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PART I

(Part II begins on page 13621)

HIGHLIGHTS OF THIS ISSUE

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

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

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S.J. Res. 93 ... Pub. L. 93–34
National Commission on Productivity, extension (May 14, 1973; 87 Stat. 72)

H.R. 3841 ... Pub. L. 93–33
Commemorative medals, Roberto Walker Clemente (May 14, 1973; 87 Stat. 71)

H.J. Res. 393 ... Pub. L. 93–35
National Commission on the Financing of Postsecondary Education, extension (May 16, 1973; 87 Stat. 72)

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CHAPTER I—CIVIL SERVICE COMMISSION

PART 871—OPTIONAL LIFE INSURANCE

Reduction in Optional Insurance Rates

Correction

In FR Doc. 73-9855 appearing on page 12891 in the issue for Thursday, May 17, 1973, in § 871.401(c):

1. In line 7, the word "the" should read "be".

2. The line of five stars which appears before the final paragraph should be deleted.

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

PART 220—SCHOOL BREAKFAST AND NONFOOD ASSISTANCE PROGRAMS AND STATE ADMINISTRATIVE EXPENSES

Appendix—Second Apportionment of Nonfood Assistance Funds Pursuant to Child Nutrition Act of 1966, Fiscal Year 1973

Pursuant to section 5 of the Child Nutrition Act of 1966, Public Law 89-642, 80 Stat. 887, nonfood assistance funds available for the fiscal year ending June 30, 1973, are reapportioned among the States as follows:

State	Total apportionment	State agency	Withheld for private schools
Alabama	$187,169	$183,738	$3,431
Alaska	36,289	36,289	
Arizona	166,853	166,853	
Arkansas	102,815	102,360	455
California	1,110,942	1,110,942	
Colorado	114,966	111,275	3,691
Connecticut	340,012	340,012	
Delaware	35,487	35,487	
District of Columbia	23,199	23,199	
Florida	388,539	388,539	
Georgia	303,558	303,558	
Guam	4,467	4,467	
Hawaii	59,646	44,409	15,237
Idaho	57,460	54,091	3,369
Illinois	937,147	937,147	
Indiana	351,784	351,784	
Iowa	184,307	159,131	25,176
Kansas	176,070	176,070	
Kentucky	199,729	199,729	
Louisiana	235,233	235,233	
Maine	96,712	86,872	9,840
Maryland	169,542	169,542	
Massachusetts	948,427	948,427	
Michigan	698,425	698,425	
Minnesota	305,138	305,138	
Mississippi	157,039	157,039	
Missouri	206,012	206,012	
Montana	106,139	96,656	9,483
Nebraska	177,619	156,623	20,996
Nevada	14,245	14,245	
New Hampshire	92,135	92,135	
New Jersey	1,038,363	833,112	205,251
New Mexico	77,204	77,204	
New York	1,281,586	1,281,586	
North Carolina	321,657	321,657	
North Dakota	47,291	44,444	2,847
Ohio	733,503	665,169	68,334
Oklahoma	120,683	120,683	
Oregon	141,720	141,720	
Pennsylvania	1,112,747	827,671	285,076
Puerto Rico	$129,438	$129,438	
Rhode Island	136,073	136,073	
Samoa, American	4,055	4,055	
South Carolina	162,053	158,512	$3,541
South Dakota	51,236	51,236	
Tennessee	198,896	196,556	2,340
Texas	427,144	405,265	21,879
Trust Territory			
Utah	84,354	84,354	
Vermont	42,862	42,862	
Virginia	227,953	217,590	10,363
Virgin Islands	9,180	9,180	
Washington	157,154	138,416	18,738
West Virginia	100,945	89,445	11,500
Wisconsin	380,175	339,963	40,212
Wyoming	26,623	26,623	
Total	15,000,000	14,238,341	761,95

Section 5(b)

