relief sought by the petitioner, expressed in barrels per day (b/d) and in total barrels (bbls.) during the applicable allocation period; (2) the pertinent provisions of the Regulation under which the Board has authority to grant such relief; (3) the decision of the Director, Office of Oil and Gas involved in the petition, if any; (4) the relevant facts in support of the petition; and (5) the arguments in support of the petition.

(b) Each petition shall be accompanied by a completed questionnaire—crude oil or finished product, as applicable—on approved questionnaire forms supplied by the Board.

[FR Doc.73-9328 Filed 5-8-73;8:45 am]

Proposed Rules

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 308]

SCHEDULES OF CONTROLLED SUBSTANCES

Proposed Placement of Benzphetamine in Schedule III

On February 15, 1973, the Acting Assistant Secretary for Health, on behalf of the Secretary of Health, Education, and Welfare, sent the following letter to the Director of the Bureau of Narcotics and Dangerous Drugs:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF THE SECRETARY

Washington, D.C. 20201

FEBRUARY 15, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, 1405 I Street NW., Washington, D.C. 20537

DEAR MR. INGERSOLL: The Food and Drug Administration has recently completed a review of all drugs currently marketed or proposed for marketing in the United States for the treatment of obesity. The marketed drugs include three substances already controlled under schedule II of the Controlled Substances Act, amphetamine, methamphetamine, and phenmetrazine. The review also included drugs currently not controlled under any schedule, the marketed drugs, diethylpropion, benzphetamine, phendimetrazine, phentermine, and chlorphentermine, and the investigational substances, clortermine, mazindol, and fenfluramine. New drug applications have been submitted to the Food and Drug Administration for the latter three drugs, and approval is pending.

Review of data reveals that these drugs produce approximately the same degree of therapeutic effects in man as currently scheduled anorectics, as adjuncts in weight reduction in the obese. The review indicated that the drugs are also comparable in other ways to scheduled anorectics:

a. They are all closely related chemically, with the exception of mazindol.

b. Their pharmacological profiles are closely similar, except for certain aspects of the profile of fenfluramine.

c. Documentation of actual abuse or production of dependence in humans is irregular, but does exist for certain of the unscheduled anorectics. The skimpy documentation of abuse of these drugs appears due to the fortuitous nature of reports as currently obtained and to the past easy availability of cheaper and more potent stimulants, rather than to intrinsic lack of abuse potential.

d. We note the conclusions and recommendations of the WHO Expert Committee on Drug Dependence that these drugs either be subject to control or by analogy are similar to drugs recommended for control.

e. Certain specialized testing of fenfluramine suggests that the abuse potential of fenfluramine is of a lower order of magnitude than that of the other drugs under consideration.

We, therefore, conclude that all the above-named drugs possess abuse potential and potential for producing drug dependence, and are so informing you as required under the provisions of section 201(f) of the Controlled Substances Act. As provided for by section 201(a), we further request that the Attorney General issue rules adding the above drugs to the schedules of the Controlled Substances Act, and recommend that the schedule for all drugs but fenfluramine be schedule III, fenfluramine appearing more appropriately controlled under the provisions of schedule IV.

We attach review material assembled by reviewing pharmacologists within the Food and Drug Administration for its possible utility to you, and as a basis for further discussion after your scientists have reviewed our recommendations and request.

Sincerely,

RICHARD L. SEGGEL,
Acting Assistant Secretary for Health.

Upon receipt of this letter, the Bureau undertook a review of the following: (1) Materials submitted to BNDD by the Department of Health, Education, and Welfare with the letter of February 15, 1973; (2) materials submitted to the Food and Drug Administration in connection with new drug applications on these drugs; (3) published scientific and medical literature from the United States and other nations regarding these drugs; (4) selected investigatory files compiled for law enforcement purposes by the Bureau and another law enforcement agency; and (5) the legislative history of the Controlled Substances Act.

The results of this review can be summarized as follows:

(1) Benzphetamine is chemically similar to and related to the other anorectic drugs being proposed for control, and to amphetamine, methamphetamine, and phenmetrazine, substances currently listed in schedule II.

(2) Benzphetamine has a pharmacological profile which is similar to the other anorectic drugs being proposed for control and to amphetamine, methamphetamine, and phenmetrazine. This general similarity suggests that all of these drugs may be reasonably substituted for each other for therapeutic or abuse purposes.

(3) Benzphetamine is covered by a new drug application approved by the Food and Drug Administration for use in treatment of obesity.

(4) Products containing benzphetamine, chlorphentermine, diethylpropion, phendimetrazine, or phentermine have been marketed in the United States for several years. In the last 6 months, certain of these products have been reported as the subject of thefts, diversion, illicit sales, and abuse. Quantitatively, this data does not suggest a widespread problem at the present time; qualitatively, the data indicates a trend to substitute these products for amphetamine and methamphetamine preparations in abuse circles. This reinforces the belief that abuse of the pharmacologically similar drugs will increase as the amphetamines and methamphetamine become less and less available.

(5) The legislative history of the Controlled Substances Act makes clear that the Bureau is to schedule drugs based upon their potential for abuse, and "should not be required to wait until a number of lives have been destroyed or substantial problems have arisen before designating a drug as subject to controls." (Comprehensive Drug Abuse Prevention and Control Act of 1970, House Report 91-1444 (part 1), p. 35, Sept. 10, 1970) Discussing factors used to measure potential for abuse, the report quotes from the regulations issued under the Drug Abuse Control Amendments of 1965 (id. at p. 34):

"The Director may determine that a substance has a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect if:

"(1) There is evidence that individuals are taking the drug or drugs containing such a substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or of the community; or

"(2) There is significant diversion of the drug or drugs containing such a substance from legitimate drug channels; or

"(3) Individuals are taking the drug or drugs containing such a substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice."

The House Report goes on to say (id. at p. 35):

"In speaking of 'substantial' potential [for abuse] the term 'substantial' means more than a mere scintilla of isolated abuse, but less than a preponderance. Therefore, documentation that, say, several hundred thousand dosage units of a drug have been diverted would be 'substantial' evidence of abuse despite the fact that tens of millions of dosage units of that drug are legitimately used in the same time period."

The Director has concluded from this review of the current situation that control of all anorectic drugs is desirable at this time to insure that they will not become widely abused. This scheduling will fulfill the congressional mandate to act before substantial problems have arisen.

Based upon the investigations and review of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommen-

dation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201(a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a), (b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information now available, benzphetamine has a potential for abuse less than the drugs or other substances currently listed in schedule II. Although chemically and pharmacologically this drug is closely related to the other anorectic drugs being proposed for control and to the stimulants now listed in schedule II, present data regarding excessive usage, diversion, illicit sales, and abuse of benzphetamine is not substantial enough to warrant a finding that it has a potential for abuse equal to the stimulants in schedule II.

2. Benzphetamine has a currently accepted medical use in treatment in the United States.

3. Abuse of benzphetamine may lead to high psychological dependence.

Therefore, under the authority vested in the Attorney General by section 201 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of title 28 of the Code of Federal Regulations, the Director proposes that § 308.13 of title 21 of the Code of Federal Regulations be amended to read:

§ 308.13 Schedule III.

* * * * *

(b) *Stimulants.* — Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under § 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances	1405
(2) Benzphetamine	1230

* * * * *

Conferences have been held between the Bureau and Upjohn Co., the only manufacturer of benzphetamine in bulk or dosage form in the United States. The Upjohn Co. has fully cooperated with the Bureau and has consented to the placement of benzphetamine in schedule III to insure that it does not become subject to abuse in the future.

All other interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be sumitted in quintuplicate to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, room 611, 1405 Eye Street NW., Washington, D.C. 20537, and must be received no later than June 7, 1973.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 308.45, the party will be notified by registered mail that a hearing on these objections will be held at 10 a.m. on June 11, 1973, in room 1210, 1405 Eye Street NW., Washington, D.C. 20537. If objections submitted do not present such reasonable grounds, the party will be so advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing the Director may cancel the hearing and after giving consideration to written comments, issue his final order pursuant to 21 CFR § 308.48 without a hearing.

Dated May 1, 1973.

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

[FR Doc.73-9066 Filed 5-8-73;8:45 am]

[21 CFR Part 308]

SCHEDULES OF CONTROLLED SUBSTANCES

Proposed Placement of Chlorphentermine in Schedule III

On February 15, 1973, the Acting Assistant Secretary for Health, on behalf of the Secretary of Health, Education, and Welfare, sent the following letter to the Director of the Bureau of Narcotics and Dangerous Drugs:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
Washington, D.C. 20201

FEBRUARY 15, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, 1405 Eye Street NW., Washington, D.C. 20537

DEAR MR. INGERSOLL: The Food and Drug Administration has recently completed a review of all drugs currently marketed or proposed for marketing in the United States for the treatment of obesity. The marketed drugs include three substances already controlled under Schedule II of the Controlled Substances Act, amphetamine, methamphetamine, and phenmetrazine. The review also included drugs currently not controlled under any schedule, the marketed drugs, diethylpropion, benzphetamine, phendimetrazine, phentermine, and chlorphentermine, and the investigational substances, clortermine, mazindol, and fenfluramine. New drug applications have been submitted to the Food and Drug Administration for the latter three drugs, and approval is pending.

Review of data reveals that these drugs produce approximately the same degree of therapeutic effects in man as currently scheduled anorectics, as adjuncts in weight reduction in the obese. The review indicated that the drugs are also comparable in other ways to scheduled anorectics:

a. They are all closely related chemically, with the exception of mazindol.

b. Their pharmacological profiles are closely similar, except for certain aspects of the profile of fenfluramine.

c. Documentation of actual abuse or production of dependence in humans is irregular, but does exist for certain of the unscheduled anorectics. The skimpy documentation of abuse of these drugs appears due to the fortuitous nature of reports as currently obtained and to the past easy availability of cheaper and more potent stimulants, rather than to intrinsic lack of abuse potential.

d. We note the conclusions and recommendations of the WHO Expert Committee on Drug Dependence that these drugs either be subject to control or by analogy are similar to drugs recommended for control.

e. Certain specialized testing of fenfluramine suggests that the abuse potential of fenfluramine is of a lower order of magnitude than that of the other drugs under consideration.

We, therefore, conclude that all the above named drugs possess abuse potential and potential for producing drug dependence, and are so informing you as required under the provisions of section 201(f) of the Controlled Substances Act. As provided for by section 201(a), we further request that the Attorney General issue rules adding the above drugs to the schedules of the Controlled Substances Act, and recommend that the schedule for all drugs but fenfluramine be schedule III, fenfluramine appearing more appropriately controlled under the provisions of schedule IV.

We attach review material assembled by reviewing pharmacologists within the Food and Drug Administration for its possible utility to you, and as a basis for further discussion after your scientists have reviewed our recommendations and request.

Sincerely,

RICHARD L. SEGGEL,
Acting Assistant Secretary for Health.

Upon receipt of this letter, the Bureau undertook a review of the following: (1) Materials submitted to BNDD by the Department of Health, Education, and Welfare with the letter of February 15, 1973; (2) materials submitted to the Food and Drug Administration in connection with new drug applications on these drugs; (3) published scientific and medical literature from the United States and other nations regarding these drugs; (4) selected investigatory files compiled for law enforcement purposes by the Bureau and another law enforcement agency; and (5) the legislative history of the Controlled Substances Act.

The results of this review can be summarized as follows:

(1) Chlorphentermine is chemically similar to and related to the other anorectic drugs being proposed for control, and to amphetamine, methamphetamine and phenmetrazine, substances currently listed in schedule II.

(2) Chlorphentermine has a pharmacological profile which is similar to the other anorectic drugs being proposed for control and to amphetamine, methamphetamine, and phenmetrazine. This general similarity suggests that all of these drugs may be reasonably substituted for each other for therapeutic or abuse purposes.

(3) Chlorphentermine is covered by a new drug application approved by the Food and Drug Administration for use in treatment of obesity.

(4) Products containing benzphetamine, clorphentermine, diethylpropion, phendimetrazine or phentermine have been marketed in the United States for several years. In the last 6 months, certain of these products have been reported as the subject of thefts, diversion, illicit sales, and abuse. Quantitatively, this data does not suggest a widespread problem at the present time; qualitatively, the data indicates a trend to substitute these products for amphetamine and methamphetamine preparations in abuse circles. This reinforces the belief that abuse of the pharmacologically similar drugs will increase as the amphetamines and methamphetamine become less and less available.

(5) The legislative history of the Controlled Substances Act makes clear that the Bureau is to schedule drugs based upon their potential for abuse, and "should not be required to wait until a number of lives have been destroyed or substantial problems have arisen before designating a drug as subject to controls." (Comprehensive Drug Abuse Prevention and Control Act of 1970, House Report 91-1444 (part 1), p. 35, Sept. 10, 1970). Discussing factors used to measure potential for abuse, the report quotes from the regulations issued under the Drug Abuse Control Amendments of 1965 (id. at p. 34):

> The Director may determine that a substance has a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect if:
>
> (1) There is evidence that individuals are taking the drug or drugs containing such a substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or of the community; or
>
> (2) There is significant diversion of the drug or drugs containing such a substance from legitimate drug channels; or
>
> (3) Individuals are taking the drug or drugs containing such a substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice.

The House Report goes on to say (id. at p. 35):

> In speaking of "substantial" potential [for abuse] the term "substantial" means more than a mere scintilla of isolated abuse, but less than a preponderance. Therefore, documentation that, say, several hundred thousand dosage units of a drug have been diverted would be "substantial" evidence of abuse despite the fact that tens of millions of dosage units of that drug are legitimately used in the same time period.

The Director has concluded from this review of the current situation that control of all anorectic drugs is desirable at this time to insure that they will not become widely abused. This scheduling will fulfill the congressional mandate to act before substantial problems have arisen.

Based upon the investigations and review of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201 (a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811 (a), (b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information now available, chlorphentermine has a potential for abuse less than the drugs or other substances currently listed in schedule II. Although chemically and pharmacologically this drug is closely related to the other anorectic drugs being proposed for control and to the stimulants now listed in schedule II, present data regarding excessive usage, diversion, illicit sales, and abuse of chlorphentermine is not substantial enough to warrant a finding that it has a potential for abuse equal to the stimulants in schedule II.

(2) Chlorphentermine has a currently accepted medical use in treatment in the United States.

(3) Abuse of chlorphentermine may lead to high psychological dependence.

Therefore, under the authority vested in the Attorney General by section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of title 28 of the Code of Federal Regulations, the Director proposes that § 308.13 of title 21 of the Code of Federal Regulations be amended to read:

§ 308.13 Schedule III.

* * * * *

(b) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under § 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances	1405
(2) Chlorphentermine	1645

* * * * *

All interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, room 611, 1405 Eye Street NW., Washington, D.C. 20537, and must be received no later than June 7, 1973.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR § 308.45, the party will be notified by registered mail that a hearing on these objections will be held at 10 a.m. on June 11, 1973, in room 1210, 1405 Eye Street NW., Washington, D.C. 20537. If objections submitted do not present such reasonable grounds, the party will be so advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing and, after giving consideration to written comments, issue his final order pursuant to 21 CFR § 308.48 without a hearing.

Dated May 1, 1973.

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

[FR Doc.73-9067 Filed 5-8-73;8:45 am]

[21 CFR Part 308]

SCHEDULES OF CONTROLLED SUBSTANCES

Proposed Placement of Clortermine in Schedule III

On February 15, 1973, the Acting Assistant Secretary for Health, on behalf of the Secretary of Health, Education, and Welfare, sent the following letter to the Director of the Bureau of Narcotics and Dangerous Drugs:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF THE SECRETARY
Washington, D.C. 20201

FEB. 15, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, 1405 I Street NW., Washington, D.C. 20537

DEAR MR. INGERSOLL: The Food and Drug Administration has recently completed a review of all drugs currently marketed or proposed for marketing in the United States for the treatment of obesity. The marketed drugs include three substances already controlled under schedule II of the Controlled Substances Act, amphetamine, methamphetamine, and phenmetrazine. The review also included drugs currently not controlled under any schedule, the marketed drugs, diethylpropion, benzphetamine, phendimetrazine, phentermine, and chlorphentermine, and the investigational substances, clortermine, mazindol, and fenfluramine. New drug applications have been submitted to the

Food and Drug Administration for the latter three drugs, and approval is pending.

Review of data reveals that these drugs produce approximately the same degree of therapeutic effects in man as currently scheduled anorectics, as adjuncts in weight reduction in the obese. The review indicated that the drugs are also comparable in other ways to scheduled anorectics:

a. They are all closely related chemically, with the exception of mazindol.

b. Their pharmacological profiles are closely similar, except for certain aspects of the profile of fenfluramine.

c. Documentation of actual abuse or production of dependence in humans is irregular, but does exist for certain of the unscheduled anorectics. The skimpy documentation of abuse of these drugs appears due to the fortuitous nature of reports as currently obtained and to the past easy availability of cheaper and more potent stimulants, rather than to intrinsic lack of abuse potential.

d. We note the conclusions and recommendations of the WHO Expert Committee on Drug Dependence that these drugs either be subject to control or by analogy are similar to drugs recommended for control.

e. Certain specialized testing of fenfluramine suggests that the abuse potential of fenfluramine is of a lower order of magnitude than that of the other drugs under consideration.

We, therefore, conclude that all the above named drugs possess abuse potential and potential for producing drug dependence, and are so informing you as required under the provisions of section 201(f) of the Controlled Substances Act. As provided for by section 201(a), we further request that the Attorney General issue rules adding the above drugs to the schedules of the Controlled Substances Act, and recommend that the schedule for all drugs but fenfluramine be schedule III, fenfluramine appearing more appropriately controlled under the provisions of Schedule IV.

We attach review material assembled by reviewing pharmacologists within the Food and Drug Administration for its possible utility to you, and as a basis for further discussion after your scientists have reviewed our recommendations and request.

Sincerely,

RICHARD L. SEGGEL,
Acting Assistant Secretary for Health.

Upon receipt of this letter, the Bureau undertook a review of the following: (1) Materials submitted to BNDD by the Department of Health, Education, and Welfare with the letter of February 15, 1973; (2) materials submitted to the Food and Drug Administration in connection with new drug applications on these drugs; (3) published scientific and medical literature from the United States and other nations regarding these drugs; (4) selected investigatory files compiled for law enforcement purposes by the Bureau and another law enforcement agency; and (5) the legislative history of the Controlled Substances Act.

The results of this review can be summarized as follows:

(1) Clortermine is chemically similar to and related to the other anorectic drugs being proposed for control, and to amphetamine, methamphetamine, and phenmetrazine, substances currently listed in schedule II.

(2) Clortermine has a pharmacological profile which is similar to the other anorectic drugs being proposed for control and to amphetamine, methamphetamine, and phenmetrazine. This general similarity suggests that all of these drugs may be reasonably substituted for each others therapeutic or abuse purposes.

(3) Clortermine is covered by a new drug application filed and pending with the Food and Drug Administration for use in treatment of obesity. The FDA has informed the Bureau that approval of this new drug application is pending completion of certain administrative matters.

(4) Products containing benzphetamine, chlorphentermine, diethylpropion, phendimetrazine, or phentermine have been marketed in the United States for several years. In the last 6 months, certain of these products have been reported as the subject of thefts, diversion, illicit sales, and abuse. Quantitatively, this data does not suggest a widespread problem at the present time; qualitatively, the date indicates a trend to substitute these products for amphetamine and methamphetamine preparations in abuse circles. This reinforces the belief that abuse of the pharmacologically similar drugs will increase as the amphetamines and methamphetamines become less and less available.

(5) Clortermine has not been marketed in the United States or any other country, so there is no evidence of diversion or abuse.

(6) The House report on the Controlled Substances Act discusses the problem of determining the abuse potential of a drug which has not been marketed, by quoting from regulations promulgated under the Drug Abuse Control Amendments of 1965 (Comprehensive Drug Abuse Prevention and Control Act of 1970, House Rept. 91–1444 (pt. 1), p. 34, Sept. 10, 1970):

> The Director may determine that a substance has a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect if:
>
> * * * * *
>
> (4) The drug or drugs containing such a substance are new drugs so related in their action to a drug or drugs already listed as having a potential for abuse to make it likely that the drug will have the same potentiality for abuse as such drugs, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.
>
> * * * * *

The Director has concluded from this review of the current situation that control of all anorectic drugs is desirable at this time to insure that they will not become widely abused. This scheduling will fulfill the congressional mandate to act before substantial problems have arisen. Because of the chemical and pharmacological similarities between clortermine and the other anorectic drugs being proposed for control, the Bureau is proposing placement of clortermine in schedule III. The Bureau will monitor the manufacture, distribution, and use of clortermine in the United States. If, after 18 months during which the drug is marketed, experience suggests that clortermine has not been subject to significant diversion or abuse, the Director will review the necessity and desirability of maintaining clortermine in schedule III and will request from the Secretary of Health, Education, and Welfare a new scientific and medical evaluation, and his recommendation, as to whether clortermine should be so controlled or removed as a controlled substance. Any interested person may petition the Bureau to decontrol clortermine at any time.

Based upon the investigations and review of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201 (a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811 (a), (b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information now available, clortermine has a potential for abuse less than the drugs or other substances currently listed in schedule II. Although chemically and pharmacologically this drug is closely related to the other anorectic drugs being proposed for control and to the stimulants now listed in schedule II, present data regarding these properties is not substantial enough to warrant a finding that it has a potential for abuse equal to the stimulants in schedule II.

2. Clortermine will, upon the approval of new drug application by the FDA, have a currently accepted medical use in treatment in the United States.

3. Abuse of clortermine may lead to high psychological dependence.

Therefore, under the authority vested in the Attorney General by section 201 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of title 28 of the Code of Federal Regulations, the Director proposes that § 308.13 of title 21 of the Code of Federal Regulations be amended to read:

§ 308.13 Schedule III.

* * * * *

(b) *Stimulants.*—Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under § 308.32, and any other

drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances, 1405.

(2) Clortermine, 1647.

* * * * *

Conferences have been held between the Bureau and the USV Pharmaceutical Corp., the only firm intending to market clortermine in the United States. The USV Pharmaceutical Corp. has fully cooperated with the Bureau. Upon the conditions set forth in a letter to the Bureau from counsel for USV Pharmaceutical Corp., dated April 20, 1973, the manufacturer has consented to the placement of clortermine in schedule III to insure that it does not become subject to abuse in the future.

All other interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, room 611, 1405 Eye Street NW., Washington, D.C. 20537, and must be received no later than June 7, 1973.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 308.45, the party will be notified by registered mail that a hearing on these objections will be held at 10 a.m. on June 11, 1973, in room 1210, 1405 Eye Street NW., Washington, D.C. 20537. If objections submitted do not present such reasonable grounds, the party will be so advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing and, after giving consideration to written comments, issue his final order pursuant to 21 CFR 308.48 without a hearing.

Dated May 3, 1973.

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

[FR Doc.73-9071 Filed 5-8-73;8:45 am]

[21 CFR Part 308]

SCHEDULES OF CONTROLLED SUBSTANCES

Proposed Placement of Fenfluramine in Schedule IV

On February 15, 1973, the Acting Assistant Secretary for Health, on behalf of the Secretary of Health, Education, and Welfare, sent the following letter to the Director of the Bureau of Narcotics and Dangerous Drugs:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
Washington, D.C. 20201

FEBRUARY 15, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, 1405 Eye Street NW., Washington, D.C. 20537

DEAR MR. INGERSOLL: The Food and Drug Administration has recently completed a review of all drugs currently marketed or proposed for marketing in the United States for the treatment of obesity. The marketed drugs include three substances already controlled under schedule II of the Controlled Substances Act, amphetamine, methamphetamine, and phenmetrazine. The review also included drugs currently not controlled under any schedule, the marketed drugs, diethylpropion, benzphetamine, phendimetrazine, phentermine, and chlorphentermine, and the investigational substances, clortermine, mazindol, and fenfluramine. New drug applications have been submitted to the Food and Drug Administration for the latter three drugs, and approval is pending.

Review of data reveals that these drugs produce approximately the same degree of therapeutic effects in man as currently scheduled anorectics, as adjuncts in weight reduction in the obese. The review indicated that the drugs are also comparable in other ways to scheduled anorectics:

a. They are all closely related chemically, with the exception of mazindol.

b. Their pharmacological profiles are closely similar, except for certain aspects of the profile of fenfluramine.

c. Documentation of actual abuse or production of dependence in humans is irregular, but does exist for certain of the unscheduled anorectics. The skimpy documentation of abuse of these drugs appears due to the fortuitous nature of reports as currently obtained and to the past easy availability of cheaper and more potent stimulants, rather than to intrinsic lack of abuse potential.

d. We note the conclusions and recommendations of the WHO Expert Committee on Drug Dependence that these drugs either be subject to control or by analogy are similar to drugs recommended for control.

e. Certain specialized testing of fenfluramine suggests that the abuse potential of fenfluramine is of a lower order of magnitude than that of the other drugs under consideration.

We, therefore, conclude that all the above named drugs possess abuse potential and potential for producing drug dependence, and are so informing you as required under the provisions of section 201(f) of the Controlled Substances Act. As provided for by section 201(a), we further request that the Attorney General issue rules adding the above drugs to the schedules of the Controlled Substances Act, and recommend that the schedule for all drugs but fenfluramine be schedule III, fenfluramine appearing more appropriately controlled under the provisions of schedule IV.

We attach review material assembled by reviewing pharmacologists within the Food and Drug Administration for its possible utility to you, and as a basis for further discussion after your scientists have reviewed our recommendations and request.

Sincerely,

RICHARD L. SEGGEL,
Acting Assistant Secretary for Health.

Upon receipt of this letter, the Bureau undertook a review of the following: (1) Materials submitted to BNDD by the Department of Health, Education, and Welfare with the letter of February 15, 1973; (2) materials submitted to the Food and Drug Administration in connection with the new drug applications on these drugs; (3) published scientific and medical literature from the United States and other nations regarding these drugs; (4) selected investigatory files compiled for law enforcement purposes by the Bureau and another law enforcement agency; and (5) the legislative history of the Controlled Substances Act.

The results of this review can be summarized as follows:

(1) Fenfluramine is chemically similar to and related to the other anorectic drugs being proposed for control, and to amphetamine, methamphetamine, and phenmetrazine, substances currently listed in schedule II.

(2) Fenfluramine has a pharmacological profile which is similar to the other anorectic drugs being proposed for control and to amphetamine, methamphetamine, and phenmetrazine. Although certain aspects of the fenfluramine profile are unique, this general similarity suggests that all of these drugs may be reasonably substituted for each other for therapeutic or abuse purposes.

(3) Fenfluramine is covered by a new drug application filed and pending with the Food and Drug Administration for use in treatment of obesity. The FDA has informed the Bureau that approval of this new drug application is pending completion of certain administrative matters.

(4) Products containing benzphetamine, chlorphentermine, diethylpropion, phendimetrazine, or phentermine have been marketed in the United States for several years. In the last 6 months, certain of these products have been reported as the subject of thefts, diversion, illicit sales, and abuse. Quantitatively, this data does not suggest a widespread problem at the present time; qualitatively, the data indicates a trend to substitute these products for amphetamine and methamphetamine preparations in abuse circles. This reinforces the belief that abuse of the pharmacologically similar drugs will increase as the amphetamines and methamphetamines become less and less available.

(5) Fenfluramine has not been marketed in the United States but has been continuously marketed in various European and other countries over the last 10 years. Evidence concerning possible abuse of fenfluramine in South Africa has recently been brought to the attention of the Bureau but has not yet been evaluated by the Bureau; the material has been referred to the Department of Health, Education, and Welfare for its evaluation as well.

(6) The House Report on the Controlled Substances Act discuses the problem of determining the abuse potential of a drug which has not been marketed, by quoting from regulations promulgated

under the Drug Abuse Control Amendments of 1967 (Comprehensive Drug Abuse Prevention and Control Act of 1970, H. Rept. 91-144 (part 1), p. 34, Sept. 10, 1970):

> The Director may determine that a substance has a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect if:
>
> * * * * *
>
> (4) The drug or drugs containing such a substance are new drugs so related in their action to a drug or drugs already listed as having a potential for abuse to make it likely that the drug will have the same potentiality for abuse as such drugs, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.
>
> * * * * *

The Director has concluded from this review of the current situation that control of all anorectic drugs is at this time to prevent their becoming widely abused. This scheduling will fulfill the congressional mandate to act before substantial problems have arisen.

Because of the chemical and pharmacological similarities between fenfluramine and the other anorectic drugs being proposed for control, the Bureau is proposing placement of fenfluramine in schedule IV. The Bureau will monitor the manufacture, distribution, and use of fenfluramine in the United States, paying special attention to indicators of diversion (such as shortages in accountability audits of distributors and dispensers, thefts from handlers, and availability on the illicit market) and to other indicators which indicate that fenfluramine is actually being abused (such as excessive prescribing and dispensing, reports of adverse reactions and overdoses, and other medical experiences). The Bureau will also consider, if available, clinical and other research in abusability, dependence-creating, and dependence-sustaining characteristics of fenfluramine. If, after 18 months during which the drug is marketed, experience suggests that fenfluramine has not been subject to significant diversion or abuse, the Director will review the necessity and desirability of maintaining fenfluramine in schedule IV and will request from the Secretary of Health, Education, and Welfare a new scientific and medical evaluation, and his recommendation, as to whether fenfluramine should be so controlled or removed as a controlled substance. Any interested person may petition the Bureau to decontrol fenfluramine at any time.

Based upon the investigations and review of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201 (a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a), (b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information evaluated up to this time, fenfluramine has a low potential for abuse relative to the drugs or other substances currently listed in schedule III, based on information now available. Although chemically and/or pharmacologically this drug is related to the other anorectic drugs being proposed for control and to the stimulants now listed in schedule II, present data regarding excessive usage, diversion, illicit sales, and abuse in other countries is not substantial enough to warrant a finding that fenfluramine has a potential for abuse equal to the stimulants in schedule II or to the seven drugs listed above. In addition, certain tests cited in the letter from the Department of Health, Education, and Welfare suggest a lower abuse potential for fenfluramine.

2. Fenfluramine will upon the approval of a new drug application by the FDA, have a currently accepted medical use in treatment in the United States.

3. Abuse of fenfluramine may lead to limited physical dependence relative to the drugs or other substances in schedule III.

Therefore, under the authority vested in the Attorney General by section 201 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of title 28 of the Code of Federal Regulations, the Director proposes that § 308.14(b) of title 21 of the Code of Federal Regulations be amended to read:

§ 308.14 Schedule IV.

* * * * *

(c) *Fenfluramine.* Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible:

(1) Fenfluramine, 1670.

* * * * *

Conferences have been held between the Bureau and the A. H. Robins Co., the only firm intending to market fenfluramine in the United States. The A. H. Robins Co. has fully cooperated with the Bureau and has consented to the placement of fenfluramine in schedule IV to insure that it does not become subject to abuse in the future.

All other interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, room 611, 1405 Eye Street NW., Washington, D.C. 20537, and must be received no later than June 7, 1973.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 308.45, the party will be notified by registered mail that a hearing on these objections will be held at 10 a.m., on June 11, 1973, in room 1210, 1405 I Street NW., Washington, D.C. 20537. If objections submitted do not present such reasonable grounds, the party will be so advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing and, after giving consideration to written comments, issue his final order pursuant to 21 CFR § 308.48 without a hearing.

Dated May 3, 1973.

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

[FR Doc.73-9072 Filed 5-8-73;8:45 am]

[21 CFR Part 308]

SCHEDULES OF CONTROLLED SUBSTANCES

Proposed Placement of Mazindol in Schedule III

On February 15, 1973, the Acting Assistant Secretary for Health, on behalf of the Secretary of Health, Education, and Welfare, sent the following letter to the Director of the Bureau of Narcotics and Dangerous Drugs:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF THE SECRETARY

Washington, D.C. 20201

FEBRUARY 15, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, 1405 I Street NW., Washington, D.C. 20537

DEAR MR. INGERSOLL: The Food and Drug Administration has recently completed a review of all drugs currently marketed or proposed for marketing in the United States for the treatment of obesity. The marketed drugs include three substances already controlled under schedule II of the Controlled Substances Act, amphetamine, methamphetamine, and phenmetrazine. The review also included drugs currently not controlled under any schedule, the marketed drugs, diethylpropion, benzphetamine, phendimetrazine, phentermine, and chlorphentermine, and the investigational substances, chlortermine, mazindol, and fenfluramine. New drug applications have been submitted to the Food and Drug Administration for the latter three drugs, and approval is pending.

Review of data reveals that these drugs produce approximately the same degree of therapeutic effects in man as currently scheduled anorectics, as adjuncts in weight reduction in the obese. The review indicated that the drugs are also comparable in other ways to scheduled anorectics:

a. They are all closely related chemically, with the exception of mazindol.

b. Their pharmacological profiles are closely similar, except for certain aspects of the profile of fenfluramine.

c. Documentation of actual abuse or production of dependence in humans is irregular, but does exist for certain of the unscheduled anorectics. The skimpy documentation of abuse of these drugs appears due to the fortuitous nature of reports as currently obtained and to the past easy availability of cheaper and more potent stimulants, rather than to intrinsic lack of abuse potential.

d. We note the conclusions and recommendations of the WHO Expert Committee on Drug Dependence that these drugs either be subject to control or by analogy are similar to drugs recommended for control.

e. Certain specialized testing of fenfluramine suggests that the abuse potential of fenfluramine is of a lower order of magnitude than that of the other drugs under consideration.

We, therefore, conclude that all the above named drugs possess abuse potential and potential for producing drug dependence, and are so informing you as required under the provisions of section 201(f) of the Controlled Substances Act. As provided for by section 201(a), we further request that the Attorney General issue rules adding the above drugs to the schedules of the Controlled Substances Act, and recommend that the schedule for all drugs but fenfluramine be schedule III, fenfluramine appearing more appropriately controlled under the provisions of schedule IV.

We attach review material assembled by reviewing pharmacologists within the Food and Drug Administration for its possible utility to you, and as a basis for further discussion after your scientists have reviewed our recommendations and request.

Sincerely,

RICHARD L. SEGGEL,
Acting Assistant Secretary for Health.

Upon receipt of this letter, the Bureau undertook a review of the following: (1) Materials submitted to BNDD by the Department of Health, Education, and Welfare with the letter of February 15, 1973; (2) materials submitted to the Food and Drug Administration in connection with new-drug applications on these drugs; (3) materials submitted spontaneously to the Bureau by the manufacturer of mazindol regarding the abuse potential of this drug; (4) published scientific and medical literature from the United States and other nations regarding these drugs; (5) selected investigatory files compiled for law enforcement purposes by the Bureau and another law enforcement agency; and (6) the legislative history of the Controlled Substances Act.

The results of this review can be summarized as follows:

(1) Mazindol has a pharmacological profile which is similar to the other anorectic drugs being proposed for control and to amphetamine, methamphetamine, and phenmetrazine. This general similarity suggests that all of these drugs may be reasonably substituted for each other for therapeutic or abuse purposes.

(2) Mazindol is covered by a new-drug application filed and pending with the Food and Drug Administration for use in treatment of obesity. The FDA has informed the Bureau that approval of this new-drug application is pending completion of certain administrative matters.

(3) Products containing benzphetamine, chlorphentermine, diethylpropion, phendimetrazine or phentermine have been marketed in the United States for several years. In the last 6 months, certain of these products have been reported as the subject of thefts, diversion, illicit sales, and abuse. Quantitatively, this data does not suggest a widespread problem at the present time; qualitatively, the data indicates a trend to substitute these products for amphetamine and methamphetamine preparations in abuse circles. This reinforces the belief that abuse of the pharmacologically similar drugs will increase as the amphetamines and methamphetamine become less and less available.

(4) Mazindol has not been marketed in the United States or any other country, so there is no evidence of diversion or abuse.

(5) The House report on the Controlled Substances Act discusses the problem of determining the abuse potential of a drug which has not been marketed, by quoting from regulations promulgated under the Drug Abuse Control Amendment of 1965 (Comprehensive Drug Abuse Prevention and Control Act of 1970, House Report 91-1444 (part 1), p. 34, Sept. 10, 1970):

> The Director may determine that a substance has a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect if:
>
> * * * * *
>
> (4) The drug or drugs containing such a substance are new drugs so related in their action to a drug or drugs already listed as having a potential for abuse to make it likely that the drug will have the same potentiality for abuse as such drugs, thus making it reasonable to assume that there may be significant diversions from legitimate channels, significant use contrary to or without medical advice, or that it has a substantial capability of creating hazards to the health of the user or to the safety of the community.

The Director has concluded from this review of the current situation that control of all anorectic drugs is desirable at this time to insure that they will not become widely abused. This scheduling will fulfill the congressional mandate to act before substantial problems have arisen. Because of the chemical and pharmacological similarities between mazindol and the other anorectic drugs being proposed for control, the Bureau is proposing placement of mazindol in schedule III. The Bureau will monitor the manufacture, distribution, and use of mazindol in the United States, paying special attention to indicators of diversion (such as shortages in accountability audits of distributors and dispensers, thefts from handlers, and availability on the illicit market) and to other indicators which indicate that mazindol is actually being abused (such as excessive prescribing and dispensing, reports of adverse reactions and overdoses, and other medical experiences). The Bureau will also consider, if available, clinical and other research in abusability, dependence-creating, and dependence-sustaining characteristics of mazindol. If, after 18 months during which the drug is marketed, experience suggests that mazindol has not been subject to significant diversion or abuse, the Director will review the necessity and desirability of maintaining mazindol in schedule III and will request from the Secretary of Health, Education, and Welfare a new scientific and medical evaluation, and his recommendation, as to whether mazindol should be so controlled or removed as a controlled substance. Any interested person may petition the Bureau to decontrol mazindol at any time.

Based upon the investigations and review of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201 (a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811 (a) and (b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information now available, mazindol has a potential for abuse less than the drugs or other substances currently listed in schedule II. Although pharmacologically this drug is closely related to the other anorectic drugs being proposed for control and to the stimulants now listed in schedule II, present data regarding these properties is not substantial enough to warrant a finding that it has a potential for abuse equal to the stimulants in schedule II.

2. Mazindol will, upon the approval of a new-drug application by the Food and Drug Administration, have a currently accepted medical use in treatment in the United States.

3. Abuse of mazindol may lead to high psychological dependence.

Therefore, under the authority vested in the Attorney General by section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of title 28 of the Code of Federal Regulations, the Director proposes that § 308.13 of title 21 of the Code of Federal Regulations be amended to read:

§ 308.13 Schedule III.

* * * * *

(b) *Stimulants.*—Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form

containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under § 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances.... 1405

(2) Mazindol..... 1605

* * * * *

Conferences have been held between the Bureau and Sandoz-Wander, Inc., the only firm intending to market mazindol in the United States. Sandoz-Wander has fully cooperated with the Bureau and has consented to the placement of mazindol in schedule III to insure that it does not become subject to abuse in the future.

All other interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, room 611, 1405 Eye Street NW., Washington, D.C. 20537, and must be received no later than June 7, 1973.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR § 308.45, the party will be notified by registered mail that a hearing on these objections will be held at 10 a.m. on June 11, 1973, in room 1210, 1405 Eye Street NW., Washington, D.C. 20537. If objections submitted do not present such reasonable grounds, the party will be so advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing and, after giving consideration to written comments, issue his final order pursuant to 21 CFR § 308.48 without a hearing.

Dated May 1, 1973.

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

[FR Doc.73-9068 Filed 5-8-73;8:45 am]

[21 CFR Part 308]

SCHEDULES OF CONTROLLED SUBSTANCES

Proposed Placement of Phendimetrazine in Schedule III

On February 15, 1973, the Acting Assistant Secretary for Health, on behalf of the Secretary of Health, Education, and Welfare, sent the following letter to the Director of the Bureau of Narcotics and Dangerous Drugs:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
Washington, D.C. 20201

FEBRUARY 15, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs, eDpartment of Justice, 1405 I Street NW., Washington, D.C. 20537

DEAR MR. INGERSOLL: The Food and Drug Administration has recently completed a review of all drugs currently marketed or proposed for marketing in the United States for the treatment of obesity. The marketed drugs include three substances already controlled under schedule II of the Controlled Substances Act, amphetamine, methamphetamine, and phenmetrazine. The review also included drugs currently not controlled under any schedule, the marketed drugs, diethylpropion, benzphetamine, phendimetrazine, phentermine, and chlorphentermine, and the investigational substances, clortermine, mazindol, and fenfluramine. New drug applications have been submitted to the Food and Drug Administration for the latter three drugs, and approval is pending.

Review of data reveals that these drugs produce approximately the same degree of therapeutic effects in man as currently scheduled anorectics, as adjuncts in weight reduction in the obese. The review indicated that the drugs are also comparable in other ways to scheduled anorectics:

a. They are all closely related chemically, with the exception of mazindol.

b. Their pharmacological profiles are closely similar, except for certain aspects of the profile of fenfluramine.

c. Documentation of actual abuse or production of dependence in humans is irregular, but does exist for certain of the unscheduled anorectics. The skimpy documentation of abuse of these drugs appears due to the fortuitous nature of reports as currently obtained and to the past easy availability of cheaper and more potent stimulants, rather than to intrinsic lack of abuse potential.

d. We note the conclusions and recommendations of the WHO Expert Committee on Drug Dependence that these drugs either be subject to control or by analogy are similar to drugs recommended for control.

e. Certain specialized testing of fenfluramine suggests that the abuse potential of fenfluramine is of a lower order of magnitude than that of the other drugs under consideration.

We, therefore, conclude that all the abovenamed drugs possess abuse potential and potential for producing drug dependence, and are so informing you as required under the provisions of section 201(f) of the Controlled Substances Act. As provided for by section 201(a), we further request that the Attorney General issue rules adding the above drugs to the schedules of the Controlled Substances Act, and recommend that the schedule for all drugs but fenfluramine be schedule III, fenfluramine appearing more appropriately controlled under the provisions of schedule IV.

We attach review material assembled by reviewing pharmacologists within the Food and Drug Administration for its possible utility to you, and as a basis for further discussion after your scientists have reviewed our recommendations and request.

Sincerely,

RICHARD L. SEGGEL,
Acting Assistant Secretary for Health.

Upon receipt of this letter, the Bureau undertook a review of the following: (1) Materials submitted to BNDD by the Department of Health, Education, and Welfare with the letter of February 15, 1973; (2) materials submitted to the Food and Drug Administration in connection with new drug applications on these drugs; (3) published scientific and medical literature from the United States and other nations regarding these drugs; (4) selected investigatory files compiled for law enforcement purposes by the Bureau and another law enforcement agency; and (5) the legislative history of the Controlled Substances Act.

The results of this review can be summarized as follows:

(1) Phendimetrazine is chemically similar to and related to the other anorectic drugs being proposed for control, and to amphetamine, methamphetamine, and phenmetrazine, substances currently listed in schedule II.

(2) Phendimetrazine has a pharmacological profile which is similar to the other anorectic drugs being proposed for control and to amphetamine, methamphetamine, and phenmetrazine. This general similarity suggests that all of these drugs may be reasonably substituted for each other for therapeutic or abuse purposes.

(3) Phendimetrazine is covered by a new drug application approved by the Food and Drug Administration for use in treatment of obesity.

(4) Products containing benzphetamine, chlorphentermine, diethylpropion, phendimetrazine, or phentermine have been marketed in the United States for several years. In the last 6 months, certain of these products have been reported as the subject of thefts, diversion, illicit sales, and abuse. Quantitatively, this data does not suggest a widespread problem at the present time; qualitatively, the data indicates a trend to substitute these products for amphetamine and methamphetamine preparations in abuse circles. This reinforces the belief that abuse of the pharmacologically similar drugs will increase as the amphetamines and methamphetamine become less and less available.

(5) The legislative history of the Controlled Substances Act makes clear that the Bureau is to schedule drugs based upon their potential for abuse, and "should not be required to wait until a number of lives have been destroyed or substantial problems have arisen before designating a drug as subject to controls." (Comprensive Drug Abuse Prevention and Control Act of 1970, H. Rept. 91-1444 (pt. 1), p. 35, Sept. 10, 1970.) Discussing factors used to measure potential for abuse, the report quotes from the regulations issued under the Drug Abuse Control Amendments of 1965 (id. at p. 34):

"The Director may determine that a substance has a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect if:

"(1) There is evidence that individuals are taking the drug or drugs containing such a substance in amounts sufficient to create a hazard to their health or to the safety of other individuals of the community; or

"(2) There is significant diversion of the drug or drugs containing such a substance from legitimate drug channels; or

"(3) Individuals are taking the drug or drugs containing such a substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice."

The House report goes on to say (id. at p. 35):

"In speaking of 'substantial' potential [for abuse] the term 'substantial' means more than a mere scintilla of isolated abuse, but less than a preponderance. Therefore, documentation that, say, several hundred thousand dosage units of a drug have been diverted would be 'substantial' evidence of abuse despite the fact that tens of millions of dosage units of that drug are legitimately used in the same time period."

The Director has concluded from this review of the current situation that control of all anorectic drugs is desirable at this time to insure that they will not become widely abused. This scheduling will fulfill the congressional mandate to act before substantial problems have arisen.

Based upon the investigations and review of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201 (a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811 (a), (b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information now available, phendimetrazine has a potential for abuse less than the drugs or other substances currently listed in schedule II. Although chemically and pharmacologically this drug is closely related to the other anorectic drugs being proposed for control and to the stimulants now listed in schedule II, present data regarding excessive usage, diversion, illicit sales, and abuse of phendimetrazine is not substantial enough to warrant a finding that it has a potential for abuse equal to the stimulants in schedule II.

2. Phendimetrazine has a currently accepted medical use in treatment in the United States.

3. Abuse of phendimetrazine may lead to high psychological dependence.

Therefore, under the authority vested in the Attorney General by section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of title 28 of the Code of Federal Regulations, the Director proposes that § 308.13 of title 21 of the Code of Federal Regulations be amended to read:

§ 308.13 Schedule III.

* * * * *

(b) *Stimulants.*—Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under § 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances	1405
(2) Phendimetrazine	1620

* * * * *

Conferences have been held between the Bureau and the Ayerst Laboratories Division of the American Home Products Corp., the largest manufacturer of phendimetrazine in the United States and the only firm with a new drug application for phendimetrazine approved by the Food and Drug Administration. Ayerst Laboratories has fully cooperated with the Bureau and has consented to the placement of phendimetrazine in schedule III to insure that it does not become subject to abuse in the future.

All other interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, room 611, 1405 I Street NW., Washington, D.C. 20537, and must be received no later than June 7, 1973.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 308.45, the party will be notified by registered mail that a hearing on these objections will be held at 10 a.m. on June 11, 1973, in room 1210, 1405 I Street, NW., Washington, D.C. 20537. If objections submitted do not present such reasonable grounds, the party will be so advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing and, after giving consideration to written comments, issue his final order pursuant to 21 CFR § 308.48 without a hearing.

Dated May 1, 1973.

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

[FR Doc.73-9069 Filed 5-8-73;8:45 am]

[21 CFR Part 308]

SCHEDULES OF CONTROLLED SUBSTANCES

Proposed Placement of Phentermine in Schedule III

On February 15, 1973, the Acting Assistant Secretary for Health, on behalf of the Secretary of Health, Education, and Welfare, sent the following letter to the Director of the Bureau of Narcotics and Dangerous Drugs:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

OFFICE OF THE SECRETARY

Washington, D.C. 20201

FEBRUARY 15, 1973.

JOHN E. INGERSOLL,
Director, Bureau of Narcotics and Dangerous Drugs, Department of Justice, 1405 I Street NW., Washington, D.C. 20537

DEAR MR. INGERSOLL: The Food and Drug Administration has recently completed a review of all drugs currently marketed or proposed for marketing in the United States for the treatment of obesity. The marketed drugs include three substances already controlled under schedule II of the Controlled Substances Act, amphetamine, methamphetamine, and phenmetrazine. The review also included drugs currently not controlled under any schedule, the marketed drugs, diethylpropion, benzphetamine, phendimetrazine, phentermine, and chlorphentermine, and the investigational substances, clortermine, mazindol, and fenfluramine. New drug applications have been submitted to the Food and Drug Administration for the latter three drugs, and approval is pending.

Review of data reveals that these drugs produce approximately the same degree of therapeutic effects in man as currently scheduled anorectics, as adjuncts in weight reduction in the obese. The review indicated that the drugs are also comparable in other ways to scheduled anorectics:

a. They are all closely related chemically, with the exception of mazindol.

b. Their pharmacological profiles are closely similar, except for certain aspects of the profile of fenfluramine.

c. Documentation of actual abuse or production of dependence in humans is irregular, but does exist for certain of the unscheduled anorectics. The skimpy documentation of abuse of these drugs appears due to the fortuitous nature of reports as currently obtained and to the past easy availability of cheaper and more potent stimulants, rather than to intrinsic lack of abuse potential.

d. We note the conclusions and recommendations of the WHO Expert Committee on Drug Dependence that these drugs either be subject to control or by analogy are similar to drugs recommended for control.

e. Certain specialized testing of fenfluramine suggests that the abuse potential of fenfluramine is of a lower order of magnitude than that of the other drugs under consideration.

We, therefore, conclude that all the above named drugs possess abuse potential and potential for producing drug dependence, and are so informing you as required under the provisions of section 201(f) of the Controlled Substances Act. As provided for by section 201(a), we further request that the Attorney General issue rules adding the above drugs to the schedules of the Controlled Substances Act, and recommend that the schedule for all drugs but fenfluramine be schedule III, fenfluramine appearing more

appropriately controlled under the provisions of schedule IV.

We attach review material assembled by reviewing pharmacologists within the Food and Drug Administration for its possible utility to you, and as a basis for further discussion after your scientists have reviewed our recommendations and request.

Sincerely,

RICHARD L. SEGGEL,
Acting Assistant Secretary for Health.

Upon receipt of this letter, the Bureau undertook a review of the following: (1) Materials submitted to BNDD by the Department of Health, Education, and Welfare with the letter of February 15, 1973; (2) materials submitted to the Food and Drug Administration in connection with new drug applications on these drugs; (3) published scientific and medical literature from the United States and other nations regarding these drugs; (4) selected investigatory files compiled for law enforcement purposes by the Bureau and another law enforcement agency; and (5) the legislative history of the Controlled Substances Act.

The results of this review can be summarized as follows:

(1) Phentermine is chemically similar to and related to the other anorectic drugs being proposed for control, and to amphetamine, methamphetamine, and phenmetrazine, substances currently listed in schedule II.

(2) Phentermine has a pharmacological profile which is similar to the other anorectic drugs being proposed for control and to amphetamine, methamphetamine, and phenmetrazine. This general similarity suggests that all of these drugs may be reasonably substituted for each other for therapeutic or abuse purposes.

(3) Phentermine is covered by a new drug application approved by the Food and Drug Administration for use in treatment of obesity.

(4) Products containing benzphetamine, chlorphentermine, diethylpropion, phendimetrazine, or phentermine have been marketed in the United States for several years. In the last 6 months, certain of these products have been reported as the subject of thefts, diversion, illicit sales, and abuse. Quantitatively, this data does not suggest a widespread problem at the present time; qualitatively, the data indicates a trend to substitute these products for amphetamine and methamphetamine preparations in abuse circles. This reinforces the belief that abuse of the pharmacologically similar drugs will increase as the amphetamines and methamphetamine become less and less available.

(5) The legislative history of the Controlled Substances Act makes clear that the Bureau is to schedule drugs based upon their potential for abuse, and "should not be required to wait until a number of lives have been destroyed or substantial problems have arisen before designating a drug as subject to controls." (Comprehensive Drug Abuse Prevention and Control Act of 1970, House Report 91-1444 (part 1), p. 35, Sept. 10, 1970.) Discussing factors used to measure potential for abuse, the report quotes from the regulations issued under the Drug Abuse Control Amendments of 1965 (id. at p. 34):

> The Director may determine that a substance has a potential for abuse because of its depressant or stimulant effect on the central nervous system or its hallucinogenic effect if:
>
> (1) There is evidence that individuals are taking the drug or drugs containing such a substance in amounts sufficient to create a hazard to their health or to the safety of other individuals or of the community; or
>
> (2) There is significant diversion of the drug or drugs containing such a substance from legitimate drug channels; or
>
> (3) Individuals are taking the drug or drugs containing such a substance on their own initiative rather than on the basis of medical advice from a practitioner licensed by law to administer such drugs in the course of his professional practice.

The House report goes on to say (id. at p. 35):

> In speaking of "substantial" potential [for abuse] the term "substantial" means more than a mere scintilla of isolated abuse, but less than a preponderance. Therefore, documentation that, say, several hundred thousand dosage units of a drug have been diverted would be "substantial" evidence of abuse despite the fact that tens of millions of dosage units of that drug are legitimately used in the same time period.

The Director has concluded from this review of the current situation that control of all anorectic drugs is desirable at this time to insure that they will not become widely abused. This scheduling will fulfill the congressional mandate to act before substantial problems have arisen.

Based upon the investigations and review of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to sections 201 (a) and (b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811 (a), (b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that:

1. Based on information now available, phentermine has a potential for abuse less than the drugs or other substances currently listed in schedule II. Although chemically and pharmacologically this drug is closely related to the other anorectic drugs being proposed for control and to the stimulants now listed in schedule II, present data regarding excessive usage, diversion, illicit sales, and abuse of phentermine is not substantial enough to warrant a finding that it has potential for abuse equal to the stimulants in schedule II.

2. Phentermine has a currently accepted medical use in treatment in the United States.

3. Abuse of phentermine may lead to high psychological dependence.

Therefore, under the authority vested in the Attorney General by section 201 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a), and delegated to the Director of the Bureau of Narcotics and Dangerous Drugs by § 0.100 of title 28 of the Code of Federal Regulations, the Director proposes that § 308.13 of title 21 of the Code of Federal Regulations be amended to read:

§ 308.13 Schedule III.

* * * * *

(b) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in schedule II which compounds, mixtures, or preparations were listed on August 25, 1971, as excepted compounds under § 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances	1405
(2) Phentermine	1640

* * * * *

Conferences have been held between the Bureau and the Dorsey Laboratories, Division of Sandoz-Warner, Inc., one of the two manufacturers of phentermine in the United States. Dorsey has fully cooperated with the Bureau and has consented to the placement of phentermine in schedule III to insure that it does not become subject to abuse in the future.

All other interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Hearing Clerk, Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, room 611, 1405 Eye Street NW., Washington, D.C. 20537, and must be received no later than June 7, 1973.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 308.45, the party will be notified by registered mail that a hearing on these objections will be held at 10 a.m. on June 11, 1973, in room 1210, 1405 Eye Street, NW., Washington, D.C. 20537. If objections submitted do not present such reasonable grounds, the party will be so advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the

Director may cancel the hearing and, after giving consideration to written comments, issue his final order pursuant to 21 CFR § 308.48 without a hearing.

Dated May 1, 1973.

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

[FR Doc.73-9070 Filed 5-8-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 146e]

FEED GRADE BACITRACIN

Revision of Certification Requirements

The Commissioner of Food and Drugs has received a petition from Commercial Solvents Corp., Terre Haute, Ind. 47808, requesting that the certification requirements specified by § 146e.427 (21 CFR part 146e) be revised. The section now provides cross reference to § 146e.425 (21 CFR part 146e) paragraphs (b), (c), and (d) for packaging, labeling, requests for certification, and samples. The cross-reference in effect, requires that the bacitracin used in the manufacture of bacitracin oral veterinary drugs certified under § 146e.427 be of pharmaceutical grade. The Commissioner of Food and Drugs has concluded that the bacitracins used in these oral veterinary preparations need not be of pharmaceutical grade for their safe and effective use.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(n)(5), 82 Stat. 351; 21 U.S.C. 360b(n)(5)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 146e.427 be amended by revising paragraph (b), and by adding new paragraphs (c), as follows:

§ 146e.427 Feed grade bacitracin powder oral veterinary (crude bacitracin powder oral veterinary, unrefined bacitracin powder oral veterinary); feed grade zinc bacitracin powder oral veterinary (crude zinc bacitracin powder oral veterinary, unrefined zinc bacitracin powder oral veterinary).

* * * * *

(b) *Labeling.*—Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of grams of bacitracin activity per pound, and the weight of the drug in the immediate container.

(iii) The statement "Expiration date ----------", the blank being filled in with the date that is 18 months after the month during which the batch was certified, except that an expiration date of 24 months or 36 months may be used if the manufacturer has submitted to the Commissioner results of tests and assays showing that, after having been stored for such period of time, such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section.

(iv) The statement "For oral veterinary use only".

(v) If it is intended for use in animals raised for food production, it shall be labeled in accordance with the requirements of regulations in parts 121 and/or 135c of this chapter.

(2) On the circular or other labeling within or attached to the package, adequate directions and warnings for the veterinary use of such drug by the laity.

(c) Request for certification; samples.

(1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless it was previously submitted) the date on which the latest assay of the bacitracin used in making such batch was completed, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each other ingredient used conforms to the requirements prescribed therefor, by this section.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch. Grams of bacitracin per pound and moisture.

(ii) The bacitracin used in making the batch: Potency, moisture, and zinc content, if the bacitracin used is zinc bacitracin.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 6 immediate containers, unless each such container is packaged to contain more than 30 grams, in which case the sample shall consist of 30 grams for each 5,000 immediate containers in the batch, but in no case less than six 30-gram portions or more than twelve 30-gram portions. Such samples shall be collected by taking single immediate containers or 30-gram portions at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The bacitracin used in making the batch: one package consisting of a composite of six portions of approximately 1 gram each taken at random from different locations in the batch, packaged in accordance with the requirements of § 148.2 of this chapter.

(iii) In case of an initial request for certification, each other substance used in making the batch: 1 package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2)(ii) of this paragraph, and no sample referred to in subparagraph (3)(ii) of this paragraph, is required if such result or sample has been previously submitted.

Interested persons may, on or before July 9, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated May 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-9146 Filed 5-8-73;8:45 am]

[21 CFR Part 278]

RECORDS AND REPORTS

Applicability of Requirements for Assemblers of Diagnostic X-ray Systems and Component Manufacturers

The Commissioner of Food and Drugs is proposing to amend subpart H of the regulations, specifically § 278.701 (21 CFR 278.701), to set forth clearly the degree of applicability of certain recordkeeping and reporting regulations to assemblers of diagnostic x-ray systems and component manufacturers. The amendments are proposed because final regulations pertaining to Performance Standards for Electronic Products, Diagnostic X-ray Systems and Their Major Components, published in the FEDERAL REGISTER of August 15, 1972 (37 FR 16461), to become effective August 15, 1973, introduced a distinction between assemblers and component manufacturers. The Commissioner is providing 60 days for comment on the proposed amendments and proposes to establish an effective date of August 15, 1973, for any final order.

The present wording of § 278.701(b) excludes manufacturers of listed products (§ 278.750) from meeting certain requirements of subpart H—Records and Reports, if such products are sold exclusively to other manufacturers for use as components of electronic products to be sold to purchasers, because generally when such components are exclusively sold in this manner, subsequent manufacturers are required to certify final products sold to purchasers.

The diagnostic x-ray system standard departs from this format in that it requires manufacturers to certify specified individual components, even when they are sold to subsequent manufacturers, including assemblers. In this case, however, assemblers of diagnostic x-ray

systems are not required to recertify individual components specified in § 278.213–1(a)(1), but only the assembly of those components into the x-ray system. Hence, the provisions of subpart H, including § 278.705, Reporting of accidental radiation occurrences, should apply to manufacturers of diagnostic x-ray system components which require certification pursuant to § 278.213–1 (a)(1) and (c). Accordingly, the Commissioner is proposing to revise § 278.701(b) to show clearly that the provisions of subpart H are applicable to such component manufacturers. Additionally, in that § 278.701(b) is being revised, the opportunity is taken to clarify the present regulation reference to listed products by means of a reference to § 278.750.

The provisions of subpart H—Records and Reports, except for § 278.705, are not intended to apply to diagnostic x-ray system assemblers subject to § 278.213–1(d), provided the assembler has submitted the report required by § 278.213–1(d) (1) or (2) and retains a copy of such report for a period of 5 years from its date. Such reports by assemblers are considered adequate certification of the assembly in lieu of the requirements of §§ 278.710, 278.711, 278.712, and 278.720. Accordingly, the Commissioner is proposing to amend § 278.701 by adding a new paragraph (d) to exclude such assemblers from the requirements of subpart H, except for § 278.705.

Therefore, pursuant to the provisions of the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (secs. 360A, 360B, 82 Stat. 1182–84; 42 U.S.C. 263i, 263j) and under authority delegated to him (21 CFR 2.120), the Commissioner of Food and Drugs proposes to amend part 278 (21 CFR part 278) by revising § 278.701 to read as follows:

§ 278.701 Applicability.

The provisions of this subpart are applicable to manufacturers, dealers, and distributors of electronic products as specified herein, but, except for § 278.705, are not applicable to:

(a) Manufacturers of electronic products intended solely for export if such product is labeled or tagged to show that the product is intended for export, and the product meets all the applicable requirements of the country to which such product is intended for export,

(b) Manufacturers of electronic products listed in § 278.750 if sold exclusively to other manufacturers for use as components of electronic products to be sold to purchasers, with the exception that the provisions are applicable to those manufacturers certifying components pursuant to provisions of § 278.213–1(c),

(c) Manufacturers of electronic products which are intended for use by the U.S. Government and whose function or design cannot be divulged by the manufacturer for reasons of national security, as evidenced by government security classification, and

(d) Assemblers subject to the provisions of § 278.213–1(d), provided the assembler has submitted the report required by § 278.213–1(d) (1) or (2) and retains a copy of such report for a period of 5 years from its date.

Interested persons may, within 60 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Received comments may be seen in the above office during working hours, Monday through Friday.

Dated May 2, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-9145 Filed 5-8-73;8:45 am]

Office of Education

[45 CFR Part 187]

FINANCIAL ASSISTANCE FOR THE IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

Notice of Proposed Rulemaking

Pursuant to the authority contained in section 810 of the Elementary and Secondary Education Act of 1965, as added by part B of title IV of the Education Amendments of 1972 (Public Law 92–318, 86 Stat. 339, 20 U.S.C. 887c), the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, hereby proposes to amend title 45 of the Code of Federal Regulations by adding a new part 187 as set forth below.

The new part 187 would contain regulations governing financial assistance to State and local educational agencies; federally supported elementary and secondary schools for Indian children; Indian tribes, organizations, and institutions; institutions of higher education; and public institutions and organizations for the purpose of planning, developing, and carrying out programs and projects for the improvement of educational opportunities for Indian children. Such programs and projects shall include, in accordance with subpart B of the proposed regulation, (1) planning, pilot, and demonstration projects designed to test and demonstrate the effectiveness of programs for improving educational opportunities for Indian children; (2) programs designed to stimulate (a) the provision of educational services not available to Indian children in sufficient quantity or quality and (b) the development and establishment of exemplary educational programs to serve as models for regular school programs in which Indians are educated; (3) preservice and inservice training programs for persons serving Indian children as educational personnel (with preference herein given to the training of Indians); and (4) programs for the dissemination of information and materials relating to, and the evaluation of the effectiveness of, education programs which may offer educational opportunities to Indian children.

The Commissioner will provide assistance to those applicants whose applications under subpart B of the proposed regulation meet the requirements of that subpart and best satisfy the criteria set forth in subpart C thereof. In approving applications under this part, the Commissioner shall give priority to applications from Indian educational agencies, organizations and institutions.

Applications under subpart B of the proposed regulation for (1) planning, pilot, and demonstration projects; and (2) educational enrichment programs and services, and exemplary and innovative programs and centers, must be developed with the participation of parents of the Indian children to be served and tribal communities in the planning and development of the project, and must provide for such participation in the operation and evaluation of an approved project.

Federal financial assistance provided pursuant to section 810 of the Elementary and Secondary Education Act of 1965 is subject to the regulations in 45 CFR part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d). Such assistance is also subject to the provisions of title IX of Public Law 92–318 (20 U.S.C. 1681) (relating to discrimination on the basis of sex).

Interested persons are invited to submit written comments, suggestions, or objections to Mr. Frank B. McGettrick, Acting Deputy Commissioner for Indian Education, U.S. Office of Education, room 4033, 400 Maryland Avenue SW., Washington, D.C. 20202, on or before May 29, 1973. Comments received in response to this notice will be available for public inspection at room 4033, 400 Maryland Avenue SW., Washington, D.C., between 8 a.m. and 4:30 p.m., Monday through Friday.

Dated April 30, 1973.

JOHN OTTINA,
Acting U.S. Commissioner of Education.

Approved May 4, 1973.

CASPAR W. WEINBERGER,
Secretary, Health, Education, and Welfare.

PART 187—FINANCIAL ASSISTANCE FOR THE IMPROVEMENT OF EDUCATIONAL OPPORTUNITIES FOR INDIAN CHILDREN

Subpart A—Scope; Definitions

Subpart B—Applications for Financial Assistance

Subpart C—Criteria for Assistance

Subpart D—General Provisions

AUTHORITY.—Sec. 810, Public Law 89-10, as amended, 86 Stat. 339 (20 U.S.C. 887c), unless otherwise noted.

Subpart A—Scope; Definitions

§ 187.1 Scope.

This part governs the provision of assistance to State and local educational agencies; Indian tribes, organizations, and institutions; federally supported elementary and secondary schools for Indian children; and institutions of higher education for carrying out special programs and projects to improve educational opportunities for Indian children under section 810 of the Elementary and Secondary Education Act of 1965 (as added by § 421 of the Indian Education Act, title IV of Public Law 92-318).

(20 U.S.C. 887c.)

§ 187.2 Definitions.

As used in this part:

"Act" means section 810 of title VIII of the Elementary and Secondary Education Act of 1965.

(20 U.S.C. 887c.)

"Elementary school" means a day or residential school which provides elementary education including early childhood education, as determined under State law.

(20 U.S.C. 887c; 20 U.S.C. 881(c).)

"Equipment" includes machinery, utilities, and built-in equipment and any necessary enclosures or structures to house them, and includes all other items necessary for the functioning of a particular facility as a facility for the provision of educational services for Indian children, including items such as instructional equipment and necessary furniture, printed, published and audiovisual instructional materials, and books, periodicals, documents, and other related materials.

(20 U.S.C. 881(d).)

"Exemplary," as applied to an educational program, project, service, or activity, includes a program, project, service or activity designed to be so educationally effective or outstanding that it could be identified as a promising solution to a basic Indian educational problem.

(20 U.S.C. 887c(c).)

"Federally supported elementary and secondary school for Indian children" means an elementary or secondary school for Indian children operated or supported by the Department of the Interior.

(20 U.S.C. 887c(b).)

"Guidance and counseling" refers to (a) services to Indian pupils to assist them in assessing and understanding their particular abilities, educational needs, and career and vocational interests, and (b) assistance in personal and social development, including the development of a positive self-concept for Indian children and their parents.

(20 U.S.C. 887(c)(1)(D).)

"Handicapped children" means mentally retarded, hard of hearing, deaf, speech impaired, visually handicapped, seriously emotionally disturbed, crippled, or other health impaired children, who by reason thereof require special educational and related services.

(20 U.S.C. 887c(c)(1)(E).)

"Indian" means any individual, living on or off a reservation, who (a) is a member of a tribe, band or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendent, in the first or second degree, of any such member, or (b) is considered by the Secretary of the Interior to be an Indian for any purpose, or (c) is an Eskimo or Aleut or other Alaska Native.

(20 U.S.C. 1221h.)

"Secondary school" means a day or residential school which provides secondary education, as determined under State law, except that such term does not include any education provided beyond grade 12.

(20 U.S.C. 881(h).)

Subpart B—Applications for Financial Assistance

§ 187.5 Eligibility for, and nature of, available assistance.

(a) *Demonstration projects for improving educational opportunities.*—State and local educational agencies, federally supported elementary and secondary schools for Indian children, and Indian tribes, organizations and institutions may apply for grants to support planning, pilot and demonstration projects which are designed to plan for, and test and demonstrate the effectiveness of, programs (including early childhood programs) for improving educational opportunities for Indian children.

(20 U.S.C. 887c(a)(1) and (b).)

(b) *Educational enrichment and exemplary programs.*—State and local educational agencies, and tribal and other Indian community organizations may apply for grants to assist them (1) to provide educational services not available to Indian children in sufficient quantity or quality (such as programs described in section 810(c)(1) of the Act); or (2) to establish and operate exemplary and innovative educational programs and centers which involve new educational approaches, methods, and techniques designed to enrich programs of elementary and secondary education for Indian children and which will serve as models for regular elementary and secondary school programs in which Indian children are educated.

(20 U.S.C. 887c(a)(2) and (c).)

(c) *Training.*—Institutions of higher education (as defined in section 801(e) of the Elementary and Secondary Education Act) and State and local educational agencies in combination with institutions of higher education, may apply for grants to assist them in carrying out programs or projects (1) to prepare persons to serve Indian children as teachers, teacher aides, social workers, or ancillary educational personnel, and (2) to improve the qualifications of such persons who are serving Indian children in such capacities.

(20 U.S.C. 887c(a)(3) and (d), and 881(e).)

(d) *Dissemination and evaluation.*—Public agencies and institutions, and Indian tribes, institutions and organizations may apply for assistance (by grant or contract) for carrying out programs or projects to encourage the dissemination of information and materials relating to, and the evaluation of the effectiveness of, educational programs which may offer educational opportunities to Indian children.

(20 U.S.C. 887c(a)(4) and (e).)

§ 187.6 Applications.

Any eligible group, tribe, organization, or school or school system may submit an application for assistance under this part which shall set forth (a) the problem to be addressed, (b) the overall objectives of the proposed program or project, (c) the manner in which the proposed program or project carries out the purpose, as set forth in § 187.5, to which it relates, (d) the type and size of the proposed staff (including the staff training proposed), (e) the amount of the grant being requested, and such other information as the Commissioner may require. The description of the proposed program or project in the application shall also include a specific discussion of the manner in which the program or project relates to the applicable criteria set forth in subpart C. The application shall also describe methods of administration which will provide proper and efficient administration of the program or project for which assistance is requested.

(20 U.S.C. 887c(f).)

§ 187.7 Community participation.

Applications under § 187.5 (a) and (b) must describe the manner in which parents of the Indian children to be served and tribal communities: (a) Were consulted and involved in the planning and development of the project; and (b) will be actively participating in the further planning, development, operation, and evaluation of the project.

(20 U.S.C. 887c(f).)

§ 187.8 Coordination of resources.

Applications for assistance under § 187.5(b) (educational enrichment and exemplary programs) must contain an assurance that the program or project to be assisted will be coordinated with programs or projects carried out with other resources which may be available to the applicant in order that funds under this part and those other resources will be used for a comprehensive program for the improvement of educational opportunities of Indian children.

(20 U.S.C. 887c(f)(2).)

§ 187.9 Training of personnel.

Applications under § 187.5(b) (relating to educational enrichment and exemplary programs) must provide a description of the methods to be used for the training of personnel who will be participating in the project. Before he may approve an application under § 187.5(b), the Commissioner must be satisfied that such methods are adequate for the purpose of carrying out the project.

(20 U.S.C. 887c(f)(3).)

§ 187.10 Indian preference.

(a) In approving applications under this part, the Commissioner will give priority to applications submitted by Indian educational agencies, organizations, and institutions.

(b) In approving applications under § 187.5(c), the Commissioner will give preference to those projects which involve the training of Indians. In carrying out an approved project the applicant shall give preference to the training of Indians.

(20 U.S.C. 887c(f).)

§ 187.11 Evaluation.

An application under this part must contain an assurance to the Commissioner that (a) the applicant will arrange for an independent and objective evaluation of the effectiveness of the project in achieving its purposes and the purposes of the act, and (b) the applicant will cooperate with any evaluation conducted or arranged by the Commissioner.

(20 U.S.C. 887c(f)(4).)

Subpart C—Criteria for Assistance

§ 187.21 Criteria for consideration of applications.

In considering whether to approve applications and in determining the amount of the award under approved applications, the Commissioner will take into account the following general criteria:

(a) The number of Indian children involved in the program or project and number of children that would be affected by a successful outcome of the program or project;

(b) The degree to which the program or project to be assisted addresses the particular educational needs of Indian children;

(c) The relative isolation (geographic or social) of the Indian community which will be served by the program or project;

(d) The degree to which the activities supported under this part will be coordinated with other activities to meet the special educational needs of Indian children (including program supported under part A of the Indian Education Act, the Elementary and Secondary Education Act, and the Vocational Education Act);

(e) The adequacy of the qualifications and experience of the personnel designated to carry out the proposed project;

(f) The adequacy of facilities and other resources;

(g) The reasonableness of the estimated cost in relation to the anticipated results;

(h) The expected potential for utilizing the results of the proposed project in other projects or programs for similar educational purposes;

(i) The sufficiency of the size, scope, quality, and duration of the program or project so as to secure productive results; and

(j) The soundness of the proposed plan of operation, including consideration of the extent to which:

(e) The objectives of the proposed project are sharply defined, clearly stated, capable of being attained by the proposed procedures, and capable of being measured or evaluated;

(2) Provision is made for adequate evaluation of the effectiveness of the project and for determining the extent to which the objectives are accomplished;

(3) Where appropriate, provision is made for inservice training connected with project services; and

(4) Provision is made for disseminating the results of the project and for making materials and techniques resulting therefrom available to the general public and those concerned with education of Indian children.

(20 U.S.C. 887c.)

§ 187.22 Additional criteria for projects for improving educational opportunities.

(a) In considering whether to approve applications submitted under § 187.5(a), and in determining the amount of the awards under those applications, the Commissioner will take into account the following criteria (in addition to the criteria set forth in § 187.21):

(1) The degree to which the project addresses a demonstrated and substantial educational need of Indian children which is not being adequately met by projects supported with resources under other Federal, State, or local programs;

(2) The degree to which the successful carrying out of the project will measurably contribute to improving the educational opportunities of Indian children throughout the Nation;

(3) The numbers of Indian children who are estimated to require educational or other related services or programs of the kind which will be demonstrated or improved by the proposed project;

(4) In the case of projects which address themselves primarily to academic needs, the degree to which the level of academic achievement of Indian children is likely to be improved by the carrying out or replication of the results of the proposed project;

(5) The degree of innovation of the proposed project; and

(6) The degree to which the project can be replicated for the purpose of providing educational services or programs for Indian children.

(b) In considering applications under this section priority will be given to projects which will provide models for coordinating the operation, at the local level, of federally assisted programs or projects designed to assist in meeting the educational needs of Indian children.

(20 U.S.C. 887c(b).)

§ 187.23 Additional criteria for educational enrichment and exemplary programs.

(a) In considering whether to approve applications submitted under § 187.5(b) and in determining the amount of the awards under those applications, the Commissioner will take into account the following criteria (in addition to the criteria set forth in § 187.21):

(1) The degree to which the application demonstrates that the services to be stimulated by the project are not available in sufficient quantity or quality to the Indian children to be served;

(2) The significance, in terms of long term improvement of the educational opportunities of Indian children, of the provision of the educational service, or the widespread application of the exemplary program, for which assistance is requested;

(3) In the case of an exemplary educational program, the degree to which the application demonstrates that the educational approach, method, or technique involved in the program has not previously been tested or applied in the education of Indian children;

(4) The extent to which the program or project involves Indian parents in the educational process and demonstrates new methods for involving those parents generally in activities to meet the educational needs of Indian children.

(b) In considering applications under § 187.5(b), priority will be given to (1) programs which are directed at meeting the needs of Indian children who are handicapped; (2) programs designed to assist and encourage Indian children to enter, remain in, or reenter elementary or secondary school; and (3) programs designed to assist Indian children to prepare to enter postsecondary or career education programs.

(20 U.S.C. 887c(c).)

§ 187.24 Additional criteria for training programs or projects.

(a) In addition to the criteria set forth in § 187.21, the Commissioner will apply the following criteria in evaluating applications submitted under § 187.5(c):

(1) The need with regard to Indian education for the type of educational or other personnel for which the training is provided;

(2) The likelihood that the training to be assisted will be applied to meet the educational needs of Indian children;

(3) The degree to which the training will involve educational approaches which take into account the culture and heritage of Indian children; and

(4) The degree to which the training program focuses on approaches, methods, and techniques which are pertinent to the education of Indian children.

(b)(1) Assistance under § 187.5(c) is available for the establishment of fellowship programs leading to an advanced degree; for institutes and for seminars, symposia, workshops, and conferences which are part of a continuing program.

(2) In providing assistance under § 187.5(c), projects including inservice training for qualified persons already serving in the education of Indian children and projects involving short-term training (6 months or less) will be given special consideration.

(20 U.S.C. 887c(a)(3); 887c(d).)

§ 187.25 Additional criteria for projects for dissemination and evaluation.

In the evaluation of applications for assistance under § 187.5(d), priority will be given to projects involving the dissemination of information and materials relating to, and the evaluation of the effectiveness of, academic programs and educational services which affect academic achievement in basic educational areas (such as reading, language arts, mathematics, and sciences).

(20 U.S.C. 887c(e).)

Subpart D—General Provisions

§ 187.31 Retention of records.

(a) *Records.*—Each recipient shall keep intact and accessible records relating to the receipt and expenditure of Federal funds (and to the expenditure of the recipient's contribution to the cost of the project, if any, in accordance with section 434(a) of the General Education Provisions Act), including all accounting records and related original and supporting documents that substantiate direct and indirect costs charged to the award.

(b) *Period of retention.*—(1) Except as provided in paragraphs (b)(2) and (d) of this section the records specified in paragraph (a) of this section shall be retained (i) for 3 years after the date of the submission of the final expenditure report, or (ii) for grants and contracts which are renewed annually, for 3 years after the date of the submission of the annual expenditure report.

(2) Records for nonexpendable personal property which was acquired with Federal funds shall be retained for 3 years after its final disposition.

(c) *Microfilm copies.*—Recipients may substitute microfilm copies in lieu of original records in meeting the requirements of this section.

(d) *Audit questions.*—The records involved in any claim or expenditure which has been questioned by Federal audit shall be further retained until resolution of any such audit questions.

(e) *Audit and examination.*—The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to all such records and to any other pertinent books, documents, papers, and records of the recipient.

(OMB Circular No. A-73; OMB Circular No. A-102, attachment C; 20 U.S.C. 1232c(a).)

§ 187.32 Audits.

(a) All expenditures by recipients shall be audited by the recipient or at the recipient's direction to determine, at a minimum, the fiscal integrity of financial transactions and reports, and the compliance with laws and regulations.

(b) The recipient shall schedule such audits with reasonable frequency, usually annually, but not less frequently than once every 2 years, considering the nature, site, and complexity of the activity.

(c) Copies of audit reports shall be made available to the Commissioner to assure that proper use has been made of the funds expended. The results of such audits will be used to review the recipient's records and shall be made available to Federal auditors. Federal auditors shall be given access to such records or other documents as may be necessary to review the results of such audits.

(20 U.S.C. 1232c(b)(2); OMB Circular No. A-102, attachment G, 2, attachment C, 1.)

§ 187.33 Limitations on costs.

The amount of the award shall be set forth in the grant award document. The total cost to the Federal Government will not exceed the amount set forth in the grant award document or contract or any modification thereof approved by the Commissioner which meets the requirements of applicable statutes and regulations. The Federal Government shall not be obligated to reimburse the recipient for costs incurred in excess of such amount unless and until the Commissioner has notified the recipient in writing that such amount has been increased and has specified such increased amount in a revised grant award document. Such revised amount shall thereupon constitute the revised total cost of the performance of the grant.

(20 U.S.C. 887c.)

§ 187.34 Final accounting.

(a) In addition to such other accounting as the Commissioner may require the recipient shall render, with respect to the project, a full account of funds expended, obligated, and remaining.

(b) A report of such accounting shall be submitted to the Commissioner within 90 days of the expiration or termination of the grant or contract, and the recipient shall remit within 30 days of the receipt of a written request therefor any amounts found by the Commissioner to be due. Such period may be extended at the discretion of the Commissioner upon the written request of the recipient.

(20 U.S.C. 1232c(b)(3); 31 U.S.C. 628.)

[FR Doc.73-9265 Filed 5-8-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[49 CFR Part 393]

[Docket No. MC-34; Notice No. 73-14]

PLASTIC FUEL TANKS

Docket Closing Notice

On August 31, 1972, the Director of the Bureau of Motor Carrier Safety issued an advance notice of proposed rulemaking, announcing that he would consider amending the Motor Carrier Safety Regulations to establish specific requirements for plastic fuel tanks (36 FR 18426). The Notice invited interested persons to comment on the criteria, if any, needed to assure that plastic fuel tanks perform at a level of safety at least equal to that of fuel tanks constructed of other materials.

Having reviewed the comments received in response to that invitation, the Director has concluded that there is no immediate need to establish for plastic fuel tanks regulations other than the existing rules (found in §§ 393.65—393.67 of the Motor Carrier Safety Regulations, 49 CFR 393.65—393.67) which apply to all fuel tanks used in commercial motor vehicles.

There are very few, if any, plastic fuel tanks installed in heavy-duty motor vehicles operated in interstate or foreign commerce. The Bureau is not aware of any abnormal safety problems that have arisen because fuel tanks are made of plastic, rather than metal. If, however, it appears that there is a safety need for regulations directed specifically to plastic fuel tanks, the Bureau will issue a notice of proposed rulemaking on that subject.

For the foregoing reasons, the Director announces that the Bureau of Motor Carrier Safety has closed docket No. MC-34 and intends to take no further action with respect to that docket.

This notice is issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6, of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on May 1, 1973.

ROBERT A. KAYE,
Director,
Bureau of Motor Carrier Safety.

[FR Doc.73-9134 Filed 5-8-73;8:45 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 536]

[Docket No. 72-19]

FILING OF TARIFFS BY COMMON CARRIERS BY WATER IN THE FOREIGN COMMERCE OF THE UNITED STATES AND BY CONFERENCES OF SUCH CARRIERS

Proposed Requirements; Enlargement of Time To File Answers

MAY 4, 1973.

Upon request of counsel for several conferences of ocean carriers and good cause appearing time within which answers to Hearing Counsel may be filed in this proceeding (37 FR 10389 and 38 FR 4779, in the issues of May 20, 1972, and Feb. 22, 1973, respectively, is enlarged to and including June 7, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-9199 Filed 5-8-73;8:45 am]

SELECTIVE SERVICE SYSTEM

[32 CFR Parts 1622, 1623, 1680]

SELECTIVE SERVICE REGULATIONS

Eligibility Requirements for Deferment

Pursuant to the Military Selective Service Act, as amended (50 U.S.C. app., sec. 451 et seq.), and Executive Order No. 11623 dated October 12, 1971, the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service regulations constituting a portion of chapter XVI of the Code of Federal Regulations. These regulations implement the Military Selective Service Act, as amended (50 U.S.C. app., sec. 451 et seq.).

The proposed revision of § 1622.30 would liberalize the eligibility requirements for the deferment of registrants because of the dependency of others. The proposed amendment to § 1623.4(a) would eliminate the requirements that a notice of classification be sent to a registrant classified in class 1-W and that the date of termination of the deferment be entered on a notice of classification of a registrant classified in class 2-S. The other proposals would terminate occupational deferments which were granted prior to April 23, 1970.

All persons who desire to submit views to the Director on the proposals should prepare them in writing and forward them to the Director, Selective Service System, Attention: LLD, 1724 F Street NW., Washington, D.C. 20435. Comments received on or by June 8, 1973, will be considered.

The proposed amendments follow:

Section 1622.2 is revised as follows:

§ 1622.2 Classes.

Each registrant shall be classified in one of the following classes:

CLASS 1

Class 1-A: Available for military service.
Class 1-AM: Registrant in any of the specified medical, dental, and allied specialist categories.
Class 1-A-O: Conscientious objector available for noncombatant military service only.
Class 1-C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.
Class 1-D: Member of Reserve component or student taking military training.
Class 1-H: Registrant not currently subject to processing for induction.
Class 1-O: Conscientious objector available for alternate service.
Class 1-W: Conscientious objector performing alternate service in lieu of induction.

CLASS 2

Class 2-AM: Medical, dental, or allied specialist deferred because of community service.
Class 2-D: Registrant deferred because of study preparing for the ministry.
Class 2-M: Registrant deferred because of study preparing for a specified medical specialty.
Class 2-S: Registrant deferred because of activity in study.

CLASS 3

Class 3-A: Registrant deferred because of dependency of others.

CLASS 4

Class 4-A: Registrant who has completed military service.
Class 4-B: Officials deferred by law.
Class 4-C: Aliens.
Class 4-D: Minister of religion.
Class 4-F: Registrant not qualified for military service.
Class 4-G: Registrant exempted from service during peace.
Class 4-W: Conscientious objector who has completed alternate service in lieu of induction.

§§ 1622.20, 1622.21, 1622.22, 1622.23, 1622.23a, 1622.24 [Revoked]

Section 1622.20 *General rules for classification in Class II*, is revoked.

Section 1622.21 *Length of deferments in Class II*, is revoked.

Section 1622.22 *Class 2-A: Registrant deferred because of civilian occupation (except agriculture) or nondegree study*, is revoked.

Section 1622.23 *Necessary employment defined*, is revoked.

Section 1622.23a *Standards and requirements for apprentice training programs and acceptance of such programs for deferment purposes under paragraph (b) of section 1622.23*, is revoked.

Section 1622.24 *Class II-C: Registrant deferred because of agricultural occupation*, is revoked.

Section 1622.28 is added to read as follows:

§ 1622.28 Class 2-AM: Medical, dental, or allied specialist deferred because of community service.

(a) In class 2-AM shall be placed every registrant in class 1-AM whose occupation following his year of prime vulnerability as defined in § 1680.5(b) of this chapter has been found to represent an especially critical community service.

(b) The local board will reopen and consider anew the classification of each registrant in class 2-AM not later than 365 days after he was last classified in class 2-AM.

Section 1622.30 is amended to read as follows:

§ 1622.30 Class 3-A: Registrant deferred because of dependency of others.

(a) In class 3-A shall be placed any registrant

(1) Whose induction would result in extreme hardship to his wife when she alone is dependent upon him for support;

(2) Whose deferment is advisable because his child, parent, grandparent, brother, or sister is dependent upon him for support;

(3) Whose deferment is advisable because his wife and his child, parent, grandparent, brother, or sister are dependent upon him for support; or

(4) Who has been separated from active military service by reason of dependency or hardship.

(b) The local board will reopen and consider anew the classification of each registrant in class 3-A not later than 365 days after he was last classified in class 3-A.

(c) As used in this section—

(1) The term "child" shall include any person under 18 years of age who is a legitimate or an illegitimate child from the date of its conception, a stepchild, a foster child, or a child legally adopted;

(2) The term "parent" shall include any person who has stood in the place of a parent to the registrant for at least 5 years preceding the 18th anniversary of the registrant's date of birth.

(3) The term "support" includes but is not limited to financial assistance.

Section 1623.2 is revised as follows:

§ 1623.2 Consideration of classes.

(a) Every registrant other than a registrant eligible for classification in class 1-AM shall be placed in class 1-A under the provisions of § 1622.10 of this chapter except that when grounds are established to place a registrant in any one of the classes listed in the following table, the registrant shall be classified in the lowest class for which he is determined to be eligible with class 1-A-O considered the highest class and class 4-A considered the lowest class, according to the following table:

Class 1-A-O: Conscientious objector available for noncombatant military service only.
Class 1-O: Conscientious objector available for alternate service.
Class 2-AM: Medical, dental, or allied specialist deferred because of community essentiality.
Class 2-S: Registrant deferred because of activity in study.

Class 2-D: Registrant deferred because of study preparing for the ministry.
Class 2-M: Registrant deferred because of study preparing for a specified medical specialty.
Class 3-A: Registrant deferred because of dependency of others.
Class 4-B: Officials deferred by law.
Class 4-C: Aliens.
Class 4-D: Minister of religion.
Class 1-H: Registrant not currently subject to processing for induction.
Class 4-G: Registrant exempted from service during peace.
Class 4-F: Registrant not qualified for military service.
Class 4-W: Conscientious objector who has completed alternate service in lieu of induction.
Class 1-D: Member of reserve component or student taking military training.
Class 1-W: Conscientious objector performing alternate service in lieu of induction.
Class 1-C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.
Class 4-A: Registrant who has completed military service.

(b) A registrant eligible for classification in class 1-AM under the provisions of § 1622.15 of this chapter shall be placed in that class except that when grounds are established to place a registrant in any one of the classes listed in the following table, the registrant shall be classified in the lowest class for which he is determined to be eligible, with class 1-A-O considered the highest and class 4-A considered the lowest class, according to the following table:

Class 1-A-O: Conscientious objector available for noncombatant military service only.
Class 1-O: Conscientious objector available for alternate service.
Class 2-AM: Medical, dental, or allied specialist deferred because of community essentiality.
Class 2-S: Registrant deferred because of activity in study.
Class 2-D: Registrant deferred because of study preparing for the ministry.
Class 2-M: Registrant deferred because of study preparing for a specified medical specialty.
Class 3-A: Registrant deferred because of dependency of others.
Class 4-B: Officials deferred by law.
Class 4-C: Aliens.
Class 4-D: Minister of religion.
Class 1-H: Registrant not currently subject to processing for induction.
Class 4-G: Registrant exempted from service during peace.
Class 4-F: Registrant not qualified for military service.
Class 4-W: Conscientious objector who has completed alternate service in lieu of induction.
Class 1-D: Member of reserve component or student taking military training.
Class 1-W: Conscientious objector performing alternate service in lieu of induction.
Class 1-C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.
Class 4-A: Registrant who has completed military service.

Section 1623.4(a) is amended to read as follows:

§ 1623.4 Action to be taken when classification determined.

(a) As soon as practicable after the local board has classified a registrant in a class other than class 1-C or class 1-W it shall mail him a notice thereof.

* * * * *

Section 1680.8 is amended to read as follows:

§ 1680.8 Deferments.

Any registrant subject to this part may be considered for classification in class 2-AM as provided in § 1622.28 of this chapter.

BYRON V. PEPITONE,
Director.

APRIL 30, 1973.

[FR Doc. 73-9136 Filed 5-8-73;8:49 am]

[32 CFR Part 1660]

SELECTIVE SERVICE REGULATIONS

Alternate Service

Pursuant to sections 6(j) and 13(b) of the Military Selective Service Act, as amended (50 App. U.S. Code, sections 451 et seq.), the Director of Selective Service hereby gives public notice that consideration is being given to the following proposed amendments to the Selective Service regulations constituting a portion of chapter XVI of the Code of Federal Regulations. These regulations implement section 6(j) of the Military Selective Service Act, as amended (50 App. U.S. Code, 456(j)).

These amendments would authorize the Director of Selective Service to direct the cancellation of an order to report for alternate service and eliminate the requirement that a registrant be furnished a conscientious objectors skills questionnaire (SSS form 152) within 15 days after his classification into class 1-O.

All persons who desire to submit views to the Director on proposals should prepare them in writing and mail them to the Director, Selective Service System, attn: LLD, 1724 F Street NW., Washington, D.C. 20435. Comments received on or by June 8, 1973 will be considered.

The proposed amendments follow:

Section 1660.4(d) is added to read as follows:

§ 1660.4 Selection of nonvolunteer for alternate service.

* * * * *

(d) The Director may direct the cancellation of an order to report for alternate service for any registrant prior to his failing or refusing to report for alternate service.

Section 1660.7(a) is revoked.

§ 1660.7 [Revoked]

BYRON V. PEPITONE,
Director.

MAY 1, 1973.

[FR Doc.73-9137 Filed 5-8-73;8:45 am]

VETERANS' ADMINISTRATION

[38 CFR Part 21]

DEPENDENTS' EDUCATIONAL ASSISTANCE

Periods of Child's Eligibility

The following proposed changes to § 21.3041 amend the definition of processing time for purposes of a child's eligibility for benefits under 38 U.S.C. chapter 35. Processing time is now defined to mean the period of time which elapses between the eligible person's 18th birthday or the date of receipt of the application, whichever is later, and the date on which the program of education is approved.

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

Notice is also given that it is proposed to make any regulation that is adopted effective the date of approval.

In § 21.3041(e), subparagraph (2) is amended to read as follows:

§ 21.3041 Periods of eligibility; child.

* * * * *

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

(2) Processing time: Extended by length of processing time, but not beyond age 31. See § 21.3040(d). "Processing time" means the period of time which elapses between the eligible person's 18th birthday or the date of receipt of the application, whichever is later, and the date on which the program of education is approved.

* * * * *

Approved May 2, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.73-9150 Filed 5-8-73;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 STATE

Agency for International Development

DIRECTOR, OFFICE OF TECHNICAL DEVELOPMENT, BUREAU FOR SUPPORTING ASSISTANCE

Redelegation of Authority

Pursuant to the authority delegated to me by paragraph 1.c. of Delegation of Authority No. 17 from the administrator dated June 16, 1962 (27 FR 5914), as amended, I hereby redelegate for countries or areas within the responsibility of this Bureau, authority to the director, Office of Technical Development, to sign or approve project implementation orders—technical services (PIO/T).

The authority herein redelegated may be exercised by a person who is performing the functions of the director, Office of Technical Development, in an "acting" capacity. The authority is to be exercised in accordance with rgeulations, procedures, and policies now or hereafter established or modified and promulgated within A.I.D.

This redelegation of authority shall be effective immediately.

Dated May 1, 1973.

ROBERT H. NOOTER,
Assistant Administrator for Supporting Assistance.

[FR Doc.73-9154 Filed 5-8-73;8:45 am]

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 135]

ASSISTANT COMMISSIONER (STABILIZATION) ET AL.

Delegation of Authority Regarding the Temporary Meat Ceiling Price Regulations

The authority delegated to the Commissioner of Internal Revenue by Cost of Living Council Order No. 15C in connection with the administration of the Economic Stabilization Act of 1970, as amended, is hereby redelegated to the following officials, subject to the policy guidance and implementation directives of the Director of the Cost of Living Council:

Assistant Commissioner (Stabilization)
Regional Commissioners
Assistant Regional Commissioners (Stabilization)
District Directors

The authority delegated herein may be redelegated only by the officials specified in this order and may not be further redelegated.

Dated May 4, 1973.

Effective May 4, 1973.

[SEAL] R. F. HARLESS,
Acting Commissioner.

[FR Doc.73-9123 Filed 5-8-73;8:45 am]

[Order No. 4 (Rev. 2)]

REGIONAL COMMISSIONERS AND DISTRICT DIRECTORS ET AL.

Delegation of Authority To Issue Summonses and To Perform Other Functions

1. The authority granted to the Commissioner of Internal Revenue by 26 CFR 301.7701-9, 301.7602-1, 301-7603-1, 301.-7604-1, and 301.7605-1(a) is delegated to the following officials and employees of the Internal Revenue Service.

(a) Regional Commissioners and District Directors.

(b) Inspection: Assistant Commissioner; Director and Assistant Director, Internal Security Division; Regional Inspectors; and all Internal Security Inspectors.

(c) Intelligence: Director; Assistant Director; Assistant Regional Commissioners; Regional Analysts; and all Chiefs and Assistant Chiefs of Divisions, branches and sections; Group Managers; and Special agents of the national, regional, and district offices.

(d) International Operations: Director; Assistant Director, Chiefs of divisions and branches; Special Agents; Case Managers; Group Managers; Internal Revenue Agents; Attorneys, Estate Tax; Estate Tax Examiners; and Revenue Service and Assistant Revenue Service Representatives; Tax Auditors; and Revenue Officers.

(e) Collection and Taxpayer Service: Chiefs and Assistant Chiefs of the Collection and Taxpayer Service Divisions; Chiefs, field branches and office branches; Group Managers; and Revenue Officers.

(f) Audit: Chiefs of divisions and branches; Group Managers; Internal Revenue Agents; Tax Auditors; Attorneys, Estate Tax; and Estate Tax Examiners.

2. Each of the officers and employees referred to in paragraph 1 of this order may designate any other employee of the Internal Revenue Service as the individual before whom a person summoned pursuant to section 7602 of the Internal Revenue Code of 1954 shall appear. Any such other employee of the Internal Revenue Service, when so designated in a summons, is authorized to take testimony under oath of the person summoned and to receive and examine books, papers, records, or other data produced in compliance with the summons.

3. The authority herein delegated to issue a summons and the authority to enforce such summons as provided for in sections 7602 and 7604, respectively, of the Internal Revenue Code of 1954, may not be redelegated. The remaining authorities herein delegated may be redelegated only by the Assistant Commissioner (Inspection), each Regional Commissioner, each District Director of Internal Revenue, and the Director of International Operations, to officers and employees under their supervision and control, and may not be further redelegated.

4. This order supersedes Delegation Order No. 4 (revised) issued May 21, 1957.

Dated April 30, 1973.

Effective April 30, 1973.

[SEAL] JOHNNIE M. WALTERS,
Commissioner.

[FR Doc.73-9195 Filed 5-8-73;8:45 am]

Office of the Secretary

[T.D. Order 150-81]

DEPUTY COMMISSIONER OF INTERNAL REVENUE

Designation to Serve as Acting Commissioner of Internal Revenue

By virtue of the authority vested in me as Secretary of the Treasury, including the authority in Reorganization Plan No. 26 of 1950, Deputy Commissioner Raymond F. Harless is designated, effective 12:01 a.m. May 1, 1973, to serve as Acting Commissioner of Internal Revenue, with authority to perform all functions, without limitation, now authorized to be performed by the Commissioner of Internal Revenue. Mr. Harless will continue to serve in this capacity until a new Commissioner of Internal Revenue has been appointed and assumes the duties of the office.

Dated May 3, 1973.

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

[FR Doc.73-9194 Filed 5-8-73;8:45 am]

DEPARTMENT OF LABOR

Office of Federal Contract Compliance

ADVISORY COMMITTEE ON TESTING AND SELECTION

Notice of Public Meetings

Notice is hereby given that the Department of Labor Advisory Committee on Testing and Selection will conduct 2 days

of meetings on May 21 and 22, 1973, to discuss Department of Labor policy regarding the application of its "Order for Employee Testing and Other Selection Procedures" (41 CFR part 60-3, 36 FR 19307, Oct. 2, 1971) to various employment situations subject to the equal employment opportunity requirements of Executive Order 11246, as amended. The meetings will commence at 9 a.m. both days in rooms 216 A, B, C, and D, Main Labor Department Building, 14th Street and Constitution Avenue NW., Washington, D.C.

These meetings will be open to the public. In order to insure that problem areas of significant public concern will receive appropriate consideration by the Advisory Committee, interested persons are encouraged to submit written comments, views, or suggestions regarding test validation and related matters to Mr. Philip J. Davis, Acting Director, Office of Federal Contract Compliance, U.S. Department of Labor, Washington, D.C. 20210, by May 18, 1973.

Signed at Washington, D.C., this 3d day of May 1973.

PHILIP J. DAVIS,
Acting Director, Office of Federal Contract Compliance.

[FR Doc.73-9117 Filed 5-8-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUDGETARY RESERVES IN AFFECT AS OF APRIL 14, 1973

APRIL 27, 1973.

The report set forth below is submitted pursuant to the Federal Impoundment and Information Act, as amended. In accordance with that act, the report is being transmitted to the Congress and to the Comptroller General of the United States, and will be published in the FEDERAL REGISTER.

ROY L. ASH, *Director.*

BUDGETARY RESERVES AS OF APRIL 14, 1973

Introduction.—The Director of the Office of Management and Budget, under authority delegated by the President, is required to apportion funds provided by the Congress. The apportionments are required under the Antideficiency Act (31 U.S.C. 665) and generally are for the current fiscal year. Under the law, such apportionments limit the amounts which may be obligated during specific periods.

The Antideficiency Act authorizes the withholding of funds from apportionment to provide for contingencies; or to effect savings made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which the funds were made available. There are also occasions when specific provisions of law provide that the funds should be available for use over periods longer than 1 year; in such cases, they generally are not fully apportioned in the current year, and the unapportioned part is withheld, to be released later for use in the next year or years. Thus, some amounts are withheld from apportionment, either temporarily or for longer periods. In these cases, the funds not apportioned are said to be held or placed "in reserve." This practice is one of long standing and has been exercised by all recent administrations as a customary part of financial management.