State	Total apportionment	State agency	Withheld for private schools
Alabama	$187,169	$183,738	$3,431
Alaska	10,862	10,862	
Arizona	66,714	66,714	
Arkansas	102,815	102,360	455
California	393,839	393,839	
Colorado	88,243	84,552	3,691
Connecticut	68,260	68,260	
Delaware	23,487	23,487	
District of Columbia	20,274	20,274	
Florida	290,539	290,539	
Georgia	297,034	297,034	
Guam	4,112	4,112	
Hawaii	46,490	44,409	2,081
Idaho	30,348	29,645	703
Illinois	315,752	315,752	
Indiana	201,885	201,885	
Iowa	138,988	130,761	8,227
Kansas	90,926	90,926	
Kentucky	177,014	177,014	
Louisiana	235,233	235,233	
Maine	38,359	35,498	2,861
Maryland	106,977	106,977	
Massachusetts	194,423	194,423	
Michigan	234,766	234,766	
Minnesota	191,152	191,152	
Mississippi	135,123	135,123	
Missouri	185,684	185,684	
Montana	22,129	21,152	977
Nebraska	62,953	55,967	6,986
Nevada	8,603	8,603	
New Hampshire	24,448	24,448	
New Jersey	125,120	115,820	9,300
New Mexico	53,314	53,314	
New York	504,634	504,634	
North Carolina	308,509	308,509	
North Dakota	30,910	28,063	2,847
Ohio	330,901	306,118	24,783
Oklahoma	111,822	111,822	
Oregon	75,237	75,237	
Pennsylvania	409,103	380,536	28,567
Puerto Rico	113,438	113,438	
Rhode Island	16,876	16,876	
Samoa, American	2,599	2,599	
South Carolina	159,935	158,512	1,423
South Dakota	31,960	31,960	
Tennessee	194,938	192,598	2,340
Texas	402,294	392,396	9,898
Trust Territory			
Utah	61,930	62,930	
Vermont	15,043	15,043	
Virginia	218,930	216,868	2,052
Virgin Islands	4,867	4,867	
Washington	101,553	100,038	1,515
West Virginia	78,269	77,132	1,137
Wisconsin	139,534	124,214	15,320
Wyoming	12,693	12,693	
Total	7,500,000	7,371,436	128,564

Section 5(c)

State	Total apportionment	State agency	Withheld for private schools
Alabama			
Alaska	$25,427	$25,427	
Arizona	100,139	100,139	
Arkansas			
California	$717,103	$717,103	
Colorado	26,723	26,723	
Connecticut	271,752	271,752	
Delaware	12,000	12,000	
District of Columbia	2,925	2,925	
Florida	98,000	98,000	
Georgia	6,524	6,524	
Guam	355	355	
Hawaii	13,156		$13,156
Idaho	27,112	24,446	2,666
Illinois	621,395	621,395	
Indiana	149,899	149,899	
Iowa	45,319	28,370	16,949
Kansas	85,144	85,144	
Kentucky	22,715	22,715	
Louisiana			
Maine	58,353	51,374	6,979
Maryland	62,565	62,565	
Massachusetts	754,004	754,004	
Michigan	463,659	463,659	
Minnesota	113,986	113,986	
Mississippi	21,916	21,916	
Missouri	20,328	20,328	
Montana	84,010	75,504	8,506
Nebraska	114,666	100,626	14,040
Nevada	5,642	5,642	
New Jersey	913,243	717,292	195,951
New Hampshire	67,687	67,687	
New Mexico	23,890	23,890	
New York	776,952	776,952	
North Carolina	13,148	13,148	
North Dakota	16,381	16,381	
Ohio	402,602	359,051	43,551
Oklahoma	8,861	8,861	
Oregon	66,483	66,483	
Pennsylvania	703,644	447,135	256,509
Puerto Rico	16,000	16,000	
Rhode Island	119,197	119,197	
Samoa, American	1,456	1,456	
South Carolina	2,118		2,118
South Dakota	19,276	19,276	
Tennessee	3,958	3,958	
Texas	24,850	12,869	11,981
Trust Territory			
Utah	21,424	21,424	
Vermont	27,819	27,819	
Virginia	9,033	822	8,211
Virgin Islands	4,313	4,313	
Washington	55,691	38,378	17,223
West Virginia	22,676	12,313	10,363
Wisconsin	240,641	215,749	24,892
Wyoming	13,930	13,930	
Total	7,500,000	6,866,995	633,005

(Secs. 2, 5, 6, and 8 through 16, 80 Stat. 885-890; U.S.C. 1771, 1774, 1775, 1777-1785.)

Dated May 14, 1973.

EDWARD J. HEKMAN,
Administrator.

[FR Doc.73-10185 Filed 5-22-73;8:45 am]

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

[Grapefruit Reg. 73, Amdt. 5; Export Reg. 22, Amdt. 1]

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

Amendment of Grade and Size Regulations

These amendments lower the minimum grade and size requirements for

grapefruit shipped from the production area in Florida. The specification of such lower minimum grades and smaller minimum sizes for Florida grapefruit is necessary to satisfy the demand for grapefruit during the period of seasonally reduced supply. The amended regulations recognize the lesser quality and smaller size of much of the grapefruit remaining from the 1972–73 Florida grapefruit crop. The regulation will permit shipment of such lesser quality and smaller sized grapefruit and increase the supply to domestic consumers and for export.