On occasion, the Congress has explicitly required that an amount be placed in reserve pending an administrative determination of need (e.g., the 1973 Agriculture-Environmental and Consumer Protection Appropriation Act—Public Law 92-399). Most reserves, however, are established upon the initiative of the executive branch based on an operational knowledge of the status of the specific projects or activities. For example, when the required amount of work can be accomplished at less cost than had been anticipated when the appropriation was made, a reserve assures that savings can be realized and, if appropriate, returned to the Treasury. In other cases, specific apportionments sometimes await: (1) Development by the affected agencies of approved plans and specifications, (2) completion of studies for the effective use of the funds, including necessary coordination with the other Federal and non-Federal parties that might be involved, (3) establishment of a necessary organization and designation of accountable officers to manage the programs, or (4) the arrival of certain contingencies under which the funds must by statute be made available (e.g., certain direct Federal credit aids when private sector loans are not available).

From time to time, additional reserves are established for such reasons as the necessity to conform to the requirements of other laws. An example is the executive's responsibility to stay within the statutory limitation on the outstanding public debt.

Since the report as of January 29, 1973, the total of reserves has been reduced by more than $250 million. Of the total released, over two-thirds was in response to the development or completion by the responsible agencies of approved plans, designs, and specifications. The remainder was in part applied to offsetting a portion of the costs of pay raises and in part resulted from reestimates of obligations, balances, and receipts.

The total of all current reserves is 3.4 percent of the total unified budget outlays for fiscal year 1973 (as estimated in the 1974 budget). The comparable percentage at the end of fiscal years 1959 through 1961 ranged from 7.5 percent to 8.7 percent. At the end of fiscal year 1967, it stood at 6.7 percent. At the end of 1972, it was 4.6 percent. But a range in the neighborhood of 6 percent has been normal over most of the last decade.

Report required by law.—This report is submitted in fulfillment of the requirements of the "Federal Impoundment and Information Act," as amended, which provides for a report of "impoundments," and certain other information pertaining thereto. This report lists the budgetary reserves which were in effect as of April 14, 1973.

The Antideficiency Act requires that all apportionments be reviewed at least quarterly, and that reapportionments be made or reserves be established, modified, or released as may be necessary to further the effective use of the funds concerned. Thus, in answer to item No. 5 of the Federal Impoundment and Information Act, the period of time during which funds are to be in reserve is dependent in all cases upon the results of such later review.

The remainder of this report lists, by agency, all accounts for which some funds are reserved. An asterisk (*) identifies those accounts added to the listing since the last report (i.e., such accounts contained no reserves on January 29, 1973). Reserve entries which have been superseded (i.e., increased, decreased, or eliminated) since January 29, 1973, by a subsequent apportionment action and are no longer in effect appear in parentheses. Entries not in parentheses indicate the most current apportionment and reserve action. The listing:

Presents the amount currently apportioned for the current fiscal year;

Presents the amount currently in reserve;

States whether the amount reserved will be legally available for obligation in the next fiscal year;

Indicates the date of the reserve action and the effective date of the current reserve;

Presents a code which relates to the reason for the current reserve action, without necessarily exhausting all possible reasons.

Presents a code which indicates the estimated fiscal, economic, and budetary impact of the current reserve.

Codes used in the remainder of this report relating to the reasons for and estimated fiscal, economic, and budgetary impact of the reserve actions are described on the following pages. In some cases, the standard explanations given have been modified slightly from those used in the January 29 report. Such modifications have been made for the sake of clarity.

REASON FOR RESERVE ACTION

Code

1. "To provide for contingencies" (31 U.S.C. .665(c)(2)).
2. "To effect savings whenever savings are made possible by or through changes in requirements, greater efficiency of operations, or other developments subsequent to the date on which such (funds were) made available" (31 U.S.C. 665(c)(2)).
3. To reduce the amount of or to avoid requesting a deficiency or supplemental appropriation in cases of appropriations available for obligation for only the current year (31 U.S.C. 665(c)(1)). This explanation includes amount anticipated to be used to absorb or partially absorb the costs of recent pay raises grant pursuant to law.
4. "To achieve the most effective and economical use" of funds available for periods beyond the current fiscal year (31 U.S.C. 665(c)(1)). This explanation includes reserves established to carry out the congressional intent that funds provided for periods greater than 1 year should be so apportioned that they will be available for the future periods.
5. Temporary deferral pending the establishment of administrative machinery (not yet in place) or the obtaining of sufficient information (not yet available) properly to apportion the funds and to insure that the funds will be used in "the most effective and economical" manner (31 U.S.C. 665(c)(1)). This explanation includes reserves for which apportionment awaits the development by the agency of approved plans, designs, specifications.
6. The President's constitutional duty to "take care that the laws be faithfully executed" (U.S. Constitution, art. II, sec. 3):

Code

6a. —Obligation at this time of amount in reserve is likely to contravene law regarding the environment; or the amount in reserve is being held pending further study to evaluate the environmental impact of the affected projects (activities) as required by law.

6b. —Existing tax laws and the statutory limitation on the national debt are not expected to provide sufficient funds in the current fiscal year to cover the total of all outlays in that year contemplated by the individual acts of Congress.

6c. —Action taken consistent with the President's responsibility to help maintain economic stability without undue price and cost increases.

Code

6d. —Amount apportioned reflects the level of obligations implicitly approved by the Congress in its review of and action on the appropriation required to liquidate obligations under existing contract authority.

6e. —Other. See footnote for each item so coded.

7. The President's constitutional authority and responsibility as Commander in Chief (U.S. Constitution, art. II, sec. 2).

8. The President's constitutional authority and responsibility for the conduct of foreign affairs (U.S. Constitution, art. II, sec. 2).

9. Other. See footnote for each item so coded.

10. Not applicable or no reason required. (In most cases where a previous reserve has been apportioned in its entirety.)

ESTIMATED FISCAL, ECONOMIC, AND BUDGETARY EFFECT

I. Same effect as set forth in the most recently submitted budget document, of which this item is an integral part.

II. The change from the previous reserve is expected to contract the budgetary impact of this program and contribute to the reduction of inflationary pressures.

III. The release or reduction of the previous reserve will facilitate use and expenditure of the available funds consistent with current program needs and economic conditions in the area affected.

IV. Other. See footnote for each item so coded.

V. Not applicable or no explanation required. (In most cases where a previous reserve has been apportioned in its entirety.)

SUMMARY OF BUDGETARY RESERVES—AS OF APR. 14, 1973

[Dollars in millions]

Agency	Amount as of Jan. 29, 1973	Amount as of Apr. 14, 1973
Executive Office of the President	$3	$3
Funds Appropriated to the President	127	126
Department of Agriculture	1,497	1,483
Department of Commerce	181	178
Department of Defense—Military	1,899	1,716
Department of Defense—Civil	118	93
Department of Health, Education, and Welfare	35	34
Department of Housing and Urban Development	529	510
Department of the Interior	482	480
Department of Justice	36	36
Department of State	6	5
Department of Transportation	2,937	2,924
Department of Treasury	24	24
Atomic Energy Commission	316	316
Environmental Protection Agency	2	2
General Services Administration	261	261
National Aeronautics and Space Administration	33	30
Veterans Administration	71	69
Other Independent Agencies:		
National Science Foundation	62	62
Small Business Administration	51	51
All other	52	52
Total	8,723	8,455

Less than $500 thousand.

BUDGETARY RESERVES—AS OF APR. 14, 1973

(Dollars in thousands)

General Notes.—Amounts in parentheses ( ) indicate actions superseded by later apportionment actions. An asterisk (*) indicates an account added to the list since the last report.

	Amount apportioned	Amount in reserve	Available beyond fiscal year 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, and budgetary effect (see code)
Executive Office of the President:							
Council on Environmental Quality: Salaries and expenses.	($2,230)	($320)	No	Jan. 12, 1973	Jan. 12, 1973	5	I
	2,265	285	No	Feb. 27, 1973	Feb. 27, 1973	5	I
Council on International Economic Policy: Salaries and expenses.	(300)	(700)	No	Nov. 28, 1972	Nov. 28, 1972	5	I
	800	200	No	Mar. 12, 1973	Mar. 12, 1973	5	I
National Security Council: Salaries and expenses	(2,637)	(125)	No	Aug. 4, 1972	Aug. 4, 1972	5	I
	2,712	50	No	Mar. 30, 1973	Mar. 30, 1973	5	I
Special Action Office for Drug Abuse Prevention: Salaries and expenses.	6,315	2,027	Yes	Aug. 21, 1972	Aug. 21, 1972	4, 5	I
Funds Appropriated to the President:							
Appalachian Regional Commission: Appalachian regional development programs.	340,263	65,000	Yes	Sept. 22, 1972	Sept. 22, 1972	5, 6e	
Agency for International Development: Prototype desalting plant.	(1)	20,000	Yes	Apr. 7, 1972	July 1, 1972	5	I
The Inter-American Foundation	(8,000)	(41,624)	Yes	Jan. 10, 1972	July 1, 1972	4, 6e [2]	I
	5,000	40,652	Yes	Mar. 12, 1973	Mar. 12, 1973	4	I
Department of Agriculture:							
Office of the Secretary	(11,312)	(583)	No	Jan. 26, 1973	Jan. 26, 1973	6b	I
	11,424	472	No	Apr. 9, 1973	Apr. 9, 1973	6b	I
Office of the Inspector General	(18,774)	(450)	No	Jan. 26, 1973	Jan. 26, 1973	6b	I
	18,974	250	No	Apr. 3, 1973	Apr. 3, 1973	6b	I
Office of the General Counsel	(6,913)	(13)	No	Jan. 26, 1973	Jan. 26, 1973	6b	I
	6,926		NA	Apr. 3, 1973	Apr. 3, 1973	10	V
Office of Management Services	(5,534)	(6)	No	Jan. 26, 1973	Jan. 26, 1973	6b	I
	5,540		NA	Apr. 3, 1973	Apr. 3, 1973	10	V
Agricultural Research Service	200,402	8,464	No	Jan. 26, 1973	Jan. 26, 1973	6b	I
Construction	3,598	1,730	Yes	Jan. 26, 1973	Jan. 26, 1973	4, 6b	I

See footnotes at end of table.

BUDGETARY RESERVES—AS OF APR. 14, 1973—Continued

(In thousands of dollars)

	Amount apportioned	Amount in reserve	Available beyond fiscal year 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, and budgetary effect (see code)
Department of Agriculture—Continued							
Animal and Plant Health Inspection Service	(323,410)	(2,055)	No	Jan. 29, 1973	Jan. 29, 1973	1, 5, 6b, 6e [3]	I
	328,734	738	No	Mar. 21, 1973	Mar. 21, 1973	1, 5, 6b, 6e [3]	I
Cooperative State Research Service	(88,388)	(3,530)	No	Jan. 26, 1973	Jan. 26, 1973	6b, 5, 6e [3]	I
	(91,748)	(1,530)	No	Mar. 8, 1973	Mar. 8, 1973	5, 6b	I
	90,401	1,500	No	Apr. 3, 1973	Apr. 3, 1973	6b	I
Extension Service	(190,427)	(5,053)	No	Jan. 26, 1973	Jan. 26, 1973	5, 6b, 6e [3]	I
	(192,428)	(3,053)	No	Mar. 19, 1973	Mar. 19, 1973	5, 6b	I
	192,481	3,000	No	Apr. 12, 1973	Apr. 12, 1973	6b	I
National Agricultural Library	(4,408)	(6)	No	Jan. 26, 1973	Jan. 26, 1973	6b	I
	4,416		NA	Apr. 12, 1973	Apr. 12, 1973	10	V
Statistical Reporting Service	(25,042)	(267)	No	Jan. 26, 1973	Jan. 26, 1973	6b	I
	25,300	9	No	Apr. 9, 1973	Apr. 9, 1973	6b	I
Economic Research Service	(18,689)	(337)	No	Jan. 26, 1973	Jan. 26, 1973	6b	I
	19,002	24	No	Apr. 12, 1973	Apr. 12, 1973	6b	I
Commodity Exchange Authority	2,894	12	No	Jan. 26, 1973	Jan. 26, 1973	6b	I
Packers and Stockyards Administration	(4,014)	(43)	No	Jan. 26, 1973	Jan. 26, 1973	6b	I
	4,057		NA	Apr. 3, 1973	Apr. 3, 1973	10	V
Farmers Cooperative Service	(2,060)	(115)	No	Jan. 26, 1973	Jan. 26, 1973	6b	I
	2,075	100	No	Apr. 3, 1973	Apr. 3, 1973	6b	I
Foreign Agricultural Service:							
Foreign Agricultural Service	(28,032)	(117)	No	Jan. 26, 1973	Jan. 26, 1973	6b	I
	29,049		NA	Apr. 3, 1973	Apr. 3, 1973	10	V
Salaries and Expenses, Special foreign currency program	1,000	2,240	Yes	Jan. 26, 1973	Jan. 26, 1973	4	I
Agricultural Stabilization and Conservation Service:							
Rural environmental assistance	15,000	210,500	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Water Bank Act program	8,489	11,391	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Emergency conservation measures	20,000	3,670	Yes	Dec. 30, 1972	Dec. 30, 1972	1	I
Rural Development Service	394	6	No	Jan. 26, 1973	Jan. 26, 1973	6b	I
Dairy and beekeeper indemnity program	7,294	2,500	Yes	Jan. 26, 1973	Jan. 26, 1973	4	I
Commodity Credit Corporation: Limitation on administrative expenses.	(37,034)	(2,866)	No	Jan. 26, 1973	Jan. 26, 1973	1, 6e [3]	I
	39,900		NA	Mar. 30, 1973	Mar. 30, 1973	10	V
Rural Electrification Administration:							
Loans	283,972	456,103	Yes	Jan. 26, 1973	Jan. 26, 1973	2, 6b, 6c	I
Salaries and expenses	16,611	153	No	Jan. 26, 1973	Jan. 26, 1973	6b	I
Farmers Home Administration:							
Rural water and waste disposal grants	30,000	130,000	Yes	Jan. 26, 1973	Jan. 26, 1973	6b, 6c	I
Rural housing for domestic farm labor grants	(850)	(2,947)	Yes	Jan. 26, 1973	Jan. 26, 1973	5, 6b	I
	2,176	1,621	Yes	Jan. 31, 1973	Jan. 31, 1973	5, 6b	IV [13]
Mutual and self-help housing grants	3,729	832	Yes	Sept. 22, 1972	Sept. 22, 1972	4	I
Salaries and expenses	(117,914)	(1,371)	No	Jan. 26, 1973	Jan. 26, 1973	6b	I
	119,285		NA	Apr. 3, 1973	Jan. 26, 1971	10	V
Rural housing insurance fund	2,021,000	133,000	Yes	Jan. 26, 1973	Jan. 26, 1973	4, 6b	I
Soil Conservation Service:							
Conservation operations	170,093	3,607	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
River basin surveys and investigations	14,344	156	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Watershed planning	9,256	560	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Watershed and flood prevention operations	140,287	17,412	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Great Plains Conservation Service	18,265	74	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Resource conservation and development	25,371	7,929	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Agricultural Marketing Service:							
Marketing Services, no-year	(1,360)	(700)	Yes	June 27, 1972	July 1, 1972	4	I
	1,591	940	Yes	Mar. 16, 1973	Mar. 16, 1973	4	I
Marketing services annual	(37,151)	(236)	No	Sept. 22, 1972	Sept. 22, 1972	6b	I
	37,392		NA	Mar. 13, 1973	Mar. 13, 1973	10	V
Payments to States and possessions	1,600	900	No	Sept. 22, 1972	Sept. 22, 1972	6b	I
Perishable Agricultural Commodities Act fund.	(1,353)	(10)	Yes	June 27, 1972	July 1, 1972	4	I
	1,384	140	Yes	Mar. 13, 1973	Mar. 13, 1973	4	I
Food Nutrition Service: Food stamp program	2,336,896	158,854	No	Dec. 20, 1973	Dec. 20, 1972	1, 6e [3]	I
Forest Service:							
Forest protection and utilization, annual	(390,919)	(22,105)	No	Jan. 26, 1973	Jan. 26, 1973	6b	I
	394,491	18,105	No	Mar. 23, 1973	Mar. 23, 1973	6b	IV [14]
Forest protection and utilization no-year	9,208	615	Yes	Sept. 8, 1972	Sept. 8, 1972	4	I
Construction and land acquisition	43,401	12,602	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Youth Conservation Corps	3,500	2,997	Yes	Jan. 26, 1973	Jan. 26, 1973	4	I
Forest roads and trails and roads and trails for States.	(157,848)	(280,380)	Yes	Jan. 26, 1973	Jan. 26, 1973	4, 6b	I
	159,830	278,398	Yes	Mar. 29, 1973	Mar. 29, 1973	4, 6b	I
Assistance to States for tree planting	1,119	15	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Brush disposal	(18,328)	(18,558)	Yes	Nov. 14, 1972	Nov. 14, 1972	4	I
	19,628	22,258	Yes	Apr. 3, 1973	Apr. 3, 1973	4	I
Forest fire prevention	261	134	Yes	Nov. 14, 1972	Nov. 14, 1972	4	I
Department of Commerce:							
Social and Economic Statistics Administration:							
Salaries and expenses	(33,787)	(1,500)	No	Nov. 24, 1972	Nov. 24, 1972	2, 6b	I
	34,564	722	No	Mar. 28, 1973	Mar. 28, 1973	6, 6b	I
1974 Census of Agriculture	(4)	1,360	Yes	Nov. 24, 1972	Nov. 24, 1972	2, 4	I
Economic Development Administration:							
Planning, technical assistance and research	29,000	2,488	No	Jan. 18, 1973	Jan. 18, 1973	2, 6b	I
Development facilities	211,109	8,891	No	Jan. 18, 1973	Jan. 18, 1973	2, 6b	I
Regional Action Planning Commissions: Regional development programs.	(44,553)	(1,116)	Yes	Nov. 24, 1972	Nov. 24, 1972	5	I
	44,575	1,094	Yes	Mar. 28, 1973	Mar. 28, 1973	5	I
Domestic and International Business:							
Trade adjustment assistance	21,000	18,681	Yes	Jan. 4, 1973	Jan. 4, 1973	1	I
Spokane Ecological Exposition	2,689	811	Yes	Nov. 24, 1972	Nov. 24, 1972	4, 5	I
International Activities, Inter-American Cultural and Trade Center.	100	5,359	Yes	Sept. 29, 1972	Sept. 29, 1972	4, 5	I
Office of Minority Business:							
Minority business development, no-year	36,065	16,768	Yes	Jan. 26, 1973	Jan. 26, 1973	2, 4, 6b	I
Minority business development, annual	(9,935)	(1,188)	No	Nov. 24, 1972	Nov. 24, 1972	2, 6b	I
	10,009	1,114	No	Mar. 28, 1973	Mar. 28, 1973	2, 6b	I
National Oceanic and Atmospheric Administration:							
Salaries and expenses	(228,780)	(12,323)	No	Jan. 26, 1973	Jan. 26, 1973	2, 6b	I
	232,436	8,984	No	Mar. 29, 1973	Mar. 29, 1973	2, 3, 6b	I
Research, development, and facilities	(121,481)	(31,762)	Yes	Jan. 26, 1973	Jan. 26, 1973	2, 4, 6b	I
	130,983	32,260	Yes	Mar. 28, 1973	Mar. 28, 1973	2, 4, 6b	I
Satellite operations	38,282	1,000	Yes	Jan. 26, 1973	Jan. 26, 1973	5	I
Administration of the Pribilof Islands	(3,032)	(200)	No	Jan. 26, 1973	Jan. 26, 1973	2, 6b	I
	3,090	142	No	Mar. 29, 1973	Mar. 29, 1973	2, 6b	I
Promote and develop fishery products and research pertaining to American fisheries.*	(7,053)	(3,297)	Yes	Feb. 19, 1973	Feb. 19, 1973	4, 5, 6a	I
	7,191	3,159	Yes	Mar. 29, 1973	Mar. 29, 1973	4, 5, 6a	I

See footnotes at end of table, p. 12142.

BUDGETARY RESERVES—AS OF APR. 14, 1973—Continued

(In thousands of dollars)

	Amount apportioned	Amount in reserve	Available beyond fiscal year 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, and budgetary effect (see code)
Department of Commerce—Continued							
Patent Office: Salaries and expenses	(66,353)	(1,247)	No	Jan. 26, 1973	Jan. 26, 1973	2, 6b	I
	67,380	230	No	Mar. 28, 1973	Mar. 28, 1973	2, 6b	I
Office of Telecommunications: Research, analysis and technical services	5,316	1,435	Yes	Dec. 28, 1972	Dec. 28, 1972	2, 4, 6b	I
National Bureau of Standards:							
Plant and facilities	2,450	1,850	Yes	Nov. 24, 1972	Nov. 24, 1972	2, 4, 6b	I
Research and technical services, annual	(50,400)	(7,895)	No	Dec. 28, 1972	Dec. 28, 1972	2, 6b	I
	51,273	7,022	No	Mar. 28, 1973	Mar. 28, 1973	2, 6b	I
Research and technical services, no-year	2,000	8,812	Yes	Nov. 24, 1972	Nov. 24, 1972	5, 6b	I
Construction of facilities	138	740	Yes	Jan. 26, 1973	Jan. 26, 1973	4, 6b	I
Maritime Administration:							
Ship construction	421,810	50,000	Yes	Jan. 18, 1973	Jan. 18, 1973	4, 6b	I
Research and development	24,901	5,000	Yes	Jan. 18, 1973	Jan. 18, 1973	4, 6b	I
Salaries and expenses	(25,010)	(700)	No	Nov. 24, 1972	Nov. 24, 1972	2	I
	25,582	127	No	Mar. 27, 1973	Mar. 27, 1973	2	I
Maritime training	(8,324)	(150)	No	Nov. 24, 1972	Nov. 24, 1972	2	I
	8,433	41	No	Mar. 27, 1973	Mar. 27, 1973	2	I
State marine schools	2,428	122	Yes	Nov. 24, 1972	Nov. 24, 1972	4	I
Department of Defense—Military:							
Personnel: Reserve personnel, Marine Corps	(71,950)	(5,106)	No	Nov. 17, 1972	Nov. 17, 1972	5	I
	74,206	2,850	No	Feb. 15, 1973	Feb. 15, 1973	5	I
Procurement:							
Aircraft procurement, Army, 1972-74	(53,049)	(2,825)	Yes	Nov. 20, 1972	Nov. 20, 1972	4	I
	53,049		NA	Feb. 5, 1973	Feb. 5, 1973	10	V
Missile procurement, Army, 1973-75*	1,100,100	2,500	Yes	Feb. 5, 1973	Feb. 5, 1973	4	I
Other procurement, Army, 1972-74	(146,583)	(21,726)	Yes	Nov. 20, 1972	Nov. 20, 1973	4	I
	146,583		NA	Feb. 5, 1973	Feb. 5, 1973	10	V
Shipbuilding and conversion, Navy, 1971-75	1,031,900	145,672	Yes	Nov. 24, 1972	Nov. 24, 1972	4	I
Shipbuilding and conversion, Navy, 1972-76	938,330	427,212	Yes	Nov. 24, 1972	Nov. 24, 1972	4	I
Shipbuilding and conversion, Navy, 1973-77	2,365,500	777,100	Yes	Nov. 24, 1972	Nov. 24, 1972	4	I
Military construction:							
Army	(1,199,739)	(127,706)	Yes	Nov. 24, 1972	Nov. 24, 1972	5	I
	1,271,652	79,814	Yes	Feb. 23, 1973	Feb. 23, 1973	5	I
Navy	(719,073)	(127,584)	Yes	Jan. 8, 1973	Jan. 8, 1973	5	I
	(706,308)	(140,348)	Yes	Mar. 6, 1973	Mar. 6, 1973	5	I
	741,970	104,687	Yes	Mar. 7, 1973	Mar. 7, 1973	5	I
Air Force	(364,331)	(123,924)	Yes	Jan. 8, 1973	Jan. 8, 1973	5	I
	(367,656)	(120,599)	Yes	Feb. 2, 1973	Feb. 2, 1973	5	I
	(410,379)	(77,876)	Yes	Mar. 29, 1973	Mar. 29, 1973	5	I
	425,173	63,082	Yes	Apr. 9, 1973	Apr. 9, 1973	5	I
Defense agencies	(24,580)	(58,565)	Yes	Jan. 10, 1973	Jan. 10, 1973	5	I
	24,730	58,415	Yes	Feb. 15, 1973	Feb. 15, 1973	5	I
Army National Guard	(20,930)	(25,327)	Yes	Jan. 8, 1973	Jan. 8, 1973	5	I
	(25,081)	(21,185)	Yes	Feb. 5, 1973	Feb. 5, 1973	5	I
	31,249	15,016	Yes	Mar. 8, 1973	Mar. 8, 1973	5	I
Air National Guard	11,805	7,268	Yes	Jan. 15, 1973	Jan. 15, 1973	5	I
Army Reserve	(40,163)	(15,465)	Yes	Jan. 8, 1973	Jan. 8, 1973	5	I
	(46,414)	(9,214)	Yes	Feb. 5, 1973	Feb. 5, 1973	5	I
	48,519	7,109	Yes	Mar. 8, 1973	Mar. 8, 1973	5	I
Naval Reserve	(10,731)	(25,750)	Yes	Nov. 24, 1972	Nov. 24, 1972	5	I
	(10,883)	(25,598)	Yes	Feb. 14, 1973	Feb. 14, 1973	5	I
	(9,947)	(26,535)	Yes	Feb. 27, 1973	Feb. 27, 1973	5	I
Air Force Reserve	19,108	17,373	Yes	Mar. 14, 1973	Mar. 14, 1973	5	I
	(8,919)	(988)	Yes	Dec. 19, 1972	Dec. 19, 1972	5	I
	8,554	1,584	Yes	Mar. 1, 1973	Mar. 1, 1973	5	I
Civil Defense: Research, shelter survey and marking	23,397	1,080	Yes	July 27, 1972	July 27, 1972	5	I
Special foreign currency program:							
Defense, 1971-73	8,705	2,426	No	Dec. 18, 1972	Dec. 18, 1972	5	I
Defense, 1972-74	7,625	2,477	Yes	Dec. 18, 1972	Dec. 18, 1972	5	I
Defense, 1973-75	3,000	400	Yes	Dec. 4, 1972	Dec. 4, 1972	5	I
Department of Defense—Civil:							
Corps of Engineers:							
General investigations	58,992	5,150	Yes	Jan. 26, 1973	Jan. 26, 1973	2, 6b	I
Construction	(1,362,861)	(94,033)	Yes	Jan. 26, 1973	Jan. 26, 1973	1, 6b	I
	1,287,801	69,033	Yes	Mar. 9, 1973	Mar. 9, 1973	1, 6b	IV [11]
Operation and maintenance	433,799	16,000	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Flood control, Mississippi River and tributaries	110,798	1,750	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Panama Canal: Canal Zone Government, capital outlay	7,089	700	Yes	Sept. 8, 1972	Sept. 8, 1972	5	I
Wildlife conservation:							
Army	515	330	Yes	Dec. 13, 1976	Dec. 13, 1972	1	I
Navy	58	30	Yes	Nov. 21, 1972	Nov. 21, 1972	1	I
Air Force	(101)	(31)	Yes	June 28, 1972	July 1, 1972	1	I
	111	47	Yes	Apr. 12, 1973	Apr. 12, 1973	1	I
Department of Health, Education, and Welfare:							
Health Services and Mental Health Facilities: Indian Health Facilities	(43,960)	(4,623)	Yes	Jan. 26, 1973	Jan. 26, 1973	5	I
	44,253	4,330	Yes	Apr. 6, 1973	Apr. 6, 1973	5	I
National Institutes of Health: Buildings and facilities	14,843	2,000	Yes	Aug. 15, 1972	Aug. 15, 1972	5	I
Office of Education:							
Higher education, annual	355,200	10,000	No	Jan. 26, 1973	Jan. 26, 1973	5	I
Higher education, no-year	234,359	1,889	Yes	Nov. 30, 1972	Nov. 30, 1972	5	I
Educational activities overseas, special foreign currency program	3,262	16	Yes	Apr. 6, 1972	July 1, 1972	5	I
Social and Rehabilitation Services	31,767	200	No	Dec. 11, 1972	Dec. 11, 1972	6b	I
Social Security Administration: Limitation on construction (trust fund)	33,860	12,005	Yes	Apr. 27, 1972	July 1, 1972	4, 5	I
Special institutions: Howard University	54,046	3,714	Yes	Jan. 24, 1972	July 1, 1972	5	I
Department of Housing and Urban Development:							
Housing production and mortgage credit: Non-profit sponsor assistance	1,100	6,686	Yes	Jan. 26, 1973	Jan. 26, 1973	5, 6b, 6c	I
Community development:							
Open space land program	(50,000)	(50,050)	Yes	Jan. 26, 1973	Jan. 26, 1973	6b, 6c	I
	(72,000)	(28,050)	Yes	Mar. 6, 1973	Mar. 6, 1973	6b, 6c	IV [11]
	72,319	27,730	Yes	Mar. 8, 1973	Mar. 8, 1973	6b, 6c	IV [11]
Grants for basic water and sewer facilities	100,000	400,175	Yes	Jan. 26, 1973	Jan. 26, 1973	6b, 6c	I
Rehabilitation loan fund	71,530	50,000	Yes	Jan. 26, 1973	Jan. 26, 1973	6b, 6c	I
Public facility loans	42,896	20,000	Yes	Jan. 26, 1973	Jan. 26, 1973	6b, 6c	I
Office of Interstate Land Sales Registration: Interstate land sales	(9)	2,341	Yes	Jan. 26, 1973	Jan. 26, 1973	4	I

See footnotes at end of table, p. 12142.

BUDGETARY RESERVES—AS OF APR. 14, 1973—Continued

(In thousands of dollars)

	Amount apportioned	Amount in reserve	Available beyond fiscal year 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, and budgetary effect (see code)
Department of HUD—Continued							
Departmental Management: Administrative operations fund.*	350,834	3,432	No	Feb. 16, 1973	Feb. 16, 1973	2, 6b	I
Department of the Interior:							
Bureau of Land Management: Public lands development roads and trails.	4,363	12,961	Yes	Sept. 8, 1972	Sept. 8, 1972	6d	I
Bureau of Indian Affairs: Construction	45,377	31,467	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Bureau of Outdoor Recreation: Land water conservation.	312,223	269,500	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Territorial affairs: Trust Territories of the Pacific Islands.	63,903	10,000	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Geological Survey:							
Surveys, investigations, and research	(190,395)	(3,000)	No	Jan. 12, 1973	Jan. 12, 1973	6b	I
	193,488	1,072	No	Mar. 23, 1973	Mar. 23, 1973	3, 6b	I
Payments from proceeds, sale of water, Mineral Leasing Act of 1920.	(5)	24	Yes	Sept. 8, 1972	Sept. 8, 1972	4, 5	I
Bureau of Mines: Drainage of anthracite mines	200	3,700	Yes	June 27, 1972	July 1, 1972	4, 5	I
Bureau of Sport Fisheries and Wildlife:							
Migratory bird conservation account (receipt limitation)	12,249	2,981	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Federal aid in wildlife restoration	(43,400)	(7,053)	Yes	May 16, 1972	July 1, 1972	4, 5	I
	43,400	7,878	Yes	Feb. 16, 1973	Feb. 16, 1973	4, 5	I
Federal aid in fish restoration and management.	(16,200)	(3,284)	Yes	May 16, 1972	July 1, 1972	4, 5	I
	15,753	2,404	Yes	Feb. 16, 1973	Feb. 16, 1973	4, 5	I
National wildlife refuge fund	4,693	4,123	Yes	Nov. 16, 1972	Nov. 16, 1972	4, 5	I
Proceeds from sales, water resources development projects*.	15	4	Yes	Feb. 16, 1973	Feb. 16, 1973	4, 5	I
National Park Service:							
Parkway and road construction	39,500	50,949	Yes	Jan. 26, 1973	Jan. 26, 1973	6b, 6d	I
Construction	67,652	39,499	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Bureau of Reclamation:							
General investigations	22,700	1,850	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Loan program	19,804	930	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Construction and rehabilitation	261,404	18,025	Yes	Jan. 26, 1973	Jan. 26, 1973	5, 6b	I
Operation, maintenance and replacement of project works, North Platte project.	(7)	97	Yes	Sept. 22, 1972	Sept. 22, 1972	6e [8]	I
Lower Colorado River Basin development fund.	26,515	3,000	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Upper Colorado River Basin fund	60,000	10,450	Yes	Jan. 26, 1973	Jan. 26, 1973	5, 6b	I
Office of Water Resources Research: Salaries and expenses.	14,304	2,040	No	Jan. 26, 1973	Jan. 26, 1973	6b	I
Office of the Secretary: Saline water research	22,400	6,675	Yes	Jan. 26, 1973	Jan. 26, 1973	6b	I
Department of Justice:							
Bureau of Prisons: Buildings and facilities	65,514	36,441	Yes	Jan. 26, 1973	Jan. 26, 1973	5, 6b	I
Department of State:							
Office of Foreign Affairs:							
Acquisition, operation, and maintenance of buildings abroad.	42,122	2,126	Yes	Nov. 24, 1972	Nov. 24, 1972	4	I
Acquisition, operation, and maintenance of buildings abroad, special foreign currency program.	5,713	2,950	Yes	Jan. 3, 1973	Jan. 3, 1973	5	I
International organizations and conferences: International conferences and contingencies.	3,234	325	Yes	Nov. 15, 1972	Nov. 15, 1972	4	I
Educational exchange:							
Center for Cultural and Technical Interchange Between East and West.	(6,000)	(200)	No	Nov. 22, 1972	Nov. 22, 1972	5	I
	6,200		NA	Mar. 16, 1973	Mar. 16, 1973	10	V
Educational exchange fund, payment by Finland, World War I debt.	377	25	Yes	Nov. 15, 1972	Nov. 15, 1972	4	I
Department of Transportation:							
Office of the Secretary: Transportation, planning, research and development.	31,163	8,300	Yes	Jan. 18, 1973	Jan. 18, 1973	4, 6b	I
U.S. Coast Guard:							
Operating expenses	(550,400)	(10,500)	No	Jan. 18, 1973	Jan. 18, 1973	2, 6b	I
	560,700	200	No	Mar. 14, 1973	Mar. 14, 1973	3	I
Acquisition, construction and improvements	149,685	11,736	Yes	Jan. 18, 1973	Jan. 18, 1973	4, 6b	I
Reserve training	(30,465)	(1,270)	No	Jan. 18, 1973	Jan. 18, 1973	2, 6b	I
	31,135	600	No	Mar. 14, 1973	Mar. 14, 1973	3	I
Research, development, test, and evaluation	15,468	3,000	Yes	Jan. 18, 1973	Jan. 18, 1973	4, 6b	I
Alteration of bridges	(3,550)	(10,550)	Yes	Jan. 18, 1973	Jan. 18, 1973	4, 6b	I
	5,750	8,350	Yes	Apr. 13, 1973	Apr. 13, 1973	4	IV [9]
Federal Aviation Administration:							
Operations	(1,180,303)	(6,000)	No	Jan. 18, 1973	Jan. 18, 1973	2, 4, 6b	I
		(4,000)	Yes				
	1,183,331	6,400	Yes	Mar. 30, 1973	Mar. 30, 1973	4	I
Facilities and equipment (airport and airway trust fund).	319,962	207,631	Yes	Jan. 18, 1973	Jan. 18, 1973	4, 6b	I
Research, engineering and development (airport and airway trust fund).	87,493	10,000	Yes	Jan. 18, 1973	Jan. 18, 1973	4, 6b	I
Civil supersonic aircraft development	800	2,153	Yes	Jan. 18, 1973	Jan. 18, 1973	4, 6b	I
Civil supersonic aircraft development termination.	4,161	3,575	Yes	Jan. 23, 1973	Jan. 23, 1973	4, 6b	I
Construction, national capital airports*	7,035	4,000	Yes	Mar. 30, 1973	Mar. 30, 1973	4	I
Federal Highway Administration:							
Highway beautification*	30,902	98	Yes	Mar. 18, 1973	Mar. 18, 1973	4	I
Darien Gap Highway	20,000	545	Yes	Jan. 18, 1973	Jan. 18, 1973	4, 5	I
Federal-Aid highways	4,467,000	2,477,372	Yes	Jan. 8, 1973	Jan. 8, 1973	6c	I
Right-of-way revolving fund	50,000	122,782	Yes	Jan. 18, 1973	Jan. 18, 1973	4	I
National Highway Traffic Safety Administration:							
Traffic and highway safety	(76,885)	(2,937)	No	Jan. 19, 1973	Jan. 19, 1973	1	I
	77,250	2,669	No	Mar. 16, 1973	Mar. 16, 1973	1	I
Construction of compliance facilities	(9)	9,018	Yes	Jan. 19, 1973	Jan. 19, 1973	4, 5	I
Trust fund share of highway safety programs	(80,924)	(1,073)	No	Jan. 19, 1973	Jan. 19, 1973	1, 5	I
	81,032	966	No	Mar. 16, 1973	Mar. 16, 1973	1, 5	I
Federal Railroad Administration:							
Bureau of Railroad Safety*	6,950	56	No	Mar. 16, 1973	Mar. 16, 1973	3	I
High speed ground transportation research and development.	42,979	15,000	Yes	Jan. 19, 1973	Jan. 19, 1973	4, 6b	I
Grants to the National Railroad Passenger Corporation.	103,100	10,000	Yes	Jan. 19, 1973	Jan. 19, 1973	4, 6b	I
Urban Mass Transportation Administration:							
Urban mass transportation fund	980,000	20,000	Yes	Jan. 17, 1973	Jan. 17, 1973	4, 6b	I

See footnotes at end of table, p. 12142.

BUDGETARY RESERVES—AS OF APR. 14, 1973—Continued

(In thousands of dollars)

	Amount apportioned	Amount in reserve	Available beyond fiscal year 1973?	Date of reserve action	Effective date of reserve	Reason for reserve action (see code)	Estimated fiscal, economic, and budgetary effect (see code)
Department of the Treasury:							
Office of the Secretary:							
Construction, Federal Law Enforcement Center.	1,840	21,517	Yes	June 28, 1972	July 1, 1972	5, 6b	I
Expenses of settlement of War Claims Act of 1928.	(22) 22	(2) 2	Yes	May 30, 1972	July 1, 1972	2	I
Bureau of the Mint: Construction of mint facilities.	1,784	2,517	Yes	Mar. 16, 1973	Mar. 16, 1973	2	I
Atomic Energy Commission:			Yes	Aug. 21, 1972	Aug. 21, 1972	5	I
Operating expenses	2,861,569	307,750	Yes	Jan. 19, 1973	Jan. 19, 1973	2, 5, 6b	I
Plant and capital equipment	542,871	8,530	Yes	Jan. 19, 1973	Jan. 19, 1973	2, 5	I
Environmental Protection Agency: Operations, research, and facilities.	108,434	1,780	Yes	Jan. 4, 1973	Jan. 4, 1973	5	I
General Services Administration:							
Real property activities:							
Sites and expenses, public building projects	38,387	22,206	Yes	Jan. 26, 1973	Jan. 26, 1973	4	I
Construction, public building projects	133,213	234,309	Yes	Jan. 26, 1973	Jan. 26, 1973	2, 4	I
Property management and disposal: Operating expenses, no-year.	4,418	4,000	Yes	Nov. 30, 1972	Nov. 30, 1972	4	I
General Activities: Indian tribal claims, Office of the Administrator.	(1,000) 1,536	(800) 264	No	Nov. 30, 1972	Nov. 30, 1972	1	I
National Aeronautics and Space Administration:			No	Mar. 30, 1973	Mar. 30, 1973	3	I
Research and development.	(2,864,358) 2,867,073	(32,815) 29,800	Yes	Sept. 13, 1972	Sept. 13, 1972	2, 4, 5, 6b	I
Veterans Administration:			Yes	Feb. 20, 1973	Feb. 20, 1973	2, 4, 5, 6b	I
Medical prosthetic research	(75,824)	(4,818)	Yes	Jan. 26, 1973	Jan. 26, 1973	5	I
	76,994	3,648	Yes	Feb. 15, 1973	Feb. 15, 1973	5	I
Medical administration and miscellaneous operating expenses.	27,952	837	No	Jan. 26, 1973	Jan. 26, 1973	1	I
Construction, major projects	65,993	60,000	Yes	Dec. 20, 1972	Dec. 20, 1972	5	I
Construction, minor projects	50,000	5,000	Yes	Dec. 20, 1972	Dec. 20, 1972	5	I
Other independent agencies:							
District of Columbia:							
Loans for capital outlay, metropolitan areas sanitary sewage work funds.	6,252	300	Yes	Aug. 7, 1972	Aug. 7, 1972	4	I
Loans for capital outlay, sanitary sewage	28,000	4,285	Yes	Aug. 7, 1972	Aug. 7, 1972	4	I
Loans for capital outlay, water fund	8,433	2,360	Yes	Aug. 7, 1972	Aug. 7, 1972	4	I
Loans for capital outlay, general fund	137,000	6,758	Yes	Jan. 26, 1973	Jan. 26, 1973	4	I
Federal Communications Commission: Salaries and expenses.	(35,443) 35,905	(460)	No	Sept. 5, 1972	Sept. 5, 1972	5	I
		NA		Feb. 8, 1973	Feb. 8, 1973	10	V
Federal Metal and Nonmetallic Mine Safety Board of Review: Salaries and expenses.	75	85	No	Sept. 8, 1972	Sept. 8, 1972	1	I
Federal Trade Commission: Salaries and expenses.	29,874	400	No	Sept. 21, 1972	Sept. 21, 1972	5	I
Foreign Claims Settlement Commission: Salaries and expenses.	693	50	No	Nov. 14, 1972	Nov. 14, 1972	1	I
Payment of Vietnam and USS Pueblo prisoner of war claims.	23	150	Yes	Sept. 2, 1972	July 1, 1972	1	I
American Revolution Bicentennial Commission: Commemorative activities fund.	3,960	5,690	Yes	Nov. 28, 1972	Nov. 28, 1972	5	I
International Radio Broadcasting: International radio broadcasting activities.	38,520	275	No	Nov. 6, 1972	Nov. 6, 1972	2, 6e [10]	I
National Science Foundation:							
Salaries and expenses	611,273	60,400	Yes	Jan. 18, 1973	Jan. 18, 1973	2, 5, 6b	I
Scientific activities, special foreign currency program.	5,000	2,000	Yes	Jan. 18, 1973	Jan. 18, 1973	2	I
Railroad Retirement Board: Limitation on Railroad Unemployment Administration fund.	8,568	4,820	Yes	July 1, 1972	July 1, 1972	6e [11]	I
The Renegotiation Board: Salaries and expenses.	4,842	45	No	Sept. 5, 1972	Sept. 5, 1972	5	I
Small Business Administration:							
Salaries and expenses	(107,232)	(3,217)	No	Nov. 24, 1972	Nov. 24, 1972	1, 2, 6b	I
	107,732	2,717	No	Mar. 28, 1973	Mar. 28, 1973	2, 6b	I
Business loan and investment fund	503,678	48,017	Yes	Jan. 26, 1973	Jan. 26, 1973	2, 4, 6b	I
Temporary Study Commissions:							
Commission on executive, legislative, and judicial salaries: salaries and expenses.	(25)	(75)	No	Jan. 11, 1973	Jan. 11, 1973	5	I
	50	50	No	Apr. 4, 1973	Apr. 4, 1973	5	I
Commission on the Organization of the Government for the Conduct of Foreign Policy: salaries and expenses.	[12]	200	No	Nov. 30, 1972	Nov. 30, 1972	5	I
Tennessee Valley Authority: Tennessee Valley Authority Fund.	94,564	22,318	Yes	Jan. 26, 1973	Jan. 26, 1973	6a, 6b, 6c	I
United States Information Agency:							
Salaries and expenses, special foreign currency program.	12,186	2,533	Yes	Nov. 22, 1972	Nov. 22, 1972	4	I
Special international exhibitions	5,827	667	Yes	Nov. 22, 1972	Nov. 22, 1972	4	I
Special international exhibitions, special foreign currency program.	391	6	Yes	Nov. 22, 1972	Nov. 22, 1972	4	I
Water Resources Council: Water resources planning.	6,486	863	Yes	Jan. 26, 1973	Jan. 26, 1973	2, 5, 6b	I

[1] Funds have not been apportioned while awaiting the completion of negotiations with the Government of Israel.

[2] Public Law 92-571, "Making further continuing appropriations for fiscal year 1973, and for other purposes," includes a limitation on obligations of $5 million. The reserve will remain in effect until Congress completes final action on its annual limitation on the Foundation's activities.

[3] Public Law 92-399, "Agriculture-Environmental and Consumer Protection Appropriation Act, 1973" requires the creation of certain reserves pending such circumstances as the provision of matching funds by the States, the determination of qualified and necessary projects, the determination of the availability of qualified personnel, and the determination of need.

[4] The Census of Agriculture has been postponed until 1977 to coincide with the economic censuses.

[5] Fees deposited to the interstate land sales account are used only to the extent funds are not sufficient in the appropriation for salaries and expenses, housing production and mortgage credit programs.

[6] The Department of the Interior has no present plans for the use of these funds which are available only for the development of water wells on public lands.

[7] No improvements are currently necessary (see footnote 8).

[8] 66 Stat. 754 requires that certain miscellaneous revenues be deposited in a special fund to provide for the replacement of the project works and to defray annual operating and maintenance expenses when necessary.

[9] Construction is deferred pending evaluation of the alternatives of lease versus direct construction.

[10] Public Law 92-544, "Department of State Appropriation Act, 1973" provides these funds for the activities of a commission. However, Public Law 92-394, "United States Information and Educational Exchange Act of 1948, Amended" authorizes funds in this account to be spent only on grants.

[11] 45 U.S.C. 361 authorizes the Railroad Retirement Board to use funds from the unemployment trust fund of 0.25 percent of the taxable payroll of railroad workers for the administrative expenses of operating the railroad unemployment insurance fund. The amount apportioned represents the actual operating requirements. If the remainder of this formula-based authorization (currently in reserve) is not needed, it will be returned to the unemployment trust fund.

[12] The Commission is not yet in operation.

[13] The level of obligations for the account will be approximately $1.5 million above the budget estimate for fiscal year 1973 due to a reestimate of actual commitments incurred prior to the beginning of the 18-month housing moratorium.

[14] The level of obligations for the cooperative forest fire control program will be approximately $4 million above the budget estimate for fiscal year 1973 in order to maintain equitable funding to the States.

[15] The level of obligations for this account will be approximately $25 million above the budget estimate for fiscal year 1973 in order to take emergency actions designed to diminish flood damage in the Great Lakes basin.

[16] The level of obligations in this account will be approximately $22 million above the budget estimate for fiscal year 1973 due to a final accounting of actual commitments incurred prior to the beginning of the 18-month housing moratorium.

[17] The level of obligations in this account will be approximately $2.25 million above the budget estimate for fiscal year 1973 in order to provide the Federal share of funds required to make the necessary alterations at the site of a recent shipping accident.

[FR Doc.73-8930 Filed 5-8-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

SALT PLAINS NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890-896; 16 U.S.C. 1131-1136), that a public hearing will be held beginning at 9 a.m. on June 30, at Alfalfa Electric Cooperative Auditorium, 121 East Main Street, Cherokee, Okla., on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Salt Plains Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within Salt Plains National Wildlife Refuge, which is located in Alfalfa County, State of Oklahoma.

A study summary containing a map and information on the Salt Plains Wilderness proposal may be obtained from the Refuge Manager, Salt Plains National Wildlife Refuge, Route 1, Box 49, Jet, Okla. 73749, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Box 1306, Albuquerque, N. Mex. 87103.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by July 30, 1973.

F. V. SCHMIDT,
Acting Director, Bureau of Sport Fisheries and Wildlife.

MAY 8, 1973.

[FR Doc.73-9340 Filed 5-8-73;9:08 am]

National Park Service

INDEPENDENCE NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Independence National Historical Park Advisory Commission will be held on May 17, 1973, 10:30 a.m., at 313 Walnut Street, Philadelphia, Pa., in conclusion of matters arising at their meeting of April 12.

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

The members of the Commission are as follows:

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

The meeting will be closed to the public in order that the Commisson may conclude their discussion of matters relating to architectural features of the visitor center, and the contract between the National Park Service and the contractor. The Commission will conclude their discussions concerning a possible gift to be made to the United States in aid of the bicentennial celebration.

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

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

Dated April 30, 1973.

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

[FR Doc.73-9259 Filed 5-8-73;8:45 am]

Office of the Secretary

GILA RIVER INDIAN RESERVATION, ARIZ.

Ordinance Legalizing the Introduction, Sale, or Possession of Intoxicants

In accordance with authority delegated by the Secretary of the Interior, to the Assistant to the Secretary for Indian Affairs, in amendment 2 to Secretarial order 2950, and in accordance with the act of August 15, 1953, Public Law 277, 83d Congress, 1st session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian liquor laws on the Gila River Indian Community, Ariz., was adopted on March 21, 1973, by the Gila River Indian Community Tribal Council, which has jurisdiction over the area of Indian country included in the ordinance reading as follows:

Be it enacted by the Gila River Indian Community Council of the Gila River Indian Reservation, Ariz., pursuant to the authority contained in the amended constitution of the Gila River Indian Community, approved by the Secretary of the U.S. Department of the Interior, on March 17, 1960, and in accordance with the laws of the United States (18 U.S.C. 1161), that the Gila River Indian Community and other persons, are hereby authorized to introduce, possess, store, and sell alcoholic beverages, in accordance with the laws of the State of Arizona, and rules and regulations of the Gila River Indian Reservation, Ariz., in the following enumerated situations only:

1. Possession of alcoholic beverages is permitted throughout the Gila River Indian Reservation;

2. The introduction, storage, and sale of alcoholic beverages in a corridor extending one-half mile either side of the centerline of Interstate 10 where it crosses the reservation is permitted upon application to, and approval by, the Gila River Indian Community Council;

3. The introduction, storage and sale of alcoholic beverages on any part of the reservation other than in said corridor is permitted upon application to, and approval by, the Gila River Indian Community Council as provided below,

Provided, however, That the council may not grant such approval without first an affirmative vote by two-thirds of the members of the affected district at a regular district meeting;

4. The introduction for sale or sales by persons other than the Gila River Indian Community shall be first specifically approved by the Gila River Indian Community Council and such sales shall be subject to such taxes and license fees as may be from time to time imposed by said council.