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

(2) Less restrictive grade and size limitations on domestic and export shipments of fresh grapefruit is consistent with the available supply of and current and prospective demand for such grapefruit by fresh market outlets. Fresh shipments of Florida grapefruit for the season through May 13, 1973, totaled 28,229 carlots, and there were an estimated 3,521 carlots remaining for shipment.

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

Order.—1. In § 905.546 (Grapefruit Regulation 73; 37 FR 21799, 24432, 27619; 38 FR 10151, 12201) the provisions of paragraph (a) are revised by amending subparagraphs (2) through (5) reading as follows:

§ 905.546 Grapefruit Regulation 73.

(a) * * *

(2) Any seeded grapefruit, other than pink seeded grapefruit, grown in the production area, which are smaller than $3\frac{15}{16}$ inches in diameter, or any pink seeded grapefruit which are smaller than $3\frac{13}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum sizes shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit;

(3) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 1 Bronze;

(4) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least U.S. No. 2 Russet; or

(5) Any seedless grapefruit, grown in the production area, which are smaller than $3\frac{7}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit.

* * * * *

2. In § 905.549 (Export Regulation 22; 37 FR 20036) the provisions of paragraph (a)(3) are amended to read as follows:

§ 905.549 Export Regulation 22.

(a) * * *

(3) Any grapefruit, grown in the production area, which does not grade at least U.S. No. 2 Russet; or

* * * * *

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

Dated May 18, 1973, to become effective May 21, 1973.

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

[FR Doc. 73-10294 Filed 5-22-73;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. G, T, and U]

SECURITIES CREDIT TRANSACTIONS

Treatment of Puts, Calls, and Combinations Thereof

By notice of proposed rulemaking published in the FEDERAL REGISTER on February 27, 1973 (38 FR 5266), the Board of Governors pursuant to the authority contained in the Securities Exchange Act of 1934 (15 U.S.C. 78g), published a proposal to amend parts 207, 220, and 221 (regulations G, T, and U). These amendments provide that any put, call, or combination thereof which is written on an equity security, even if such option is itself registered as a security on a national securities exchange, shall have no loan value for the purposes of §§ 207.1, 220.3 and 221.1 (regulations G, T, and U); make it clear that the customer's adjusted debit balance in a general account under regulation T must include the amount of margin required in connection with the issuance, endorsement, or guarantee of any put, call, or combination thereof whether or not such obligations are assumed by the creditor; and conform the definition of "stock" in regulation U to the statutory definition of "equity security." Following consideration of all the comments received, the amendments as proposed are hereby adopted with the following conforming additional change: Section 220.3(b)(2) is amended by adding the words "margin securities or" to the language identifying permissible exception (iv), as set forth below.

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS, OR DEALERS

1. Section 207.5(a) (the supplement to regulation G) is amended as set forth below:

§ 207.5 Supplement.

(a) *Maximum loan value of margin securities.* For the purpose of § 207.1, the maximum loan value of any margin security, except convertible securities subject to § 207.1(d) and any put, call, or combination thereof, shall be 35 percent of its current market value, as determined by any reasonable method. No put, call, or combination thereof shall have any loan value for the purposes of this part.

* * * * *

PART 220—CREDIT BY BROKERS AND DEALERS

2. Section 220.3 is amended by adding the words "margin securities or" to the language identifying permissible exception (iv) of paragraph (b)(2) and paragraph (d)(5) is revised. The amendments to § 220.3 are set forth below.

§ 220.3 General account.

* * * * *

(b) *General rule.* * * *

(2) Except as permitted in this paragraph (b)(2), no withdrawal of cash or exempted or margin securities shall be permissible if the adjusted debit balance of the account (whether the general account, the special bond account, or the special convertible security account) would exceed the maximum loan value of the securities in such account after such withdrawal. The exceptions are available only in the event no cash or securities need to be deposited in such account in connection with a transaction on a previous day and none would need to be deposited thereafter in connection with any withdrawal of cash or securities on the current day. The permissible exceptions are * * * (iv) upon the sale (other than the short sale) of margin securities or securities having loan value in the general account, special bond account, or special convertible security account there may be withdrawn in cash an amount equal to the difference between the current market value of the securities sold and the "retention requirement" of such securities, or (v) * * *

(d) *Adjusted debit balance.* For the purpose of this part, the adjusted debit balance of a general account, special bond account, or special convertible debt

security account shall be calculated by taking the sum of the following items:

* * * * *

(5) The amounts of any margin required in connection with the issuance, endorsement, or guarantee of any put, call, or combination thereof.

* * * * *

3. Section 220.8 (a)(1) and (f) (the Supplement to Regulation T) is amended to read as follows:

§ 220.8 Supplement.