WILLIAM L. ROGERS,
Deputy Assistant Secretary of the Interior.

May 2, 1973.

[FR Doc.73-9084 Filed 5-8-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

[P. and S. Docket No. 4782]

LUFKIN LIVESTOCK EXCHANGE

Notice of Complaint, Order of Suspension, and Hearing Regarding Respondent's Schedule of Rates and Charges

In regard Giles Lowery Stockyards, Inc., doing business as Lufkin Livestock Exchange, Lufkin, Tex., respondent.

Notice is hereby given that on April 2, 1973, the respondent filed a proposed amendment to its current schedule of rates and charges, under title III of the Packers and Stockyards Act, 1921, as amended 42 Stat. 159, as amended (7 U.S.C. 181 et seq.), to become effective April 16, 1973. The proposed amended tariff reads as follows:

SECTION I—COMMISSION

A. CATTLE

		Per head
(1)	Ordinary:	
	(a) Up to and including $199.99	$4.50
	(b) $200.00 through $249.99	5.06
	(c) $250.00 through $299.99	6.19
	(d) $300.00 through $349.99	7.31
	(e) $350.00 and over	7.88
(2)	Bulls:	
	(a) Up to and including $149.99	3.90
	(b) $150.00 and over	5.40
		Per unit
(3)	Cows and calves:	
	(a) $50.00 through $149.99	$3.90
	(b) $150.00 through $249.99	4.40
	(c) $250.00 through $299.99	5.40
	(d) $300.00 through $349.99	5.90
	(e) $350.00 through $399.99	6.40
	(f) $400.00 and over	6.90

B. HOGS

		Per head
(1)	Ordinary:	
	(a) Up to and including $4.49	$0.50
	(b) $4.50 through 8.99	.75
	(c) $9.00 through 19.99	1.00
	(d) $20.00 through 29.99	1.25
	(e) $30.00 through 39.99	1.50
	(f) $40.00 through 49.99	1.75
	(g) $50.00 and over	2.00

	Per unit
(2) Sows and pigs:	
(a) Up to and including $19.99	$1.25
(b) $20.00 through 29.99	2.00
(c) $30.00 through 39.99	2.50
(d) $40.00 and over	3.00
C. HORSES AND MULES	
(a) Up to and including $19.99	1.50
(b) $20.00 through 29.99	2.00
(c) $30.00 through 39.99	2.50
(d) $40.00 and over	3.00
(e) $50.00 and over	3.50

SECTION II—YARDAGE CHARGE

A. All cattle 20 cents per head.
B. All hogs 15 cents per head.
C. All horses 50 cents per head.

SECTION III

The schedule of charges on all necessary veterinarian services performed by accredited veterinarian will be at posted uniform per head rate, pursuant to company agreement with the veterinarian performing services and does not contain any charges retained by the market.

Notice is given hereby also that on April 13, 1973, the Packers and Stockyards Administration, U.S. Department of Agriculture, filed a complaint, order of suspension, and notice of hearing with respect to the respondent's rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), hereinafter referred to as the act.

I. The respondent is now, and at all times mentioned herein was, registered with the Secretary of Agriculture as a market agency to sell livestock on commission at the Giles Lowery Stockyards, Inc., doing business as Lufkin Livestock Exchange, Lufkin, Tex., which is now, and at all times mentioned herein was, a posted stockyard subject to the provisions of the act.

II. In accordance with the requirements of the act, the respondent has heretofore filed and presently has in effect a schedule of rates and charges for its services at the aforementioned stockyard.

III. On April 2, 1973, the respondent filed a tariff effective April 16, 1973, containing certain increases in the current rates and charges.

IV. Upon an analysis of the information available to the Packers and Stockyards Administration, U.S. Department of Agriculture, there is reason to believe that certain of such increases are unjust, unreasonable, or discriminatory.

V. It is concluded, therefore, that a proceeding under title III of the act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in the respondent's schedule of rates and charges as modified by the tariff filed on April 2, 1973, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI. It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondent and of any rule, regulation, or practice affecting said rates and charges.

It is therefore ordered, That the operation and use by the respondent of the modifications of the current schedule of rates and charges filed on April 2, 1973, to become effective on April 16, 1973, are hereby suspended and deferred until the expiration of 30 days beyond the time when such modified rates would otherwise go into effect.

It is further ordered, That notice to the respondent shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an administrative law judge of the department at a time and place to be specified at a later date, of which the respondent will receive adequate notice. At such hearing the respondent and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C., on or before May 29, 1973.

It is further ordered, That a copy hereof be served upon the respondent.

Done at Washington, D.C., this 2d day of May 1973.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.73-9115 Filed 5-8-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

CONSTRUCTION OF 120,000 to 130,000 CUBIC METER LNG VESSELS

Computation of Foreign Cost

In FR Doc. 73-3483, appearing in the FEDERAL REGISTER issue of February 23, 1973 (38 FR 5000), notice was published of the intent of the Maritime Subsidy Board, pursuant to section 502(b) of the Merchant Marine Act, 1936, as amended (Act), to compute the estimated foreign cost of construction "of 125,000 cubic meter LNG vessels with all types of tank system designs, with a view to establish a single construction-differential subsidy rate." Interested persons were invited to file written statements on such computations, but no statements in response to the notice were received.

The board hereby gives notice of its intent, pursuant to section 502(b) of the Act, to compute as final determinations the estimated foreign cost of the construction of 120,000 to 130,000 cubic meter LNG type of vessel and the construction-differential subsidy rate for such type vessel. On this date the board tentatively determined, subject to any new significant information received in response to this notice, the following:

1. That Western Europe is the fair and representative shipbuilding center on which to base the foreign construction cost of the LNG type of vessel of various tank designs.

2. That the construction-differential subsidy rate for the LNG type of vessel is established at 14.89 percent of the domestic cost; and

3. That the 14.89 percent construction-differential subsidy rate applies to the domestic price of the LNG type of vessel without regard to the type of containment system provided in each case that such domestic price is determined to be fair and reasonable.

In respect to the above findings the board has, on this date, approved a tentative opinion and order in explanation of its tentative determinations, identified as Docket No. A-74, which is available upon request to the secretary, Maritime Subsidy Board.

Any person, firm or corporation having any interest (within the meaning of section 502(b) of the Act) in such computations may file written statements by the close of business on May 23, 1973, with the secretary, Maritime Subsidy Board, Maritime Administration, room 3099-B, Department of Commerce Building, 14th and "E" Streets NW., Washington, D.C. 20235.

Dated May 4, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.
Secretary, Maritime Administration.

[FR Doc.73-9296 Filed 5-8-73;8:45 am]

National Bureau of Standards

AUTOMATED MERCHANDISE AND PRODUCT IDENTIFICATION CODES

Solicitation of Proposals and Comments Regarding Adoption by Retail and Grocery Industries; Extension of Reporting Date

In FR Doc. 73-6323, appearing at page 8464 of the issue for Monday, April 2, 1973, the date for submitting responses is extended to June 20, 1973.

Dated May 3, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.73-9151 Filed 5-8-73;8:45 am]

National Oceanic and Atmospheric Administration

GROUNDFISH FISHERIES

Closure of Season

Notice is hereby given pursuant to § 240.23(d), title 50, Code of Federal Regulations, as follows:

May 4, 1973, the director, National Marine Fisheries Service, determined that U.S. vessels operating in regulatory area—subarea 5, west of 69°00'W. longitude, defined in § 240.1(b)(5), and referred to in § 240.21(b)(3), had reached the quarterly catch limit for

yellowtail flounder of 1,500 metric tons for the period April 1–June 30, 1973, as described in § 240.21(b)(3), published in the FEDERAL REGISTER, 38 FR 90184.

I hereby announce that the season for taking yellowtail flounder without restriction as to quantity by persons and vessels subject to the jurisdiction of the United States will terminate, in the area affected, at 0001 hours local time, May 9, 1973. The restriction will remain in effect until 0001 hours local time, July 1, 1973.

Issued at Washington, D.C., and dated May 7, 1973.

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

[FR Doc.73-9295 Filed 5-8-73;8:45 am]

MARINE MAMMAL PROTECTION ACT OF 1972

Notice of Public Hearing on Disposition of Beached, Stranded, Injured, Sick, Forfeited, Confiscated, and Dead Marine Mammals

In connection with its activities under the Marine Mammal Protection Act of 1972 (Public Law 92-522), the National Marine Fisheries Service has seized six porpoises, one of which died at or about the time of seizure. Subsequently, the remaining porpoises were forfeited by the owners to the Federal Government under the act and the Department of Commerce interim regulations (38 FR 28177, December 21, 1972) published in connection therewith. Since their seizure on January 11 and 12, 1973, the five porpoises have been maintained and cared for at Gulfarium, a public display facility at Fort Walton Beach, Fla.

In addition, on March 13, 1973, a stranded killer whale was found on the beach near Ocean Shores, Wash. This animal currently is being maintained and cared for at Seattle Marine Aquarium in Seattle, Wash.

The Federal Government desires to develop a policy which will provide these mammals, as well as other mammals which may be forfeited, stranded, or beached in the future, with the best opportunity for survival.

Therefore, notice is hereby given that a hearing will be held at 10 a.m. local time on May 22, 1973, in the Department of Commerce Auditorium, Main Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C. The purpose of the hearing will be to obtain the views of interested parties with respect to the disposition of marine mammals which were beached, stranded, injured, sick, forfeited, or confiscated.

Among the alternatives to be considered will be returning healthy mammals to nature; donating, auctioning, or otherwise selling such mammals to zoos and oceanaria; or humanely dispatching sick or injured mammals which obviously could not survive, or allocating animals to holders of permits or exemptions for undue economic hardship.

In developing policy in this matter, the views and opinions of interested persons will be taken into consideration. Individuals and organizations may express their views or opinions by appearing at this hearing or by submitting written comments, for inclusion in the official record to the Director, National Marine Fisheries Service, Washington, D.C. 20235. Any inquiries with respect to this hearing should be made to the Director. Written comments will be accepted for the official record providing they are postmarked no later than June 6, 1973.

Dated May 4, 1973.

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

[FR Doc.73-9122 Filed 5-8-73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

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

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

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

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

DEPARTMENT OF COMMERCE, Office of the Solicitor, Crystal Plaza 3, 2031 Jefferson Davis Highway, Arlington, Va.

Patent 3,611,130: Power Measuring and Leveling System Using a Self-Balancing Bridge; filed Mar. 17, 1970, patented Oct. 5, 1971; not available NTIS.

Patent 3,617,925: Simulator for Atmospheric Radio Noise; filed June 9, 1970, patented Nov. 2, 1971; not available NTIS.

Patent 3,699,518: Method and Machine for Reading Handwritten Cursive Characters; filed Jan. 18, 1971, patented Oct. 17, 1972; not available NTIS.

Patent 3,305,674: Device for Determining an Angle from a Set of Orthogonal Components; filed Mar. 14, 1966, patented Feb. 21, 1967; not available NTIS.

Patent 3,300,066: Sorting Machine Providing Self-Optimizing Inventory Reduction; filed June 21, 1963, patented Jan. 24, 1967; not available NTIS.

Patent 3,281,679: Modulated Subcarrier System for Measuring Attenuation and Phase Shift; filed May 11, 1965, patented Oct. 25, 1966; not available NTIS.

Patent 3,270,189: Device for Determining an Angle from a Set of Orthogonal Components; filed July 7, 1961, patented Aug. 30, 1966; not available NTIS.

Patent 3,264,739: Apparatus for Measuring Area; filed Nov. 15, 1963, patented Aug. 9, 1966; not available NTIS.

Patent 3,318,797: Method of Oxidizing Asphalt Flux with Oxides of Nitrogen; filed July 21, 1965, patented May 9, 1967; not available NTIS.

Patent 3,327,239: Four-Terminal Direct-Current Amplifier; filed Jan. 6, 1964, patented June 20, 1967; not available NTIS.

Patent 3,371,036: Method and Apparatus for Growing Single Crystals of Slightly Soluble Substances; filed Oct. 20, 1965, patented Feb. 27, 1968; not available NTIS.

DEPARTMENT OF THE INTERIOR, Branch of Patents, U.S. Department of the Interior, Washington, D.C. 20240.

Patent 3,714,010: Preparation of Anion Exchange Membranes from Cellulosic Sheets; filed Jan. 6, 1972, patented Jan. 30, 1973; not available NTIS.

Patent 3,717,700: Process and Apparatus for Burning Sulfur-Containing Fuels; filed Aug. 25, 1970, patented Feb. 20, 1973; not available NTIS.

Patent 3,716,615: Process for the Production of Cuprous Oxide; filed Aug. 24, 1971, patented Feb. 13, 1973; not available NTIS.

Patent application 337,342: Simultaneously Removing Sulfur and Nitrogen Oxides from Gases; filed Mar. 2, 1973; PC $3/MF $0.95.

Patent application 326,646: Decomposition of Carbonyl Sulfide (SCO) in Electric Charge; filed Jan. 26, 1973; PC $3/MF $0.95.

Patent application 227,172: Improved Pulse Processing System; filed Feb. 17, 1972; PC $3/MF $0.95.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 Seventh Street SW., Washington, D.C. 20590.

Patent Application 327,953: Keyboard and Message System; filed Jan. 30, 1973; PC $3.75/MF $0.95.

[FR Doc.73-9008 Filed 5-8-73;8:45 am]

Office of the Secretary

[Dept. Org. Order 40-1; Amdt. 1]

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Department Organization Order

This order effective April 3, 1973, amends the material appearing at 37 FR 25557 of December 1, 1972.

Department organization order 40-1, dated November 17, 1972, is hereby amended as follows:

1. *Sec. 2. Organization and Structure.*—This section is amended to read:

The principal organization structure and line of authority of DIBA shall be as depicted in the attached organization chart (exhibit 1). Copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

2. *Sec. 4. Staff Offices.*—a. Paragraph .01 is revised to read:

".01 The *Office of Field Operations* shall serve as the Department's principal medium of contact with the business community at local levels for the func-

tions listed below, most of which will be performed through regional offices and subordinate district offices located throughout the country (exhibit 2)." Copy of the exhibit 2 is attached to the original of this document on file in the Office of the Federal Register.

b. Subparagraphs d., e., and g. are deleted.

c. Subparagraph f. is lettered d., and the following new subparagraphs e. and f. are added respectively.

"e. Through the District Offices located in the 10 uniform Federal regional council cities, serving as the Department's principal coordinator at the regional level for Federal preparedness planning, crisis management, and emergency operations. Accordingly, the regional or district office directors in the 10 cities (i.e., Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco, and Seattle), having been designated regional emergency coordinators, acting in accordance with instructions and guidance issued by the director, Departmental Office of Emergency Readiness, through the office of field operations, shall represent the secretary and shall be the principal advisory and contact point for the Department in their respective areas for emergency readiness matters.

"f. The DIBA field structure shall be as depicted in exhibit 3 to this order." Copy of exhibit 3 is attached to the original of this document on file in the office of the Federal Register.

3. SEC. 5. *Directorate of Administrative Management.*—Revise the introductory paragraph to read as follows:

"The *Deputy Assistant Secretary for Administrative Management, DIBA,* shall be * * * ."

4. SEC. 6. *Bureau of International Commerce (BIC).*—Revise the introductory paragraph to read as follows:

"The *Deputy Assistant Secretary for International Commerce* shall assist and advise the Assistant Secretary on export expansion, international trade policy, international finance and investment, and shall serve as national export expansion coordinator. Within the framework of overall DIBA goals, the Deputy Assistant Secretary shall determine the objectives of the Bureau—a main line component of DIBA—formulate policies and programs for achieving those objectives, and direct the execution of Bureau programs. The Deputy Assistant Secretary shall be responsible for: (a) Representing the interests of the Department to other agencies with regard to the official representation of U.S. commercial interests abroad; (b) carrying out the domestic trade fair and international expositions functions; and (c) providing statistical information and analysis on the foreign trade of the United States and of foreign countries. The Deputy Assistant Secretary shall be assisted by a Deputy Director who shall perform the functions of the Deputy Assistant Secretary in the latter's absence. The functions of the Bureau shall be carried out through its principal organizational elements as prescribed below:"

5. SEC. 7. *Bureau of Resources and Trade Assistance.*

a. Revise the introductory paragraph to read as follows:

"The *Deputy Assistant Secretary for Resources and Trade Assistance* shall * * * ."

b. In the third line of paragraph .02 substitute the word "improve" for the word "approve."

6. SEC. 8. *The Bureau of Competitive Assessment and Business Policy.*—Revise the introductory paragraph to read as follows:

"The *Deputy Assistant Secretary for Competitive Assessment and Business Policy* shall * * * ."

7. SEC. 9. *The Bureau of East-West Trade.*—Revise the introductory paragraph to read as follows:

"The *Deputy Assistant Secretary for East-West Trade* shall * * * ."

Effective April 3, 1973.

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.73-9158 Filed 5-8-73;8:45 am]

[Dept. Org. Order 20-13]

OFFICE OF PLANNING AND EVALUATION

Department Organization Order

SECTION 1. *Purpose.*—This order establishes and prescribes the functions of the Office of Planning and Evaluation.

SEC. 2. *Status and Line of Authority.*—The Office of Planning and Evaluation, a departmental office, shall be headed by a Director who shall report and be responsible to the Assistant Secretary for Administration.

SEC. 3. *Functions.*—.01 Pursuant to the authority vested in the Assistant Secretary for Administration by Department Organization Order 10-5 and subject to such policies and directives as the Assistant Secretary for Administration may prescribe, the Office shall:

a. Interpret Presidential initiatives in the areas of program planning, management control, and operational evaluation.

b. Conduct special studies to evaluate the effectiveness of departmental programs in meeting objectives established through legislation or other appropriate authority.

c. Identify major program, operational, or management issues and problems, and undertake analyses to resolve them.

d. Advise and assist operating units in the development and operation of systems for the identification of program objectives and the measurement of the results of actions taken against these objectives.

.02 The Director shall exercise such authorities of the Assistant Secretary for Administration as are implicit and essential to carrying out the functions assigned in this order.

Effective April 27, 1973.

H. B. TURNER,
Assistant Secretary for Administration.

[FR Doc.73-9159 Filed 5-8-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

AD HOC COMMITTEE TO REVIEW CANCER CENTER SUPPORT

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Ad Hoc Committee to Review Cancer Center Support, May 15-16, 1973, at 8:30 a.m. at Northwestern University, Chicago, Ill. The grant review will be closed to the public in accordance with the provisions set forth in section 552(b) 4 of title 5 of United States Code, and section 10(d) of Public Law 92-463.

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

Dr. Genrose D. Copley, Executive Secretary, NCI, Westwood Building, room 834, National Institutes of Health, Bethesda, Md. 20016, 301-496-7427, will provide substantive program information.

Dated May 2, 1973.

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

[FR Doc.73-9153 Filed 5-8-73;8:45 am]

Office of Education

LEGAL AND INTERAGENCY SUBCOMMITTEE, NATIONAL ADVISORY COUNCIL ON EQUALITY OF EDUCATIONAL OPPORTUNITY

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), that the Subcommittee No. 1—Legal and Interagency—of the National Advisory Council on Equality of Educational Opportunity will meet from 9 a.m. until 3 p.m., Tuesday, May 15, 1973, at the U.S. Office of Education, room 2132, 400 Maryland Avenue SW., Washington, D.C.

The National Advisory Council on Equality of Educational Opportunity is established under section 716 of the Emergency School Aid Act (Public Law 92-318, title VII). The Council is established to advise the Assistant Secretary for Education with respect to the operation of programs under the act, and to review the operation of such programs.

The meeting of the subcommittee shall be open to the public. The proposed agenda includes consideration of the general scope of the work of the subcommittee, including a discussion and review of desegregation materials to assist in developing a position on the subtopic "What Is" in regard to the subcommittee's charge.

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

HERMAN R. GOLDBERG,
Associate Commissioner, Bureau of Equal Educational Opportunity.

[FR Doc.73-9138 Filed 5-8-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON ENVIRONMENTAL EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, that the next meeting of the full membership of the National Advisory Council on Environmental Education will be held commencing at 7:30 p.m. on Thursday, May 17, 1973, at the YMCA Insulon Lodge in Estes Park, Colo. Advisory Council members will participate in an environmental education master planning workshop at the same location, May 16-18, 1973.

The National Advisory Council on Environmental Education is established under section 3(c)(1) of the Environmental Education Act (Public Law 91-516). The Council is established to advise the Commissioner of Education on the review of the administration and operation of programs relating to the administration of the act.

The meeting of the Council shall be open to the public. Records shall be kept of all proceedings and shall be available for public inspection at the Office of Environmental Education, located in room 424, Reporters Building, Seventh and D Streets SW., Washington, D.C.

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

WALTER BOGAN,
Director,
Office of Environmental Education.

[FR Doc.73-9193 Filed 5-8-73;8:45 am]

Office of the Secretary

MEDICAL FACILITY CONSTRUCTION

Reallotment of Amounts for Loans and Loan Guarantees

In accordance with part B of title VI of the Public Health Service Act (42 U.S.C. 291k-q) the Secretary of Health, Education, and Welfare in fiscal year 1971 allotted among the States $500 million of principal of loans to be made or guaranteed by the Secretary for the construction and modernization of hospitals and other medical facilities. Such allotments are available for obligation by the States through June 30, 1973, except that, purusant to section 622(b) of the Act (42 U.S.C. 291l(b)), amounts remaining unobligated by any State after June 30, 1972, may, with the consent of such State, be reallotted "on such basis as the Secretary deems equitable and consistent with the purposes" of such title VI.

Accordingly, notice is hereby given that, in order to achieve the maximum benefit from the authorized principal amount available, amounts previously allotted to each State for fiscal year 1971 for which no commitment for a loan or loan guarantee has been made will, with the consent of such States, be withdrawn and reallotted to other States which have a need therefor as follows:

1. Each of the 10 regions of the Department of Health, Education, and Welfare will be allocated an amount which bears the same ratio to the total amount of funds to be reallotted as the sum of the population weighted by per capita income of each of the States in such region (excluding those States from which loan principal is withdrawn) bears to the sum of the population weighted by per capita income of all the States (excluding those States from which loan principal is withdrawn). Such computations will be based on the latest available published data from the Bureau of the Census.

2. The States in each region (excluding those States from which loan principal is withdrawn) will be ranked in order of each such State's population weighted by per capita income

3. Applications for loans and loan guarantees will be solicited by each regional office from the States in such region (excluding those States from which loan principal is withdrawn) for loans or loan guarantees with respect to (a) projects for construction or modernization of outpatient facilities, and (b) projects for modernization (including replacement) of other facilities for the treatment of ambulatory patients, such as outpatient and emergency departments of general hospitals. Such applications shall be submitted through the respective State agencies, in accordance with State plans, at such time as the Secretary shall prescribe.

4. To the extent that loan principal is available for each region, the Secretary will approve, prior to July 1, 1973, applications submitted in accordance with paragraph 3 above which meet the requirements of the applicable statute (42 U.S.C. 291 et seq.) and regulations (42 CFR part 53).

(a) Applications in category 3(a), from each State in order of such State's population/per capita income ranking as determined pursuant to paragraph 2 above.

(b) Applications in category 3(b), from each State in order of such State's population/per capita income ranking as determined pursuant to paragraph 2 above.

Dated May 3, 1973.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.73-9217 Filed 5-8-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. D-73-232]

ACTING REGIONAL ADMINISTRATOR

Designation

The employees appointed to the following positions in region IV (Atlanta) are hereby designated to serve as Acting Regional Administrator, region IV, during the absence of the Regional Administrator, with all the powers, functions, and duties redelegated or assigned to the Regional Administrator, provided that no employee is authorized to serve as Acting Regional Administrator unless all other employees whose titles precede his in this designation are unable to serve by reason of absence:

1. Deputy Regional Administrator.
2. Director, program planning.
3. Assistant Regional Administrator for Administration.
4. Assistant Regional Administrator for Housing Production and Mortgage Credit.

This designation supersedes the designation effective August 29, 1972 (37 FR 20344, Sept. 29, 1972).

(Delegation of authority effective May 4, 1962 (27 FR 4319, May 4, 1962); Department Interim Order II (31 FR 815, Jan. 21, 1966).)

Effective as of the 11th day of April 1973.

T. M. ALEXANDER, Jr.,
Acting Regional Administrator.

[FR Doc.73-9116 Filed 5-8-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

ASSOCIATE ADMINISTRATOR FOR TRAFFIC SAFETY PROGRAMS

Delegation of Authority

By authority vested in me by section 9(e) of the Department of Transportation Act (Public Law 89-670, 9(e), October 15, 1966, 80 Stat. 944; 49 U.S.C. 1657(e)) effective immediately and until further notice, I hereby delegate to James E. Wilson, Associate Administrator for Traffic Safety Programs of the National Highway Traffic Safety Administration, all functions previously delegated to the Administrator of the National Highway Traffic Safety Administration.

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

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.73-9321 Filed 5-8-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-413A, 50-414A]

DUKE POWER CO.

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, the following advice from the Attorney General of the United States, dated May 1, 1973:

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, 68 Stat. 919, 42 U.S.C. 2011-2296 as recently amended by Public Law 91-560, 84 Stat. 1472 (Dec. 19, 1970), in regard to the above-cited application.

A description of the applicant, its history and structure, conduct with respect to smaller systems and our conclusions based thereon was transmitted to you on August 2, 1971, in connection with your request for our advice on Duke Power Co.'s application to operate Oconee units 1, 2, and 3, AEC dockets Nos. 50-269A, 50-270A, and 50-287A. We reaffirmed our findings and conclusions therein and found them equally applicable to Duke Power Co.'s application to construct its McGuire Nuclear Station, units 1 and 2, AEC dockets Nos. 50-369A and 50-370A on Sep-

tember 29, 1971. For your convenience we attach copies.

Power from the Catawba units is not proposed to be marketed separately, but it is to be added to applicant's integrated system as is the power from the Oconee and McGuire units. Applicant's answers to the Attorney General's questions indicate an estimated fixed cost for the Catawba units and associated bulk transmission at $47.34 per kilowatt per year (6.763 mills/kWh) as compared with $34.10 per kilowatt per year (4.87 mills/kWh) for its McGuire units and $26.75 per kilowatt per year (3.82 mills/kWh) for the Oconee units. Production expenses are estimated to escalate to 2.25 mills/kWh as compared with the 1.95 mills/kWh estimated for Oconee and McGuire.

Except for the somewhat increased costs for these units, the facts upon which our advice regarding the Catawba units must be based are identical to those stated in our letters on the earlier applications. We note that changes in fossil fuel supplies appear to increase the importance of nuclear power generation as a source of bulk power supply.

We therefore recommend that a hearing be held to determine whether the licensee's proposed activities under the subject license will create or maintain a situation inconsistent with the policies of the antitrust laws.

Section 2.716 of your Commission's rules of practices appears to permit consolidation of proceedings in certain circumstances. We believe you may find those circumstances exist with respect to proceedings in connection with the McGuire, Oconee, and Catawba applications.

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 June 8, 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.

ENCLOSURE I

AUGUST 2, 1971.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, 68 Stat. 919, 42 U.S.C. 2011–2296 as recently amended by Public Law 91–560, 84 Stat. 1472 (Dec. 19, 1970), in regard to the above-cited application.

APPLICANT

Applicant is one of the major electric utilities in the eastern United States. I am advised that its electric system serves the Piedmont Carolinas, in an area about 100 miles wide and 260 miles long, extending from Virginia on the northeast to Georgia on the southwest, having a total area of about 20,000 mi² and serving a population of about 3,300,000. Its total assets as of December 31, 1970, exceeded $1¾ billion. Its electric operating revenues for 1970 were $386,138,000. Its total utility plant exceeded $2 billion before depreciation and its net utility plant was $1,628,677,000. In 1970, it had a total generating capacity of 6,743,789 kW consisting of about 5,650,000 kW of steam capacity, 860,000 kW of hydroelectric generating capacity and relatively smaller amounts of gas turbine capacity and internal combustion capacity. Its 1970 system peak demand was 6,284,000 kW. Of this, approximately 700,000 kW was supplied to 58 independent distribution systems serving at retail in the general area described above.

Duke's many generating stations are integrated into a single bulk power supply system by a high voltage transmission network which includes 1,535 circuit miles of 230 kV, 5,130 circuit miles of 100 kV, and 2,591 circuit miles of 44 kV. Its total high voltage transmission as of December 31, 1970, was 9,481 circuit miles. It is also vertically integrated, distributing electric power at retail throughout most of this area. It presently operates over 43,000 pole miles of distribution lines.

Duke's bulk power supply system is further interconnected and coordinated with other major systems on its periphery. These include high voltage ties to the American Electric Power System through Appalachian Power Co. on its north, to Carolina Power & Light on the east, to South Carolina Electric & Gas on the south, and to the Southern System on the southwest through Georgia Power Co., and also ties with projects of the Southeastern Power Administration on the Savannah River. It is also interconnected with Yadkin, Inc., an industrial power supply.

HISTORY AND STRUCTURE

Duke's early base was in the development of water powers on the Catawba and Wateree Rivers which are in the Santee Basin in the Carolinas. It soon added steam generation which it integrated with its hydrogeneration by high voltage transmission lines. Its evolution can be traced through a series of amalgamations and purchases which had the effect of providing it control over many of the water powers in the area. At about the same time a similar company called Southern Public Utilities Co., was developing along parallel lines but operating extensive retail distribution properties, and the interests of these companies were first closely associated and then completely joined.

Duke now owns or controls substantially all the water powers in its area. Since Duke owns virtually all of the water power projects on economically attractive sites in its area, other electric entities seeking entry into bulk power supply cannot resort to hydroelectric production which can be economically developed as isolated projects not requiring interconnection with other generating sources.

Duke also owns and controls all high voltage transmission in the area, and owns or controls substantially all thermal generation in the same area. Hence, it has the market power to grant or deny access to coordination which is essential for a competitive thermal bulk power supply in today's power economy. This is spelled out in some detail in our letter of June 28, 1971, regarding Consumers Power Co.

ANTICOMPETITIVE CONDUCT

From almost its inception, Southern Power Co.'s and Duke's contracts contained market allocations which allocated larger customers to Duke. Duke claims these allocations never resulted in precluding its purchasers in bulk from selling to any customer, and in November 1964, removed the provisions from all its rates schedules filed with the Federal Power Commission, see docket No. E–7122, 30 FPC 524, 32 FPC 594 (1964) and 32 FPC 1253. Shortly thereafter, on Jan. 1, 1965, Duke filed changed rate schedules modifying its rate design, with the possible effect of perpetuating the market allocation effected by the earlier provisions. Wholesale customers of Duke are now making substantially this claim to the Federal Power Commission, before the Federal Power Commission docket No. E–7557. Duke denies that its wholesale rate design has this effect or was instituted with this intent.

While its earlier rates schedules had other features which may have been anticompetitive, its present schedules contain a feature of ratcheted demand, which could serve effectively to discourage installation of thermal generating capacity by its wholesale customers. Lack of any provision for reserve sharing could also serve to discourage entry into self generation.

Duke claims it has never refused a proposal to coordinate. On the other hand, it takes the somewhat conflicting position that should it coordinate with any actual or potential competitor, its survival would be threatened because of the tax and financing advantages enjoyed by many of the smaller systems in its area which are municipally owned, or which are borrowers from the Rural Electrification Administration. At present it refuses to coordinate its nuclear generation expansion program with nine municipalities, proposed interveners herein, which wish to participate in that program by purchasing an interest in or power supply from the Oconee units. Such a purchase could serve to give them ownership and hence control over a portion of their bulk power supply costs.

A group entitled Electric Power In Carolinas (EPIC) which is proposed and under study by a number of municipals and cooperatives in the Carolinas also desires to coordinate its power supply plans and operations with those of Duke. Duke spokesmen have reportedly stated publicly that they would oppose Duke's interconnecting its system with EPIC for the joint meeting of emergency load needs as it does with other electric systems. There were indications that Duke might utilize its substantial resources in a legislative campaign and before regulatory and judicial tribunals to frustrate EPIC's entry into the power business. Evidence available to us tends to indicate that on occasion Duke has bluntly warned North Carolina municipal electric systems that the efforts and funds that the latter could expend in seeking relief before regulatory agencies would be overwhelmed by Duke's resources and resistance.

An electric power system's refusals to deal and its dealing on discriminatory terms with its retail competitors is conduct that may well fall within the purview of section 2 of the Sherman Act as discussed in greater detail in our recent letters to you on the applications of Virginia Electric & Power Company (AEC dockets Nos. 50–338A and 50–339A) and Southern California Edison Company (AEC dockets Nos. 50–361–A and 50–362–A).[1]

CONCLUSION

As a result of the foregoing, we concluded that the facts revealed by our preliminary study of the instant application indicate substantial questions regarding the applicant's activities and probable activities under the license which would need to be resolved by a hearing before your Commission. When we informed Duke that our advice to the Commission would be to this effect, Duke, although denying that its conduct had contravened antitrust principles, represented to us that it will henceforth hold itself out to interconnect and coordinate with EPIC and any other entities where the possibilities for interconnection and coordination exist. However, this undertaking does

not include all the kinds of coordination which Duke has heretofore carried out with other electric systems in the Southeast. It would exclude joint ownership of Oconee units and unit power sales from Oconee on terms under which unit power sales are normally made in the electric power industry, namely, at the cost of new power supply. While Duke has made power sales from new units at new unit costs in the past, it now advises that it has changed its policy in this regard. The fact that this change in policy comes at a time when small systems are pressing for coordination with Duke may itself have anticompetitive implications.

We therefore recommend that a hearing be held to determine whether the licensee's proposed activities under the license will create or maintain a situation inconsistent with the policies of the antitrust laws.

ENCLOSURE II

SEPTEMBER 29, 1971.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, 68 Stat. 919, 42 U.S.C. 2011-2296 as recently amended by Public Law 91-560, 84 Stat. 1472 (Dec. 19, 1970), in regard to the above cited application.

A description of the applicant, its history any structure, conduct with respect to smaller systems and our conclusions based thereon was recently transmitted to you in connection with your request for our advice on Duke Power Co.'s application, to operate Oconee Units 1, 2, and 3, AEC dockets Nos. 50-269, 50-270, and 50-287. For your convenience we attach a copy.

Power from the McGuire units is not proposed to be marketed separately, but it is to be added to applicant's integrated system as is the power from the Oconee units. Applicant's answers to the Attorney General's questions indicate an estimated fixed cost for the McGuire units and associated bulk transmission at $34.10 per kW per year (4.87 mills/kWh) as compared to $26.75 per kW per year (3.82 mills/kWh) for the Oconee units. The production expense estimated for the units in both applications was the same: 1.95 mills/kWh. Except for the higher fixed charges estimated for the McGuire units, the facts upon which our advice regarding the McGuire units must be based are identical to those stated in our letter on the earlier application. We note that a number of North Carolina municipals who expressed their interest in antitrust issues concerning the Oconee units express identical interests herein.

We therefore recommend that a hearing be held to determine whether the licensee's proposed activities under the subject license will create or maintain a situation inconsistent with the policies of the antitrust laws.

Section 2.716 of your Commission's rules of practices appears to permit consolidation of proceedings in certain circumstances. We believe you may find those circumstances exist with respect to proceedings in connection with the McGuire and Oconee applications.

[FR Doc.73-9118 Filed 5-8-73;8:45 am]

[1] Applicant's conduct of consistently opposing applications of other utilities for project licenses and its alleged threats to engage in extensive litigation to block such projects could with evidence of other conduct constitute proof of intent to unlawfully monopolize even if much of the former conduct is itself protected from prosecution by the first amendment. United Mine Workers of America v. Pennington et al., 381 U.S. 657, 670 fn. 3 (1964). A pattern of vexatious litigation may form part of conduct proscribed by the antitrust laws. See Trucking Unlimited v. California Motor Transport Co., 432 F. 2d 755 (CA 9, 1970) cert. granted June 7, 1971.

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Notice of Evidentiary Hearing Before Atomic Safety and Licensing Board

In the matter of Maine Yankee Atomic Power Co. (Maine Yankee Atomic Power Station) docket No. 50-309.

Pursuant to agreement among the parties and the Board, an evidentiary hearing in this case will be held on Friday, May 11, 1973, commencing at 9:30 a.m., local time in suite 500, Postal Rate Commission, 2000 L Street NW., Washington, D.C. 20268.

It is so ordered.

Issued at Washington, D.C., this 4th day of May 1973.

The Atomic Safety and Licensing Board.

JOHN B. FARMAKIDES,
Chairman.

[FR Doc.73-9155 Filed 5-8-73;8:45 am]

[Docket No. 50-346]

TOLEDO EDISON CO. AND CLEVELAND ELECTRIC ILLUMINATING CO.

Notice and Order for Special Prehearing Conference Before Atomic Safety and Licensing Board

In the matter of the Toledo Edison Co. and the Cleveland Electric Illuminating Co. (Davis-Besse Nuclear Power Station) docket No. 50-346.

In our memorandum and order dated March 30, 1973, we held that the petition to intervene filed by Mrs. Evelyn Stebbins, for the Coalition for Safe Nuclear Power, failed to meet the requirements of section 2.714 of the Commission's rules of practice. Mrs. Stebbins was granted an additional 20 days within which to resubmit a petition in conformance with said requirements relating to the environmental matters covered by appendix D to part 50.

By letter dated April 16, 1973, Mrs. Stebbins submitted an amended petition to intervene. Both the applicants and staff have responded. While the petition, as amended, attempts to comply with the requirements of § 2.714, it is still vague, unclear and ambiguous. Nevertheless, the Board, mindful of the fact that Mrs. Stebbins is without benefit of counsel, and recognizing that the failure to comply may stem from a misunderstanding on the part of the proposed intervenors as to the facts needed to meet the requirements of section 2.714, has decided to hold a Special Prehearing Conference to clarify and resolve the matter.

The Board hereby directs the parties to appear at a Special Prehearing Conference as noted below to discuss for the benefit of the Board:

(1) The interests of the proposed intervenors,

(2) Their contentions and basis therefor,

(3) Such other matters as may aid in the disposition of this proceeding.

The proposed intervenors should be fully prepared to respond to the observations and objections noted by the staff and the applicants in their respective responses to the amended petition. In addition, the Board will require that the petitioner further clarify and specify in greater detail the basis for the contentions proposed.

Accordingly, a Special Prehearing Conference shall be held on May 22, 1973, at the Cleveland City Hall, City Council Chambers, second floor, 601 Lakeside Avenue, Cleveland, Ohio 44114, commencing at 9:30 a.m. local time.

It is so ordered.

Issued at Washington, D.C., this 4th day of May 1973.

The Atomic Safety and Licensing Board.

JOHN B. FARMAKIDES,
Chairman.

[FR Doc.73-9156 Filed 5-8-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket 23333; Order 73-5-8]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 3 of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names additional specific commodity rates, as set forth below, reflecting a reduction from general cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated April 25, 1973.

Specific commodity

Item No.	*Description and rate*
0005----	Foodstuffs including spices and beverages, 14.00 U.K. pence (approximately 36.4 U.S. cents) per kg, minimum weight 500 kg. 13.00 U.K. pence (approximately 33.8 U.S. cents) per kg, minimum weight 1000 kg. From Sydney to Pago Pago.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the condition hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 23652 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may

file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-9109 Filed 5-8-73;8:45 am]

[Docket 25491; Order 73-5-5]

EASTERN AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the second day of May 1973.

By tariff [1] marked to become effective May 15, 1973, Eastern Air Lines, Inc. (Eastern) proposes to change its military group fares by reducing from 25 to 10 passengers the minimum group size required to qualify for the presently available 20-percent discount, and increasing the discount from 20 to 25 percent for groups of 25 or more passengers. The discounts apply only for travel in first-class or day-coach service, and the traffic must be moving under the controlling provisions of a Government transportation request (GTR).

In support of its proposal, Eastern alleges that the trend toward a reduction in military forces will minimize the opportunities for larger group movements and create logistical problems as the military attempts to consolidate smaller groups to effect transportation economies; that the scheduled air carriers offer the military maximum logistical flexibility through their regular services; that it would be mutually advantageous to carry smaller groups now traveling on modes other than scheduled air service; and that its proposed revisions are needed to deter group consolidation by the military for charter carriage and encourage the use of scheduled air service.

Eastern alleges that relaxing the group-size requirement will not result in diversion primarily because its extensive night-coach operation already affords the military an alternative at the same fare level; that the increase in discount for groups of 25 or more will attract an average of 500 passengers per month who would otherwise use some other mode of transportation; that the 25-percent discount is within the range of other discount fares; and that the risk of displacing higher fare passengers is minimal since the bulk of reservations for military group movements are made only 48–72 hours prior to departure.

National Airlines, Inc. (National), Northwest Airlines, Inc. (Northwest), and United Air Lines, Inc. (United) have filed complaints requesting suspension and investigation.[2] In summary, one or more of the complainants allege that Eastern's assumptions that relaxation of the group-size requirement will not result in dilution and that the increase in discount for groups of 25 or more will generate 6,000 passengers annually are in error; that Eastern does not even allege that the reduction in group size will generate new traffic; that scheduled air transportation is generally used by the military for reasons other than price, such as convenience, dependability, speed, etc.; and that a marginally lower price will have little influence on the selection of transportation mode for a particular military movement. In general, the complainants allege that Eastern's tariff will merely divert traffic from other carriers or, if matched by others, substantially dilute the industry's revenue from carriage of military traffic. In addition, National alleges that its experience with military group reservations is that they are made an average of 23.9 days prior to departure, with the shortest period being 4 days.[3]

In answer to the complaints Eastern states that it simply disagrees with the basic thrust of the complaints, and reiterates its belief that the proposal affords a good opportunity to generate new military traffic not now moving on scheduled air services.[4]

Upon consideration of the tariff proposal, the complaints and answers thereto, and all 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.

Eastern estimates that its proposal would result in a net contribution to profit of $261,000 per year. This estimate, however, is based on two unsupported assumptions. First, Eastern assumes that, by increasing the discount for groups of 25 or more, 6,000 annual passengers would be generated. In other words, it allegedly anticipates that a 6.25-percent reduction in fare will produce a 44-percent increase in traffic over that which it carried at the lesser discount in 1972. Second, Eastern assumes that reducing the minimum group size required to qualify for the present 20-percent discount will result in no diversion from higher fared services. This assumption is apparently based on the fact that night-coach services at a 20-percent discount from the normal fares are available in many markets, and that virtually all military groups in sizes of 10 to 25 passengers use such services. In the absence of any factual showing, we are not persuaded that Eastern's assumptions are wholly realistic, and accordingly are not prepared to permit the fares to become effective prior to investigation.

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 in CAB No. 188 issued by Airline Tariff Publishers, Inc., agent, and rules, regulations, or 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 in CAB No. 188 issued by Airline Tariff Publishers, Inc., agent, 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. Except to the extent granted herein the complaints in dockets 25411, 25412, and 25419 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 Eastern Air Lines, Inc., Delta Air Lines, Inc., National Airlines, Inc., Northwest Airlines, Inc., United Air Lines, Inc., Western Air Lines, Inc., and the Department of Defense which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-9108 Filed 5-8-73;8:45 am]

[Docket 25315; Order 73-5-12]

EASTERN AIR LINES ET AL.

Order of Suspension Regarding Airport Security Charges

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of May 1973.

By tariff revisions [1] marked to become effective on various dates between May 12

---

[1] Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 188.

[2] In addition, Delta Air Lines, Inc. (Delta), has filed an answer and Western Air Lines, Inc. (Western), a letter in support of National's complaint.

[3] Delta indicates in its answer that most such movements are booked at least 3 weeks in advance.

[4] The Department of Defense also filed an answer in support of the proposal.

[5] Member Minetti submitted concurrence and dissent. Filed as part of the original document.

[1] Revisions to Airline Tariff Publishers, Inc., Agent Tariff CAB No. 142.

and May 26, 1973, Eastern Air Lines, Inc. (Eastern), National Airlines, Inc. (National), and Trans World Airlines, Inc. (TWA), propose to increase from 34 cents to 59 cents the charge assessed domestic passengers to reflect the cost of carrying out the federally mandated airport security program. The increase is designed to cover an additional cost of 25 cents to cover the provision of armed guards. American Airlines, Inc. (American) proposes to add an additional 26 cents to the present industry charge of 34 cents which is imposed to cover the cost of inspection procedures.

In support of their proposals the carriers state that armed guards are required at final screening points; the cost of so positioning these officers is valid; accurate estimates of the cost are available; and that in the circumstances the Board can no longer delay implementation of tariffs that seek to recover this cost.

Eastern, National, and TWA, rely on data contained in the petition for reconsideration of order 73-3-46 filed by the Department of Transportation (DOT), which indicates a total industry cost associated with the provision of armed guards of $42.7 million annually.[2]

This total cost equates to 25 cents per passenger enplanement, based on 1972 data, and is consistent with the estimates furnished the Board's Bureau of Economics in response to its request. American's proposed charge of 26 cents, on the other hand, is based on a cost of $5.6 million estimated for its domestic operations on the basis of forecast 1973 passenger volume.

Upon consideration of the tariff proposals and all relevant matters, the Board finds that the charge of 26 cents proposed by American to cover the cost of providing armed guards may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be suspended. The matter of security charges, including both charges for armed guards and inspection procedures, is already under investigation in docket 25315.

The charge proposed by Eastern, National, and TWA, is based on industry average cost as precisely as it can be known at this time, and our analysis does not reveal the need for adjustment in any of the elements comprising the total cost alleged. Accordingly, we will permit the tariffs proposing a charge of 25 cents to become effective, pending investigation. We will, however, suspend American's proposed charge of 26 cents since, although only slightly above that level, we believe it important that the public be assessed no more than the minimum amount necessary to provide recoupment by the carriers of the cost of federally-imposed security measures. In this connection, we will also vacate the suspension of Braniff's earlier filed armed-guard charge in order 73-3-46.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. Pending hearing and decision by the Board, the charge of $0.26 for armed guards in rule 38(A) on 39th, 40th, 41st, and 42d revised pages 16 in Airline Tariff Publishers, Inc., Agents' CAB No. 142 is suspended and its use deferred to and including August 21, 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;

2. The suspension of the $0.23 armed guard charge applicable to BN in rule 38 in CAB No. 142 issued by Airline Tariff Publishers, Inc., Agent, directed in order 73-3-46 is vacated;[3] and

3. Except to the extent granted herein, the petition for reconsideration of order 73-3-46 filed by the Department of Transportation be and is hereby denied.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-9110 Filed 5-8-73;8:45 am]

[Docket 25094]

GREAT LAKES AIRLINES LTD.

Notice of Postponement of Prehearing Conference and Hearing Regarding Amendment of Permit To Authorize Inclusive Tour Charter Flights

Notice is hereby given that the prehearing conference on the above-entitled application, which was assigned to be held on May 24, 1973 (38 FR 10753, May 1, 1973), will be held on June 5, 1973, at 11 a.m. (local time) in room 503, Univeral Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Notice is also given that the hearing may be held immediately following the conclusion of the prehearing conference unless a persons objects or shows reason for postponement on or before May 29, 1973.

Dated at Washington, D.C., May 2, 1973.

[SEAL] HYMAN GOLDBERG,
Administrative Law Judge.

[FR Doc.73-9106 Filed 5-8-73;8:45 am]

[Docket 25095]

GREAT LAKES AIRLINES LTD.

Notice of Postpoement of Prehearing Conference and Hearing Regarding Renewal of Foreign Air Carrier Permit

Notice is hereby given that the prehearing conference on the above-entitled application, which was assigned to be held on May 24, 1973 (38 FR 10753, May 1, 1973), will be held on June 5, 1973, at 10 a.m. (local time) in room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the undersigned.

Notice is also given that the hearing may be held immediately following the conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before May 29, 1973.

Dated at Washington, D.C., May 2, 1973.

[SEAL] HYMAN GOLDBERG,
Administrative Law Judge.

[FR Doc.73-9104 Filed 5-8-73;8:45 am]

[Docket 25474]

HAWAII FARES INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 21, 1973, at 10 a.m. (local time), in room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Hyman Goldberg.

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 Economics will circulate its material on or before June 4, 1973, and the other parties on or before June 14, 1973. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., May 3, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-9107 Filed 5-8-73;8:45 am]

[Docket 25063]

LAKER AIRWAYS, LTD.

Notice of Hearing Regarding Enforcement Proceeding

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matter is assigned to be held on May 22, 1973, at 10 a.m. (local time) in room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Richard M. Hartsock.

Dated at Washington, D.C., May 2, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-9105 Filed 5-8-73;8:45 am]

[2] The petition of the Department of Transportation requests that the Board vacate order 73-3-46 and permit the suspended tariffs proposing armed guard charges to become effective. Answers in support of DOT's petition have been filed by American and Braniff Airways, Inc. (Braniff). These pleadings will be disposed of herein.

[3] The armed-guard charge will become effective in accordance with the filing of appropriate tariffs.

COMMISSION ON CIVIL RIGHTS

NEW MEXICO 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 New Mexico State Advisory Committee to this Commission will convene at 3 p.m., on May 13, 1973, in the Pueblo Room, Albuquerque Hilton Hotel, 125 Cooper Street NW., Albuquerque, N. Mex. 87103.

Persons wishing to attend this meeting should contact the Chairman, or the Southwestern Regional Office, room 249, New Moore Building, 106 Broadway, San Antonio, Tex. 78205.

The purpose of this meeting shall be to: (1) Plan followup to the Commission report on Indian project, and (2) discuss followup to the Santa Fe meeting on the administration of justice.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 1, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-9063 Filed 5-8-73;8:45 am]

TENNESSEE STATE ADVISORY COMMITTEE

Notice of Agenda and 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 Tennessee State Advisory Committee to this Commission will convene at 7:30 p.m. on May 11, 1973, in room 661, Federal Courthouse, 801 Broadway, Nashville, Tenn. 37203.

Persons wishing to attend this meeting should contact the Chairman, or the Southern Regional Office of the Commission, room 362, Citizens Trust Bank Building, 75 Piedmont Avenue NE., Atlanta, Ga. 30303.

The purpose of this meeting shall be to (1) evaluate the current status of the Tennessee State Advisory Committee's program activity and (2) project program plans for the future.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 3, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-9339 Filed 5-8-73;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE CZECHOSLOVAK SOCIALIST REPUBLIC

Entry or Withdrawal from Warehouse for Consumption

MAY 4, 1973.