(a) *Maximum loan value of general accounts.* The maximum loan value of securities in a general account subject to § 220.3 shall be:

(1) Of a registered nonequity security held in the account on March 11, 1968, and continuously thereafter, and of a margin equity security (except as provided in § 2203(c) and paragraphs (b), (c) and (f) of this section), 35 percent of the current market value of such securities.

* * * * *

(f) *Securities having no loan value in a general account.* No securities other than an exempted security or registered nonequity security held in the account on March 11, 1968, and continuously thereafter, and a margin security, shall have any loan value in a general account except that a margin security eligible for the special convertible debt security account pursuant to § 220.4(j) shall have loan value only if held in the account on March 11, 1968, and continuously thereafter; and no put, call, or combination thereof shall have loan value in a general account.

* * * * *

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

4. Section 221.3(l) is amended as set forth below:

§ 221.3 Miscellaneous provisions.

* * * * *

(l) *Stock.* The term "stock" includes any security commonly known as a stock; any voting trust certificate or other instrument representing such a security; and any security convertible, with or without consideration, presently or in the future, into such security, certificate, or other instrument, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right; or any other security which the Securities and Exchange Commission shall deem to be of similar nature and consider necessary or appropriate, by such rules and regulations as it may prescribe in the public interest or for the protection of investors, to treat as an equity security such as any certificate of interest or participation in any profit-sharing agreement, preorganization certificate, or subscription, transferable share, limited partnership interest, interest in a joint venture, or certificate of interest in a business trust; or any put, call, straddle, or other option or privilege of buying such a security from or selling such a security to another without being bound to do so.

* * * * *

5. Section 221.4(a) (the supplement to regulation U) is amended to read as follows:

§ 221.4 Supplement.

(a) *Maximum loan value of stocks.* For the purpose of § 221.1, the maximum loan value of any stock except puts, calls, and combinations thereof, whether or not registered on a national securities exchange shall be 35 percent of its current market value, as determined by any reasonable method. Puts, calls, and combinations thereof shall have no loan value.

* * * * *

Effective dates.—Because the Board found that it would be in the public interest that such amendments be effective as soon as possible, the amendments to regulations G and T shall become effective on May 23, 1973. The amendment to regulation U shall become effective on June 16, 1973.

By order of the Board of Governors, May 10, 1973.

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

[FR Doc.73-10238 Filed 5-22-73;8:45 am]

CHAPTER III—FEDERAL DEPOSIT INSURANCE CORPORATION

PART 329—INTEREST ON DEPOSITS

Suspension of Ceilings on Maximum Rates of Interest Payable on Single Maturity Time Deposits

Effective May 17, 1973, part 329 of the rules and regulations of the Federal Deposit Insurance Corporation (12 CFR pt. 329) is amended as follows:

1. Subparagraph (1) of paragraph (a) of § 329.6 is amended to read as follows:

§ 329.6 Maximum rates of interest payable on time and savings deposits by insured nonmember banks.

* * * * *

(a) *Single maturity time deposits*—(1) *Deposits of $100,000 or more.*—There is no maximum rate of interest presently prescribed on any single maturity time deposit of $100,000 or more.

* * * * *

2. Subparagraph (4) of paragraph (b) of § 329.7 is amended to read as follows:

§ 329.7 Maximum rates [14] of interest or dividends payable on deposits by insured nonmember mutual savings banks.

* * * * *

(b) *Maximum rates payable* * * *

(4) *Single maturity time deposits of $100,000 or more.*—There is no maximum rate of interest or dividends presently prescribed on any single maturity time deposit of $100,000 or more.

* * * * *

The purpose of these amendments is to suspend, until further action by the Corporation's Board of Directors, ceilings on interest and dividend rates payable by insured nonmember commercial and mutual savings banks on single maturity time deposits in denominations of $100,000 or more. The amendments are adopted pursuant to section 9 of the Federal Deposit Insurance Act (12 U.S.C. 1819). They interpret or apply section 18(g) of the Federal Deposit Insurance Act (12 U.S.C. 1828(g)).

There was no notice and public participation with respect to these amendments, nor is the effective date thereof deferred with prior publication, as the Board of Directors has found pursuant to § 302.6 of the Corporation's rules and regulations (12 CFR 302.6) that, under the circumstances, such procedure would cause delay and would prevent the action from becoming effective as promptly as necessary in the public interest.

Dated at Washington, D.C., this 16th day of May 1973.

By order of the Board of Directors.

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] ALAN R. MILLER,
Executive Secretary.

[FR Doc.73-10266 Filed 5-22-73;8:45 am]

[14] The maximum rate of interest payable by insured nonmember mutual savings banks as prescribed herein is not applicable to any deposit which is payable only at an office of an insured nonmember mutual savings bank located outside of the States of the United States and the District of Columbia.

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-NW-6-AD; Amdt. No. 39-1643]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing 707, 727-100, and 737 Series Airplanes; Correction

FR Doc. 73-7764 added a new airworthiness directive requiring inspection and interim modification of the forward entry door upper hinge assembly spigot. In the text of the document, it was stated that the amendment became effective on publication. This is incorrect. Action is taken herein to correct this error.

Since this correction is relaxatory in nature and no change in the substance of the regulation is effected, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective May 23, 1973, FR Doc. 73-7764 (38 FR 9990) is amended as hereinafter set forth.

The paragraph stating the effective date is changed to delete "on publication" and substitute therefor "on May 23, 1973."

Issued in Seattle, Wash., on May 14, 1973.

C. B. WALK, Jr.,
Director, Northwest Region.

[FR Doc.73-10207 Filed 5-22-73;8:45 am]

[Docket No. 12059; Amdt. 39-1648]

PART 39—AIRWORTHINESS DIRECTIVES

SIAI Marchetti Model S.205 Airplanes

A proposal to amend part 39 of the Federal Aviation regulations to include an airworthiness directive (AD), requiring a modification to provide a means for periodic lubrication of the main and nose landing gear torque link pins and bolts on specified SIAI Marchetti model S.205 airplanes was published on July 25, 1972, in the FEDERAL REGISTER (37 FR 14815).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

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

SIAI MARCHETTI: Applies to SIAI Marchetti model S.205 airplanes, serial numbers 001, 002, 003, 101 through 399, and 4-101 through 4-212.

Compliance is required within the next 100 hours' time in service after the effective date of this AD unless already accomplished.

To provide a means for periodic lubrication of the main and nose landing gear torque link pins and bolts accomplished the following in accordance with SIAI Marchetti service bulletin No. SB 205B35 dated March 13, 1972, or an FAA-approved equivalent:

(a) Remove the existing main and nose landing gear center torque link hinge bolts and main and nose landing gear upper and lower torque link to landing gear pins.

(b) Clean the bushings by removing rust residue; install the following bolts, pins, and grease fittings in the locations indicated, and check the fit between the pins and bushings.

(1) Install new pins and grease fittings, P/N 205-9-043-01, in the upper and lower main gear torque link to main gear leg connections with the grease fittings pointing toward the airplane centerline.

(2) Install new bolts with grease fittings, P/N 205-9-063-01, in the main landing gear upper to lower torque link connections.

(3) Install new pins, P/N 205-9-137-11 and P/N 205-9-138-11, in the upper and lower torque link to nose landing gear leg connections, respectively, and install grease fittings, P/N 205-9-154-01.

(4) Install a new bolt with grease fitting, P/N 205-9-153-01, in the nose landing gear upper to lower torque link connection.

This amendment becomes effective June 22, 1973.

Issued in Washington, D.C., on May 16, 1973.

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

[FR Doc.73-10208 Filed 5-22-73;8:45 am]

[Docket No. 12050; Amdt. 39-1647]

PART 39—AIRWORTHINESS DIRECTIVES

SIAI Marchetti Models S.205 and S.208 Airplanes

A proposal to amend part 39 of the Federal Aviation regulations to include an airworthiness directive (AD), applicable to certain SIAI Marchetti models S.205 and S.208 airplanes, requiring inspections for frayed flap or aileron cables and for contact between those cables and the metalic cup, P/N 205-1-156-11, and the replacement of the cables and rework of the cup, if necessary, was published on July 13, 1972, in the FEDERAL REGISTER (37 FR 13719).

Interested persons have been afforded an opportunity to participate in the making of the amendment. No objections were received.

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

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

SIAI-MARCHETTI: Applies to SIAI Marchetti, model S.205 airplanes, serial Nos. 001 through 003, 101 through 399, 4-101 through 4-165, 4-167 through 4-215, 4-227, 4-232 through 4-252, 4-254, 4-267, 4-268, 4-270, 4-271, 4-273, 4-274, 4-282, 4-285, 5-302, 5-303, 5-406; and model S.208 airplanes serial Nos. 001 through 003, 1-03 through 1-15, 2-16 through 2-22, 2-47 through 2-50, 369, 3-100, 4-51, 4-231, 4-233, and 4-256 through 4-258.

Compliance is required as indicated unless already accomplished.