On August 29, 1969, 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 the Czechoslovak Socialist Republic concerning exports of cotton textile products from the Czechoslovak Socialist Republic to the United States over a 2-year period beginning on May 1, 1969. The bilateral agreement was extended for an additional 2-year period beginning May 1, 1971, and has been further extended for 4 years beginning May 1, 1973. Among the provisions of the agreement, as extended, are those establishing an aggregate limit for the 64 categories and within the aggregate limit a specific limit on category 26 (other than duck).

Accordingly, there is published below a letter of May 4, 1973, from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textile products in category 26 (other than duck) produced or manufactured in the Czechoslovak Socialist Republic which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning May 1, 1973, and extending through April 30, 1974, be limited to the designated level. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Commissioner of Customs, Department of the Treasury, Washington, D.C. 20229

MAY 4, 1973.

DEAR MR. COMMISSIONER: Under the terms of the long-term arrangement regarding international trade in cotton textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of August 29, 1969, as extended, between the Governments of the United States and the Czechoslovak Socialist Republic, 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 textile products in category 26 (other than duck),[1] produced or manufactured in the Czechoslovak Socialist Republic, in excess of the level of restraint for the period of 1,215,506 square yards.

Cotton textile products in category 26 (other than duck),[1] produced or manufactured in Czechoslovak Socialist Republic and which have been exported prior to May 1, 1973, shall, to the extent of any unfilled balances, be charged against the level of restraint established for such goods during the period May 1, 1972–April 30, 1973. In the event that the level of restraint established for that period has been exhausted by previous entries, such goods shall be subject to the level set forth in this letter.

The level of restraint set forth above is subject to adjustment pursuant to the provisions of the bilateral agreement of August 29, 1969, as extended, between the Governments of the United States and the Czechoslovak Socialist Republic which provide, in part, that within the aggregate limit, the limitation on category 26 (other than duck),[1] 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 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 the Czechoslovak Socialist Republic and with respect to imports of cotton textile products from the Czechoslovak Socialist Republic have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions of the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

[FR Doc.73-9298 Filed 5-8-73;8:45 am]

[1] The TSUSA numbers for duck fabric not covered by this directive are:

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.

ENVIRONMENTAL PROTECTION AGENCY

NATIONAL AIR POLLUTION MANPOWER DEVELOPMENT ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that a meeting of the National Air Pollution Manpower Development Advisory Committee will be held at 8 p.m., May 24, and at 8:30 a.m., on May 25–26, 1973, in Park Place Building, room 11G, 1200 Sixth Avenue, Seattle, Wash.

This is the regular quarterly meeting of this Committee. Most of the meeting will be devoted to Committee review of applications for training grants and fellowships. A report will also be presented by the ad hoc subcommittee on training priorities.

The meeting will be open to the public. Any member of the public wishing to attend or participate should contact Mr. Ronnie E. Townsend, Executive Secretary, National Air Pollution Manpower Development Advisory Committee, Research Triangle Park, N.C., 919–549–8411, extension 2492.

ROBERT L. SANSOM,
Assistant Administrator for Air and Water Programs.

MAY 4, 1973.

[FR Doc.73–9215 Filed 5–8–73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 308]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

APRIL 25, 1973.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the recommendations of the North American Regional Broadcasting Agreement engineering meeting January 30, 1941.

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		1370 kHz							
(New) (delete assignment).	Burnaby, British Columbia, N. 49°10'57", W. 123°02'23".	10	DA-1	U	III				
		1370 kHz							
(New)	Parksville, British Columbia, N. 49°17'45", W. 124°17'37".	1	DA-1	U	III				E.I.O. 4/25/74
		1540 kHz							
CKBR (now in operation).	Brooks, Alberta, N. 50°29'35", W. 111°53'05".	1D/025N	ND-190	U	IV	185	120	294	

[SEAL]

WALLACE E. JOHNSON,
Chief, Broadcast Bureau, Federal Communications Commission.

[FR Doc.73–9143 Filed 5–8–73;8:45 am]

SKYWAYS, INC., AND AVIATION SALES, INC.

Order Regarding Aeronautical Advisory Station

By the Chief, Safety and Special Radio Services Bureau:

1. The Commission's rules (§ 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at Dayton Municipal Airport, Vandalia, Ohio, and, therefore, are mutually exclusive. Accordingly, it is necessary to designate the applications for hearing. Except for the issues specified herein each applicant is otherwise qualified.

2. In view of the foregoing, *it is ordered*, That, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331(b) (21) of the Commission rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

3. *It is further ordered*, That to avail themselves of an opportunity to be heard, Skyways, Inc., and Aviation Sales, Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted May 1, 1973.

Released May 4, 1973.

[SEAL] JAMES E. BARR,
Chief, Safety and Special Radio Services Bureau.

[FR Doc.73–9139 Filed 5–8–73;8:45 am]

STEERING COMMITTEE OF THE TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

MAY 2, 1973.

The Steering Committee of the Cable Television Technical Advisory Committee will hold an open meeting on Friday, June 15, 1973. The meeting will begin at 10 a.m. and will be held in the Verdugo Room of the Disneyland Hotel in Anaheim, Calif.

The agenda of the meeting will include a discussion of the appointment of an executive director and further reports from the committee.

For information on releases and texts, call 632–0002.

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

[FR Doc.73–9140 Filed 5–8–73;8:45 am]

PANEL 2 OF THE TECHNICAL ADVISORY COMMITTEE

Notice of Meeting and Agenda

MAY 3, 1973.

Panel 2 of the Cable Television Technical Advisory Committee will hold an open meeting on Monday, May 14, 1973, at 10 a.m. The meeting will be held at the new location of the Cable Television

Bureau: Room 6331, 2025 M Street NW., Washington, D.C.

The agenda of the meeting will include:

1. Discussion of potential projects and techniques.
2. Definition of tasks.
3. Distribution of work assignments.

For information on releases and texts call 632-0002.

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

[FR Doc.73-9141 Filed 5-8-73;8:45 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to part 542 of title 46 CFR.

Certificate No.	*Owner/Operator and Vessels*
01003	Skibs A/S Excelsior: *Benami.*
01014	Robert Bornhofen Reederei: *Almut Bornhofen.*
01073	N.V.t.v.v.d. Koninklijke Hollandsche Lloyd: *Flevoland.*
01196	Vaboens Rederi A/S: *Herborg.*
01334	American President Lines, Ltd.: *President Madison.*
01428	Ocean Transport & Trading Limited: *Ajax.*
02021	Atlantska Plovidba: *Ivo Vojnovic.*
02287	International Union Lines Ltd.: *Union Brilliancy.*
02332	Lykes Bros. S/S Co., Inc.: LY-145, LY-146, LY-147, LY-148, LY-149, LY-150, LY-151, LY-152, LY-153, LY-154, LY-155, LY-156, LY-157, LY-158, LY-159, LY-160, LY-161, LY-162, LY-163, LY-164, LY-165, LY-166, LY-167, LY-168, LY-169, LY-170, LY-171, LY-904.
02344	Empresa Lineas Maritimas Argentinas: *Rio Polcomayo, Rio Calingasta, Ria Los Sauces, Rio Cincel.*
02499	Union Oil Co. of California: *Santa Clara.*
02715	Allied Towing Corp.: *ATC 21, ATC 6000, Chipper.*
02956	Ashland Oil, Inc.: *St. Louis Zephyr.*
03315	Afran Transport Co.: *Afran Zodiac.*
03600	Bahamas Line SA: *Santiago Express.*
03730	Brown & Root, Inc.: *Bar 323, Bar 324.*
03980	Moran Towing & Transportation Co., Inc.: *Delaware, New Jersey.*
04178	Canada Steamship Lines Limited: *Gleneagles.*
04184	M/G Transport Services, Inc.: *Barge Arkansas, Barge Tennessee.*
04196	Otto Candies, Inc.: *OC-301.*
04289	Dixie Carriers, Inc.: *Barge 102.*
04357	Koninklijke Nedlloyd N.V.: *Nedlloyd Dejima.*
04483	Kaiomaru Gyogyo Kabushiki Kaisha: *Kaiomaru No. 51.*
04561	Magnolia Line Inc.: *Crystal Azalea.*
04563	United New York Sandy Hook Pilots Association and/or United New Jersey Sandy Hook Pilots Association and/or United New York Sandy Hook Pilots Benevolent Association and/or United New Jersey Sandy Hook Pilots Benevolent Association: *New York.*
04878	Leland Bowman: *Bollinger No. 1.*
05494	Moore Terminal & Barge Co., Inc.: *NBC 829, MBL 604, NBC 585.*
06248	Commercial Corp. "Sovrybflot": *Zapolyarje.*
06534	Union Steam Ship Co. (U.K.) Ltd.: *Union South Pacific.*
07176	Great Fortune Navigation Co., S.A., Hong Kong: *Great Fort.*
07211	Maruei Kigyo K.K.: *Nittou Maru.*
07247	Luzon Shipping, S.A.: *Cebu Island.*
07292	Hinode Kisen Co., Ltd.: *Kashihara Maru No. 5, Hinode Maru No. 25.*
07469	Bulk Carriers International, Inc.: *Stolt Merrick.*
07721	Seven Seas Transportation Ltd.: *Satya Padam.*
07766	Transworld Shipping & Trading Co. Ltd.: *Trans Onyx.*
07820	Neptune Maritime Ltd.: *Goldcorn, Silvercorn, Rubycorn.*
07849	Bounteous Maritime Inc.: *Bounteous.*
07854	Compania Carica S.A.: *Terry.*
07858	Compania Susie S.A.: *Susie.*
07883	C & S Towing Co., Inc.: *Deanne.*
07898	Manna Compania Maritima, S.A.: *Manna.*
07908	Union De Bulkcarriers, S.A.: *Seneca.*
07914	Varun Shipping Co. Ltd.: *Aryadoot.*
07915	Sherman Shipping Corp.: *S/T Sherman.*
07916	Gowland Steamship Co. Ltd.: *Harfleet.*

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-9198 Filed 5-8-73;8:45 am]

[Docket No. 73-24; Agreement No. T-2635-2]

PACIFIC MARITIME ASSOCIATION FINAL PAY GUARANTEE PLAN

Order of Investigation

An agreement between the members of the Pacific Maritime Association (PMA) has been filed December 15, 1972, for approval pursuant to section 15, Shipping Act, 1916. The agreement incorporates a formula to determine assessments which will provide funds for the PMA/ILWU longshore pay guarantee plan (Plan) of February 10, 1972. The Plan provides for compensation earnings to employees whose work opportunities had been reduced by technological advances within the industry.

Agreement No. T-2635-2 proposes to finalize the assessment formula being used in the present interim pay guarantee plan, which was first approved by the Commission on May 23, 1972, extended in time by agreement T-2635-1, and later extended until June 29, 1973, by order of the Commission served December 27, 1972.[1] The interim plan has allowed PMA to fund the substantial weekly liability owing to the Plan.

Notice of the agreement No. T-2635-2 was published in the FEDERAL REGISTER on January 5, 1973, and a protest against its approval was filed by Wolfsburger Transport-Gesellschaft m.b.h. (Wobtrans) alleging, inter alia, that the assessment formula is discriminatory with respect to automobile cargoes. The formula for the contributions is, in essence, the same as that used by the PMA membership in meeting their obligations under the PMA/ILWU modernization and mechanization fund as provided for in FMC agreement No. T-2210.

Wobtrans objects to the applicability of the assessment formula as regards automobiles because the liability under the pay guarantee plan is contingent upon the lack of work opportunities, a problem unrelated to the carriage of automobiles. Furthermore, Wobtrans denies that automobile carriage receives any benefits proportionate to the burdens of assessment.

The Commission has considered the protests and comments regarding the agreement and is of the opinion that the agreement should be made the subject of a formal investigation to determine whether, because of the assessment formula and its application to automobiles, the agreement should be approved, disapproved, or modified pursuant to section 15 of the Shipping Act, 1916.

Therefore it is ordered, That the Commission institute a proceeding pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814, 821), to determine whether agreement T-2635-2 is unjustly discriminatory or unfair as regards to carriage of automobiles, and accordingly whether it should be approved, modified, or disapproved pursuant to section 15 of the said act.

It is further ordered, That the Commission investigate whether automobiles are subject to any undue or unreasonable disadvantage because of the assessment in violation of section 16.

It is further ordered, That the Commission investigate whether the assessment being charged against automobiles is an unreasonable practice related to receiving, handling, storing, or delivering property in violation of section 17.

It is further ordered, That PMA and its members, as shown in attached appendix A, shall be respondents in the proceeding.

It is further ordered, That Wobtrans be named a petitioner in this proceeding.

It is further ordered, That because the present operating agreement is only an interim arrangement, and because the final resolution of this matter is in the

[1] By separate order of this date, the Commission has extended the life of agreement No. T-2635 until Dec. 31, 1973.

interest of waterfront harmony, this matter be assigned for an expedited hearing before a judge of the Commission's Office of Administrative Law Judges at a date and place to be determined and announced by the presiding administrative law judge.

It is further ordered, That notice of this order shall be published in the FEDERAL REGISTER, and that a copy thereof shall be served upon all parties. Persons, other than respondents and petitioner, who desire to become parties to the proceeding and to participate herein, shall promptly file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, as provided by rule 5(1), 46 CFR 502.72. Further notices issued by or on behalf of the Commission in the proceeding, including notice of time and place of hearing, or prehearing conference, shall be mailed directly to parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

APPENDIX A

Pacific Maritime Association, 635 Sacramento Street, San Francisco, Calif. 94120.

PACIFIC MARITIME ASSOCIATION MEMBERSHIP AS OF FEBRUARY 24, 1972

Alaska Steamship Co.
American Mail Line, Ltd.
American President Lines, Ltd.
Anacortes Stevedoring Co.
Associated-Banning Co.
Auto Terminal International
Balfour, Guthrie & Co., Ltd.
Barber Steamship Lines, Inc. (Overseas Shipping Co., Agents)
Bellingham Stevedoring Co.
Benicia Port Terminal Co.
Blue Star Line, Inc., The
Brady-Hamilton Stevedore Co.
Brady-Hamilton Stevedore Co. of Washington.
California Stevedore & Ballast Co.
California United Terminals.
Calmar Steamship Corp.
Canadian Gulf Line, Ltd.
Capitol Stevedore Co.
CFS Corp.
Coast Stevedore Co.
Consolidated Marine, Inc.
Consolidated Stevedoring Co., Inc.
Container Freight System, Ltd.
Container Stevedoring Co., Inc.
Crescent City Marine Ways & Drydock Co., Inc.
Crescent Wharf & Warehouse Co.
Crown Zellerbach Corp.
Crusader Shipping Co., Ltd. (Blue Star Line, Inc., Agent)
Diablo Service Corp.
East Asiatic Co., Inc., The
Elvalsons-Stevedoring Division
Everett Stevedoring Co.
Fibrex & Shipping Co., Inc.
Flota Mercante Grancolombiana, S.A. (Balfour, Guthrie & Co., Ltd., Agents)
Freightcare, Ltd.
French Line (Balfour, Guthrie & Co., Ltd., Agents)
General Stevedore & Ballast Co.
Great Eastern Shipping Co., Ltd. (General Steamship Corp., Ltd., Agents)
Hapag-Lloyd AG (Balfour, Guthrie & Co., Ltd., Agents)
Holland-America Line (Balfour, Guthrie & Co., Ltd., Agents)
Howard Terminal
Independent Stevedore Co.
Indies Terminal Co.
International Shipping Co.
International Shipping Co., Inc.
Interolsen Agencies, Inc.
Italian Line (General Steamship Corp., Ltd., Agents)
Japan Line, Ltd. (Japan Line (U.S.A.) Ltd., Agents)
Johnson Line (Axel Johnson Corp., General Agents)
Jones Stevedoring Co. (Division of Crescent Wharf & Warehouse Co.)
W. J. Jones & Son, Inc.
Kawasaki Kisen Kaisha, Ltd. (Kerr Steamship Co., Inc., General Agents)
Kerr Steamship Co., Inc.
Knutsen Line (Bakke Steamship Corp., Agents)
Los Angeles Container Terminal Co., Inc.
Maersk Line Agency
Marine Terminals Corp.
Marine Terminals Corp. of L.A.
Matson Navigation Co.
Matson Terminals, Inc.
Metropolitan Stevedore Co.
Mitsui O.S.K. Lines, Ltd.
National Lines Bureau, Inc.
Nippon Yusen Kaisha
Noonan, Fred P. Co., Inc.
Norkerr Services
Norsk Pacific Steamship Co., Ltd.
Northwest Marine Services Co.
Oakland Container Terminal Co., Inc.
Oceanic Steamship Co., The
Ocean Terminals Co.
Olympia Stevedoring Co.
Olympic Peninsula Stevedoring Co.
Olympic Steamship Co., Inc.
Oregon Stevedoring Co.
Overseas Shipping Co.
Pacific Australia Direct Line (Trans-Austral Shipping Pty. Ltd.) (General Steamship Corp., Ltd., Agents)
Pacific Far East Line, Inc.
Pacific Islands Transport Line (General Steamship Corp., Ltd., Agents)
Pacific Oriental Terminal Co.
Parr-Richmond Terminal Co.
Philippine President Lines (Balfour, Guthrie & Co., Ltd., Agents)
P & O Lines (North America), Inc.
Portland Lines Bureau
Portland Stevedoring Co.
Port of Astoria
Port of Kalama
Port of Vancouver
Reliable Line Service
Rothschild Washington Stevedoring Co.
San Francisco Line Service Co.
San Francisco Stevedoring Co., Inc.
Scrap Loaders, Inc.
Sea-Land Service, Inc.
Seatrain International, S.A. (Seatrain Lines, California, Agent)
Seatrain Lines, California
Seatrain Terminals of California, Inc.
Seattle Bulk Loading Terminal, Inc.
Seattle Stevedore Co.
Shamrock Steamship Co.
Shipmasters' Assistants' Association
Showa Kaiun Kaisha, Ltd. (Norton, Lilly & Co., Inc., Agents)
Signal Terminals, Inc.
Star Terminal Co., Inc.
States Marine Lines
States Steamship Co.
Stockton Stevedore & Warehouse Co.
Tacoma Line Handling Co.
Tacoma Stevedore & Terminal Co.
Taiwan Navigation Co., Ltd. (General Steamship Corp., Ltd., Agents)
Tokai Shipping Co., Ltd. (Bakke Steamship Corp., Agents)
Transocean Gateway Corp.
Transpacific Transportation Co.
Twin Harbor Stevedoring Co.
United Philippine Lines, Inc. (General Steamship Corp., Ltd., Agents)
United States Lines, Inc.
Universal Terminal & Stevedoring Corp. of California
Vaasa Line OY
Western Stevedoring & Terminal Corp.
Westfal-Larsen Co., Inc.
Westfal-Larsen Line (General Steamship Corp., Ltd., Agents)
Westfall Stevedore Co.
Willapa Harbor Stevedoring Co.
Williams, Dimond & Co.
Yamashita-Shinnihon Steamship Co., Ltd. (Lilly Shipping Agencies, Agent)

[FR Doc.73-9196 Filed 5-8-73;8:45 am]

[Docket No. 73-25]

SEATRAIN LINES, CALIFORNIA

Order of Investigation Regarding General Increases in Rates in the U.S. Pacific Coast/Hawaiian Trade

On May 12, 1973, Seatrain Lines, California (Seatrain) proposes to put into effect a new tariff, FMC-F No. 4 between U.S. Pacific Coast ports and ports in Hawaii, canceling its currently effective tariff in that trade. The new tariff will generally increase all commercial rates by 12.5 percent. Four protests were filed to the rate increases.

Upon consideration of the facts set forth above, the Commission is of the opinion that the above designated tariff matters should be placed under investigation to determine whether they are unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or section 4 of the Intercoastal Shipping Act, 1933; and good cause appearing therefore:

It is ordered, That pursuant to the authority of sections 18(a) and 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued, such matter will be included in this investigation;

It is further ordered, That the provisions of rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That Seatrain Lines, California, be named as respondent in this proceeding:

It is further ordered, That the following persons be named as complainants in accordance with the Commission's rules of practice and procedure:

State of Hawaii.
American Home Products Corp.
The National Small Shipments Traffic Conference, Inc.
Drug and Toilet Preparation Traffic Conference.
Household Goods Forwarders Association of America, Inc.
The Wine Institute.

It is further ordered, That this proceeding be assigned for public hearing before an administrative law judge of the Commission's office of administrative law judges and that the hearing be held at a date and a place to be determined and announced by the presiding administrative law judge.

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein, the complainants, and the Commission's bureau of hearing counsel, and published in the FEDERAL REGISTER; and (II) the said respondent, complainants and hearing counsel be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with rule 5(1) of the Commission's rules of practice and procedure [46 C.F.R. § 502.72] with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-9197 Filed 5-8-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP73-98]

ALGONQUIN GAS TRANSMISSION CO.

Proposed Changes in Rates and Charges

MAY 2, 1973.

Take notice that on April 16, 1973, Algonquin Gas Transmission Co. (Algonquin) tendered for filing first revised sheet No. 11-C of Algonquin's initial rate schedule SNG-1 to supersede original sheet No. 11-C of Algonquin Gas's FPC Gas Tariff, original volume No. 1. Algonquin states that the change made by first revised sheet No. 11-C is in the commodity charge and consists of replacing the fixed amount of feedstock cost by the actual cost of feedstock incurred in the production of synthetic gas. According to Algonquin under present market conditions the cost of feedstock must be considered volatile and since the cost of feedstock represents the predominant cost of the delivered synthesized gas, variations in such feedstock cost must be reflected to avoid extremely wide swings in the relatively smaller return component of the cost of service.

In addition Algonquin states that first revised sheet No. 11-C is filed to become effective 1 day after original sheet No. 11-C becomes effective and that the tentative effective date of original sheet No. 11-C is October 16, 1973.

Algonquin requests, that should the Commission suspend the operation of first revised sheet No. 11-C beyond the date it would otherwise become effective, that such suspension be for no longer than 1 day beyond the date original sheet No. 11-C became effective. Algonquin further requests the Commission to grant such waiver or special permissions as may be necessary for this filing to be made at this time, and to become effective as requested herein.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9189 Filed 5-8-73;8:45 am]

[Docket No. E-8013]

BUCKEYE POWER, INC.

Order Accepting and Making Effective Proposed Rate Schedule Amendments

APRIL 30, 1973.

On January 31, 1973, Buckeye Power, Inc. (Buckeye), tendered for filing supplement No. 9 to rate schedules FPC Nos. 3 through 29, inclusive, and supplement No. 8 to rate schedule FPC No. 30. The proposed changes would increase the rates charged by Buckeye to each of its 28 member-owners and the company estimates that the increase will produce approximately $2,111,167 in additional revenues from jurisdictional sales and service based on a volume of sales for the 12-month period ending June 30, 1972. The originally proposed effective date was April 1, 1973, however, on March 26, 1973, Buckeye filed additional supporting information and confirmed a request made by telegram to the Secretary on March 15, 1973, that the proposed effective date be postponed until May 1, 1973.

Buckeye states in its original transmittal letter and in the supporting information that the rate filing's primary purpose is to produce equity capital which the company indicates is necessary for the procurement of: (1) Additional generating capacity scheduled for commercial operation in 1976, (2) additions and replacements for an existing generating unit, (3) additional working capital, materials, and supplies associated with the new unit, (4) sulphur dioxide removal equipment which Buckeye indicates will in all likelihood be necessary for both units in the near future, and (5) a third generating unit which the company projects will be required by 1981.

The company states that restrictions in its indenture of mortgage will require it to raise 10 percent of the cost of such additions and replacements in the form of equity capital. Yet due to its nonprofit character, Buckeye cannot issue stock. It therefore must rely upon capital contributions by its owner-customers or upon the generation of capital through rate increases. A Rural Electrification Administration loan of $17 million to Buckeye's member-owners will be contributed by them to the company, but Buckeye states that it cannot depend upon additional lump sum capital contributions from the member-owners, and it therefore must rely upon equity accumulation through its rates over an extended period of time. The company further states that its present rates have not produced any substantial amount of equity capital, and that there has been, in fact, an accumulated net loss of approximately $2.8 million through June 30, 1972.

The January 31, 1973, filing was noticed on March 8, 1973, with protests and petitions to intervene due on or before March 20, 1973. The supplemental information filed March 26, 1973, was noticed on April 12, 1973, with protests and petitions due April 24, 1973. No protests or petitions have been received.

Our review of the filing indicates that Buckeye's proposed rate increase is necessary and reasonable in light of the company's need to provide equity capital for the legitimate purposes previously discussed. The rate increase proposed for these purposes has been sanctioned by all of the member-owners, and providing Buckeye with these necessary funds through a rate increase at this time may, in fact, be superior to Buckeye's attempting to solicit lump sum equity capital contributions at a later date. However, such rate increase must, of course, be conditioned upon Buckeye's actually expending the equity capital so accumulated in the manner described in their filings. In this regard, we shall require Buckeye to make annual reports showing the additional revenues derived under the rate increase and the manner in which such sums were utilized in fulfilling the purposes outlined in Buckeye's rate filing. The first report shall be due within 3 months of the end of calendar year 1973.

We note that Buckeye has not paid a filing fee in the amount of $16,573.28, and we must condition our acceptance of its filing upon the prompt payment of such fee.

Finally, we note that the fuel clause contained in Buckeye's filing is of a form not in conformance with Commission requirements as expressed in opinion No.

633.[1] Buckeye's fuel clause is improper in that it imputes fuel costs to interchange and purchased power. We shall therefore further condition our accepting these proposed rates upon Buckeye's filing within 30 days a fuel clause which conforms to our requirements.

The Commission finds

(1) It is reasonable and appropriate and in the public interest pursuant to the provisions of the Federal Power Act that Buckeye's filing tendered on January 31, 1973, be accepted for filing and be permitted to be effective without suspension as hereinafter ordered and conditioned.

(2) The rate increase permitted to become effective herein should be conditioned upon Buckeye's expending the equity capital accumulated through such increase in the manner proposed by the company in its filing, and upon Buckeye's filing within 30 days a fuel clause in conformance with our opinion No. 633 and further upon Buckeye's payment of the required filing fee.

(3) The rate increase in this case has been reviewed in light of and is consistent with the Economic Stabilization Act of 1970, as amended by Executive Order 11695, and the rules and regulations thereunder in that such increase is primarily for the purpose of raising equity funds from Buckeye's consenting nonprofit members.

(A) The proposed rates tendered herein on January 31, 1973, are accepted for filing to be effective as of May 1, 1973, subject to the terms and conditions of this order.

(B) The rate increase permitted to become effective herein shall be conditioned upon Buckeye's expending the

The Commission orders

equity capital accumulated through such increase in the manner proposed by the company in its filing and Buckeye shall file with this Commission annual reports showing the additional revenues derived under the rate increase and the manner in which such sums were utilized in fulfilling the purposes outlined in the company's rate filing. The first of such reports shall be due within 3 months of the end of calendar year 1973.

(C) The rate increase permitted to become effective herein shall further be conditioned upon Buckeye's filing within 30 days a fuel clause in conformance with Commission requirements as expressed in opinion No. 633.

(D) The rate increase permitted to become effective herein shall additionally be conditioned upon Buckeye's payment of the required filing fee.

(E) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.73-9173 Filed 5-8-73;8:45 am]

[1] New England Power Co., docket No. E-7541.

[Project 2145]

CHELAN COUNTY, WASH.

Public Utility District No. 1, Application for Change in Land Rights

MAY 1, 1973.

Public notice is hereby given that application for approval of a change in land rights was filed February 6, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by Public Utility District No. 1 of Chelan County, Wash. (Correspondence: to Mr. Howard C. Elmore, manager, Public Utility District No. 1 of Chelan County, P.O. Box 1231, Wenatchee, Wash. 98801), licensee for Rocky Reach project No. 2145 which is located on the Columbia River in the State of Washington in the region north of the city of Wenatchee and near the towns of Chelan, Azwell, and Entiat, in Chelan County and Orlando in Douglas County.

Applicant proposes to sell tract Nos. 134.2 and 134.4, totaling approximately 0.37 acre of which .01 acre is within the project boundary in Chelan Falls, Chelan County, Wash. to Blue Chelan, Inc., a fruitgrowers' cooperative in the Chelan area. Blue Chelan, Inc., proposes to build a new cold storage plant on this property and desires to start architectural plans at this time so that the cold storage plant would be ready for use in the fall of 1974.

Any person desiring to be heard or to make protest with reference to said application should on or before June 8, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-9181 Filed 5-8-73;8:45 am]

[Project 2145]

CHELAN COUNTY, WASH.

Public Utility District No. 1, Application for Change In Land Rights

MAY 1, 1973.

Public notice is hereby given that application for approval of change in land rights was filed February 6, 1973, pursuant to the Federal Power Act (16 U.S.C. 791a–825r) by Public Utility District No. 1 of Chelan County, Wash. (Correspondence to: Mr. Howard C. Elmore, manager, Public Utility District No. 1 of Chelan County, P.O. Box 1231, Wenatchee, Wash. 98801), licensee for Rocky Reach project 2145 which is located on the Columbia River in the region north of the city of Wenatchee and near the towns of Chelan, Azwell, and Entiat in Chelan County, Wash., and Orondo in Douglas County, Wash.

Applicant proposes to sell approxmately 8.11 acres of project property located in the NE¼ of SE¼ of sec. 35, T. 25 N., R. 20 E., W.M., Douglas County, Wash., south of Sickler Substation Parcel 1, east of old primary State Highway No. 2 and west of new primary State Highway No. 2, to the Bonneville Power Administration. The land would be used for an addition to Bonneville Power Administration's Sickler Substation complex.

Any person desiring to be heard or to make protest with reference to said application should on or before June 11, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-9182 Filed 5-8-73;8:45 am]

[Docket No. E-7803]

CONSUMERS POWER CO.

Wholesale Electric Rates, Order Denying Petition for Reconsideration, Modification and Clarification of Order

MAY 1, 1973.

Alpena Power Co. (Alpena), on March 26, 1973, filed a document entitled "Petition for Reconsideration, Clarification and Amendment" of the Commission's order issued herein on January 5, 1973. This proceeding involves the proposed increased rates and charges contained in contract changes tendered for filing by Consumers Power Co. (Consumers) on November 6, 1972. One of the contract changes affects Consumers' contract with Alpena.[1] By the order of January 5, the Commission accepted the tendered contract changes for filing, suspended the rate filing for 5 months, and provided for hearing concerning the lawfulness of Consumers' rates and charges as proposed to be revised herein. In accepting the rate filing the Commis-

[1] Consumers' contract with Alpena, dated June 27, 1966, as supplemented, is identified as Consumers' FPC Electric Rate Schedule No. 13.

sion rejected the motions of Alpena and Cities/Co-ops to reject the rate filing.[3]

Alpena's motion, filed December 22, 1972, to reject Consumers' rate filing was based upon the ground that the rate filing is a unilateral rate change in violation of the provisions of the contract between Alpena and Consumers and, therefore, is proscribed by the terms of the contract, under the Mobile-Sierra doctrine.[4] Alpena's March 26 petition complains of the Commission's language in the January 5 order, which states that "with the exception of the unilateral rate filing issue on which we have ruled herein", the issues raised may require development in evidentiary proceedings. Reasoning that the January 5 order may, thus, have excluded the unilateral rate filing issue from such scheduled hearings, Alpena requests that the quoted phrase be deleted from the January 5 order, or that it be amended or clarified so that Alpena may present evidence on the issue.

Consumers, on April 10, 1973, filed an answer to Alpena's petition, taking the position that the petition, in reality, is an untimely application for rehearing and should be rejected on the ground that, under section 313(a) of the Federal Power Act, Alpena's failure to file for rehearing within 30 days after January 5 cannot be waived. Consumers also contends that Alpena's petition is deficient on the merits since it raised the "unilateral rate filing" issue in its December 22 motion and the Commission's January 5 order decided the issue as one of contract law and/or the proper construction of the contract, for which no hearing is needed or required.

The essential question raised by Alpena's petition is whether the quoted phrase from the January 5 order was intended to exclude the unilateral rate filing issue from those to be tried in evidentiary hearings to be held.[4] The January 5 order expressed our ruling on the Mobile-Sierra question raised by Alpena. As a ruling on a question of interpretation and of contract law, moreover, it was our expressed intent that no hearing was required on that issue.[5] Having so ruled, such order for that purpose is final.

Upon reconsideration of our January 5 order and the matters contained in Alpena's petition, we find that Alpena has alleged no new facts or principles of law which were not considered in issuing that order, or having now been considered, warrant any change or modification in the order.

The Commission orders

Alpena's petition for reconsideration, modification, and clarification of the Commission's order issued herein on January 5, 1973, is denied.

By the Commission.

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

[FR Doc.73-9176 Filed 5-8-73;8:45 am]

[Docket No. E-7754]

GREEN MOUNTAIN POWER CORP.

Change of Hearing Location

MAY 1, 1973.

Notice is hereby given that the hearing in the subject docket scheduled to convene in a hearing room of the Federal Power Commission on May 8, 1973, will convene in a hearing room at the new Federal Power Commission location, on the second floor of the Union Center Plaza Building at 825 North Capitol Street, Washington, D.C. 20426, at the time heretofore prescribed.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-9184 Filed 5-8-73;8:45 am]

[Rate Schedule 6, etc.]

HUNTER COMPANY, INC.

Rate Change Filings

MAY 1, 1973.

Take notice that the producer listed in the appendix attached hereto has 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.

Any person desiring to be heard or to make any protest with reference to said filings should on or before May 10, 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

RATE SCHEDULE

Filing date	Producer	No.	Buyer	Area
Apr. 5, 1973	The Hunter Co., Inc., P.O. Box 532, Shreveport, La. 71162.	6	United Gas Pipe Line Co.	Other southwest area.
Do.	do.	9	Arkansas Louisiana Gas Co.	Do.

[FR Doc.73-9190 Filed 5-8-73;8:45 am]

[Docket No. E-8132]

KENTUCKY UTILITIES CO.

Proposed Additional Delivery Point

MAY 2, 1973.

Take notice that on April 17, 1973, Kentucky Utilities Co. (Kentucky) tendered for filing a new "Contract for Electric Service" dated February 1, 1973, entered into between Kentucky and the City of Madisonville. Kentucky states that this contract is for an additional delivery point to the city. Kentucky requests the effective date to be June 30, 1973, as indicated on the contract.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-9188 Filed 5-8-73;8:45 am]

[Project 420]

KETCHIKAN, ALASKA

Application for Major License

MAY 1, 1973.

Public notice is hereby given that application for a major license was filed August 31, 1970, and amended August 9,

[3] By order issued Mar. 5, 1973, the Commission denied Cities/Co-ops' application for rehearing of the Jan. 5, order, finding that the issues raised by Cities/Co-ops involving the latter's allegations of anticompetitive practices on the part of Consumers, could not be properly ruled upon without development in an evidentiary proceeding.

[4] *United Gas Pipe Line Co.* v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *Federal Power Commission* v. *Sierra Pacific Power Co.*, 350 U.S. 348 (1956).

[4] In view of the fact that Alpena's time for filing an application for rehearing under section 313(a) of the act, and § 1.34 of our rules of practice and procedure, has expired, we will treat its petition as a motion for reconsideration.

[5] *Citizens for Allegan County, Inc.* v. *F.P.C.*, 414 F. 2d 1125 (CADC, 1969); *Sun Oil Co., et al.* v. *F.P.C.*, 266 F. 2d 222 (CA 5, 1959), affirmed 364 U.S. 170 (1960).

1971, under the Federal Power Act (16 U.S.C. 791a–825r), by the city of Ketchikan, Alaska (correspondence to: Mr. E. B. Titus, manager, or Mr. D. D. Bowery, assistant manager, Ketchikan Public Utilities, P.O. Box 1019, Ketchikan, Alaska 99901), applicant for Ketchikan Lakes Project No. 420 which is located on Ketchikan Creek, Ketchikan and Upper Ketchikan Lakes, Fawn Lake, Granite Basin Creek and Deer Creek in Revillagigedo Island, Alaska and near the city of Ketchikan, Alaska, and affects U.S. lands within the Tongass National Forest.

The project's original license expired June 30, 1970, and the project is currently under annual license. It has an installed capacity of 4,200 kW.

The project consists of: (1) a rock-fill dam about 1163 feet long and 30 feet high having a gated spillway; (2) two 290-acre storage reservoirs (Lake Ketchikan and Upper Lake Ketchikan) at elevation 348 feet (U.S.C. & G.S.); (3) two 4 feet by 6½ feet 280-foot-long tunnels connected to 48-inch and 54-inch diameter, 1,700-foot-long penstocks connected to a 7-foot by 8-foot, 1,127-foot long tunnel by which water is conveyed from the Ketchikan Lakes to the Fawn Lake forebay; (4) a rock-fill dam about 385 feet long and 22 feet high at the outlet of Fawn Lake and a dike including a spillway at the north end of Fawn Lake; (5) a concrete diversion dam 30 feet long and 12 feet high with a gated spillway at Granite Basin; (6) a 5-foot by 7-foot, 1,171-foot-long tunnel conveying water from Granite Basin to Fawn Lake; (7) a 7-foot by 8-foot, 3,473-foot-long tunnel conveying water from Fawn Lake to the powerhouse; (8) a concrete powerhouse containing three generating units each rated at 1400 kW; (9) a tramway from the powerhouse to the Ketchikan Lake dam; (10) access roads to Fawn Lake and Granite Basin Creek; and (11) all other facilities and interests appurtenant to the operation of the project.

No recreational development exists nor is any planned at this project. Applicant states that Public Law No. 240 set aside the project lakes as municipal watersheds and thereby removed them from recreational use.

Applicant releases a minimum flow of 35 c.f.s. below the Ketchikan powerhouse and the Ketchikan Lakes are used to supply up to 12 c.f.s. for domestic water supply for the city of Ketchikan, Alaska. Power generated by the project is utilized in applicant's service area.

Any person desiring to be heard or to make protest with reference to said application should on or before July 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9175 Filed 5-8-73;8:45 am]

[Project 289]

LOUISVILLE GAS & ELECTRIC CO.

Application for New Major License

MAY 1, 1973.

Public notice is hereby given that application for new major license was filed November 9, 1972, under the Federal Power Act (16 U.S.C. 791a–825r) by the Louisville Gas & Electric Co. (Correspondence to: Mr. W. B. Thurman, Vice President, Louisville Gas & Electric Co., 311 West Chestnut Street, P.O. Box 354, Louisville, Ky. 40202), licensee for Ohio Falls project No. 289 which is located on the Ohio River on Shippingport Island in Jefferson County, Ky., in the city of Louisville and near Clarksville, Ind., and affects a U.S. dam and navigable waters of the United States.

Applicant's present license for the project expires November 10, 1975. The project has an installed capacity of 80,320 kW (108,000 hp).

The project consists of: (1) A powerhouse, located at the U.S. Corps of Engineers' McAlpine Locks and Dam, which is 508 feet long and 50 feet wide containing eight 10,040 kW generating units; (2) a concrete headworks section 632 feet long by 26 feet wide located immediately upstream from and integral with the powerhouse; (3) a 121.5-foot long office and electric gallery building, immediately west of the powerhouse on Shippingport Island, including a 138/69/13.8 kW substation; (4) an access road; (5) a 266.6-foot long swing bridge over the U.S. Corps of Engineers' McAlpine Locks for access; (6) one-half mile of railroad; (7) 69-kV transmission line 0.9-mile long; and (8) facilities appurtenant to the operation of the project.

The reservoir utilized by the project is formed by the U.S. Corps of Engineers' McAlpine Dam located east of and integrally connected with the project headworks. The normal water surface elevation of the reservoir is 420 feet (U.S.G.S.) McAlpine Locks are located west of Shippingport Island.

Applicant states that the Corps of Engineers controls the availability of water to operate the project and that the operation of the facility in the interest of navigation, irrigation, reclamation, flood control, recreation, fish and wildlife is also controlled by the Corps. The applicant operates the project to generate power when flow is available.

Applicant estimates that its net investment in the project will be $2,200,000 as of November 10, 1975, which Applicant states is less than applicant's estimate of the project's fair market value which value was not stated in the application. It also estimates that in the event of takeover it would be entitled to $6,684,300 in severance damages. Applicant reports that it pays $24,000 in annual taxes to State and local governments.

Applicant states that recreational development at the facility is the responsibility of the Corps of Engineers. The applicant further states that no project land is available for recreational development and that such development would constitute a hazard to the public.

Project power is marketed to applicant's customers in the State of Kentucky.

Any person desiring to be heard or to make protests with reference to said application should on or before July 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9183 Filed 5-8-73;8:45 am]

[Docket CP73-282]

MICHIGAN WISCONSIN PIPE LINE CO. ET AL.

Notice of Application

MAY 2, 1973.

Take notice that on April 19, 1973, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), 1 Woodward Avenue, Detroit, Mich. 48226, Northern Natural Gas Co. (Northern), 2223 Dodge Street, Omaha, Nebr. 68102, and Great Lakes Gas Transmission Co. (Great Lakes), 1 Woodward Avenue, Detroit, Mich. 48226, (jointly referred to as Applicants) filed in docket No. CP73-282 a joint application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of gas by Applicants and the storage thereof by Michigan Wisconsin for North Central Public Service Co. (North Central), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that, as to the areas served by North Central with natural gas purchased from Northern, North Central's firm peak day requirements commencing in the winter of 1973–74 exceed

the volumes of gas available to it under its service agreements with Northern, while its annual gas purchase entitlements from Northern exceed its annual requirements. To enable North Central to meet its firm peak day requirements, it is proposed that North Central will direct Northern to deliver to Michigan Wisconsin for the account of North Central up to 5,000 M ft³ of gas per day out of North Central's gas purchase entitlement from Northern during the period March 27 through September 27 of each year, up to an aggregate volume of 1 million M ft³, for transportation, storage, and redelivery to North Central at such daily rate, up to 10,000 M ft³ (the maximum daily quantity), as North Central may direct, during the next succeeding October 27 through February 27. Applicants propose that Northern deliver this gas to Michigan Wisconsin for the account of North Central at Northern's existing delivery point to Michigan Wisconsin near Janesville, Wis. Applicants state that Michigan Wisconsin will effect redelivery of the gas to North Central by curtailing its receipt of gas from Great Lakes at Great Lakes' existing delivery point to Michigan Wisconsin near Crystal Falls, Mich. Great Lakes under the instant proposal will concurrently deliver an equivalent volume of gas to Northern at the existing point of interconnection of the facilities of Great Lakes and Northern near Carlton, Minn., for transportation and delivery to North Central.

Michigan Wisconsin proposes to charge North Central a demand charge of $3.39 per month per M ft³ of maximum daily quantity for the transportation and storage service to be provided by it. Northern proposes to charge North Central 4.8 cents per M ft³ for all volumes of gas delivered to Michigan Wisconsin and 6.4 cents per M ft³ for all volumes redelivered to North Central. No charge is proposed by Great Lakes. Applicants state that they will utilize existing facilities to render the proposed services and that no new facilities will be required.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9191 Filed 5-8-73;8:45 am]

[Docket No. E-7734]

MID-CONTINENT AREA POWER POOL AGREEMENT

Order Denying Indefinite Extension of Time, and Granting a 60-Day Extension of Time

APRIL 30, 1973.

On September 26, 1972, the Commission issued an order accepting rate schedules for filing, granting petitions to intervene, and setting matters for hearing in this docket. That order specified dates by which testimony was to be filed and hearings were to be commenced.[1]

On October 19, 1972, intervenors (Alexandria et al.) filed a motion for change of dates. Intervenors requested that, because of the lengthy discovery proceedings, which it contemplated in this proceeding, it be allowed to extend the date for the filing of its direct testimony and exhibits to January 30, 1973. The remainder of the dates for the filing of testimony by applicants and staff, and the date for commencement of hearings were to be extended accordingly. On October 31, 1972, the Secretary issued a notice of extension of time, which granted the extension requested by intervenors.

On December 29, 1972, intervenors filed a second motion for change of dates, once again stating that discovery in this proceeding was more lengthy than it had anticipated, and requested that it be allowed to extend the date for its filing of direct testimony and exhibits to April 23, 1973. Filing of direct testimony by applicants and staff, rebuttal, and prehearing conference, together with commencement of hearings were to be extended accordingly. On January 15, 1973, the Secretary of the Commission published a notice of further extension of time which granted the extension requested by the intervenors.[2]

Also on December 29, 1972, intervenors filed with the Commission an application for issuance of subpoenas for production of documentary evidence. Notice of this application was issued on January 11, 1973, and responses were requested by January 30, 1973. On January 30, 1973, applicant filed an answer in opposition to the subpoena, contending generally that the application was far too broad and did not demonstrate the required relevance to the matters at issue in this proceeding. On February 15, intervenors responded to the answer. On March 14, presiding Administrative Law Judge Arthur H. Fribourg issued notice of a prehearing conference to be held Wednesday, March 28, 1973, at 10 a.m. for the purpose of discussing the request for subpoenas.

At this conference, Alexandria agreed to withdraw its application for subpena without prejudice and proceed to revise and curtail the document production requested. This approach was approved by Judge Fribourg and concurred in by all Counsel present at the conference. It was anticipated that voluntary compliance with an initial and limited request for production of documents could be obtained in anticipation that by so doing document production and examination might be expedited. Accordingly, on April 4, 1973, a revised document request was delivered to applicants, Judge Fribourg and Staff Counsel.

On April 9, 1973, a motion for indefinite extension of time was filed by intervenors in which it emphasized the time required by Counsel to locate and make available the documents requested, and the quantity of materials produced for examination and the schedule which can be arranged for adequate inspection and copying. Because the documents sought are alleged to be essential to the preparation of its case in chief, intervenor moves the Commission to grant an indefinite extension of the April 23, 1973, date set for the submission of prepared testimony.

Intervenors assure the Commission that within 30 days of the date of an order granting its request for extension, it will file with the Commission a report on the progress and status of the document inspection, preparation of testimony, or "such other submission as the Commission may deem appropriate to keep it fully informed" as to the progress in this proceeding.

Intervenors further request that Presiding Judge Fribourg be authorized to establish such revisions in the dates and schedule as become appropriate in the light of additional conferences or orders required to complete this phase of the proceeding.

We do not believe that an indefinite extension of time in this proceeding is

[1] The order specified that intervenors would file their direct testimony and exhibits on Nov. 30, 1972; applicants on Dec. 29, 1972; staff on Jan. 22, 1973; rebuttal evidence was to be filed by all the parties on Feb. 15, 1973; and cross-examination was to commence on Mar. 5, 1973.

[2] This notice provided for service of prepared testimony by intervenors on April 23, 1973; by applicant on June 22, 1973; by staff on July 13, 1973; rebuttal evidence on August 9, 1973; prehearing conference, August 13, 1973; and cross-examination to commence on September 17, 1973.

in the public interest and will therefore deny that request. Intervenors will, however, be granted a 60-day extension of time for the submission of their prepared testimony. All other dates previously provided by the Commission for filing testimony and commencing hearing are extended accordingly.

The Commission finds:

(1) It is appropriate and in the public interest to deny intervenor's request for an indefinite extension of time.

(2) It is appropriate and in the public interest to grant intervenors a 60-day extension of time for filing of prepared testimony.

The Commission orders:

(A) Motion for indefinite extension of time is denied.

(B) Intervenors are hereby granted a 60-day extension of time for the filing of prepared testimony. Accordingly, all additional dates previously set by the Commission for filing of the companies' and staff testimony and the commencement of hearing will also be extended for 60 days.

(C) Intervenors shall within 30 days from the date of this order file with the Commission a report on the progress and status of the revisions of its requests for documents the status of the document with respect of that date and other steps that it has taken with respect to these proceedings.

(D) All requests not specifically granted by this order are hereby denied.

By the Commission.

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

[FR Doc.73-9177 Filed 5-8-73;8:45 am]

[Docket No. E-8134]

MISSISSIPPI POWER & LIGHT CO.

Proposed Changes In Rates and Charges

MAY 2, 1973.

Take notice that on April 16, 1973, Mississippi Power & Light Co. (Mississippi) tendered for filing an agreement for purchase of power dated June 15, 1972, covering the delivery of power and a supplemental operating agreement dated June 16, 1961, between Mississippi and Magnolia Electric Power Association. Mississippi states that the proposed date of initial service is June 1, 1973, and Mississippi request the Commission to accept this filing to be effective on the date on which service may be rendered initially. Mississippi estimates revenues from this agreement for the year ending May 1974 to be $77,893.54. Mississippi states further that a copy of this transmittal letter with the tabulation enclosed has been mailed to Magnolia Electric Power Association.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 15, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-9192 Filed 5-8-73;8:45 am]

[Docket No. CP73-262]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Application

APRIL 30, 1973.

Take notice that on April 5, 1973, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in Docket No. CP73-262 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities to increase the capacity of its Louisiana supply pipeline, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate approximately 71.56 miles of 30-inch loop pipeline in Liberty and Jefferson Counties, Tex., and Cameron Parish, La.; to install 8,000 additional compression horsepower at Compressor Station No. 343, Liberty County, Tex.; and to increase the capacities of the compressors at Compressor Station No. 342 in Cameron Parish, La., and Compressor Station No. 343 in Liberty County, Tex. Applicant alleges that said facilities will enable it to initially increase its capacity to 1,078,000 M ft³ of gas per day through its onshore Louisiana pipeline and permit further increases in supply including those from offshore Louisiana as proposed to be transported by Stingray Pipeline Co. application in Docket No. CP73-27.

The estimated cost of the proposed facilities is $19,020,000 to be financed with interim and permanent financing.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 21, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-9170 Filed 5-8-73;8:45 am]

[Docket No. CP73-29]

NORTHERN NATURAL GAS CO.

Petition To Amend

MAY 2, 1973.

Take notice that on April 9, 1973, Northern Natural Gas Co. (Petitioner), 2223 Dodge Street, Omaha, Nebr. 68102, filed in docket No. CP73-29 a petition to amend the order issued in said docket on December 13, 1972 (48 FPC _____), pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner to deliver natural gas for an additional year to Michigan Wisconsin Pipeline Co. (Michigan Wisconsin) for storage and by authorizing the exchange of gas with Great Lakes Gas Transmission Co. (Great Lakes) and Michigan Wisconsin for an additional year, all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

By Commission order in docket No. CP73-29, Petitioner was authorized, among other things, to deliver to Michigan Wisconsin 2.8 million M ft³ of gas, during the offpeak months of April through October 1972, for storage and redelivery to Petitioner during the peak period of November 1972 through February 1973. In the aforementioned order, Petitioner was further authorized to exchange natural gas with Michigan Wisconsin and Great Lakes, with Great Lakes providing not less than 25,000 M ft³ per day to Petitioner at Carlton and Grand Rapids, Minn., in exchange for equivalent volumes delivered by Petitioner to Great Lakes at Wakefield, Mich., and/or to Michigan Wisconsin for the account of Great Lakes at Janesville, Wis. Petitioner states that it has entered into an amendatory agreement with Michigan Wisconsin to extend the lease storage agreement for an additional

year, in order to utilize said offpeak gas supplies during wintertime high end use utilization periods. Petitioner requests, in addition, authorization to continue the exchange of gas with Great Lakes for an additional year in order to maintain increased operating flexibility on Petitioner's system.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9186 Filed 5-8-73;8:45 am]

[Project 108]

NORTHERN STATES POWER CO.

Changes in Hearing Location

APRIL 30, 1973.

Notice is given that the hearing scheduled to convene in a hearing room of the Federal Power Commission in the above-entitled matter on Aug. 21, 1973, will convene in a room at the new Federal Power Commission location on the second floor of the Union Center Plaza Building at 825 North Capitol Street NE., Washington, D.C. 20426, at the time heretofore prescribed.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9172 Filed 5-8-73;8:45 am]

[Docket No. E-8123, etc.]

OTTER TAIL POWER CO. ET AL.

Notice of Applications

MAY 1, 1973.

Take notice that each of the applicants listed herein has filed an application pursuant to section 205 of the Federal Power Act and part 35 of the regulations issued thereunder.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestant parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

Docket No.	Date filed	Name of applicant
E-8123.....	4-11-73	Otter Tail Power Co.

Applicant files an interconnection and transmission service agreement, dated January 8, 1973, between East River Electric Power Cooperative, Inc., and Otter Tail Power Co., superseding rate schedules FPC Nos. 161 and 129 with all supplements thereto (supp. Nos. 1 and 2 and supp. No. 1 to supp. No. 2). The agreement provides for the continuation of service specified under the superseded agreements and establishes an additional point of interconnection between the transmission systems of the U.S. Bureau of Reclamation and Otter Tail Power Co. Facilities at the new point of interconnection are to be owned by East River Electric Power Cooperative, and it is requested the proposed agreement take effect May 11, 1973.

Docket No.	Date filed	Name of applicant
E-8126.....	4-16-73	Alabama Power Co.

Applicant files a supply agreement dated February 8, 1973, with the town of Hartford, Ala., wherein Alabama Power Co. will sell and deliver electric service to the town of Hartford pursuant to FPC rate schedule No. 94, filed with the Commission on November 1, 1971.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9180 Filed 5-8-73;8:45 am]

[Docket No. E-8150]

PACIFIC POWER & LIGHT CO.

Notice of Proposed Changes in Rates and and Charges

MAY 2, 1973.

Take notice that on April 20, 1973, Pacific Power & Light Co. tendered for filing the following agreements:

(1) Letter of agreement, B/R contract No. 14-06-200-5948A, dated April 21, 1972, among Pacific Power & Light Co., the Washington Water Power Co., Portland General Electric Co., Puget Sound Power & Light Co., the city of Seattle, Wash., the city of Tacoma, Wash., public utility district No. 1 of Snohomish County, Wash., and public utility district No. 1 of Grays Harbor County, Wash., (the foregoing parties being hereinafter referred to as the Project Owners), and the Bonneville Power Administration and the Bureau of Reclamation.

(2) Letter of agreement dated February 16, 1973, between Pacific Power & Light Co., on behalf of the Project Owners, and the Bonneville Power Administration and the Bureau of Reclamation.

Pacific states that these agreements will supersede Pacific's FPC rate schedule No. 103, Portland General Electric Co. FPC rate schedule No. 20, Puget Sound Power & Light Co. FPC rate schedule No. 34, and the Washington Water Power Co. FPC rate schedule No. 71.

Pacific states further that service under agreement (1) commenced as of April 21, 1972, after having been accepted by all of the parties thereto and service under agreement (2) commenced March 16, 1973.

Pacific requests that a waiver of notice requirements be granted pursuant to § 35.11 of the Commission's regulations and an assignment of effective dates be made of April 21, 1972, for agreement (1) and of March 16, 1973, for agreement (2), which dates are consistent with the dates of commencement of service under each agreement.

According to Pacific the new agreement does not change the rates but only provides for the pro rata basis of charges during interim operation until the project is in commercial operation, but the proposed rate schedule does reflect changes in conditions including the installation of the second unit and the sale of test energy prior to commercial operation.

In addition, Pacific states that copies of the agreements have been provided to all parties and to the Washington Utilities and Transportation Commission, Olympia, Wash., and the public utility commissioner of Oregon, Salem, Oreg.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9167 Filed 5-8-73;8:45 am]

[Docket No. E-7768]

PUBLIC SERVICE ELECTRIC & GAS CO.

Change in Location of Hearing

MAY 2, 1973.

Notice is given that the hearing scheduled to convene in a hearing room of the Federal Power Commission in the above-entitled matter on May 15, 1973, will convene in a room at the new Federal Power Commission location on the

second floor of the Union Center Plaza Building at 825 North Capitol Street NE., Washington, D.C. 20426, at the time heretofore prescribed.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9185 Filed 5-8-73;8:45 am]

[Docket No. CP73-266]

CITY OF SIKESTON, MO., AND TEXAS EASTERN TRANSMISSION CORP.

Notice of Application

APRIL 30, 1973.

Take notice that on April 5, 1973, the city of Sikeston, Mo. (Applicant), in care of Richard Inman, Sikeston, Mo. 63801, filed in docket No. CP73-266 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Texas Eastern Transmission Corp. (Respondent) to connect its facilities with the facilities proposed to be acquired or constructed by Applicant and to sell natural gas to Applicant for resale and distribution, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it is presently served by Associated Natural Gas Co. (Associated), a wholly owned subsidiary of Arkansas-Missouri Power Co. (Ark-Mo), which purchases its entire supply of natural gas for sale from Respondent. According to Applicant the Securities and Exchange Commission has issued an order in its docket No. 70-4757 requiring Ark-Mo and Associated to sell their gas facilities.

If possible, Applicant desires to purchase Associated's transmission and distribution facilities and have Associated wheel the gas through its existing lateral facilities, but if it cannot, it intends to build the necessary facilities. It would construct 14 miles of 8.625-inch outside diameter transmission lateral from the terminus of Respondent's existing lateral line northwest of Sikeston, Mo., and 80.25 miles of distribution line at a cost of $2,600,000 to be financed with proceeds from the sale of municipal revenue bonds.

Applicant's estimated peak day and annual natural gas requirements during the third full year of operation are 12,460 M ft^3 (thousand cubic feet) and 1,172,372 M ft^3, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 21, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9171 Filed 5-8-73;8:45 am]

[Docket No. CP73-274]

SOUTHERN NATURAL GAS CO.

Notice of Application

MAY 1, 1973.

Take notice that on April 6, 1973, Southern Natural Gas Co. (Applicant), P.O. Box 2563, Birmingham, Ala. 35202, filed in docket No. CP73-274, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a new measuring station to serve Gas Light of Columbus (Gas Light), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant seeks authorization to construct and operate a new measuring station and approximately 1,000 feet of 8-inch tapline near milepost 305 on its south main line in Muscogee County, Ga., to provide service to an LNG peak shaving facility to be constructed by Gas Light. Southern indicates that Gas Light will reimburse it for the entire cost of the facilities, approximately $58,000. Southern alleges that this new measuring station will serve only the LNG plant of Gas Light which will liquefy gas during off-peak periods to be held in reserve for peak periods.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 21, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9178 Filed 5-8-73;8:45 am]

TENNESSEE GAS PIPELINE CO.

Proposed Gas Sales Contract

APRIL 30, 1973.

Take notice that on April 9, 1973, Tennessee Gas Pipeline Co. (Tennessee) tendered for filing a gas sales contract dated January 10, 1973, between Tennessee, as seller, and Springfield Gas Light Co. as buyer. Tennessee requests that the Commission allow the gas sales contract to become effective 30 days after filing. Tennessee states that this contract supersedes and cancels the gas sales contract dated August 27, 1969, and an exhibit B dated November 1, 1970, between Tennessee and Springfield Gas Light Co. Tennessee states further that this contract is being filed to reflect (a) Tennessee's conversion from a pressure base of 15.025 lb/in^2a (pounds per square inch absolute) to a pressure base of 14.73 lb/in^2a, as authorized by the Commission at Tennessee's Docket No. RP71-6, and (b) that Tennessee will deliver natural gas to Springfield as nearly as practicable at Tennessee's line pressure.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 8, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9174 Filed 5-8-73;8:45 am]

[Dockets Nos. CP68-146, CI68-621]

TENNESSEE GAS PIPELINE CO. AND TENNECO OIL CO.

Notice of Petition To Amend

MAY 1, 1973.

Take notice that on March 20, 1973, Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), and Tenneco Oil Co. (Tenneco), both with a mailing address of P.O. Box 2511, Houston, Tex. 77001, filed in dockets Nos. CP68-146 and

CI68-621 a petition to amend the order of the Commission issued in said dockets on July 30, 1969 (42 F.P.C. 292), as amended, pursuant to sections 7(b) and 7(c) of the Natural Gas Act by deleting therefrom an annual reporting requirement, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of July 30, 1969, authorized Tennessee to abandon certain of its developed gas producing leases, undeveloped leases and related lease facilities by transfer to its affiliate, Tenneco. Said order also authorized Tenneco to sell natural gas to Tennessee from the transferred properties. Tennessee and Tenneco are responsible for the filing of an annual production cost report by Tenneco as provided in an agreement of March 25, 1969, between them and the Commission's staff. Petitioners state that they have filed such report annually beginning with the calendar year 1968, but that good cause now exists why they should be relieved of this filing obligation.

Petitioners assert that the production cost report has not fulfilled its avowed purpose of enabling the customers of Tennessee and the Commission's staff to analyze, on a current basis, all of the Tennessee and Tenneco production plant costs in order to be in a position to participate in an expeditious disposition of cost issues concerning the pipeline function. Petitioners claim that they know of no utilization or application of the production cost report and conclude that, therefore, the report is not of sufficient value to the Commission staff to serve as an analytical tool. Petitioners further assert that the unit cost derived in such report has not been shown to be the proper measure of the cost of pipeline produced gas. Petitioners allege that the annual report requirement is discriminatory as to themselves. Petitioners claim that they know of no other independent producers or pipeline producers affected by the various area rate proceedings who have been or are presently required to report such cost information on an annual recurring basis. Petitioners also allege that the annual report cannot be filed in sufficient time to be of current value as analytical device and state that much of the information necessary for compiling the report, specifically, data requisite to the computation of Federal income taxes, is not available in sufficient time to allow them to file the report before August 1 for the previous calendar year costs. Petitioners contend that the annual report involves data not related to the transferred on-system production properties. Petitioners state that the report includes all domestic producting properties owned and/or operated by Tenneco irrespective of whether gas from such properties enters Tennessee's pipeline system. It is stated that the requirement to report cost data by lease types and to report cost data for all Tenneco owned and/or operated production properties, not limited to the on-system production properties, makes the reporting requirement unduly burdensome, requiring the attention of substantial numbers of Petitioners' personnel and the devotion of untold valuable man-hours.

Petitioners feel that relief from the annual filing requirements requested herein will not handicap the Commission in the performance of its duties. Petitioners state that they are only requesting that such information not be required to be reported annually on a recurring basis.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 21, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9168 Filed 5-8-73;8:45 am]

[Docket No. CP72-101]

TEXAS EASTERN TRANSMISSION CORP.

Change in Location of Hearing

MAY 2, 1973.

Notice is given that the hearing scheduled to convene in a hearing room of the Federal Power Commission in the above-entitled matter on May 15, 1973, will convene in a room at the new Federal Power Commission location on the second floor of the Union Center Plaza Building at 825 North Capitol Street NE., Washington, D.C. 20426, at the time heretofore prescribed.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9187 Filed 5-8-73;8:45 am]

[Docket No. E-7826]

UNION ELECTRIC CO.

Amendment To Interchange Agreement

MAY 1, 1973.

Take notice that on November 1, 1972, Union Electric Co. (Applicant) filed with the Federal Power Commission, pursuant to § 35.13 of regulations under the Federal Power Act, an amendment to the interchange agreement between itself and Associated Electric Cooperative, Inc. (Associated), dated March 27, 1968, and designed in FPC Rate Schedule No. 69. The Applicant and Associated are incorporated in the State of Missouri.

The Application states that the amendment to the Interchange Agreement will add a "System Participation Power" classification as between the parties and it will revise schedule III to include rates for such power and associated energy. The new classification of power will permit greater flexibility in the operations of the parties' systems by permitting transactions to take place which were not previously possible. The rate for system participation power consists of a demand charge of 25 cents per kilowatt per week plus an energy charge equal to the delivery party's cost plus 10 percent. In the event the delivering party curtails delivery of such power, the demand charge shall be reduced by 5 cents per kilowatt of curtailment for each day during which there is a reduction, not to exceed 25 cents per week.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 24, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9179 Filed 5-8-73;8:45 am]

[Docket No. CP73-261]

CROWN ZELLERBACH CORP.

Notice of Extension of Time

MAY 2, 1973.

On April 27, 1973, Crown Zellerbach Corp. filed a motion for an extension of time within which to answer the show cause order issued April 6, 1973, in the above designated matter.

Upon consideration, notice is hereby given that the time is extended to and including June 5, 1973, within which Crown Zellerbach Corp. shall comply with the above order.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9166 Filed 5-8-73;8:45 am]

[Docket No. E-8008]

FLORIDA POWER & LIGHT CO.

Notice of Extension of Time and Postponement of Prehearing Conference and Hearing

MAY 2, 1973.

On April 23, 1973, Florida Power & Light Co. filed a motion for an extension of time for the filing of a cost of service presentation for the calendar year 1972, as requested by order issued March 29, 1973 in the above-designated matter. The motion states that Clay Electric Cooper-

ative, Inc., Glades Electric Cooperative, Inc., Lee County Electric Cooperative, Inc., Okefenoke Rural Electric Membership Corp., Peace River Electric Cooperative, Inc., and Suwannee Valley Electric Cooperative, Inc., and staff counsel have no objection to the requested extension, provided a similar extension is granted for the other procedural dates.

Upon consideration, notice is hereby given that the time is extended to and including May 31, 1973, within which Florida Power & Light Co. shall file its cost of service presentation for the calendar year 1972. The other procedural dates are modified as follows:

Commission staff testimony and exhibits, September 4, 1973.
Prehearing Conference [1], September 17, 1973 (10 a.m., e.d.t.)
Interveners' testimony and exhibits, September 24, 1973.
Florida Power & Light Co. rebuttal testimony, October 9, 1973.
Cross examination, October. 23, 1973 (10 a.m., e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9165 Filed 5-8-73;8:45 am]

[Dockets Nos. RP66-4 and RP68-1]

FLORIDA GAS TRANSMISSION CO.

Notice of Refunds

MAY 2, 1973.

Take notice that on March 5, 1973, Florida Gas Transmission Co. (Florida) tendered for filing a substitute tariff sheet, supporting computations, and refund plan in compliance with opinion No. 611, as revised by opinion No. 611-A. Florida states that in compliance with ordering paragraph B of opinion 611-A, there is transmitted herewith the revisions in the appendix contained in opinion No. 611 reflecting the adjustments to cost of service and cost allocation ordered in opinion No. 611-A and a substitute tariff sheet. Additionally, Florida states that it also includes as part of this filing the computations of the principal amount of refunds, together with the related interest to March 20, 1973. Florida states further that the refunds will be made on March 20, 1973, in compliance with paragraph (C) of opinion 611-A and an appropriate report and releases will be filed in compliance with ordering paragraph (D) within 30 days after the refunds are made. According to Florida, copies of this letter and its enclosures have been served upon all intervenors, all jurisdictional customers, and the Florida Public Service Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20406, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 15, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,

[FR Doc.73-9161 Filed 5-8-73;8:45 am]

[Docket No. E-8136]

MISSOURI POWER & LIGHT CO.

Notice of Proposed Changes in Rates and Charges

MAY 2, 1973.

Take notice that on April 18, 1973, Missouri Power & Light Co. (Missouri) tendered for filing Missouri Rate Schedule FPC No. 33, city of Linneus, Mo. Missouri states that this is an electric service agreement dated December 7, 1971, ordinance No. B-1X, between Missouri Power & Light Co. and the city of Linneus, Mo. Missouri further states that this new agreement supercedes a similar one and no changes were made in tariffs and conditions other than extending the term 10 years from December 7, 1971.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 16, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9162 Filed 5-8-73;8:45 am]

[Docket No. CP71-50]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Amended Petition to Amend

MAY 2, 1973.

Take notice that on April 24, 1973, Natural Gas Pipeline Co. of America (Petitioner), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in docket No. CP71-50 an amended petition to amend the order issued in said docket on December 7, 1970 (44 FPC 1541) pursuant to section 7(c) of the Natural Gas Act by authorizing the operation of facilities and the transportation and exchange of natural gas with Phillips Petroleum Co. (Phillips), all as more fully set forth in the amended petition which is on file with the Commission and open to public inspection.

By the order issued in the instant docket Petitioner is authorized to exchange with Phillips natural gas which Petitioner has available from the Quinduno Field, Roberts County, Tex. In a petition to amend filed September 27, 1972, Petitioner stated that because additional quantities of gas would become available as a result of increases in oil allowables, gas-oil ratios, and gas cap production, it would be necessary to construct and operate an additional delivery point in Roberts County and a redelivery point in Woodward County, Okla., and to increase the volume of gas exchanged with Phillips. Petitioner proposed to construct and operate an additional 3,000 hp of compression at its Quinduno field compressor station, approximately 2.5 miles of 10-inch pipeline, an additional exchange point in Roberts County, measuring facilities, a tap connection in Woodward County, and miscellaneous appurtenant facilities at a cost of $1,241,400.

In its amended petition Petitioner states that it constructed the Roberts County delivery point and the 2.5-mile pipeline, from the Quinduno station to an existing pipeline of Phillips, and placed the facility in operation on September 26, 1972, within the contemplation of § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22), in order to permit Petitioner to receive increased and increasing volumes of gas from the Quinduno Field. The quantities of gas from the field are said to have exceeded the capability of the then existing facilities.

Petitioner states that based upon the latest information now available, the originally estimated number of oil well completions into the gas cap has not materialized and the gas-oil ratios have not been increased as anticipated. Accordingly, Petitioner states, it has now determined that there is no need for the additional 3,000 hp of compression or for the Woodward County redelivery point.

Petitioner requests authorization to retain in place and operate the constructed facilities and to use said facilities for the exchange of gas with Phillips. The facilities were constructed at a cost of $103,000.

Any person desiring to be heard or to make any protest with reference to the amended petition to amend should on or before May 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to

---

[1] After May 13, 1973, the new address of the Federal Power Commission will be: 825 North Capitol Street NE., Washington, D.C.

a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-9163 Filed 5-8-73;8:45 am]

FEDERAL RESERVE SYSTEM

ALABAMA BANCORPORATION

Acquisition of Bank

Alabama Bancorporation, 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 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to the J. C. Jacobs Banking Co., Inc., Scottsboro, 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 29, 1973.

Board of Governors of the Federal Reserve System, May 2, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9124 Filed 5-8-73;8:45 am]

ALABAMA BANCORPORATION

Acquisition of Bank

Alabama Bancorporation, 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 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to the American National Bank of Huntsville, Huntsville, 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 28, 1973.

Board of Governors of the Federal Reserve System, May 1, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9103 Filed 5-8-73;8:45 am]

BERKSHIRE BANCORP, INC.

Proposed Retention of O-T-C Investor Service Corp.

Berkshire Bancorp, Inc., Pittsfield, Mass., 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 retain voting shares of O-T-C Investor Service Corp., Pittsfield, Mass. Notice of the application was published in the following newspapers of general circulation on the dates indicated below:

The Boston Globe, Boston, Mass., Feb. 16, 1973.
The Berkshire Eagle, Pittsfield, Mass., Feb. 16, 1973.
The New York Times, New York, N.Y., Feb. 16, 1973.
The Worcester Telegram and Gazette and Sunday Telegram, Worcester, Mass., Feb. 19, 1973.

Applicant states that the subsidiary engages in the activities of making loans to individuals secured by over-the-counter securities or securities of limited marketability. Such activities have been specified by the Board in § 225.4(a) of regulation Y as generally 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 Boston.

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 28, 1973.

Board of Governors of the Federal Reserve System, April 30, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9099 Filed 5-8-73;8:45 am]

CENTRAL NATIONAL BANCSHARES, INC.

Acquisition of Banks

Central National Bancshares, Inc., Des Moines, Iowa, 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:

(1) 90 percent or more of the voting shares of Kossuth Security Investment Co., Mason City, Iowa, and, through that company, 80 percent or more of the voting shares of the Security State Bank, Algona, Iowa;

(2) 90 percent or more of the voting shares of United American Investment Co., Mason City, Iowa, and through that company, 80 percent or more of the voting shares of First State Bank, Britt, Iowa; and

(3) 90 percent or more of the voting shares of Unibank, Inc., Mason City, Iowa, and through that company, 80 percent or more of the voting shares of United Home Bank & Trust Co., Mason City, Iowa. 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 Chicago. 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 28, 1973.

Board of Governors of the Federal Reserve System, April 30, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9102 Filed 5-8-73;8:45 am]

FIDELITY UNION BANCORPORATION

Order Approving Acquisition of Suburban Finance Co. of Newark

Fidelity Union Bancorporation, Newark, N.J., 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 Suburban Finance Co. of Newark, Newark, N.J. (Suburban). Suburban engages in the activities of (1) making small personal loans to individuals, (2) making personal loans secured by second mortgages on residential real estate, and (3) acting as agent for the sale of credit life and disability insurance covering the unpaid balance of outstanding loans made by Suburban. Such activities have been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1) and (9)).

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 3627). The time for filing comments and views has expired and none have been timely received.

Applicant controls three banks with aggregate deposits of $913 million, representing 5.2 percent of the total deposits of commercial banks in New Jersey.[1] Two of applicant's subsidiary banks, including its lead bank, are located in the relevant market area.[2]

Suburban (total assets of $6.5 million) also has the majority of its seven offices in the greater Newark area, so that there is direct competition between applicant's two banking subsidiaries and Suburban

[1] Banking data are as of June 30, 1972.

[2] The relevant market area is approximated by the greater Newark area, which consists of Essex County, Union County except for the Plainfield area, the eastern half of Morris County, and Hudson County west of the Hackensack River.

in the market for small consumer installment loans. However, Suburban is not a large factor with approximately 4 percent of the market and total outstandings of $3.8 million as of May 31, 1972. If the small consumer installment loans of applicant's subsidiary banks, which approximate 1½ percent of the market, are added to Suburban's consumer installment loans, the resulting figure would still represent only about 5½ percent of the relevant market. Moreover, there are 28 consumer finance companies located in the greater Newark market and there are 33 commercial banks which make small consumer installment loans. Considering the large number of lending alternatives, the Board is of the opinion that applicant's acquisition of Suburban would not have a significant effect on existing or potential competition in the small consumer installment loan market. Suburban acts as an agent for the sale of credit insurance related to loans it originates. Due to the limited nature of this activity applicant's acquisition of Surburban would not appear to have a significantly adverse effect on competition in this product line.

There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, or unsound banking practices. Approval of the application, by giving Suburban access to applicant's financial resources, should enhance its competitive effectiveness and enable it to expand the range of services it offers.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that consummation of the proposal herein can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of regulation Y and 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,[3] effective April 30, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9098 Filed 5-8-73;8:45 am]

FIRST NATIONAL CHARTER CORP.

Acquisition of Bank

First National Charter Corporation, Kansas City, Mo., 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 90 percent or more of the voting shares of Commercial Bank of Lexington, Lexington, Mo. 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 Kansas City. 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 28, 1973.

Board of Governors of the Federal Reserve System, April 30, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.

[FR Doc.73-9096 Filed 5-8-73;8:45 am]

FIRST NATIONAL HOLDING CORP.

Order Approving Acquisition of Fairlane Finance Co.

First National Holding Corp., Atlanta, Ga., 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 substantially all the assets of Fairlane Finance Co., Inc. (Fairlane), Easley, S.C., a company engaged in the activities of making, acquiring, and servicing loans or other extensions of credit for personal, family, or business purposes and acting as agent in the sale of credit life, accident and health, and disability insurance in connection with such loans. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1), 3 and 9(ii)(a)).

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors has been duly published (38 FR 5212). The time for filing comments has expired, and none has been timely received.

Applicant controls the First National Bank of Atlanta, Atlanta, Ga., which has deposits of $870 million, representing approximately 10 percent of total deposits in commercial banks in Georgia. Applicant's nonbanking subsidiaries are engaged principally in mortgage banking and consumer financing in the States of Georgia, Florida, Louisiana, Mississippi, and Alabama.

Fairlane operates as a licensed small loan lender, installment sales finance company and short-term business credit lender with 12 offices, 11 of which are located throughout South Carolina and one of which is located in Statesville, N.C.[1] As of June 30, 1972, Fairlane held $4.7 million in small loans outstanding and $1.1 million in sales finance loans outstanding. Applicant's nonbanking subsidiaries are not engaged in any activities in the eight separate markets in North and South Carolina where Fairlane's offices are located and, in fact, conduct no activities in these States at the present time. No competition exists, therefore, between applicant's finance company subsidiaries and Fairlane. The loan activities in North and South Carolina of applicant's bank subsidiary are only nominal and, therefore, no meaningful competition exists between that bank and Fairlane.

Applicant appears to have the resource and managerial capability to enter markets served by Fairlane through formation of its own consumer loan companies. However, there are numerous active competitors in the markets served by Fairlane, including a number of consumer loan companies with regional or national affiliations; in addition, the many potential entrants and the relative ease of entry into the consumer finance business, diminishes any possible adverse effects that consummation of the proposed acquisition might have on potential competition. The Board concludes that consummation of the proposed acquisition would have no significant adverse effects on existing or potential competition in any relevant area.

It is anticipated that Fairlane's affiliation with applicant, by providing access to the greater financial resources of applicant, will enable Fairlane to compete more effectively with other consumer finance lenders in the areas in which it operates. There is no evidence in the record indicating that consummation of the proposed acquisition would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects.

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. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[2] effective April 30, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc. 73-9101 Filed 5-8-73; 8:45 am]

[1] Fairlane's assets include an insurance company which discontinued writing policies in 1968. Applicant is seeking approval herein to acquire only the consumer finance activities of Fairlane and not that company's insurance subsidiary.

[2] Voting for this action: Chairman Burns and Governors Robertson, Daane, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Brimmer.

[3] Voting for this action: Chairman Burns and Governors Robertson, Daane, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Brimmer.

FIRST UNITED BANCORPORATION, INC.

Order Approving Acquisition of Bank

First United Bancorporation, Inc., Fort Worth, Tex., 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 all of the voting shares (less directors' qualifying shares) of Cleburne National Bank, Cleburne, Tex. (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 second largest multibank holding company headquartered in the Fort Worth SMSA, has four subsidiary banks[1] in that area which control aggregate deposits of $586 million,[2] representing 1.9 percent of commercial bank deposits in the State. If the proposed acquisition is approved, applicant's share of the SMSA deposits will increase by about 1 percent, and applicant's position in relation to the State's other banking organizations would remain unchanged.

Bank ($21 million in deposits), the second largest bank in Cleburne, is the 21st largest bank in the Fort Worth SMSA, controlling 1 percent of deposits in commercial banks in the SMSA.

Although all of applicant's present subsidiary banks and Bank are located in the Forth Worth SMSA, the nearest subsidiary is located 25 miles from Bank. Bank primarily serves the Cleburne area, and there appears to be little competition between Bank and any of applicant's present subsidiaries. The Fort Worth area has experienced rapid growth over the past 10 years, but Cleburne's growth has not kept pace. In view of this, de novo entry into Cleburne does not appear attractive. It does not appear likely that meaningful competition between Bank and applicant would develop in the future in view of the distances involved, the number of intervening banks, and Texas' restrictive branching laws. The Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Bank, and of applicant and its present subsidiaries, are regarded as satisfactory. Applicant intends to increase the equity capital of its lead bank by $10 million within the next 12 months. Accordingly, considerations relating to the banking factors are consistent with approval.

Applicant proposes to introduce a number of new services at Bank, including installment loan and trust services. Considerations relating to the convenience and needs of the community to be served are consistent with approval. It is the Board's judgment that 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 Dallas pursuant to delegated authority.

By order of the Board of Governors,[4] effective April 30, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9100 Filed 5-8-73;8:45 am]

[1] Applicant owns 24.9 percent of the voting shares of each of two additional banks in the Fort Worth SMSA.

[2] Banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through Feb. 28, 1973.

FIRST JERSEY NATIONAL CORP.

Order Approving Acquisition of Atlantic City Loan Co.

First Jersey National Corp., Jersey City, N.J., 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 indirectly through a subsidiary, Guardian Loan Co., Inc. (Guardian), the assets of Atlantic City Loan Co., Atlantic City, N.J. (ACL). ACL engages in the activity of making small secured and unsecured installment loans to individuals. Such activity has been determined by the Board to be closely related to the business of banking (12 CFR 225.4(a)(1)).

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 8694). The time for filing comments and views has expired and none have been timely received.

Applicant controls one bank with deposits of $455.7 million representing about 2.5 percent of the total deposits of commercial banks in New Jersey.[1] Applicant's subsidiary bank does not operate in the relevant market area.[2] However, applicant's nonbanking subsidiary, Guardian, has an office in the relevant market. Guardian is the smallest consumer finance company in the area with total outstandings of $0.6 million.[3] ACL ranks as the fourth largest consumer finance company with outstandings of $0.9 million.[4] Consummation of the proposal herein would increase applicant's share of the small consumer installment loans of finance companies and commercial banks in the market from an estimated 4 percent to approximately 10 percent. However, ACL has had decreasing outstandings over the past 5 years, and its one executive officer is elderly and near retirement. No successor management has been provided. There are 7 other consumer finance companies which will remain in the market along with 12 commercial banks that make small consumer installment loans. Considering the large number of lending alternatives and ACL's declining position, the Board is of the opinion that Applicant's acquisition of ACL would not have a significant adverse effect on existing or potential competition in the small consumer installment loan market.

There is no evidence in the record to indicate that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, or unsound banking practices. Approval of the application, by giving ACL access to increased management depth, would insure that ACL would continue as a viable force in the market and would be able to maintain and expand its services. Based upon the foregoing and other considerations reflected in the record, the Board has determined that consummation of the proposal herein can reasonably be expected to produce benefits to the public that outweigh possible adverse effects.

The vehicle through which applicant proposes to acquire the assets of ACL is a wholly owned subsidiary of Guardian Commercial Corp. (GCC).[5] The shares of GCC were acquired by applicant on June 30, 1970, and under the provisions of section 4(a)(2) of the act may not be retained beyond December 31, 1980, without Board approval. Applicant has not as yet filed an application to retain such shares, nor has the Board, in its consideration of the instant proposal, passed on the merits of such retention. Under these circumstances, the Board believes that it would be in the public interest to approve the acquisition of ACL on the condition that applicant maintain the assets of ACL separate and apart from those of GCC, and, upon consummation of the acquisition, operate ACL as a separate business entity. This condition may be lifted at such time as the Board has an opportunity to make a determination on any application subsequently filed to retain the shares of GCC.

Accordingly, the application is hereby approved on the condition that applicant maintain the assets of ACL separate and

[4] Voting for this action: Chairman Burns and Governors Robertson, Daane, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Brimmer.

[1] Banking data are as of June 30, 1972.

[2] The relevant market area is approximated by Atlantic County, plus the two southern most municipalities of Burlington County, the four southernmost municipalities and the southeastern coastal area in Ocean County, and the municipality of Ocean City in Cape May County.

[3] The relevant product line is small consumer installment loans.

[4] Consumer finance company data are as of May 31, 1972.

[5] GCC, with total assets of $34.2 million, is engaged in the business of granting personal loans, installment sales financing, lease financing of automobiles and equipment, and reinsurance of credit life and credit accident and health insurance.

apart from those of GCC and operate ACL as a separate business entity. This determination is further subject to the conditions as set forth in § 225.4(c) of regulation Y and the Board's authority to require such modification or termination of the activities of the holding company or any of its subsidiaries as the Board finds necessary to insure compliance with the conditions 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,[6] effective April 30, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9094 Filed 5-8-73;8:45 am]

FIRST TENNESSEE NATIONAL CORP.

Order Approving Acquisition of Bank

First Tennessee National Corp., Memphis, Tenn., 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 all of the voting shares of the successor by merger to the Fountain City Bank, Knoxville, Tenn. (Bank). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization 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. 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 section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant, the largest banking organization in Tennessee, controls seven banks with aggregate deposits of $1.013 billion representing approximately 11 percent of the total commercial bank deposits in the State. (Banking data are as of June 30, 1972, adjusted to reflect holding company formations and acquisitions approved by the board through March 19, 1973.) The acquisition of Bank (deposits of $48.9 million) would increase applicant's percentage share of deposits in the State by less than six-tenths of 1 percent and would not result in a significant increase in the concentration of banking resources in Tennessee.

Bank, located in Knoxville, Tenn., is the fifth largest of 13 banks in the Knoxville banking market (approximated by the Knoxville SMSA). Bank holds 5.7 percent of total market deposits, whereas the four largest banks each control approximately 32, 23, 10, and 7 percent, respectively. Applicant's nearest subsidiary banking office is located in a separate market area, approximately 40 miles east of Bank. The distances between Bank and applicant's subsidiaries preclude significant present competition between them. Furthermore, due to the distances involved and restrictions placed on branching by Tennessee laws, there is little probability of substantial future competition developing between any of applicant's subsidiaries and Bank. The Board concludes that consummation of the proposal would not eliminate existing or potential competition, nor would it have significantly adverse effects on any competing bank.

Considerations relating to the financial and managerial resources and future prospects of applicant, its subsidiary banks, and Bank are satisfactory and consistent with approval of the application. While it appears that major banking needs in the area are being met, considerations relating to the convenience and needs of the communities to be served are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

Applicant controls two nonbanking subsidiaries, Norlen Life Insurance Co., Phoenix, Ariz., an Investors Mortgage Service, Inc., Memphis, Tenn., which were acquired on October 21, 1969, and on January 17, 1969, respectively. Norlen Life Insurance Co. reinsures underwriters of credit life insurance, and Investors Mortgage Service, Inc., is a mortgage broker which manages real estate for others and develops real estate. Investors Mortgage Service, Inc., owns two subsidiaries, Griffen Mortgage Co., a mortgage broker acquired on December 4, 1969, and Investors Service, Inc., a real estate developer acquired on January 8, 1970.

In approving this application, the Board finds that the combination of an additional subsidiary bank with applicant's existing nonbanking subsidiaries is unlikely to have an adverse effect upon the public interest at the present time. However, applicant's banking and nonbanking activities remain subject to Board review and the Board retains the authority to require applicant to modify or terminate its nonbanking activities or holdings if the Board at any time determines that the combination of applicant's banking and nonbanking activities is likely to have adverse effects on 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 such period is extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[7] effective April 30, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9095 Filed 5-8-73;8:45 am]

VIRGINIA NATIONAL BANKSHARES, INC.

Order Approving Acquisition of Atlantic Discount Corp.

Virginia National Bankshares, Inc., Norfolk, 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 Atlantic Credit Corp., Elizabeth City, N.C., the successor by reorganization to Atlantic Discount Corp. (Atlantic), Elizabeth City, N.C. Atlantic, through its operating subsidiaries, engages in:[1] Sales finance company activities; consumer finance company activities; acting as agent in the sale of credit life insurance, credit accident and health insurance, and automobile physical damage insurance in connection with extensions of credit by its finance company subsidiaries; reinsurance of credit life and credit accident and health insurance;[2] and mortgage company activities. Such activities have generally been determined to be closely related to banking (12 CFR 225.4(a) (1), (3), (9), and (10)). 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 4539). The time for filing comments and views has expired and none has been timely received.

Applicant, the second largest banking organization in Virginia, controls two banks with aggregate deposits of $1.1 billion representing 11.3 percent of commercial bank deposits in the State. (All banking data are as of June 30, 1972, adjusted to reflect bank holding company

[6] Voting for this action: Chairman Burns and Governors Robertson, Daane, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Brimmer.

[7] Voting for this action: Chairman Burns and Governors Robertson, Daane, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Brimmer.

[1] In addition to the activities enumerated above, Atlantic is also engaged in the conduct of a general insurance agency in North Carolina through its mortgage banking subsidiary. Such activity has not been determined by the Board to be closely related to banking and will be terminated if the proposed acquisition is approved.

[2] Atlantic's reinsurance subsidiary presently also acts as a reinsurer of credit life and credit accident and health insurance policies for third parties. If the acquisition is approved, the proposed subsidiary would act as reinsurer solely for Atlantic and other subsidiaries of applicant.

formations and acquisitions approved through March 31, 1973.)

Atlantic performs management and accounting services for its operating subsidiaries and does not directly transact any business with the public. Nineteen of its 21 operating subsidiaries are engaged in finance company activities while the other two subsidiaries are engaged in mortgage company activities and the reinsurance of credit life and credit accident and health insurance policies, respectively. Seven of the subsidiaries are sales finance companies engaged primarily in financing automobile purchases through direct and indirect installment loans and also furnish wholesale inventory financing to automobile dealers while 12 are consumer finance companies engaged almost exclusively in making small loans. As of April 30, 1972, the sales finance companies had outstanding loans of $6.5 million and the consumer finance companies had outstanding loans of $3.6 million. The finance companies also act as agent for the sale of credit life insurance, credit accident and health insurance, and automobile physical damage insurance in connection with their extensions of credit.

All of Atlantic's consumer finance subsidiaries and six of the seven sales finance subsidiaries are located in the northeastern third of North Carolina. The seventh sales finance subsidiary is located in Suffolk, Va. Applicant does not engage in consumer or sales finance company activities in North Carolina nor does there appear to be a substantial likelihood that it will engage de novo in these activities in North Carolina. Applicant's lead bank has a branch office in Suffolk, Va., which during 1972 made automobile loans totaling $215,000 representing approximately 2 percent of the automobile loans made in the Suffolk area while Atlantic made automobile loans totaling $470,000 representing approximately 5 percent of the automobile loans made in the market during 1972. Although there may be some overlap in the customers served by Atlantic and applicant's banking subsidiary, it does not appear that consummation of the proposed acquisition would have a significantly adverse effect on competition for automobile loans in the Suffolk market. Accordingly, the Board concludes that approval of the application insofar as it relates to the finance company subsidiaries of Atlantic would not appear to have any significant adverse effect on existing or potential competition. The competitive effects of the proposed insurance agency activities are also regarded as consistent with approval of the application.

Atlantic's mortgage company subsidiary originated $1.5 million of mortgage loans for itself and others in the year ending April 30, 1972, and had a mortgage servicing portfolio of $3.1 million as of that date. Applicant has only a nominal amount of mortgage loans in North Carolina and approval of the application would not eliminate any meaningful existing competition. While there is some reason to believe that applicant might enter the North Carolina mortgage banking market de novo, the small size of the proposed subsidiary mortgage company makes unlikely any significant elimination of future competition by consummation of the proposed acquisition. The competitive effects of the proposal, insofar as they relate to the mortgage company, are consistent with approval of the application.

Applicant's greater access to financial resources may assure Atlantic of more ready access to funds and enable it to become a more effective competitor, and thus increase public convenience and stimulate competition with affiliates of larger regional and national financial organizations active in both the finance company and mortgage company industries in the relevant markets. 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 with respect to the proposed finance company, mortgage company and insurance agency activities.

Atlantic also engages in the activity of underwriting, as reinsurer, of credit life and credit accident and health insurance which is directly related to its extensions of credit. Applicant has also indicated that the proposed underwriting activities would include underwriting such insurance for its subsidiaries as well. Applicant does not presently engage in insurance underwriting activities and the proposed affiliation with Applicant would appear to have no significant effects on competition within the underwriting industry.

In adding credit life underwriting to the list of permissible activities for bank holding companies, the Board stated that, "To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service." (12 CFR 225.4(a)(10).) Applicant has stated that the proposed reinsurance subsidiary and the direct insurer which issues the credit life and credit accident and health insurance policies made available by its lending subsidiaries will reduce the rates charged for credit life and credit accident and health insurance by at least 10 percent in Virginia and 15 percent in North Carolina. It appears that the proposed rates are below those generally prevailing in the areas involved. It is the Board's judgment that these benefits to the public outweigh any possible adverse effects of the proposed reinsurance activities.

Accordingly, the application is hereby approved. This determination is 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,[1] effective April 30, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-9097 Filed 5-8-73;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCCUPATIONAL SAFETY AND HEALTH

SUBCOMMITTEE ON COMPLIANCE

Notice of Meeting

Notice is hereby given of a meeting of the Subcommittee on Compliance of the National Advisory Committee on Occupational Safety and Health established by section 7(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 656).

The meeting will begin at 9:30 a.m. on May 15, 1973, in room 216 A, B, C, and D of the Department of Labor Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The purpose of the meeting is to consider revisions to the OSHA "Compliance Manual" which was issued in January 1972.

Any written data, views, or arguments concerning the subjects to be considered, which are received by the Committee's Executive Secretary, on or before May 14, 1973, together with 25 duplicate copies, will be provided to the members and will be included in the minutes of the meeting.

Interested persons wishing to address the subcommittee at the meeting should submit a request to be heard together with 25 copies thereof to the Executive Secretary no later than May 14, 1973, stating the nature of their intended presentation and the amount of time they will need. At the commencement of the meeting the chairman will announce the extent to which time will permit the granting of such requests.

Communications to the Executive Secretary should be addressed as follows: Mr. Roger W. Grant, Executive Secretary, National Advisory Committee on Occupational Safety and Health, room 1120b, 1726 M Street NW., Washington, D.C. 20210.

Signed at Washington D.C., this fourth day of May 1973.

ROGER W. GRANT,
Executive Secretary.

[FR Doc.73-9293 Filed 5-8-73;8:45 am]

[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Sheehan, and Bucher. Absent and not voting: Governors Mitchell and Brimmer.

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

NOTICE OF MEETING

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770, 1972), notice is hereby given that the National Advisory Committee on Oceans and Atmosphere (NACOA), established under Public Law 92-125, as amended, will meet at 10 a.m. on May 10, and at 9 a.m. on May 11, 1972, in room 6802, Main Commerce Building, 14th and E streets NW., Washington, D.C.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by Congress by Public Law 92-125, on August 16, 1971. Its duties are to: (1) Undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration. It is cleared for classified information up to and including Secret.

The purpose of the meeting is to inform the Committee regarding recent and prospective developments in two areas of concern—the control of thermal pollution and law of the sea negotiations—and to develop recommendations on these and other national policy and planning issues for possible inclusion in the Committee's forthcoming annual report, a public document, due for submission to the Secretary of Commerce on June 30, 1973, as per statute. This material is based on information regarding agency programs, policies, and priorities still in the process of formulation obtained through agency observers and staff detailed to the Committee as provided for in the statute. The topics cover coastal zone management, energy, minerals, living resources, ocean science, atmospheric programs, engineering support, and organization.

The Assistant Secretary of Commerce for Administration has determined that the briefing by the Department of State on law of the sea negotiations will consist of information which, if written, would fall within exemptions (1) and (5) of 5 U.S.C. 552(b), and that the briefing on thermal pollution by the Environmental Protection Agency will be based on working documents internal to the agency whose final form is not yet decided, and that it, together with other material described above, will consist of exchanges of opinions and discussions which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close this portion of the meeting to protect the free exchange of internal views and to avoid undue interference with the operation of the Committee.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, room 5225, Washington, D.C. 20230. Telephone: 967-3343.

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

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc. 73-9064 Filed 5-8-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

KANSAS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on May 2, 1973, the President declared a major disaster as follows:

I have determined that the damages in certain areas of the State of Kansas from severe storms and flooding, beginning about March 3, 1973, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Kansas. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. Francis X. Tobin, Regional Director, OEP region 7, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that act for this disaster.

I do hereby determine the following areas in the State of Kansas to have been adversely affected by this declared major disaster.

The counties of:

Atchison	Labette
Barber	Lincoln
Barton	Linn
Bourbon	Lyon
Brown	Marshall
Butler	Marion
Chautauqua	Meade
Cherokee	Miami
Clark	Montgomery
Coffey	Morris
Crawford	Nemaha
Dickinson	Ness
Doniphan	Osborne
Edwards	Ottawa
Ellsworth	Pawnee
Ford	Pottawatomie
Gray	Pratt
Harper	Reno
Harvey	Rice
Haskell	Rush
Hodgeman	Russell
Jackson	Saline
Jefferson	Sedgwick
Kingman	Seward
Kiowa	Shawnee
Stafford	Sumner
Stevens	Washington

Dated May 4, 1973.

DARRELL M. TRENT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-9148 Filed 5-8-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3367]

AMERICAN VARIABLE ANNUITY LIFE ASSURANCE CO. ET AL.

Application Pursuant to Section 6(c) of the Act for Exemption From Provisions of Section 22(d) of the Act

Notice is hereby given that American Variable Annuity Life Assurance Co. (Company), and American Variable Annuity Fund (Fund), 440 Lincoln Street, Worcester, Mass. 01605 (hereinafter collectively Applicants), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order of the Commission exempting Applicants from the provisions of section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a complete statement of the representations contained therein which are summarized below.

The Company, an Arkansas stock insurance company, is a wholly owned subsidiary of the State Mutual Life Assurance Co. of America (State Mutual), a Massachusetts mutual life insurance company. The Fund, a diversified, open-end management investment company registered under the Act, was established by the Company for the purpose of setting aside, separate from the Company's general assets, assets used to fund the variable portions of variable annuity contracts sold by the Company. The Company serves as principal underwriter of the Fund.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by the company to any person except at a current public offering price described in the prospectus.

Applicants request an exemption from section 22(d) of the Act to permit the application of amounts payable under insurance contracts written by the Company, such as death benefits, maturities under endowment contracts, and surrender values (collectively referred to as insurance proceeds), to purchase individual single payment variable annuity contracts offered by Applicants (contracts) with a reduced charge for sales and administrative expense. The Commission has previously granted an exemption permitting a reduced charge to be made for sales and administrative expense with respect to purchase payments made with proceeds of insurance and annuity contracts written by State Mutual and by The Hanover Life In-

surance Co. (Hanover), a 99-percent owned subsidiary of State Mutual.

Applicants' contracts provide for deductions for sales and administrative expense in the following amounts:

Portion of total payments	Percentage deduction	Portion representing sales charge	Portion representing administrative and other expense charge
	Percent	*Percent*	*Percent*
First $10,000	7.0	6.0	1.0
Next 15,000	6.0	5.0	1.0
Next 25,000	5.0	4.0	1.0
Next 25,000	4.0	3.5	0.5
Next 25,000	3.0	2.6	0.4
Balance	2.0	1.7	0.3

With respect to a purchase payment made with proceeds of insurance and annuity contracts written by State Mutual and Hanover, Applicants' contracts provide for deductions for sales and administrative expense as stated below:

Portion of total payments	Percentage deduction	Portion representing sales charge	Portion representing administrative and other expense charge
	Percent	*Percent*	*Percent*
First $10,000	4.0	3.0	1.0
Next 15,000	3.0	2.2	0.8
Next 25,000	2.0	1.5	0.5
Balance	1.0	0.8	0.2

Applicant proposes to apply the same schedule of reduced charges to purchase payments made with proceeds of insurance contracts written by the Company.

Applicants assert that since the contracts are bilateral agreements, and their maturity and terms of payment during the annuity period depend, among other things, on the age, sex, and longevity of a particular annuitant, there is no market in the contracts and no way in which the requested exemption could lead to disruption of their orderly distribution.

Applicants further assert that the requested exemption will not create unfair discrimination since the premiums on State Mutual's and Hanover's insurance and annuity contracts will already have been subject to sales and administrative charges, and applying insurance and annuity proceeds to purchase the contracts will not involve such substantial additional sales and administrative activities as to require imposition of an additional full charge. Reducing the charge for sales and administrative expense in the manner proposed will avoid an unnecessary accumulation of charges to the persons entitled to the insurance and annuity proceeds. Moreover, inasmuch as a reduced charge for sales and administrative expense is presently permitted with respect to proceeds of insurance and annuity contracts written by State Mutual and Hanover, companies affiliated with Applicant, it would be inconsistent not to apply a reduced charge for sales and administrative expense with respect to proceeds of insurance contracts written by Applicant.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 29, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-9091 Filed 5-8-73;8:45 am]

[812-3380]

AMERICAN VARIABLE ANNUITY LIFE ASSURANCE CO. ET AL.

Application Pursuant to Section 6(c) of the Act for Exemption From Provisions of Section 22(d) of the Act

Notice is hereby given that American Variable Annuity Life Assurance Co. (Company), and American Variable Annuity Fund (Fund), 440 Lincoln Street, Worcester, Mass. 01605 (hereinafter collectively called Applicants), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order of the Commission exempting Applicants from section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

The Fund, a diversified, open-end management company registered under the Act, was established by the Company in connection with the offering to the public of individual and group variable annuity contracts (contracts). The Company, an Arkansas stock insurance company, is a wholly owned subsidiary of State Mutual Life Assurance Company of America, a Massachusetts mutual life insurance company. The Company serves as principal underwriter for the Fund.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by the company to any person except at a current public offering price described in the prospectus.

Under Applicants' contracts, each net purchase payment is allocated to the Fund for accumulation on a variable basis or to the Company's general assets for accumulation on a fixed-dollar basis, except that at least a portion of such payment must be allocated for accumulation on a variable basis. The same rate of charge for sales and administrative expense (sales charge) applies whether amounts are allocated to the Fund or to the general assets.

Applicants' contract will permit values accumulated on a fixed basis to be transferred to the Fund at any time not less than 1 month preceding the annuity commencement date, upon written request by the contract owner (or participant, where applicable) and the Company's consent. The Company reserves the right to limit the frequency and amount of such transfers. Normally, a contract owner will be permitted to elect that a dollar amount not exceeding certain specified limits per contract year (or participation year, where applicable) be transferred to the Fund; currently such dollar amount would not be permitted to exceed $10,000.