To detect frayed or improperly alined flap and aileron control cables at the passage of the cables from the fuselage to the wings, accomplish the following:

(a) Within the next 100 hours' time in service after the effective date of this AD, inspect the flap and aileron control cables in the area of passage from the fuselage to the wings for fraying or contact with the metallic cup, P/N 205-1-156-11, in accordance with SIAI Marchetti service bulletin No. 205B31 date January 14, 1972, or FAA-approved equivalent.

(b) If frayed flap or aileron control cables or contact between the control cables and the metallic cup, P/N 205-1-156-11, are found during the inspection required by paragraph (a), before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed, replace any frayed cables and rework the metallic cup, P/N 205-1-156-11, in accordance with SIAI Marchetti service bulletin No. 205B31 dated January 14, 1972, or FAA-approved equivalent.

This amendment becomes effective June 22, 1973.

Issued in Washington, D.C., on May 15, 1973.

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

[FR Doc.73-10209 Filed 5-22-73;8:45 am]

Title 19—Customs Duties

CHAPTER I—BUREAU OF CUSTOMS, DEPARTMENT OF THE TREASURY

[T.D. 73-140]

CARRIERS, CARTMEN, AND LIGHTERMEN; CARTAGE AND LIGHTERAGE OF MERCHANDISE

On October 19, 1972, notice of proposed rulemaking pertaining to a revision of the Customs regulations relating to carriers, cartmen, and lightermen, and cartage, and lighterage of merchandise (19 CFR 18.1 and pt. 21), was published in the FEDERAL REGISTER (37 FR 22381). This revision is part of the general revision of the Customs Regulations and establishes procedures for the bonding of carriers, the licensing of cartmen and lightermen, and the issuance of identification cards to the employees of cartmen and lightermen. It also provides for the revocation or suspension of licenses and identification cards. The second part of this revision set forth the procedures governing cartage, and lighterage, and the duties, and liabilities of cartmen, and lightermen in the cartage of merchandise.

After consideration of all comments received, there were no changes made in the proposed part 112 and part 125.

There is included as part of the revision a parallel reference table showing the relationship of sections in part 112 and part 125 to the superseded sections in 19 CFR 18.1 and part 21.

Accordingly, new parts 112 and 125, with the conforming changes in parts 18, 21, 24, and 172 of the Customs regulations, chapter I, title 19 of the Code of Federal Regulations, are hereby adopted as set forth below.

Effective date.—These amendments shall become effective May 23, 1973.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved May 14, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

§ 18.1 [Amended]

Section 18.1 is amended by deleting paragraphs (c), (d), (e), and (f).

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 21—CARTAGE AND LIGHTERAGE [DELETED]

Chapter I of Title 19, Code of Federal Regulations, is amended by deleting Part 21—Cartage and Lighterage.

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

§ 24.12 [Amended]

In § 24.12, paragraph (a)(1) is amended by deleting subdivisions (ii) and (iv).

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PART 112—CARRIERS, CARTMEN, AND LIGHTERMEN

Chapter I of Title 19, Code of Federal Regulations, is amended by adding Part 112 entitled "Carriers, Cartmen, and Lightermen" to read as follows:

Sec.

AUTHORITY.—R.S. 251, as amended, secs. 551, 565, 624, 46 Stat. 742, as amended, 747, as amended, 759; 19 U.S.C. 66, 1551, 1565, 1624.

§ 112.0 Scope.

This part sets forth regulations providing for the bonding of carriers which will receive merchandise for transportation in bond, and the licensing of cartmen and lightermen for the cartage of merchandise entered for warehouse, designated for examination, or taken into custody as unclaimed, and the procedures in applying for such bonds or licenses. This part also sets forth the regulations concerning the obtaining of identification cards by cartmen and lightermen, and their employees and the procedures for revoking or suspending licenses and identification cards. Provisions setting forth the duties and responsibilities of cartmen and lightermen are set forth in Part 125 of this chapter.

Subpart A—General Provisions

§ 112.1 Definitions.

When used in this part, the following terms shall have the meaning indicated:

(a) *Carrier.* A "carrier" is one who undertakes to transport goods, merchandise or people.

(b) *Cartman.* A "cartman" is one who undertakes to transport goods or merchandise within the limits of the port.

(c) *Common carrier.* A "common carrier" is a carrier owning or operating a railroad, steamship, or other transportation line or route which undertakes to transport goods or merchandise for all of the general public who choose to employ him.

(d) *Contract carrier.* A "contract carrier" is a carrier which undertakes to transport specific goods or merchandise for a specific person or group of persons, and is authorized to operate as such by any agency of the United States.

(e) *Freight forwarder.* A "freight forwarder" is one who engages in the business of dispatching shipments on behalf of other persons, for a consideration, in foreign or domestic commerce between the United States, its territories or possessions, and foreign countries, and of handling the formalities incident to such shipments, and is authorized to operate as such by any agency of the United States.