An exemption is requested from section 22(d) of the Act to the extent necessary to permit values accumulated on a fixed-dollar basis to be transferred to the Fund for accumulation on a variable basis, during the period before the annuity commencement date, without the imposition of an additional sales charge, subject eo the limitation that the right to make such transfers without imposition of this charge would be suspended for the remainder of any contract year (or participation year, where applicable) in which a transfer is made from the Fund to the general account of the Company. Such transfers are desirable to afford the flexibility necessary to permit financial planning such as dollar cost averaging and to permit modification of retirement plans in view of changes in economic condition or personal situations. Since the same sales charge is deducted with respect to all values ac-

cumulated under the contracts, it would be inequitable and discriminatory to impose an additional sales charge when values accumulated on a fixed-dollar basis are transferred to the Fund. The result would be to subject some persons to higher sales charges than others, depending on the initial allocation of purchase payments, even though the same number of dollars had been paid under the contracts. No selling expense is anticipated in connection with any such transfers.

The limitations on the right to make such transfers provide adequate safeguards for both the Fund and the general account of the Company Contract owners would not be able to select against the Fund since transfers from the general account of the Company to the Fund would not be permitted for the remainder of any contract year (or participation year, where applicable) in which a transfer is made from the Fund to the general account. The general account of the Company is protected from having to liquidate investments at an inopportune time by the annual dollar limitation on transfers set by the Company and the requirement that all such transfers must be approved by the Company.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 29, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-9090 Filed 5-8-73;8:45 am]

[File 500-1]

BENEFICIAL LABORATORIES, INC.

Order Suspending Trading

MAY 3, 1973.

It appearing to the Securities and Exchange Commission, that the summary suspension of trading in the common stock, warrants, units, and all other securities of Beneficial Laboratories, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 4, 1973, through May 13, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-9128 Filed 5-8-73;8:45 am]

[812-3447]

BLYTH EASTMAN DILLON & CO. INC.

Filing of Application Pursuant to Section 6(c) of the Act for an Order of Exemption From Section 30(f) of the Act to the Extent that It Adopts Section 16(b) of the Securities Exchange Act of 1934

Notice is hereby given that Blyth Eastman Dillon & Co. Inc. (Applicant), 1 Chase Manhattan Plaza, New York, N.Y. 10005, a registered broker-dealer and one of the prospective representatives of a group of underwriters being formed in connection with a proposed public offering of shares of common stock of Aetna Income Shares, Inc. (the Fund), a registered, diversified, closed-end management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicant and its counderwriters from section 30(f) of the Act to the extent that such section adopts section 16(b) of the Securities Exchange Act of 1934 (Exchange Act) with respect to their transactions incidental to the distribution of Fund shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Hornblower & Weeks-Hemphill, Noyes Inc. (8 Hanover Square, New York, N.Y. 10005), Shearson, Hammill & Co. Inc. (14 Wall Street, New York, N.Y. 10005), Shields Securities Corp. (44 Wall Street, New York, N.Y. 10005), Advest Co. (115 Broadway, New York, N.Y. 10005), Dain, Kalman & Quail Inc. (100 Dain Tower, Minneapolis, Minn. 55402) and A. G. Edwards & Sons, Inc. (1 North Jefferson Street, St. Louis, Mo. 63103) are the other prospective representatives (Representatives) of the group of underwriters (Underwriters) being formed in connection with the above public offering.

Shares of the Fund are to be purchased by the Underwriters pursuant to an underwriting agreement to be entered into between the Underwriters, represented by the Representatives, and the Fund. It is also contemplated that one or more dealers will offer and sell certain of the shares. It is intended that several Underwriters will make a public offering of all the Fund shares which such Underwriters are to purchase under the underwriting agreement at the price therein specified, on or as soon after the effective date of the company's registration statement on form S-5 (the Registration Statement) as the Representatives deem advisable, and such shares are initially to be offered to the public at a per share public offering price and subject to underwriting commissions specified in the prospectus incorporated in the Registration Statement at the time the Registration Statement becomes effective under the Securities Act of 1933. Although 4 million shares have been included for registration in the Registration Statement, the actual number of shares which may be the subject of the proposed public offering may be increased or decreased by the Representatives and the Fund shortly before the effective date of the Registration Statement and the proposed public offering, depending upon market conditions. The Fund will become an open-end company immediately upon completion of such public offering.

Applicant states that it is possible that the underwriting commitment of any one or more of the Representatives or other Underwriters will exceed 10 percent of the aggregate number of shares of the Fund's common stock to be outstanding after the purchase by the several Underwriters pursuant to the Underwriting Agreement or upon the completion of the initial public offering or at some interim time. Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Fund to the same duties and liabilities as those imposed by section 16 of the Exchange Act with respect to the transactions in the securities of the Fund, such Underwriter or Underwriters would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their

customers, subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b–2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) thereof. Applicant states that the purpose of the purchase of the shares by the Underwriters will be for resale in connection with the initial distribution of the shares. Applicant states that such purchases and sales, therefore, will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of rule 16b–2.

Applicant states that it is possible that one or more of the Underwriters, through their participation in the distribution of the Fund's shares, may not be exempted from section 16(b) of the Exchange Act by the operation of rule 16b–2. Since it is possible that one or more of the Underwriters who, pursuant to the Underwriting Agreement, will purchase more than 10 percent of the shares of the Fund may be obligated to purchase more than 50 percent of the shares of the Fund being offered, they may fail to meet the requirement stated in rule 16b–2(a)(3) that the aggregate participation of persons receiving the exemption under rule 16b–2.

In addition to purchases of shares from the Fund and sales of shares to customers, there may be transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

Applicant states that there is no inside information in existence since the Fund, prior to the initial distribution of the shares, will have no assets, other than cash, or business of any sort, and all material facts with respect to the Fund will be set forth in the prospectus pursuant to which the shares will be offered and sold. No director, officer or partner of any of the Representatives is a director or officer of either the Fund or Aetna Investment Management, Inc., the Fund's investment adviser (the Adviser), and Applicant states that it does not anticipate that any director, officer or partner of any other Underwriter or selected dealer which may be an Underwriter, will be a director or officer of the Fund or the Adviser.

Applicant submits that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicant further contends that the transactions sought to be exempted cannot lend themselves to the practices section 16(b) of the Exchange Act and section 30(f) of the Act were enacted to prevent.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from the provisions of the Act and rules and regulations promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 16, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

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

[FR Doc.73-9089 Filed 5-8-73;8:45 am]

CALIFORNIA TAX-EXEMPT BOND FUND SERIES 1, ET AL.

[812-3420]

Filing of Application Pursuant to Section 6(c) of the Act for Order of Exemption From Rule 19b–1 Under the Act

Notice is hereby given that California Tax-Exempt Bond Fund Series 1 (Series 1), California Tax-Exempt Bond Fund Series 2 (Series 2) (the Funds), both of which are registered as unit investment trusts under the Investment Company Act of 1940 (the Act), and California Tax-Exempt Bond Funds Incorporated (the Sponsor) (hereinafter collectively called Applicants), 235 Montgomery Street, San Francisco, Calif. 94104, have filed an application pursuant to section 6(c) of the Act for an order of the Commission exempting themselves and all subsequent series from the provisions of rule 19b–1 under the Act.

The Sponsor has filed a registration statement on form S–6 under the Securities Act of 1933 for a maximum of 5,500 units of fractional undivided interest in Series 2, and has also filed a registration statement on form N–8B–2 under the Act, relating to Series 2. Such registration statements have previously become effective for Series 1. The Funds are governed by trust agreements under which the Sponsor acts as such and as evaluator and Title Insurance and Trust Co. acts as trustee. Pursuant to such agreements, the Sponsor is required to deposit with the trustee $5 million principal amount of bonds which have been accumulated for such purpose and, thereafter, the trustee is to deliver to the Sponsor registered certificates for 5,000 units, which represent the entire ownership of each series. The units are then offered for sale to the public by the Sponsor directly or through an underwriting account. The organization and operation of Series 1 and the marketing of units thereof was substantially the same as will be the case in connection with Series 2 except that the Sponsor was the sole underwriter of Series 1.

The bonds will not be pledged or in any way subjected to any debt by the Funds at any time after the bonds are deposited with the trustee. All of the bonds will be tax free municipal bonds. The proceeds of bonds which have been sold in the special circumstances under which a sale may take place, redeemed, or which have matured will be distributed to unit holders, and not reinvested. Units of the Funds will remain outstanding until redeemed or until termination. There is no provision in the trust agreement for issuance of any units after the initial issue.

The organization, operation and marketing of units of each subsequent Series will be substantially the same as that of Series 2, except that the principal amount of bonds deposited (and therefore the number of units to be issued) may be different, the trustee, the evaluator and the respective fees thereof may vary, there may be depositors in addition to the Sponsor, and the Sponsor may be the sole underwriter.

Rule 19b–1(a) under the Act provides, in substance, that no registered investment company which is a "regulated investment company" as defined in section 851 of the Internal Revenue Code shall distribute more than one capital gain distribution in any 1 taxable year. Paragraph (b) of the rule contains a similar prohibition for a company not a "regulated investment company".

Distributions of principal and interest to unit holders of Series 2 will be made quarterly; such distributions in respect of Series 1 are being made semiannually and such distributions in respect of subsequent series will be made at least semiannually. Distributions of principal constituting capital gains to unit holders may arise in two instances: (1) If an issuing authority calls or redeems an issue held in the portfolio, the sums received by the series will be distributed to

unit holders on the next distribution date; and (2) if units are redeemed and bonds from the portfolio are sold to provide the funds necessary for such redemption, each unit holder will receive his pro rata portion of the proceeds from the bonds sold. In such instances, a unit holder may receive in his distribution funds which constitute capital gains since in many cases the value of the portfolio bonds redeemed or sold will have increased since the date of initial deposit.

In support of the requested exemption, the application states that the dangers against which rule 19b–1 is intended to guard do not exist in Applicants' situation since the events which give rise to capital gains are independent of any action by the Sponsor and the trustee. In addition, it is alleged that the amounts involved in a normal distribution of principal are relatively small in comparison to the normal interest distribution, and such distributions are clearly indicated in accompanying reports to unit holders as a return of principal.

Section 6(c) of the Act provides that the Commission may, upon application, conditionally or unconditionaly exempt any person, security, or transaction, or any class or classes of persons, securities, or transaction from any provisions of the Act or of any rule or regulation under the Act, if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 17, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be converted, or he may request that he be notified if the Commission orders a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

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

[FR Doc. 73-9092 Filed 5-8-73;8:45 am]

[70-5319]

GENERAL PUBLIC UTILITIES CORP.

Proposed Issue and Sale of Shares of Common Stock Pursuant to Rights Offering

Notice is hereby given that General Public Utilities Corp. (GPU), 80 Pine Street, New York, N.Y. 10005, a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(c) of the Act and rules 42 and 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the amended declaration, which is summarized below, for a complete statement of the proposed transaction.

GPU proposes to offer up to 3,940,000 authorized but unissued shares of its common stock (additional common stock) for subscription by the holders of its outstanding shares of common stock on the basis of one share of additional common stock for each 10 shares of common stock held on the record date of May 22, 1973, or such later date as GPU's registration statement under the Securities Act of 1933 may become effective. The subscription price, to be determined by GPU's board of directors on the record date, will be not more than the closing price of GPU common stock on the New York Stock Exchange on the day prior to the record date and not less than 85 percent thereof. The subscription period will expire June 15, 1973, unless the record date should be later than May 22, 1973, in which event the expiration date will be specified by amendment. The offering of the common stock will not be underwritten.

Rights to subscribe to the additional common stock will be evidenced by transferable subscription warrants which will be issued to all record holders of GPU common stock as promptly as practicable after the record date. No fractional shares will be issued; however, any holder with more than 10 shares, but not in exact multiples thereof, may purchase, at the subscription price, 1 extra share of additional common stock. A stockholder with less than 10 shares of common stock will be entitled to purchase, at the subscription price, 1 full share of additional common stock. In addition, each holder who exercises such warrant or warrants in full will be given the privilege of subscribing, subject to allotment, at the same subscription price, for shares of additional common stock not subscribed to pursuant to rights. GPU intends to take such action as is appropriate on its part to effect the admission of the warrants to dealing on the New York Stock Exchange. A commercial bank will be used as subscription agent in connection with the rights offering. GPU proposes to utilize the services of securities dealers in soliciting the exercise by the initial record holders of original issue warrants of the subscription privileges represented thereby and in disposing of the shares of additional common stock available to GPU for such disposition. GPU will pay compensation to the securities dealers, in an amount to be determined by the GPU board of directors at a later time and to be supplied by amendment, for the successful solicitation of the exercise of original issue warrants by the initial record holders thereof and in connection with the purchase of additional common stock by such dealers from GPU. The fee payable with respect to any single beneficial owner will not exceed $250.

No warrants will be mailed to stockholders with registered addresses outside the United States, Bermuda, Canada, and Mexico. Such stockholders will be informed in advance by GPU of their rights. Any of such warrants as to which no instructions have been received before the close of business on the second business day preceding the expiration date of the warrants will be sold for cash, and the net proceeds will be held for the account of such stockholders.

In connection with the rights offering, GPU may effect stabilization transactions in its common stock or warrants up to a maximum net long position equivalent to 300,000 shares.

During the 45 business days following the subscription period, GPU may make shares available for purchase by participating dealers. The price (before deduction of dealer fees) fixed by GPU shall be not less than the subscription price and shall in no event be below 90 percent of the last sale price on the New York Stock Exchange immediately preceding the time when such GPU sale price is fixed.

GPU will utilize the net proceeds realized from the sale of the common stock for additional investments in its subsidiary companies or to pay a portion of its promissory notes then outstanding, the proceeds of which have been or will be used for such investments.

Fees and expenses to be incurred by GPU are estimated at $745,000, including legal fees of $40,000, accounting fees of $22,000, printing and engraving fees of $135,000, mailing expenses of $60,000, and subscription agent charges of $432,000. It is stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 21, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request

that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit, or, in the case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.73-9087 Filed 5-8-73;8:45 am]

[File 500-1]

GREAT LAKES MEDICO PRODUCTS, INC.

Order Suspending Trading

MAY 2, 1973.

It appearing to the Securities and Exchange Commission, that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Great Lakes Medico Products, Inc. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:30 p.m. (e.d.t.) May 2, 1973, through May 11, 1973.

By the Commission.

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

[FR Doc.73-9132 Filed 5-8-73;8:45 am]

[File 500-1]

INVESTORS FUNDING CORP. OF NEW YORK AND IFC COLLATERAL CORP.

Order Suspending Trading

MAY 1, 1973.

The common stock, class A, $5 par value, of Investors Funding Corp. of New York being traded on the American Stock Exchange and otherwise than on a national securities exchange pursuant to provisions of the Securities Act of 1934 and all other securities of Investors Funding Corp. of New York and IFC Collateral Corp. being traded on or otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:30 p.m. (e.d.t.) on May 1, 1973, through May 10, 1973.

By the Commission.

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

[FR Doc.73-9127 Filed 5-8-73;8:45 am]

[37-65]

NORTHEAST UTILITIES ET AL.

Post-Effective Amendment Regarding Issue and Sale of Promissory Notes to Bank by Service Company

Notice is hereby given that Northeast Utilities (Northeast), 174 Brush Hill Avenue, West Springfield, Mass. 01089, a registered holding company, and Northeast's subsidiary companies, Northeast Utilities Service Co. (NUSCO), the Connecticut Light & Power Co. (CL&P), the Hartford Electric Light Co. (HELCO), Holyoke Water Power Co. (Holyoke), and Western Massachusetts Electric Co. (WMECO), have filed with this Commission a fifth post-effective amendment to the joint application-declaration in this matter pursuant to the provisions of the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 13(b) of the Act, and rules 50(a)(2) and 88 thereunder as applicable to the proposed transactions. All interested persons are referred to the said post-effective amendment, which is summarized below, for a complete statement of the proposed transactions.

By order dated July 30, 1969 (Holding Company Act Release No. 16437), the Commission authorized NUSCO to purchase and inventory all materials and supplies for the central warehouse (central warehouse inventory), for its own account as a wholesaler and subsequently resell and deliver such supplies and materials to the four associate operating companies named above upon their request at the actual cost thereof to NUSCO.

During the calendar year 1972, the month-end amount of the central warehouse inventory has averaged approximately $2,700,000, and at December 31, 1972, amounted $2,360,544. It is stated that about 93 percent of the inventory at that date consisted of items (such as transformers, wire and cable, street lighting equipment, etc.) ultimately chargeable to capital accounts. To effectuate the inventory program and to provide NUSCO with necessary working capital, NUSCO was authorized to issue and sell 40-year notes (40-year notes) to Northeast and Northeast was authorized to acquire such notes. At December 31, 1972, such 40-year notes were outstanding in the amount of $6,500,000.

In said post-effective amendment, NUSCO proposes to change its method of financing the central warehouse inventory by borrowing the funds from Hartford National Bank & Trust Co. (Bank) of Hartford, Conn., pursuant to a loan agreement instead of borrowing from Northeast. It is stated that the cost of such bank loans will be considerably less than the cost of borrowing from Northeast which has to provide funds through equity financing.

The loan agreement provides that NUSCO may issue and reissue unsecured promissory notes to Bank from time to time until a specified date in 1979 at an interest rate equal to 116 percent of the prime rate of interest in effect at Bank up to an aggregate principal amount outstanding at any one time of $2,500,000; that the notes will mature in 1979; and that the notes may be prepaid without penalty. The filing states that all the notes will be prepaid on or before 3 years from the date of the Commission's order with respect to this post-effective amendment unless the applicants-declarants shall, by further amendment in this proceeding, receive the Commission's authorization to continue the loan agreement for an additional period.

NUSCO will use the proceeds from the proposed notes to prepay an equal amount of the 40-year notes held by Northeast, and represents that no additional 40-year notes will be prepaid unless, as a result, NUSCO's term indebtedness to third parties would not exceed 35 percent of its total outstanding securities including surplus.

It is further stated that all funds representing the outstanding debt are used to finance the inventory and to provide necessary working capital for NUSCO during the period between the performance of services by NUSCO and reimbursement by associate companies for whom the services have been performed. Payments for these services are made on the basis of monthly billing.

The application-declaration further states that no fees or expenses will be incurred in connection with the proposed transactions, and that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 28, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said amended joint application-declaration which he desires to controvert; or he may request that he be

notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the said joint application-declaration, as amended, may be granted and permitted to become effective in the manner provided by rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.73-9086 Filed 5-8-73;9:45 am]

[File 500-1]

TOPPER CORP.

Order Suspending Trading

MAY 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, and all other securities of Topper Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 4, 1973, and continuing through May 13, 1973.

By the Commission.

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

[FR Doc. 73-9130 Filed 5-8-73;8:45 am]

[File 500-1]

TRIEX INTERNATIONAL CORP.

Order Suspending Trading

MAY 3, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, of Triex International Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 4, 1973, through May 13, 1973.

By the Commission.

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

[FR Doc.73-9131 Filed 5-8-73;8:45 am]

[812-3410]

UNITED INTERNATIONAL RESEARCH, INC.

Filing of Application Pursuant to Section 3(b)(2) of the Act For Order Declaring Company Is Not An Investment Company

Notice is hereby given that United International Research, Inc. (Applicant), 230 Marcus Boulevard, Hauppauge, Long Island, N.Y. 11787, a New York corporation, has filed an application pursuant to section 3(b)(2) of the Investment Company Act of 1940 (Act), for an order of the Commission declaring that Applicant is primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Section 3(a)(3) of the Act defines an investment company as any issuer which is engaged, or proposes to engage, in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis.

Applicant owns investment securities (as that term is defined in sec. 3(a)(3) of the Act) having a market value exceeding 40 percent of the value of its total assets (excluding cash items and Government securities) and, therefore, is an investment company within the definition set forth in section 3(a)(3) of the Act.

Applicant, which at the present time has only 17 shareholders, proposes to acquire all the assets of Shield Chemical, Ltd. (Shield), a Canadian corporation, in exchange for shares of stock of Applicant. None of the assets to be acquired by Applicant from Shield are investment securities (as that term is defined in sec. 3(a)(3) of the Act). Following the transaction, Shield will be liquidated and Applicant's shares will be distributed to the more than 400 shareholders of Shield. As a consequence of the liquidation of Shield, Applicant will have approximately 467 shareholders and as a result will be subject to the Act unless exempted pursuant to the provisions of section 3(b)(2) of the Act.

Section 3(b)(2) of the Act excepts from the definition of an investment company in section 3(a)(3) of the Act any issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or (a) through majority-owned subsidiaries or (b) through controlled companies conducting similar types of businesses.

Applicant contends that it is entitled to an order of exemption under section 3(b)(2) of the Act based upon its non-investment activities and its activities in Guardian Chemical Corp. (Guardian), a controlled company. Applicant respectfully submits that the Commission should find Applicant to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities and that Applicant is not an investment company.

Guardian, a Delaware corporation, was formed by Applicant in 1952 for the purpose of manufacturing and marketing the pharmaceutical and chemical products and cosmetics developed by Applicant. Since 1952, Applicant has held and presently holds 475,000 shares of the common stock of Guardian, representing 32.9 percent of the issued and outstanding shares of Guardian. Three of the four directors of Applicant are also directors on the six-member board of directors of Guardian. The president, vice president, and general counsel of Applicant hold the same or similar positions as officers of Guardian. Applicant and Guardian occupy the same business premises in New York. Applicant and Guardian maintain a joint group health plan, a Blue Cross plan, and a major medical/life insurance plan, and the boards of directors of Applicant and Guardian have approved and adopted a joint pension plan covering the employees of both corporations. Applicant asserts, on the basis of the foregoing facts, that it "controls" Guardian as that term is defined in section 2(a)(9) of the Act.

Applicant represents that its business consists of the developing, licensing, manufacturing, and marketing of pharmaceutical and chemical products (the manufacturing and marketing functions being carried on by the Consolidated Division of Applicant), and research and development work in the chemical and metallurgical fields performed on a consulting basis for retainer clients. For the fiscal year ended March 31, 1972, Guardian paid Applicant approximately $54,000 for such research and development services. Applicant also represents that Guardian is in the business of manufacturing, selling and distributing pharmaceutical and fine chemical products and cosmetics.

Applicant further represents that, in connection with its business activities, it maintains a portfolio of marketable securities, apart from its Guardian stock, which serves as a repository for cash not needed in the Applicant's operations, but which is available as and when the possibility of new products and processes

arises. However, Applicant contends that it is not, and has never held itself out to the public as, an investment company.

A summary of Applicant's assets, exclusive of cash items, as of February 28, 1972, on the basis of fair market value assigned by Applicant, is set forth in table I below.

TABLE I

	Value	Percent of total assets (other than cash)
Investment Securities:		
Shares of Guardian	$831,250	63.8
Shares of noncontrolled companies	368,720	28.3
Current, fixed and other assets (net of depreciation and other than cash items)	102,750	7.9
Total	1,302,720	100

Applicant represents that based on table I, exclusive of cash items and securities in noncontrolled companies, 71.7 percent of the value of its total assets is in its holdings of Guardian stock and other assets.

Applicant asserts that for the fiscal year ended February 28, 1972, gross income of Applicant was $157,473.55 (not including a deduction for losses on the sale of investment securities of noncontrolled companies in the amount of $5,113.19) of which $14,851.96, or 9.4 percent of Applicant's gross income, consisted of dividends from noncontrolled companies. Applicant further asserts that of $33,468.56 of net income (before taxes) for the fiscal year ended February 28, 1972, $14,851.96, or 44.3 percent of net income, consisted of dividends from noncontrolled companies. Of Applicant's 40 nonclerical employees, 39 are engaged in manufacturing, research and development, and only one individual, its president, is engaged to any degree in portfolio administration and investment operations.

Notice is further given that any interested person may, not later than May 29, 1973, at 5:30 p.m., submit to the Commission in writing a request for hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such requested shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

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

[FR Doc.73-9088 Filed 5-8-73;8:45 am]

[File 500-1]

U.S. FINANCIAL, INC.

Order Suspending Trading

MAY 3, 1973.

The common stock, $2.50 par value, of U.S. Financial, Inc., being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 4, 1973, through May 13, 1973.

By the Commission.

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

[FR Doc.73-9129 Filed 5-8-73;8:45 am]

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

ADVISORY BOARD

Notice of Meeting

Notice is hereby given pursuant to the Federal Advisory Committee Act, section 10(a)(2), dated October 6, 1972, that a meeting of the Advisory Board of the St. Lawrence Seaway Development Corporation will be held in the Port of Toledo board room, Toledo-Lucas County Port Authority, 241 Superior Street, Toledo, Ohio on May 24, 1973 from 10 a.m. to 11:45 a.m.

Agenda items are as follows:

(1) Opening remarks by the Administrator;
(2) Approval of minutes of prior meeting;
(3) Administrative report;
(4) Program reviews;
(5) Closing remarks.

Space is limited to 25 persons. Reservations and further information may be obtained from Mr. Robert Kraft, Special Assistant to the Administrator, Office of the Administrator, St. Lawrence Seaway Development Corporation, room 812, Building 10-A, 800 Independence Avenue, Washington, D.C. 20590 or by calling 202-426-3574.

Issued on May 2, 1973.

[SEAL] D. W. OBERLIN, *Administrator.*

[FR Doc.73-9133 Filed 5-8-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 978]

ARKANSAS

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Arkansas as a major disaster area following severe storms and flooding, beginning on or about April 1, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in Arkansas, Boone, Clark, Greene, Independence, Jackson, Lee, Monroe, Phillips, and Pulaski Counties.

Applications may be filed at the:

Small Business Administration, District Office, 600 West Capital Avenue, Little Rock, Ark. 72201.

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92-385.

Applications for disaster loans under this announcement must be filed not later than July 2, 1973.

Dated April 30, 1973.

THOMAS S. KLEPPE, *Administrator.*

[FR Doc.73-9083 Filed 5-8-73;8:45 am]

BRYAN CAPITAL, INC.

Notice of Filing of an Application for Exemption With Respect to Conflict-of-Interest Transaction

Notice is hereby given that Bryan Capital, Inc. (Bryan), 235 Montgomery Street, San Francisco, Calif. 94104, a Federal licensee under the Small Business Investment Act of 1958, as amended (the act), license No. 09/12-0079, has filed an application pursuant to § 107.1004 of the Small Business Administration (SBA) rules and regulations (13 CFR 107.1004 (1973)) for an exemption with respect to a conflict-of-interest transaction covered by section 312 of the act.

Bryan purchased 715 shares of the preferred stock of Education Today, Inc. (Education), 530 University Avenue, Palo Alto, Calif. 94301, in May 1972. This investment comes within the purview of the cited regulation because Mr. John M. Bryan, president, a director, and principal stockholder of Bryan, obtained a direct financial interest and became a

director of Education more than 30 days prior to financing. Mr. Bryan is a minority stockholder (less than 10 percent) of Education.

The application represents that the transaction is fair, reasonable, and beneficial to all parties concerned and that no special privileges or benefits will accrue to Mr. Bryan or any other stockholder or group of stockholders. The board of directors of Bryan unanimously approved (Mr. Bryan abstaining) the investment in Education.

Notice is further given that any interested person may, on or before May 24, 1973, submit to SBA, in writing, relevant comments on this transaction. Any such communication should be addressed to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. After the aforementioned 15-day period, SBA may, under the regulations, dispose of the application upon the basis of the information stated in said application and other relevant data.

Dated May 2, 1973.

DAVID A. WOLLARD,
Associate Administrator for Finance and Investment.

[FR Doc.73-9078 Filed 5-8-73;8:45 am]

[Notice of Disaster Loan Area 974]

ILLINOIS

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Illinois as a major disaster area following flooding, high winds, and lake storms, beginning on or before March 1, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in Adams, Alexander, Boone, Brown, Calhoun, Cass, Franklin, Fulton, Greene, Jackson, Jersey, Madicock, Henderson, Jo Davies, Kane, Kendall, Lake, McHenry, Mercer, Rock Island, Ogle, Pike, Randolph, St. Clair, Scott, Union, Whiteside, and Winnebago Counties.

Applications may be filed at the:

Small Business Administration, Branch Office, Ridgely Building, Room 816, 502 East Monroe Street, Springfield, Ill. 62701.

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92-385.

Applications for disaster loans under this announcement must be filed not later than June 27, 1973.

Dated April 27, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-9081 Filed 5-8-73;8:45 am]

[Notice of Disaster Loan Area 977]

LOUISIANA

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Louisiana as a major disaster area following severe storms and flooding, beginning on or about March 24, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in Ascension, Assumption, Avoyelles, Catahoula, Concordia, East Carroll, Grant, Iberville, La Salle, La Fourche, Pointe Coupee, Rapides, St. Charles, St. John the Baptist, St. Martin, St. Mary, and St. Tammany Parishes.

Applications may be filed at the:

Small Business Administration, District Office, Plaza Tower, 17th Floor, 1001 Howard Avenue, New Orleans, La. 70113.

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92-385.

Applications for disaster loans under this announcement must be filed not later than June 28, 1973.

Dated April 28, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-9082 Filed 5-8-73;8:45 am]

[Notice of Disaster Loan Area 973]

MISSOURI

Notice of Disaster Relief Loan Availability

AMENDMENT 1

As a result of the President's declaration of the State of Missouri as a major disaster area following heavy rains and flooding beginning on or about March 6, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties (see 38 FR 10339):

Adair.	Maries.
Bates.	Mercer.
Bollinger.	Moniteau.
Boone.	Montgomery.
Camden.	Morgan.
Carroll.	Newton.
Cass.	Osage.
Charlton.	Ozark.
Clark.	Polk.
Dade.	Pulaski.
Dallas.	Putnam.
Douglas.	Ray.
Henry.	Reynolds.
Jackson.	St. Clair.
Jasper.	Saline.
Laclede.	Shelby.
Lafayette.	Stone.
Lawrence.	Sullivan.
Lewis.	Warren.
Livingston.	Wayne.
McDonald.	Webster.
Macon.	

Applications may be filed at the:

Small Business Administration, District Office, 210 North 12th Street, Room 520, St. Louis, Mo. 63101.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than May 30, 1973.

Dated April 28, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-9079 Filed 5-8-73;8:45 am]

[License No. 02/02-0297]

NELSON CAPITAL CORP.

Notice of Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1973)) under the name of Nelson Capital Corp. (Nelson), 600 Old Country Road, Garden City, Long Island, N.Y. 11530, for a license to operate in New York as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the rules and regulations promulgated thereunder.

The proposed officers, directors, and shareholders are as follows:

	Percentage of beneficial ownership
Stanley Tulchin, chairman of the board, and director	7.69
Irwin B. Nelson, president and director	7.69
Elliot S. Nelson, vice president, secretary, and director	7.69
Robert Friedman, treasurer and director	3.85
Theodore Rifkin, director	3.85
Emanuel Zimmer, director	3.85
John McLaughlin, director	3.85
Thirteen other shareholders none of whom own 10 or more percent of the licensee's stock	61.53

The company will begin operations with an initial capital of $390,000 consisting of 39,000 shares of common stock. No concentration in any particular industry is planned. The applicant will conduct its operations principally in the State of New York and particularly, Long Island, N.Y.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company in accordance with the Act and regulations.

Notice is further given that any interested person may, on or before May 24, 1973, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed licensee in a newspaper of general circulation in Garden City, Long Island, N.Y.

Dated May 2, 1973.

DAVID A. WOLLARD,
Associate Administrator for Finance and Investment.

[FR Doc.73-9076 Filed 5-8-73;8:45 am]

[License No. 06/10-5157]

SCDF INVESTMENT CORP.

Notice of Issuance of License To Operate as a Small Business Investment Company

On July 4, 1972, a notice was published in the FEDERAL REGISTER (37 FR 13219) stating that SCDF Investment Corp., located at 204 Gauthier Road, Lafayette, La. 70501, had filed an application with the Small Business Administration, pursuant to 13 CFR 107.701 (1973) for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958 (the Act).

The period for comment ended July 19, 1972.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued license No. 06/10-5157 to SCDF Investment Corp., pursuant to said section 301(d) of the Act.

Dated May 2, 1973.

DAVID A. WOLLARD,
Associate Administrator for Finance and Investment.

[FR Doc.73-9077 Filed 5-8-73;8:45 am]

[Notice of Disaster Loan Area 963; Amdt. 1]

TEXAS

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Texas as a major disaster area following tornadoes, high winds, and flooding which began on or about March 10, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties: Limestone, McLennan, and Navarro. (See 38 FR 8024.)

Applications may be filed at the:

Small Business Administration, Regional Office, 1100 Commerce Street, Dallas, Tex. 75202.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than June 29, 1973.

Dated April 28, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-9080 Filed 5-8-73;8:45 am]

[License No. 06/06-0163]

VENTURTECH CAPITAL, INC.

Notice of Application for a License To Operate as a Small Business Investment Company

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR 107.102 (1973)) under the name of Venturtech Capital, Inc., suite 602, Republic Tower, 5700 Florida Boulevard, Baton Rouge, La. 70806, for a license to operate as a small business investment company under the provisions of the Small Business Investment Act of 1958, as amended (the Act), and the rules and regulations promulgated thereunder. A branch office is to be established at 12-14 Bank Street, Summit, N.J. 07901.

The proposed officers, directors and shareholders are as follows:

Elphege Maxime Charlet, president, director, 76 New England Avenue, Summit, N.J. 07901.

William Alexander Bruce, executive vice president, secretary-treasurer, director, 6615 Goodwood Avenue, Baton Rouge, La. 70806.

Edwin Joseph Newchurch, vice president, director, 1835 Roseneath Drive, Baton Rouge, La. 70806.

Eugene Michael Barisonek, vice president, director, Rural Delivery 1, Box 87, Elizabeth Avenue, Somerset, N.J. 08873.

Newton Albert Burgess, vice president, director, suite 602, Republic Tower, 5700 Florida Boulevard, Baton Rouge, La. 70806.

Gale Bethany Donovan, director, 140-55 34th Avenue, Flushing, N.Y. 11354.

Harold William McGuire, director, 93 West Shore Drive, Massapequa, N.Y. 11758.

There is one class of stock, common stock, authorized in the amount of 1 million shares having no par value. The company proposes to commence operation with a capitalization of $305,000. All the issued and outstanding stock is now held by Venturtech, Inc., which was incorporated in February of 1973. The seven officers and directors listed above own all the issued and outstanding stock of Venturtech, Inc., ranging from a high of 32 percent held by Mr. Burgess and a low of 10 percent.

Applicant proposes to form a subsidiary, Venturtech Consultants, Inc., to provide management consulting services to small business concerns as provided for by the provisions of §§ 107.601 and 107.602 of the SBA rules and regulations.

Applicant proposes to conduct its operations in the States of Louisiana and New Jersey and in other areas within the United States of America and its territories and possessions as may from time to time be approved by SBA as its operating territory. Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company in accordance with the Act and Regulations.

Notice is further given that any interested person may, on or before May 24, 1973, submit to SBA, in writing, relevant comments on the proposed licensing of this company. Any such communications should be addressed to: Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the proposed Licensee in a newspaper of general circulation in Baton Rouge, La., and Summit, N.J.

Dated May 1, 1973.

DAVID A. WOLLARD,
Associate Administrator for Finance and Investment.

[FR Doc.73-9075 Filed 5-8-73;8:45 am]

COST OF LIVING COUNCIL

HEALTH INDUSTRY WAGE AND SALARY COMMITTEE

Determination To Close Meeting

The Director of the Cost of Living Council has determined that the meeting of the Health Industry Wage and Salary Committee to be held, as previously announced, on May 17, 1973, will consist of exchanges of opinions, that the discussions, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meetings to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C. on May 8, 1973.

WILLIAM N. WALKER,
General Counsel, Cost of Living Council.

[FR Doc.73-9370 Filed 5-8-73;11:07 am]

ATOMIC ENERGY COMMISSION

URANIUM ENRICHMENT SERVICES

Revision of Criteria

The U.S. Atomic Energy Commission (the AEC) hereby announces revisions to its criteria for the provision of uranium enrichment services. The revised criteria will provide the required flexibility for modification of the AEC's methods of contracting for the provision of enriching services thereby providing greater assurance of augmentation of available enriching capacity in the 1980's and beyond by private resources, providing that needed enrichment capability at the AEC's enrichment plants will be available on a timely basis, and insuring that enrichment capability will not become a pacing factor in nuclear power growth.

The following notice concerning the Uranium Enrichment Services Criteria previously published by the AEC in the FEDERAL REGISTER is hereby superseded: 31 FR 16479, December 23, 1966, as amended in 35 FR 13546, August 25, 1970, and 36 FR 4562, March 9, 1971.

1. *General.*—(a) The U.S. Atomic Energy Commission (AEC) hereby gives notice of the establishment of criteria setting forth the general terms and conditions applicable to the provision of uranium enrichment services in facilities owned by AEC, as authorized by the Atomic Energy Act of 1954, as amended (the Act). Specifically, these criteria are established pursuant to section 161v of the Act, which was added by Public Law 88-489, the "Private Ownership of Special Nuclear Materials Act." As used in this notice, the term "enrichment services" or "enriching services" means the separative work (note 1.) necessary to enrich or further enrich uranium in the isotope 235. The enrichment services will be provided pursuant to contracts to be entered into: (1) With persons licensed under section 53, 63, 103, or 104 of the Act; and/or (2) in accordance with agreements for cooperation arranged pursuant to section 123 of the Act. The

Commission will not enter into such contracts in excess of the available capability of the AEC.

NOTE 1.—The work devoted to separating a quantity of uranium (feed material) into two fractions, one a product fraction containing a higher concentration of U-235 than the feed and the other a tails fraction containing a lower concentration of U-235.

(b) The contracts will provide for the furnishing of depleted, normal or enriched uranium by the customer and the delivery by the AEC of an appropriate quantity of enriched or more highly enriched uranium. The quantity of material to be furnished by the customer in relationship to the quantity of enriched uranium to be delivered by the AEC and the related amount of separative work to be performed by the AEC normally will be determined in accordance with the then-current standard table of enriching services published by the AEC (note 2). In the event, however, that the AEC does not have available capability to undertake to perform requested enriching services on short notice in accordance with such standard table, the AEC may agree to perform such services in accordance with such other table as is within its capability. The general features of contracts, including the basis for AEC's charges for enriching services, are set forth herein.

NOTE 2.—In its standard table of enriching services AEC will take into account any significant effect of the presence of other isotopes of uranium on the number of separative work units required to perform a given U-235, U-238 separation.

(c) Except as specifically provided, nothing in this notice shall be deemed to affect the sale or leasing of special nuclear material by the AEC or the entering into of "barter" arrangements whereby special nuclear material is distributed pursuant to section 54 of the Act and source material is accepted in part payment therefor.

(d) The criteria contained in this notice are subject to change by the AEC from time to time; however, any such changes shall be submitted to the Joint Committee on Atomic Energy for its review in accordance with the Act.

2. *Effective date.*—This notice is effective on May 9, 1973.

3. *Period of contract.*—Contracts with domestic licensees will be for specified periods of time and provide for the furnishing of enrichment services for periods up to 30 years. Contracts entered into in accordance with an international agreement for cooperation must be for a term within the period of such agreement.

4. *Enrichment of uranium of foreign origin.*—There is no restriction on the provision of enrichment services to persons furnishing as feed material uranium of foreign origin where the enriched product is not intended to be used in a utilization facility (as defined in the Act) within or under the jurisdiction of the United States. Where the enriched material is intended to be used in a domestic utilization facility, however, the contracts will prohibit the furnishing of feed material of foreign origin. This prohibition is established, pursuant to section 161v of the Act, in order to assure the maintenance of a viable domestic uranium industry. From time to time, the AEC will review the condition of the domestic mining and milling industry to determine the need for continuing this restriction, modification or removal of which shall constitute a change in these criteria.

5. *General features of domestic contracts.*—Domestic contracts have been developed in the light of the uncertainties necessarily attendant to long term contracts. Accordingly, such contracts will provide that, at the request of either the AEC or the customer, the parties will negotiate and, to the extent mutually agreed, amend them without additional consideration, in a manner consistent with the requirements of section 161v of the Act to eliminate or reduce restrictive provisions which the parties determine are inequitable, discriminatory or no longer required to protect their interests. Prior to adopting any changes in the provisions of its enriching contracts which would not require amendment of these criteria but which might have adverse effects upon the customer, AEC will make such proposed contract provisions widely available and solicit the views of its customers and other interested parties. AEC will give all comments so received careful review and take them into consideration in formulating the definitive implementation of such proposed changed provisions in future contracts. The primary contracting vehicle for the AEC to supply enriching services for nuclear power reactors on a long term basis shall be a Fixed Commitment Contract. This contracting arrangement shall employ, as basic principles, the concepts of (i) a period of advance contracting related to the period of time required to obtain new capacity to supply enriching services, (ii) a period of firm commitments by the customer for enriching services and (iii) advance payments by the customer related to the initial services under the contract. Contracts to be entered into with domestic licensees will define the amount of enriching services to be provided by the AEC in terms of units of separative work as related to the AEC's standard table of enriching services in effect at the time the parties agree to such amounts and provide for the adjustment of such amounts in the event of a revision of the AEC's standard table of enriching services through the application of such revised standard table to the relevant portion of a reference schedule of feed material deliveries by the customer and enriched uranium deliveries by the AEC incorporated into the contract for this purpose.

(a) *Delivery schedules.*—Deliveries of specific quantities and U-235 assays of feed material to AEC and enriched uranium to the customer shall be in accordance with the agreement between the parties and (except as provided in 1(b) above) in accordance with the published AEC standard table of enriching services in effect at the time of the delivery of enriched uranium by the AEC. The schedule for delivering enriched uranium to the customer shall reflect an interval after receipt of feed material equivalent to the estimated average time which would be required to receive, handle, and process equivalent feed material to the desired enriched uranium. The AEC will not necessarily use the specific feed material furnished by the customer in producing the enriched uranium delivered to the customer. Unless otherwise agreed, deliveries of feed material to AEC shall precede requested deliveries of the enriched uranium by at least 90 days. The AEC may agree to perform enriching services in cases where the leadtime requirements for furnishing feed material are not satisfied; in such cases, an appropriate surcharge may also be imposed to provide for recovery of additional AEC costs and interest charges.

(b) *Chemical form and specifications of material.*—Both feed material furnished to the AEC and enriched uranium delivered to the customer are required to be in the form of UF_6 and conform to the AEC's established specifications as published in the FEDERAL REGISTER and in effect on the date of delivery.

(c) *Charges for enriching services.*—(1) The charges for enriching services, in accordance with the Act, will be established on a nondiscriminatory basis and on a basis of recovery of the Government's costs over a reasonable period of time. Applicable charges for enriching services and related services will be those in effect at the time of delivery of enriched uranium to the customer as (i) published in the FEDERAL REGISTER, or (ii) in the absence of such publication, determined in accordance with the Commission's pricing policy. The AEC may impose an appropriate surcharge representing additional costs, if any, to the AEC for providing enriching services on short notice.

(2) AEC's charges for enriching services will be established on a basis that will assure the recovery of appropriate Government costs projected over a reasonable period of time. The cost of separative work includes electric power and all other costs, direct and indirect, of operating the enrichment plants; appropriate depreciation of said plants; and a factor to cover applicable costs of process development, AEC administration and other Government support functions, and imputed interest on investment in plant and working capital. During the early period of growth of nuclear power, there will be only a small civilian demand on the large AEC enrichment plants. These plants were originally constructed for national security purposes, but will be utilized in meeting future civilian requirements. In this interim period of low plant utilization, the Commission has determined that the costs to be charged to the separative work produced for

civilian customers will exclude those portions of the costs attributable to depreciation and interest on plant investment which are properly allocable to plant in standby and to excess capacity.

(3) Projections of supply and demand over a reasonable time period will be used in establishing a plan for enrichment plant operations. This plan will be the basis for establishing average charges for separative work over the period involved, which charges will be kept as stable as possible as operating plans are periodically updated. Under such operating plans, AEC will at times be preproducing enriched uranium. Interests on the separative work costs of any such preproduced inventories will be factored into the averaged separative work charges.

(d) *Customer's option to acquire tails material.*—The customer shall be granted an option to acquire tails material (depleted uranium) resulting from the performance of enriching services. The option as to quantity (kg U) of tails material desired by the customer, within the maximum quantity subject to the option, must be exercised at the time of delivery of the related quantity of feed material. The U-235 assay of the tails material delivered to the customer will be within the sole discretion of the AEC. The maximum quantity of depleted uranium subject to the option will be equal to the difference between the total uranium supplied by the customer as feed material and the total enriched uranium furnished to the customer, less processing losses as established from time to time by the AEC. No charge will be made for tails material delivered to the customer under the agreement other than AEC's withdrawal, handling and packaging charges. Delivery of tails material will normally be at the same time as delivery of enriched uranium.

(e) *Responsibility for material meeting specifications.*—The customer warrants that all feed material meets specifications and, with stated exceptions, agrees to hold the AEC and its representatives harmless from all damages, liabilities, or costs arising out of a breach of the warranty where such damages, liabilities, or costs are incurred prior to final acceptance of the feed material by AEC. However, the customer is not deprived of any rights under indemnification agreements entered into pursuant to section 170 of the Act (Price-Anderson indemnification). The AEC's obligation to furnish specification material to the customer terminates upon final acceptance of such material by the customer.

(f) *Termination by AEC.*—(1) The contract may be terminated by AEC without cost to AEC upon reasonable notice at such time as commercial enriching services are provided by another domestic source: *Provided, however,* That AEC will upon request by the customer rescind any notice of termination and will continue to furnish the services specified in the contract if the services of the domestic source are not available to the customer: (i) To the extent provided for in the AEC contract during the remainder of its term; and (ii) on terms and conditions, including charges, which are considered by the AEC to be reasonable and nondiscriminatory.

NOTE 3.—In determining whether terms and conditions, including charges for different customers appear to be nondiscriminatory, the AEC will not consider differences in such matters to be discriminatory if they are reasonably based upon different risks and costs presented by customers to domestic enrichment services.

(2) The AEC may terminate the contract without cost to the AEC in the event the customer loses its right to possess enriched uranium, defaults on its contractual obligations, or becomes involved in bankruptcy proceedings. In such instances the customer will be required to pay a termination charge determined as if the customer had terminated the contract on the notice, if any, given the customer by the AEC.

(g) *Termination by customer.*—The customer may terminate the contract in whole or in part. In such instances the customer will be required to pay a termination charge for those enriching services which would have been furnished but for such termination. Termination charges per kg unit of separative work will be established on a basis of recovery of the costs which the Commission estimates may arise from terminations by customers. Applicable charges for termination will be those in effect at the time of receipt of notice of termination as published in the FEDERAL REGISTER. From time to time the Commission may, at its discretion, review the estimated costs to the Commission which may arise from terminations by customers. If the Commission determines on the basis of such review that the estimated costs are significantly less than the termination charges published in the FEDERAL REGISTER, the Commission will make an appropriate reduction in such charges prospectively. Such reduced charges will remain in effect until increased or reduced by a subsequent review and determination (based upon significant changes in the estimated costs as compared with the termination charges then in effect). Any revised charges so determined shall be final for all purposes except as they may be changed by subsequent determinations made in accordance herewith. In any event, termination charges established by the Commission for prospective application as provided above shall not exceed the related charge for enriching services as reduced by the portion of such charge representing (i) the cost to the Commission of the average energy charge for electric power used in the provision of enriching services or (ii) the cost to the Commission of the average demand and energy charges for such electric power, as determined by the Commission to be appropriate based on the period of notice of termination given by customers. Upon the request of the customer prior to its delivery of a notice of termination, the AEC will advise the customer of the approximate amount of termination charges which would be payable.

(h) *Delivery—title.*—The f.o.b. delivery point for both feed material furnished to AEC and enriched uranium delivered to the customer is the designated AEC facility. The AEC's enriching facilities are situated at Oak Ridge, Tenn.; Paducah, Ky.; and Portsmouth, Ohio. Title to all material passes upon delivery.

(i) *Changes in specifications and changes.*—Any change made in the specification for UF_6 or in the AEC's standard table of enriching services shall require at least 180 days' notice for the former, and 540 days' notice for the latter, to the customer by publication in the FEDERAL REGISTER. Any increase in the charges per unit of separative work for enriching services shall require at least 60 days' notice to the customer by publication in the FEDERAL REGISTER.

6. *General features of contracts entered into in accordance with an agreement for cooperation.*—It is expected that the general features of uranium enrichment services contracts entered into pursuant to agreements for cooperation with foreign nations or groups of nations will be generally consistent with those discussed above.

7. *Correspondence.*—Any correspondence involving this notice or request for copies of contract forms should be addressed to:

Manager, Oak Ridge Operations Office, U.S. Atomic Energy Commission, P.O. Box E, Oak Ridge, Tenn. 37830.

Dated at Germantown, Md., this 7th day of May 1973.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-9365 Filed 5-8-73;11:16 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 238]

ASSIGNMENT OF HEARINGS

MAY 4, 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 60066 sub 8, Bee Line Motor Freight, Inc., now assigned May 22, 1973, at Lincoln, Nebr., is postponed to June 26, 1973, at the Nebraska Public Service Commission, 1342 M St., Lincoln, Nebr.

No. AB 68, Lake Superior & Ishpeming Railroad Co., abandonment between Munising

and Marquette, and Lawson and Little Lake, in Alger and Marquette Counties, Mich., Finance docket No. 27267, Michigan Corp. Trans Northern, Inc.—acquisition and operation—between Munising and Eben Junction, Alger County, Mich., now assigned June 11, 1973, at Marquette, Mich., is postponed to June 25, 1973, at Marquette, Mich.

MC 130173, Caravan Tours, Inc., now assigned June 4, 1973, at New York, N.Y., will be held in room 208, Tax Court, 26 Federal Plaza.

MC 115869, Hendrie & Co., Ltd., now assigned May 30, 1973, at Buffalo, N.Y., will be held in the Seventh Floor Court Room, U.S. Courthouse, 68 Court St.