(f) *Lighterman.* A "lighterman" is one who transports goods or merchandise on a barge, scow, or other small vessel to or from a vessel within the port, or from place to place within a port.

(g) *Private carrier.* A "private carrier" is a carrier of his own goods or merchandise.

§ 112.2 Bond or license required.

(a) *Carriers.* A bond provided for in this part is required to transact business as a carrier receiving merchandise for transportation in bond.

(b) *Cartmen and lightermen.* A bond and license provided for in this part are required to transact business as a cartman or lighterman for the cartage or lighterage of merchandise entered for warehouse, designated for examination, taken to container stations, or taken into custody as unclaimed.

Subpart B—Authorization of Carriers To Carry Bonded Merchandise

§ 112.11 Carriers which may be authorized.

(a) *From port to port in the United States.* The district director may authorize the following types of carriers to receive merchandise for transportation in bond from one port to another in the United States upon compliance with the provisions of this subpart:

(1) Common carriers.
(2) Contract carriers.
(3) Freight forwarders.
(4) Private carriers, if:

(i) The private carrier is the proprietor of a Customs bonded warehouse;

(ii) The merchandise to be transported is his property, having been imported by him or purchased from another importer; and

(iii) The merchandise is to be transported from the port of importation or port of entry for warehouse to the private carrier's Customs bonded warehouse for physical deposit.

(b) *Between ports in Canada or Mexico through the United States.* Canadian and Mexican motor vehicle common carriers may be authorized to transport merchandise under bond between ports in Canada or Mexico through the United States (see Part 123 of this chapter), upon compliance with the provisions of this subpart.

§ 112.12 Application for authorization.

(a) *General requirements.* All carriers and freight forwarders desiring to be authorized to receive merchandise for transportation in bond shall file with the district director concerned a bond on Customs Form 3587 (except private carriers which file on Customs Form 3588 and airline companies which have the option to file a consolidated aircraft bond, Customs Form 7605 or the Customs Form 3587), in a sum specified by the district director accompanied by a fee of $50. A check or money order shall be made payable to the Bureau of Customs.

(b) *Special requirements.* In addition to the requirements in paragraph (a) of this section, the specified carriers shall also file with the district director the following documents:

(1) *Common carriers other than railroad, steamship, or airline companies.* Common carriers other than railroad, steamship, or airline companies generally known to be engaged in common carriage, shall file a certified extract of its articles of incorporation or charter showing that it is authorized to engage in common carriage, and a statement that it is operating or intends to operate as a common carrier.

(2) *Contract carriers and freight forwarders.* Contract carriers and freight forwarders shall file a certificate from the appropriate agency of the United States showing that the applicant is authorized to operate as a contract carrier or freight forwarder by that agency and a statement showing that the applicant is operating or intends to operate as such.

(3) *Private carriers.* If the private carrier is the proprietor of Customs bonded warehouses in two or more Customs districts to which imported merchandise will be transported, he shall file the bond with the district director for one of such districts, accompanied by a statement showing the location of each such warehouse and an additional copy of the bond for each additional district.

(4) *Motor carriers.* All motor carriers shall file:

(i) A detailed description of the terminal facilities employed by the principal at the points of origin and destination on the routes covered; and

(ii) A statement showing that facilities are available for the segregation and safeguarding of the packages designated

by the district director for examination from a particular shipment.

§ 112.13 Approval of applications.

The district director shall approve an application for authorization as carriers of bonded merchandise and the bond filed, authorizing the applicant to act as a carrier of bonded merchandise provided he is satisfied that:

(a) The amount of the bond is sufficient.

(b) All documents required by this subpart have been furnished and are in proper form; and

(c) The fee prescribed has been paid.

§ 112.14 Discontinuance of carrier bonds.

Carrier bonds may be discontinued at any time by the Commissioner of Customs or by the district director of the district where the bond is filed. Authorized carriers desiring to terminate such bonds shall make application therefor to such district director.

§ 112.15 Publication of approvals and discontinuances of carrier bonds.

Approvals and discontinuances of carrier's bonds will be published from time to time in the weekly Customs Bulletin.

Subpart C—Licensing of Cartmen and Lightermen

§ 112.21 License required.

A customhouse cartage or lighterage license issued by the district director in accordance with this part or specific authorization of the Commissioner of Customs shall be required to perform Customs cartage or lighterage, except as provided for in §§ 18.3 and 125.12 of this chapter.

§ 112.22 Application for license.