MC-134599 sub 39, Interstate Contract Carrier Corp., Extension Cupe, MC-134599 sub 40, Interstate Contract Carrier Corp., Extension-Scott Graphics Division, MC-134599 sub 41, Interstate Contract Carrier Corp. Extension-Scott Warren Division; now assigned May 16, 1973, at Washington, D.C., is postponed to June 5, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC 99284 sub 6, Sullivan's Motor Delivery, Inc., now assigned June 4, 1973, at Milwaukee, Wis., postponed to July 9, 1973 (2 weeks), at Milwaukee, Wis., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-9201 Filed 5-8-73;8:45 am]

[I.C.C. Order No. 95; Rev. S.O. 994]

ANN ARBOR RAILROAD CO.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, agent, The Ann Arbor Railroad Co. is unable to transport traffic over its car ferry between Frankfort, Mich., and Manitowoc, Wis., because of required drydock and repairs to its boats *Viking* and *Arthur K. Atkinson*.

It is ordered, That:

(a) The Ann Arbor Railroad Co., being unable to transport traffic over its car ferry between Frankfort, Mich., and Manitowoc, Wis., because of required drydock and repairs to its boats *Viking* and *Arthur K. Atkinson*, that line is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.*—The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.*—Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.*—This order shall become effective at 1 p.m., May 1, 1973.

(g) *Expiration date.*—This order shall expire at 11:59 p.m., May 12, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 1, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.73-9204 Filed 5-8-73;8:45 am]

[I.C.C. Order No. 93; Rev. S.O. 994]

BURLINGTON NORTHERN, INC.

Rerouting or Diversion of Traffic

In the opinion of Lewis R. Teeple, Agent, the Burlington Northern, Inc., is unable to transport traffic to or from Centerville, Iowa, Keokuk, Iowa, or Fort Madison, Iowa, because of flooding.

It is ordered, That:

(a) The Burlington Northern, Inc., being unable to transport traffic to or from Centerville, Iowa, Keokuk, Iowa, or Fort Madison, Iowa, because of flooding, that carrier and its connections are hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.*—The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.*—Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the diversions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.*—This order shall become effective at 4 p.m., April 27, 1973.

(g) *Expiration date.*—This order shall expire at 11:59 p.m., May 4, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroads Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 27, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.73-9202 Filed 5-8-73;8:45 am]

[I.C.C. Order No. 94 Rev. S.O. 994]

ERIE LACKAWANNA RAILWAY CO.

Rerouting on Diversion of Traffic

In the opinion of Lewis R. Teeple, Agent, the Erie Lackawanna Railway Co., Thomas F. Patton and Ralph S. Tyler, Jr., trustees, is unable to transport traffic over its line to and from Watkins Glen, N.Y., and to interchange traffic at Elmira, N.Y., with the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., trustees, because of track damage caused by flooding.

It is ordered, That:

(a) The Erie Lackawanna Railway Co., Thomas F. Patton and Ralph S. Tyler, Jr., trustees, being unable to transport traffic over its line to and from Watkins Glen, N.Y., and to interchange traffic at Elmira, N.Y., with the Penn Central Transportation Co., George P. Baker, Richard C. Bond, Jervis Langdon, Jr., trustees, because of track damage caused by flooding, that carrier is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.*—The railroad desiring to divert or reroute traffic under this order

shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.*—Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.*—This order shall become effective at 4:30 p.m., April 27, 1973.

(g) *Expiration date.*—This order shall expire at 11:59 p.m., May 31, 1973, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 27, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.73-9203 Filed 5-8-73;8:45 am]

[Notice 268]

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 29, 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 74409. By order of April 30, 1973, the Motor Carrier Board approved the transfer to Sandra M. Stevens, doing business as Stevens Stage Line, E. Marrow Stone Road, Nordland, Wash. 98358, of the operating rights evidenced by certificate of registration No. MC 99039 (sub-No. 1), issued March 20, 1973, to Elmer F. Stevens and Sandra M. Stevens, a partnership, doing business as Stevens Stage Line, Nordland, Wash., evidencing a right to engage in operations in interstate or foreign commerce in the transportation of passenger and express service, between Port Townsend and Center, Wash.; and Port Townsend and Shine, Wash.

No. MC-FC-74435. By order entered May 1, 1973, the Motor Carrier Board approved the transfer to Coastal Container Trucking Corp., Port Newark, N.J., of the operating rights set forth in certificate No. MC-135229, issued June 23, 1972, to Basin Transportation Corp., Brooklyn, N.Y., authorizing the transportation of general commodities (with the usual exceptions), in containers, between points in that part of the New York, N.Y., commercial zone, as defined in the fifth supplemental report in *commercial zones and terminal areas*, 53 M.C.C. 451, within which local operations may be conducted under the exemption provided by section 203(b)(8) of the Interstate Commerce Act ("the exempt zone"), restricted to the transportation of shipments having an immediately prior or subsequent movement by water. Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006, practitioner for applications.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-9205 Filed 5-8-73;8:45 am]

[Notice 58]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 2, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex parte No. MC-67 (49 CFR part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, on or before May 24, 1973. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 30160 (sub-No. 4 TA), filed April 24, 1973. Applicant: CARL W. PEER AND THEODORE E. PEER, doing business as PEER BROS. TRUCKING, CO., 253 Union Street, Mailing: Box 209, Westfield, Mass. 01085. Applicant's representative: David Marshall, 135 State Street, Springfield, Maine 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corundum and emery ore*, in bulk, from Providence, R.I., to Westfield and Chester, Mass., for 150 days. Supporting shipper: Abrasives Division, Westfield Facility of Bendix Corp., Union Street, Westfield, Mass. 01085. Send protests to: District Supervisor Joseph W. Balin, Bureau of Operations, Interstate Commerce Commission, 338 Federal Building and U.S. Courthouse, 436 Dwight Street, Springfield, Mass. 01103.

No. MC 30887 (sub-No. 189 TA), filed April 24, 1973. Applicant: SHIPLEY TRANSFER, INC., Box 155, 49 Main Street, Reisterstown, Md. 21136. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten liquid polypropylene*, in bulk, in tank vehicles, from Crowley, La., to Menasha, Wis., for 180 days. Supporting shipper: Mr. Erv. Hemb, Traffic Manager, Central Paper Co., Menasha, Wis. 54952. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 52704 (sub-No. 97 TA), filed April 24, 1973. Applicant: GLENN MCCLENDON TRUCKING COMPANY, INC., P.O. Drawer H, Opelika Highway, La Fayette, Ala. 36862. Applicant's representative: Archie B. Culbreth, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash* (except in bulk), from Baton Rouge, La., to Laurens, S.C. and Henderson, N.C., for 180 days. Supporting shipper: Laurens Glass Co., P.O. Box 9, Laurens, S.C. 29360. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 76478 (sub-No. 11 TA), filed April 24, 1973. Applicant: CHESTER

CARRIERS, INC., Box 231, Easton, Pa. 18042. Applicant's representative: Robert R. Herr, Quarryville, Pa. 17566. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed stone*, in bulk, in dump vehicles, from East Caln Township in Chester County, Pa. and Downingtown, Pa., to points in Wicomico and Worcester Counties, Md., for 180 days. Supporting shipper: the General Crushed Stone Co., Easton, Pa. 18042. Mailing: Box 33, Downingtown, Pa. 19335. Send protests to: F. W. Doyle, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, room 1600, Philadelphia, Pa. 19102.

No. MC 96098 (sub-No. 62 TA), filed April 23, 1973. Applicant: MILTON TRANSPORTATION, INC., Rural Delivery 1, Box 207, Milton, Pa. 17847. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products and materials, equipment and supplies used or useful in the manufacture and sale of paper products*, between Lock Haven, Pa., on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Maryland, Delaware, Virginia, Tennessee, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Kentucky, Ohio, Indiana, Illinois, Wisconsin, Michigan, New York, New Jersey, Connecticut, and the District of Columbia, under continuing contract or contracts with Hammermill Paper Co., of Lock Haven, Pa., for 180 days. Supporting shipper: Donald R. Kramer, traffic manager, Hammermill Paper Co., plant, Lock Haven, Pa. 17742. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 107403 (sub-No. 846 TA), filed April 20, 1973. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen solutions*, in bulk, in tank vehicles, from Skyline Terminals, Inc., Baltimore, Md., to points in Baltimore, Caroline, Charles, Frederick, Harford, Prince Georges, St. Marys, and Talbot Counties, Md.; points in Adams, Berks, Columbia, Cumberland, Dauphin, Lancaster, Lebanon, Lycoming, Northumberland, Washington, and York Counties, Pa.; and points in Albemarle, Caroline, Clarke, Culpeper, Essex, Fairfax, Fauquier, Frederick, King George, Loudoun, Louisa, Northumberland, Prince William, Richmond, Spotsylvania, Shenandoah, and Westmoreland Counties, Va., for 180 days. Supporting shippers: Skyline Terminals, Inc., 1910 Russell Street, Baltimore, Md. 21230; Swift Chemical Co., P.O. Box 340, Glen Burnie, Md. 21061; and Royster Co., P.O. Drawer 1940, Norfolk, Va. 23501. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, room 1600, Philadelphia, Pa. 19102.

No. MC 109448 (sub-No. 17 TA), filed April 24, 1973. Applicant: PARKER TRANSFER COMPANY, a corporation, Telegraph Road, Mail: P.O. Box 256, Elyria, Ohio 44035. Applicant's representative: John Andrew Kundtz, National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Heating and air-conditioning plants, equipment and parts thereof*, and *such materials and supplies* as are required for the installation thereof, restricted against the transportation of commodities which because of size or weight require the use of special equipment or special handling (1) From Elyria, Ohio, to points in Connecticut, Delaware, Illinois, Kentucky, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Ohio, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin (except points on and east of Interstate Highways 94 and 90), District of Columbia, and points in Arkansas, Iowa, Minnesota, and Missouri on and east of U.S. Highway 61, restricted to shipments originating at Elyria, Ohio and destined to points in the above-described destination territory and (2) from points in Maine, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin (except points on and east of Interstate Highways 94 and 90), the District of Columbia and points in Arkansas, Iowa, Minnesota, and Missouri on and east of U.S. Highway 61, restricted to shipments originating at points in the above-described origin territory and destined to Elyria, Ohio, for 180 days. Supporting shipper: Tappan, Air Conditioning Division, 206 Woodford Avenue, Elyria, Ohio 44035. Send protests to: Franklin D. Bail, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 110420 (sub-No. 678 TA), filed April 24, 1973. Applicant: QUALITY CARRIERS, INC., Mail: P.O. Box 186, Pleasant Prairie, Wis. 53158, and Office: I-94 County Highway C Bristol, Kenosha Co., Wis. 53104. Applicant's representative: Fred H. Figge (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol*, in bulk, in tank vehicles, from Juneau, Wis., to Holland, Mich. and Muscatine, Iowa, for 180 days. Supporting shipper: Milbrew, Inc., 6101 North Teutonia Ave., Milwaukee, Wis. 53209 (Melvin Bernstein, vice president). Send protests to: John E. Ryden, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 135 West Wells Street, room 807, Milwaukee, Wis. 53203.

No. MC 111729 (sub-No. 384 TA), filed April 23, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit and accounting media of all kinds, proofs, cuts, artwork, advertising posters, stationary samples, and other related printed matter*, (1) between Easton, Pa., on the one hand, and, on the other, New York City, N.Y.; Trenton, N.J.; Baltimore, Md.; and Washington, D.C. and (2) between Easton, Pa. and Philadelphia, Pa., having a prior or subsequent movement by air, for 90 days. Supporting shipper: Osceola Graphics, Inc., Forks Township Industrial Park, Kuebler Road, Easton, Pa. 18042. Send protests to: Marvin Kampel, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113908 (sub-No. 262 TA) (correction), filed April 13, 1973, published in the FEDERAL REGISTER issue of April 27, 1973, and republished as corrected this issue. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit juice and fruit juice concentrate*, in bulk, in tank vehicles, between Brocton and Westfield, N.Y., and North East, Pa., on the one hand, and, on the other hand, Lawton, Mich., for 180 days. Supporting shipper: Welch Foods, Inc., Westfield, N.Y. 14787. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

NOTE.—The purpose of this republication is to show that applicant now seeks to operate as a *common carrier* rather than as a contract carrier which was shown in error in previous publication.

No. MC 115162 (sub-No. 271 TA), filed April 24, 1973. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, hardboard, particleboard, moldings and accessories* used in the installation thereof, from Chesapeake, Va., to points in South Carolina, North Carolina, and Georgia, for 180 days. Supporting shipper: Evans Products Co., 201 Dexter Street West, Chesapeake, Va. 23324. Send protests to: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 814, 2121 Building, Birmingham, Ala. 35203.

No. MC 115311 (sub-No. 147 TA), filed April 24, 1973. Applicant: J & M TRANSPORTATION CO., INC., P.O. Box 488, Milledgeville, Ga. 31601. Applicant's representative: Richard M. Tettelbaum, suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phosphate rock*, in bulk, in pneumatic tank trailers, from the plantsite of Occidental Petroleum Co. in Hamilton County, Fla., to the plantsite of International Minerals and Chemical Corp. at or near Americus, Ga., for 180 days. Supporting shipper: International Minerals & Chemical Corp., P.O. Box 607, Americus, Ga. 31709. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., room 309, Atlanta, Ga. 30309.

No. MC 116077 (sub-No. 338 TA), filed April 23, 1973. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, in tank vehicles, from Amoco Production Plant, Edgewood, Tex.; Amoco Production Plant, West Yantis, Tex.; Amoco Production Plant, Myrtle Springs, Tex., to Allied Chemical, Woodstock, Tenn., for 180 days. Supporting shipper: Amoco Oil Company, 200 East Randolph Drive, Chicago, Ill. 60601. Send protests to: John C. Redus, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 61212, Houston, Tex. 77061.

No. MC 119340 (sub-No. 1 TA), filed April 17, 1973. Applicant: CENTRAL COAST TRUCK SERVICE, INC., P.O. Box A.D., Watsonville, Calif. 95076. Applicant's representative: Roland R. Schmidt (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cooked, cured, or preserved meats and sausage*, from the plantsite at Made Rite Sausage, Inc. at Sacramento, Calif., to distribution center of Made Rite Sausage, Inc. at Medford, Oreg., for 180 days. Restriction: All commodities moving under this authority shall move in vehicles equipped with mechanical refrigeration. Supporting shipper: Made Rite Sausage, Inc., Sacramento, Calif. Send protests to: District Supervisor Claud W. Reeves, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 125785 (sub-No. 19 TA), filed April 17, 1973. Applicant: SATURN EXPRESS, INC., 8716 L Street, Omaha, Nebr. 68127. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic tile*, from Jackson, Miss., to points in Colorado, Wyoming, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Louisiana, Arkansas, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Kentucky, Tennessee, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, and Ohio, for 180 days. Supporting shiper: The Marmon Group, Inc., Jackson, Miss. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 711 Federal Office Building, Omaha, Nebr. 68102.

No. MC 138598 (sub-No. 1 TA), filed April 24, 1973. Applicant: ROBERT D. MOORE, doing business as MOORE TRUCKING, 243 North Hillside, Wichita, Kans. 67214. Applicant's representative: Earl C. Moore (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alfalfa pellets, soy bean pellets, and soy bean meal*, from points in Sedgwick County, Kans., to points in Jackson, Cass, Bates, Vernon, Barton, Jasper, Newton, and McDonald Counties, Mo., for 150 days. Supporting shipper: Cargill, Inc., Wichita, Kans. Send protests to: M. E. Taylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 501 Petroleum Building, Wichita, Kans. 67202.

No. MC 138628 (sub-No. 1 TA), filed April 23, 1973. Applicant: CONTINENTAL VAN LINES, INC., P.O. Box 887, Fairbanks, Alaska 99707. Applicant's representatives: Aiken, St. Louis & Siljeg, Norton Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between Fairbanks, Alaska, on the one hand, and Fort Wainwright, Fort Greely, and Eilson Air Force Base, Birch Lake Area, and Clear Air Force Station, Alaska, on the other hand, for 180 days. Supporting shipper: Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: District Supervisor Hugh H. Chaffee, Bureau of Operations, Interstate Commerce Commission, P.O. Box 1532, Anchorage, Alaska 99510.

No. MC 138644 TA, filed April 23, 1973. Applicant: EDWARD J. BARRETT, 403 Bridge Street, Towanda, Pa. 18848. Applicant's representative: Robert J. Murphy, 401 Main Street, Towanda, Pa. 18848. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (with the usual exceptions), restricted to shipments moving under emergency conditions, in express service and limited to 3,500 pounds in any one vehicle at any one time, between the plantsite of GTE Sylvania, Inc., Towanda, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, New Jersey, Massachusetts, New York, and Ohio, for 180 days. Supporting shipper: GTE Sylvania, Inc., Precision Materials Group, Chemical and Metallurgical Division, Towanda, Pa. 18848. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

MOTOR CARRIERS OF PASSENGERS

No. MC 28457 (sub-No. 6 TA), filed April 23, 1973. Applicant: DELAWARE VALLEY TRANSPORTATION CO., doing business as, POCONO MOUNTAIN TRAILS, 213 North Ninth Street, Box 269, Stroudsburg, Pa. 18360. Applicant's representative: H. Neil Garson, 1400 North Uhle Street, Arlington, Va. 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express newspapers, and mail*, in the same vehicle with passengers, between Hemlock Farms (Blooming Grove Township, Pike County), Pa., and New York, N.Y., from Hemlock Farms to Lords Valley, Pa. via Pennsylvania State Route 739, thence east via Interstate Route 84 to Intersection U.S. Route 6 to Milford, Pa., thence via U.S. Route 6 and U.S. Route 209 to Matamoras, Pa., thence to Route I–84 to the intersection of I–84 New York Route 17, thence south via New York Route 17 to intersection with U.S. Route 80 at Hackensack, N.J., thence eastward to intersection of Interstate Route 80 and I–95 (New Jersey Turnpike), thence south on I–95 and New Jersey 3, thence via New Jersey 3 through the Lincoln Tunnel to New York, N.Y., for 180 days. Restriction: Passengers to be picked up at Hemlock Farms, Lords Valley, Milford and Matamoras, Pa., then closed doors to New York, N.Y., on return from New York, N.Y., closed doors to Matamoras, passengers to be discharged at Matamoras, Milford, Lords Valley and Hemlock Farms, Pa. Supporting shippers: There are approximately 32 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

By the Commission.

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

[FR Doc.73-9206 Filed 5-8-73;8:45 am]

[Notice 11]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 4, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate

over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before June 8, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

NO MC-1515 (deviation No. 650) (cancels deviation No. 564), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed April 25, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction Pennsylvania Highway 291 and Sellers Road near Philadelphia, Pa., over Sellers Road to junction U.S. Highway 13, thence over U.S. Highway 13 to junction Interstate Highway 95, thence over Interstate Highway 95 via Chester, Pa., and Wilmington, Del., to Baltimore, Md., to junction the Harbor Tunnel Thruway, thence over the Harbor Tunnel Thruway to junction the Baltimore-Washington Expressway, with the following access routes: (1) from junction U.S. Highway 13 and Maryland Highway 273, over Maryland Highway 273 to junction Interstate Highway 95, (2) from junction U.S. Highway 222 and U.S. Highway 40 near Perryville, Md., over U.S. Highway 222 to junction Interstate Highway 95, (3) from Aberdeen, Md., over Maryland Highway 22 to junction Interstate Highway 95, and (4) from junction Maryland Highway 43 (White March Boulevard) and U.S. Highway 40 over Maryland Highway 43 to junction Interstate Highway 95, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from Philadelphia, Pa., over Pennsylvania Highway 291 to Chester, Pa., thence over U.S. Highway 13 via Wilmington, Del., to State Road, Del., thence over U.S. Highway 40 to Baltimore, Md., thence over the Baltimore-Washington Expressway to junction Harbor Tunnel Thruway, south of Baltimore, Md., and return over the same route.

By the Commission.

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

[FR Doc.73-9207 Filed 5-8-73;8:45 am]

[Notice 17]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 4, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before June 8, 1973.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-59957 (deviation No. 15), MOTOR FREIGHT EXPRESS, P.O. Box 1029, York, Pa. 17405, filed April 23, 1973. Carrier's representative: Walter M. F. Neugebauer, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) from Allentown, Pa., over U.S. Highway 22 to junction Pennsylvania Highway 33 (near Bethlehem, Pa.), thence over Pennsylvania Highway 33 to junction U.S. Highway 209 (near Sciota, Pa.), thence over U.S. Highway 209 to junction Interstate Highway 84 (near Port Jervis, N.Y.), thence over Interstate Highway 84 to Hartford, Conn., and (2) from Allentown, Pa., over U.S. Highway 22 to junction Pennsylvania Highway 33 (near Bethlehem, Pa.), thence over Pennsylvania Highway 33 to junction U.S. Highway 209 (near Sciota, Pa.), thence over U.S. Highway 209 to junction Interstate Highway 84 (near Port Jervis, N.Y.), thence over Interstate Highway 84 to junction Connecticut Highway 34 (near Sandy Hook, Conn.), thence over Connecticut Highway 34 to New Haven, Conn., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service route as follows: (1) from New York, N.Y., over U.S. Highway 1 to junction U.S. Highway 22, thence over U.S. Highway 22 to Harrisburg, Pa., (2) from Boston, Mass., over U.S. Highway 1 to New York, N.Y., and (3) from New Haven, Conn., over U.S. Highway 5 via Hartford, Conn., to Springfield, Mass. (also from New Haven over Alternate U.S. Highway 5 to Springfield), thence over Massachusetts Highway 9 to Boston, Mass., and return over the same routes.

By the Commission.

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

[FR Doc.73-9208 Filed 5-8-73;8:45 am]

[Notice No. 35]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 4, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new special rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

APPLICATIONS ASSIGNED FOR ORAL HEARING

No. MC 550 (sub-No. 5) filed April 20, 1973. Applicant: RUDIE WILHELM WAREHOUSE CO., a corporation, doing business as: WILHELM TRUCKING CO., 3250 Northwest St. Helens Road, Portland, Oreg. 97210. Applicant's representative: Russell M. Allen, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in appendix V to the report in "Descriptions in Motor Carrier Certificates," 61 M.C.C. 209, (1) between points in Oregon, on the one hand, and, on the other, points in Cali-

fornia on and north of U.S. Highway 50, and those in Payette, Boise, Elmore, Latah, Nez Perce, Owyhee, Washington, Ada, Gem, and Canyon Counties, Idaho; and (2) between points in Oregon and Washington.

NOTE.—Applicant states that the purpose of this application is to clarify its presently held size and weight authority. Applicant further states that the requested authority cannot or will not be tacked with its existing authority.

HEARING.—June 18, 1973 (1 week) 9:30 a.m., d.s.t. (or 9:30 a.m. U.S. standard time, if that time is observed), at Portland, Oreg. Location of hearing room will be by subsequent notice.

No. MC-1872 (sub-No. 80), filed March 19, 1973. Applicant: ASHWORTH TRANSFER, INC., 1526 South 600 West, Salt Lake City, Utah 84104. Applicant's representative: Keith E. Taylor, 520 Kearns Building, Salt Lake City, Utah 84101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, between points in Oregon and Washington, on the one hand, and, on the other, points in Montana and Utah.

NOTE.—Applicant states that the requested authority can be tacked at points in Oregon, Washington, Utah, and Montana to provide a thorough service between those points, on the one hand, and, on the other, points in numerous Western States.

HEARING: June 18, 1973 (1 week) 9:30 a.m., daylight saving time (or 9:30 a.m. United States standard time, if that time is observed), at Portland, Ore. Location of hearing room will be by subsequent notice.

No. MC 125433 (sub-No. 45), filed April 23, 1973. Applicant: F-B TRUCK LINE CO., a corporation, 1891 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles* as described in appendix V to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (1) between points in Marion, Polk, Benton, Lincoln, and Linn Counties, Oreg., on the one hand, and, on the other, points in Modoc, Siskiyou, Del Norte, Humboldt, Trinity, Shasta, and Lassen Counties, Calif., but excluding service to or from points in Siskiyou and Shasta Counties, Calif., located on U.S. Highway 99; (2) between points in Washington, those in that part of Oregon on and north of the 44th parallel, those in that part of Montana on and west of a direct north and south line extending from the northwest corner of Wyoming to the international boundary line between the United States and Canada, and those in Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Clearwater, Lewis, Idaho, Adams, Washington, Valley, Payette, Gem, Boise, Custer, Ada, Canyon, and Elmore Counties, Idaho; and (3) between points in Marion, Polk, Benton, Lincoln, and Linn Counties, Oreg., on the one hand, and, on the other, between points in Washington, those in that part of Oregon on and north of the 44th parallel, those in that part of Montana on and west of a direct north and south line extending from the northwest corner of Wyoming to the international boundary line between the United States and Canada, and those in Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Clearwater, Lewis, Idaho, Adams, Washington, Valley, Payette, Gem, Boise, Custer, Ada, Canyon, and Elmore Counties, Idaho.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority.

HEARING: June 18, 1973 (1 week), 9:30 a.m., daylight savings time (or 9:30 a.m., United States standard time, if that time is observed), at Portland, Oreg. Location of hearing room will be by subsequent notice.

No. MC-14702 (sub-No. 35) (Republication), filed July 28, 1971, published in the FEDERAL REGISTER of August 19, 1971, and republished this issue. Applicant: OHIO FAST FREIGHT, INC., P.O. Box 808, Warren, Ohio 44482. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. A Decision and Order of the Commission, Review Board number 1, dated April 19, 1973, and served April 27, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *aluminum and aluminum articles*, except commodities in bulk and commodities requiring special equipment, (1) between the plant and warehouse sites of Martin-Marietta Aluminum, Inc., at Adrian, Mich., and Chicago, Ill., on the one hand, and, on the other, points in Pennsylvania, West Virginia, Virginia, Maryland, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, and the District of Columbia, restricted to the transportation of shipments (a) originating at the described plant and warehouse sites and destined to points in the named States or, (b) originating at points in the named States and destined to the described plant and warehouse sites; and (2) between the plant and warehouse sites of: (a) Mill Products Division of Howmet Corporation in Manheim Township, Pa.; (b) Fabral Corporation at Lancaster, Pa.; (c) Alcan Aluminum Corp. at Williamsport, Pa., Warren, Ohio, Fairmont, W. Va., Oswego, N.Y., and Woodbridge, N.J.; and (d) Aluminum Company of America at Cressona, Pa., on the one hand, and, on the other, Chicago, Ill., points in Indiana, and those in Michigan on and south of Michigan Highway 46, restricted to the transportation of shipments, (i) originating at the described plant and warehouse sites and destined to Chicago, points in Indiana, and the described portion of Michigan or, (ii) originating at Chicago, Ill., points in Indiana, and the described portion of Michigan and destined to the described plant and warehouse sites, and provided that the authority herein granted to the extent it duplicates any authority now held by applicant shall not be construed as conferring more than one operating right. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC-119767 (sub-No. 294) (Republication), filed July 17, 1972, published in the FEDERAL REGISTER issue of August 10, 1972, and republished this issue. Applicant: BEAVER TRANSPORT CO., a corporation, P.O. Box 186, Pleasant Prairie, Wis. 53158. Applicant's representative Fred H. Figge (same address as applicant). An order of the Commission, Review Board number 2, dated April 25, 1973, and served May 1, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *pizza dough*, in vehicles equipped with mechanical refrigeration, from Gardner, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Minnesota, and Wisconsin, those points in Missouri located on and east of U.S. Highway 65, and those points in Ohio located on and west of a line beginning at Sandusky and extending along Ohio Highway 4 to the junction of U.S. Highway 23 near Marion, thence along U.S. Highway 23 to Portsmouth, restricted to the transportation of shipments originating at the plantsite of Brownie Special Products Co., and destined to points in the named States and described areas; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may

file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 136901 (republication), filed July 17, 1972, published in the FEDERAL REGISTER, issue of September 28, 1972, and republished this issue. Applicant: STANLEY E. SCRAGGS, doing business as S & A LINES, Box 11, Savage, Minn. 55378. Applicant's representative: William E. Fox, 860 Northwestern Bank Building, Minneapolis, Minn. 55402. An order of the Commission, review board No. 2, dated April 25, 1973, and served May 1, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, (1) of *passengers and their baggage and express and newspapers* in the same vehicle with passengers, (a) between Minneapolis,, Minn., and Mora, Minn., over Minnesota Highway 65, (b) between Minneapolis and New Richland, Minn., over Minnesota Highway 13, and (c) between Minneapolis and Hutchinson, Minn., from Minneapolis over Hennepin County Road 15 to Watertown, thence over Minnesota Highway to Hutchinson, and return over the same route, serving all intermediate points on the routes described; and (2) over irregular routes, of *passengers and their baggage* in the same vehicle with passengers, in round-trip charter operations, beginning and ending at points in Anoka, Carver, Dakota, Hennepin, Le Sueur, McLeod, Ramsey, Scott, and Waseca Counties, Minn., and extending to points in Colorado, Idaho, Maine, Montana, New Mexico, Tennessee, and Texas; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 115093 (correction of a notice of filing of petition to establish alternate gateway), filed March 22, 1973, published in the FEDERAL REGISTER, issue of April 18, 1973, and republished, as corrected, this issue. Petitioner: MERCURY MOTOR EXPRESS, INC., 704 West Kennedy Boulevard, Tampa, Fla. 33606. Petitioner's representative: James E. Wharton, 17th floor, CNA Building, P.O. Box 231, Orlando, Fla. 32802. Petitioner holds authority in certificate No. MC–115093, issued April 11, 1968, to conduct operations as a motor *common carrier*, over regular and irregular routes, of *general commodities*, with the usual exceptions, between points in Florida, Georgia, and South Carolina, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, North Carolina, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, and the District of Columbia and points in New York on and south of New York Highway 7, by way of Mt. Olive, N.C., and points within 15 miles thereof. By the instant petition, petitioner seeks authority to serve points in Florence County, S.C., as an alternate to the Mount Olive gateway in connection with its regular and irregular route operations. Petitioner states that in order to effect the use of this alternate gateway, it has filed an application in No. MC–15093 (sub-No. 10), in which it seeks to restructure certain regular routes and serve certain additional routes for purposes of joinder only. Notice of the application in No. MC–115093 was published in the FEDERAL REGISTER of March 1 and March 8, 1973. Petitioner maintains that the use of the proposed routes in connection with the alternate gateway would not permit the rendition of any new service not presently authorized under its existing authority, and that the proposed routes sought in the proceeding in No. MC–115093 (sub-No. 10), are merely ancillary to the use of the proposed alternate gateway. The purpose of this correction is to indicate that petitioner also holds authority to serve all points in West Virginia, which was inadvertently omitted in the previous publication. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC–124692 (sub-No. 41) (notice filing of petition for modification of restriction), filed April 5, 1973. Petitioner: SAMMONS TRUCKING, a corporation, P.O. Box 1447, Missoula, Mont. 59801. Petitioner's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Petitioner presently holds a motor *common carrier* certificate in No. MC–124692 (sub-No. 41) issued July 17, 1968, authorizing transportation, by motor vehicle, over irregular routes, of (1) *building materials, and gypsum and gypsum products and materials and accessories* used in connection therewith, from points in Big Horn County, Wyo., to points in Colorado, Idaho, Kansas, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, and Wyoming, with no transportation for compensation on return except as otherwise authorized, restricted against the transportation of lumber from points in Big Horn County, Wyo., to points in Colorado, Nebraska, and Wyoming; and (2) *gypsum and gypsum products, and materials and accessories* used in connection therewith, from points in Big Horn County, Wyo., to points in Iowa and Wisconsin, with no transportation for compensation on return except as otherwise authorized. By the instant petition, petitioner seeks to modify the restriction as described in (1) above to read "restricted against the transportation of lumber originating at points in Big Horn County, Wyo., and destined to points in Colorado, Nebraska, and Wyoming." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 6461 (sub-No. 12), filed March 28, 1973. Applicant: B–LINE TRANSPORT CO., INC., E–7100 Broadway, Spokane, Wash. 99206. Applicant's representative: H. E. Rolph (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insulating material* (mineral wool-rock, slag or glass wool), plain or saturated with binder in solid flat sheets, rolls, bundles, or packages, from the plantsite of United States Gypsum Co. at or near Tacoma, Wash., to points in Washington, those in that part of Oregon on and north of the 44th parallel, those in that part of Montana on and west of a direct north and south line extending from the northwest corner of Wyoming to the boundary between the United States and Canada, and those in Boundary, Bonner, Kootenai, Benewah, Shoshone, Latah, Nez Perce, Clearwater, Lewis, Idaho, Adams, Washington, Valley, Payette, Gem, Boise, Custer, Ada, Canyon, and Elmore Counties, Idaho.

NOTE.—This application is a matter directly related to a section 5 proceeding in No. MC–F–11803, published in the FEDERAL REGISTER issue of March 7, 1973. Common control may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Spokane or Seattle, Wash., Portland, Oreg., or Salt Lake City, Utah.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commisison's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240)

MOTOR CARRIERS OF PROPERTY

No. MC–F–11832. (Correction) (BARTON TRUCK LINE, INC.—Control and Merger—BONANZA TRUCKING COMPANY), published in the April 11, 1973, issue of the FEDERAL REGISTER on page 9198. Prior notice should be corrected to show the acquisition by GEORGE R.

CANNON, BROWN CANNON, and HAROLD R. TATE, of control of the operating rights through the transaction; to show that Bonanza holds authority to transport *cement*, between Alpine, Wyo., and Salt Lake City, Utah, and to show Marion F. Jones, Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203, as one of applicants' attorneys.

No. MC–F–11855. Authority sought for merger by MAISLIN TRANSPORT CORP., 1314 Irving Street, Allentown, Pa. 18103, of the operating rights and property of MAISLIN BROS. TRANSPORT (U.S.) LTD., 7401 Newman Boulevard, Lasalle, Quebec, Canada, and for acquisition by MASLIN TRANSPORT LTD., also of Lasalle, Quebec, Canada, of control of such rights through the transaction. Applicants' attorney: Charles Ephraim, 1250 Connecticut Avenue NW., suite 600, Washington, D.C. 20036. Operating rights sought to be merged: *General commodities*, with the usual exceptions, as a *common carrier* over regular routes, an area extending between Elizabethtown, Columbia, Lancaster, and Chester, Pa., on the south and Newburgh and Poughkeepsie, N.Y., on the north via Philadelphia, Pa., Trenton and Newark, N.J., including an extensive network of routes, between Trenton, N.J., Suffern, White Plains, Port Chester, and Huntington), Long Island, N.Y.; *paper*, over regular and irregular routes, from New York, N.Y., and those intermediate and off New Jersey points specified, to Hagerstown, Md.; *munitions, military impediments, cartridges, and army supplies*, over irregular routes, between New York, N.Y., and the intermediate and off-route points in New Jersey, specified above, on the one hand, and, on the other, Army posts, forts, military reservations, and camps located at Lickdale, Pa., and at points and places on or south of U.S. Highway 22 in Pennsylvania, and those on or east of U.S. Highway 11 in Pennsylvania, Maryland, and Delaware; *dangerous explosives*, between Raritan Arsenal, N.J., on the one hand, and, on the other, points and places in New York within 75 miles of New York City, including New York City; over one alternate route for operating convenience only. MAISLIN TRANSPORT CORP., is authorized to operate as a *common carrier* in Virginia, Pennsylvania, Delaware, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maryland, Maine, and the District of Columbia.

NOTE.—MC–60580 (sub-No. 29), is a matter directly related.

No. MC–F–11856. Authority sought for purchase by ANNISTON MOTOR EXPRESS, INC., 929 West Ninth Street, Anniston, Ala. 36201, of the operating rights and property of B & G EXPRESS, INC., 1731 Forest Avenue, Gadsden, Ala. 35902, and for acquisition by EDMOND W. LANDERS, Route 7, Box 602–16, Oxford, Ala. 36201, BILLY E. AUSTIN, Ravenwood Hills, Oxford, Ala. 36201, and GEORGE H. DEYO, 201 East 11th Street, Anniston, Ala. 36201, of control of such rights and property through the purchase. Applicants' attorneys: Robert S. Richard, P.O. Box 2069, Montgomery, Ala. 36103, and Edward G. Villalon, 1032 Pennsylvania Building, Washington, D.C. 20004. Operating rights sought to be transferred: Under a certificate of registration in docket No. MC–96753 (sub-No. 1), covering the transportation of general commodities, as a common carrier in interstate commerce, within the State of Alabama. Vendee is authorized to operate as a common carrier in Alabama. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11857. Authority sought for control by MICROTRON INDUSTRIES, INC., a noncarrier, P.O. Box 1118, Irving, Tex. 75060, of UFT TRANSPORT COMPANY, also of Irving, Tex. 75060, and for acquisition by R. C. DAWE, 3210 Conflans, Irving, Tex. 75060, of control of UFT TRANSPORT COMPANY, through the acquisition by MICROTRON INDUSTRIES, INC. Applicants' attorney: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Operating rights sought to be controlled: *New furniture, new store fixtures and equipment*, and *new kitchen equipment*, as a *common carrier*, over irregular routes, from points in Kentucky and Tennessee (except points in Hamblen County, Tenn.), to points in the United States, including Alaska but excluding Hawaii; *new furniture*, between Camden, Ark., on the one hand, and, on the other, points in Mississippi, Alabama, Florida, Georgia, North Carolina, Tennessee (except points in Hamblen County), Virginia, Kentucky, West Virginia, Indiana, Delaware, Pennsylvania, Ohio, Illinois, New York, Maryland, Wisconsin, Michigan, Connecticut, Massachusetts, Rhode Island, New Jersey, New Hampshire, Vermont, Maine, and the District of Columbia, between points in Texas, Oklahoma, and Arkansas (except from Fort Smith, Ark., and points in its commercial zone, as defined by the Commission), between Little Rock, Stamps, and Waldron, Ark., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Ohio, Louisiana, Mississippi, North Carolina, Oklahoma, Pennsylvania, Texas, Tennessee (except points in Greene, Hamblen, Knox, and Cocke Counties), Virginia, West Virginia, Delaware, New York, Maryland, Wisconsin, Michigan, Connecticut, Massachusetts, Rhode Island, New Jersey, New Hampshire, Vermont, Maine, and the District of Columbia, between points in Angelina and Nacogdoches Counties, Tex., and points in New Mexico, Kansas (excluding Kansas City and points in its commercial zone as defined by the Commission), Missouri (excluding Kansas City and points in its commercial zone as defined by the Commission), Tennessee (excluding Memphis and points in its commercial zone as defined by the Commission, and points in Hamblen County), Mississippi (excluding Jackson, Natchez, Vicksburg, Gulfport, and points in their commercial zones as defined by the Commission), between points in Saline, Sebastian, and Crawford Counties, Ark., and points in Arizona, California, Colorado, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, New Mexico, Oklahoma, Tennessee (except Cocke, Hamblen, and Knox Counties), Texas, and Wyoming (except between California and Arizona and from Arizona to Texas), between points in Bexar County, Tex. (except San Antonio and points in its commercial zone as defined by the Commission), and Travis County, Tex. (except Austin and points in its commercial zone as defined by the Commission), and points in Arkansas, Colorado, Idaho, Illinois, points in that part of Indiana north of U.S. Highway 50, Kentucky, Michigan, Minnesota, Montana, Nevada, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin, and Shelby County, Tenn., with restrictions, between points in Dallas County, Tex., on the one hand, and, on the other, points in Georgia, Iowa, Kansas, Nebraska, New Mexico, and North Carolina, from points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Massachusetts, Maryland, Michigan, New Hampshire, New Jersey, New York, Vermont, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, Wisconsin, West Virginia, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, and the District of Columbia. MICROTON INDUSTRIES, INC., holds no authority from this Commission. However, it is affiliated with Columbia. MICROTRON INDUSTRIES, TRANSPORT, INC., P.O. Box 906, Irving, Tex. 75060, which is authorized to operate as a *common carrier* in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, Tennessee, Texas, South Carolina, Massachusetts, Maryland, New Jersey, New York, North Carolina, Pennsylvania, Virginia, Connecticut, Delaware, Rhode Island, Georgia, Florida, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11858. Authority sought for purchase by GARRISON MOTOR FREIGHT, INC., P.O. Box 969, Harrison, Ark. 72601, of a portion of the operating rights of MARTIN TRUCK LINES, INC., 520 Madison Street, Kansas City, Mo. 64101, and for acquisition by F. S. GARRISON, and BEN A. GARRISON, also of Harrison, Ark. 72601, of control of such rights through the purchase. Applicants' attorneys: Frank W. Taylor, Jr., and W. E. Griffin, 1221 Baltimore Avenue, Kansas City, Mo. 64105, and Lawrence R. Bold, 1200 City National Bank Building, Kansas City, Mo. 64106. Operating rights sought to be transferred: *General commodities*, with usual exceptions, as a *common carrier* over regular routes, between Kansas City, Kans., and Joplin, Mo., between junction U.S. Highways 71 and 54, and Springfield, Mo., between junction U.S. Highway 71 and Missouri Highway 150, and Joplin, Mo., between junction U.S. Highway 71 and Missouri Highway 7, and junction Missouri Highways 13 and 32, between Joplin, Mo., and Springfield, Mo., with

restriction, between Council Grove, Kans., and Kansas City, Mo., between Nevada, Mo., and Kansas City, Kans., serving various intermediate and off-route points; *general commodities*, with usual exceptions, over irregular routes, between points in Barton, Dade, Cedar, and Greene Counties, Mo., and those in Jasper County, Mo., on and north of U.S. Highway 66, on the one hand, and, on the other, points in Wyandotte County, Kans., with restriction, between Kansas City, Kans., and points in Barton County, Mo., west of U.S. Highway 71; *livestock*, between Kansas City and Pittsburg, Kans., on the one hand, and, on the other, points in Barton County, Mo., west of U.S. Highway 71; *coal*, from Mulberry, Kans., and points in Kansas within 5 miles of Mulberry, to points in Barton County, Mo., west of U.S. Highway 71. Vendee is authorized to operate as a *common carrier* in Arkansas, Missouri, Tennessee, Kansas, Illinois, Louisiana, and Oklahoma. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11859. Authority sought for continuance in control by C. B. McDANIEL and C. G. McDANIEL, 510 Essex Street, Fredericksburg, Va. 22401, of KEY WEST MOVING & STORAGE, INC., First and Maloney Avenue, Key West, Fla. 33040. Applicants' attorney: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Operating rights sought to be controlled: By order served November 24, 1972, in docket No. MC-136466 (sub-No. 1), it was found that applicant should be granted authority to operate in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of used household goods between points in Monroe and Dade Counties, Fla., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic certificate not yet issued. C. B. McDANIEL and C. G. McDANIEL, holds no authority from this Commission. However, they are affiliated with HILLDRUP TRANSFER & STORAGE CO., INC., 510 Essex Street, Fredericksburg, Va. 22401, which is authorized to operate as a *common carrier* in Virginia, Maryland, Pennsylvania, New York, Delaware, New Jersey, Rhode Island, Georgia, North Carolina, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-9209 Filed 5-8-73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 4, 1973.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

North Carolina Docket No. T-978 (sub-No. 10) filed March 19, 1973. Applicant-Transferor: HARRY J. KANE, doing business as COASTAL PLAINS, Kinston, N.C. Transferee: SECURITY STORAGE COMPANY, INC., P.O. Box 205, Goldsboro, N.C. Applicant's representative: Vaughan S. Winborne, 1108 Capital Club Building, Raleigh, N.C. That in connection with the proposed transfer of North Carolina Certificate No. C-528, issued to Harry J. Kane, doing business as, Coastal Plains, and registered with the Interstate Commerce Commission in MC 97817, to Security Storage Co., Inc., it has applied to amend and transfer the origin point from Kinston, N.C., to Goldsboro, N.C. The notice indicates that pool car and pool truck operations are conducted to 33 North Carolina Counties for groceries, canned and/or preserved foodstuffs and paper products, and that both intrastate and interstate authority sought.

HEARING.—Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the North Carolina Utilities Commission, P.O. Box 991, Raleigh, N.C. 27602, and should not be directed to the Interstate Commerce Commission.

New York Docket No. T-1318 filed April 3, 1973. Applicant: CRAW CARTING, INC., 200 Exchange Street, Rochester, N.Y. 14614. Applicant's representative: Herbert M. Canter, 315 Seitz Building, 201 E. Jefferson Street, Syracuse, N.Y. 13202. Applicant seeks an amendment of its certificate No. 3099 adopted March 13, 1973, as further amended by order adopted March 30, 1973, to remove the no tacking restriction contained in order clause 2 therein contained. Applicant's certificate authorizes transportation of general commodities as defined in 16 NYCRR 800.1 between Monroe County on the one hand, and, on the other, all points in the following counties: Genesee, Livingston, Monroe, Ontario, Orleans, and Wayne. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, Building 5, State Campus, Albany, N.Y. 12226, and should not be directed to the Interstate Commerce Commission.

Utah Docket No. 4252 (sub-No. 17) filed April 23, 1973. Applicant: WYCOFF COMPANY, INC., 560 South 2nd West, Salt Lake City, Utah. Applicant's representative: Harry D. Pugsley, 400 El Paso Gas Building, Salt Lake City, Utah. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, in a scheduled service, except those of unusual value, commodities in bulk, commodities requiring special equipment, and household goods as defined in practices of motor common carriers of household goods, 17 M.C.C. 467. Said service shall be performed over irregular routes: Between points in Salt Lake County, Utah, on the one hand, and, on the other, Alta, Utah, and points in Little Cottonwood Canyon on Utah Highway No. 210; and Brighton, Utah, and points in Big Cottonwood Canyon on Utah Highway No. 152. Both intrastate and interstate authority sought.

HEARING: May 29, 1973, at 330 East 4th South, Salt Lake City, Utah, at 10 a.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Utah Public Service Commission, 330 East Fourth South Street, Salt Lake City, Utah 84111, and should not be directed to the Interstate Commerce Commission.

Alabama Docket No. 16698 filed April 26, 1973. Applicant: JIMMY STEIN MOTOR LINES, INC., P.O. Box 2286, Mobile, Ala. 36601. Applicant's representative: J. Douglas Harris & James D. Harris, Jr., 1110 Union Bank Building, Montgomery, Ala. 36104. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except commodities in bulk, in tank vehicles, between Chatom, Ala., and the plantsite of Phillips Petroleum Co., Chatom Plant, on or near Alabama State Highway No. 56, approximately 9 miles west of Chatom, over Alabama State Highway No. 56. Applicant will tack at Chatom. Both intrastate and interstate authority sought.

HEARING.—Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Alabama Public

Service Commission, P.O. Box 991, Montgomery, Ala. 36102, and should not be directed to the Interstate Commerce Commission.

California docket No. 53982, filed April 18, 1973. Applicant: ROY MILLER FREIGHT LINES, INC., 10845 South Koontz Avenue, Santa Fe Springs, Calif. 90670. Applicant's representative: Donald Murchison, 9454 Wilshire Boulevard, Suite 400, Beverly Hills, Calif. 90212. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) Between all points and places within the territory more particularly delineated in note (A) below. (2) Between points and places in note (A), on the one hand, and points and places in note (B), on the other hand, including all intermediate points on U.S. Highway 395 and Interstate Highways 5 and 15, and all points laterally within 10 miles of said highways. Applicant shall not transport any shipments of: (a) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of item No. 10–C of Minimum Rate Tariff No. 4–A. (b) Automobiles, trucks, and buses, viz: New and used, finished or unfinished passenger automobiles (including Jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses, bus chassis, (c) Livestock, viz: Bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine. (d) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment. (e) Liquids, compressed gases, commodities in semiplastic form and commodities in suspension, in liquids, in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles. (f) Commodities when transported in bulk in dump trucks or in hopper-type trucks. (g) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (h) Trailer coaches and campers, including integral parts and contents, when the contents are within the trailer coach or camper.

NOTE (A).—Los Angeles Basin territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; thence northeasterly along said county line to the point it intersects State Highway No. 118, approximately 2 miles west of Chatsworth; easterly along State Highway No. 118 to Sepulveda Blvd.; northerly along Sepulveda Blvd. to Chatsworth Dr.; northeasterly along Chatsworth Dr. to the corporate boundary of the city of San Fernando; westerly and northerly along said corporate boundary to McClay Ave.; northeasterly along McClay Ave. and its prolongation to the Los Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Rd.; westerly along Mill Creek Rd. to the county road, 3.8 miles noerth of Yucaipa; southerly along said county road to and including the unincorporated community of Yucaipa; westerly along Redlands Blvd. to U.S. Highway No. 99; northwesterly along U.S. Highway 99 to the corporate boundary of the city of Redlands; westerly and northerly along said corporate boundary to Brookside Ave.; westerly along Brookside Ave. to Barton Ave.; westerly along Barton Ave. and its prolongation to Palm Ave.; westerly along Palm Ave. to La Cadena Dr.; southwesterly along La Cadena Dr. to Iowa Ave.; southerly along Iowa Ave. to U.S. Highway No. 60; southwesterly along U.S. Highways Nos. 60 and 395 to the county road approximately 1 mile north of Perris; easterly along said county road via Nuevo and Lakeview to the corporate boundary of the city of San Jacinto; easterly, southerly, and westerly along said corporate boundary to San Jacinto Ave.; southerly along San Jacinto Ave. to State Highway No. 74; westerly along State Highway No. 74 to the corporate boundary of the city of Hemet; southerly, westerly, and northerly along said corporate boundary to the right-of-way of the Atchison, Topeka & Santa Fe Railway Co.; southwesterly along said right-of-way to Washington Ave.; southerly along Washington Ave. through and including the unincorporated community of Winchester to Benton Rd.; westerly along Benton Rd. to the county road intersecting U.S. Highway No. 395, 2.1 miles north of the unincorporated community of Temecula; southerly rated community of Temecula; southerly along said county road to U.S. Highway 395; southeasterly along U.S. Highway No. 395 to the Riverside County-San Diego County boundary lines; westerly along said boundary line to the Orange County-San Diego County boundary lines; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning.

NOTE (B).—San Diego territory includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101–E and 101–W (4 miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the international boundary line; West to the Pacific Ocean and north along the coast to point of beginning. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the California Public Utilities Commission, State Building, Civic Center, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-9210 Filed 5-8-73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—MAY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May.

FEDERAL REGISTER PAGES AND DATES—MAY

Pages	*Date*
10699–10788	May 1
10789–10908	2
10909–11052	3
11053–11329	4
11331–11426	7
11427–12084	8
12085–12194	9