(a) *General requirements.* An applicant for a customhouse cartage or lighterage license shall file with the district director for the district in which he proposes to conduct business the following:

(1) A bond on Customs Form 3855 in a sum specified by the district director.

(2) Payment of a fee of $50. A check or money order shall be made payable to the Bureau of Customs.

(3) If required by the district director, a list showing the names and addresses of the managing officers and members of the organization or of the persons who will receive or transport imported merchandise which has not been released from Customs custody, or a list of all such persons and their addresses.

(b) *Special requirements*—(1) *Cartman licensed by city or State.* Any cartman licensed by city or State authorities shall present to the district director his city or State license, after which such documents shall be returned.

(2) *Lighterman.* A lighterman shall present his vessel's marine documents, if any have been issued, to the district director for examination, after which such documents shall be returned.

§ 112.23 Investigation of applicant.

The district director may refer the application for a cartman's or lighterman's license to the Customs special agent in charge for the district in which the application is filed for investigation and report concerning the character, qualification, and experience of the applicant as well as the nature and fitness of the equipment to be used.

§ 112.24 Issuance of license.

The district director shall issue a customhouse cartage and lighterage license on Customs Form 3857 provided he is satisfied that:

(a) The character, qualifications, and experience of the applicant and fitness of his equipment are satisfactory.

(b) The applicant has complied with all the requirements of § 112.22.

§ 112.25 Bonded carriers.

A carrier or freight forwarder who has filed a carrier's bond, Customs Form 3587, or a carrier who has filed a private carrier's bond, Customs Form 3588, may be appointed or licensed as a Customs cartman or lighterman for a port for which such bond provides coverage, upon compliance with § 112.22. Investigation pursuant to § 112.23 may apply.

§ 112.26 Duration of license.

A license issued in accordance with this subpart shall remain in force and effect as long as the required bond is considered sufficient or until the license is suspended, revoked, or terminated pursuant to § 112.30.

§ 112.27 Marking of vehicles and vessels.

(a) *Marking required.* Every vehicle licensed by Customs for cartage and every barge, scow, or other lighter licensed by Customs for lighterage shall be marked with the legend "Customhouse License No. _____", and the name of the person or firm to whom the license has been issued. The abbreviated legend "C.H.L. No. _____" may be used.

(b) *Size of marking.* The marking required by this section shall appear in letters and figures not less than 3 inches high.

(c) *Place of marking*—(1) *Carts, trucks, drays, and other vehicles.* Every cart, truck, dray, or other vehicle used for Customs cartage by a licensed cartman shall be marked with the required legend and name on each side by painting directly onto the vehicle, or by the permanent attachment of signs bearing the required marking. However, if such marking is found by the district director to be impractical, he may designate some other conspicuous place upon the vehicle where the marking shall appear.

(2) *Barges, scows, lighters, and other vessels.* Every barge, scow, lighter, or other vessel used for Customs lighterage by a licensed lighterman shall be conspicuously marked with the required legend and name.

(d) *Removal of marking upon termination of license.* The markings required by this section shall be removed upon termination of the license in accordance with the provisions of the bond, Customs Form 3855, or the cartman or lighterman shall be liable for the payment of liquidated damages as provided in such bond.

§ 112.28 Production of license.

Inspectors or other Customs officers may require any person claiming to be a licensed customhouse cartman or lighterman to produce his license for inspection.

§ 112.29 Records.

(a) *Records of cartage and lighterage.* The district director may require that licensed Customs cartmen and lightermen shall make, keep, and promptly submit for Customs inspection and examination upon request therefor such current written records relating to cartage and lighterage as may be needed for purposes of local Customs administration.

(b) *Current list of officers, members, or employees.* The district director may require a licensee to furnish, at such times and intervals as the district director deems necessary, a current list showing the names and addresses of the managing officers and members of the organization or of the persons who will receive or transport imported merchandise which has not been released from Customs custody, or a list of all such persons and their addresses.

§ 112.30 Suspension or revocation of license.

(a) *Grounds for suspension or revocation of licenses.* The district director may revoke or suspend the license of a cartman or lighterman if:

(1) His license is not promptly produced upon demand;

(2) His vehicle or vessel is not properly marked, as required by § 112.27;

(3) The cartman or lighterman refuses or neglects to obey any proper order of a Customs officer or any Customs order, rule, or regulation relative to the cartage or lighterage of merchandise, including the making, keeping, and submitting of current written records relating to cartage and lighterage;

(4) The license was obtained through fraud or the misstatement of a material fact;

(5) The holder of such a license or an officer of a corporation holding such a license is convicted of a felony, or is convicted of a misdemeanor involving theft, smuggling, or a theft-connected crime;

(6) The holder of such license permits it to be used by any other person;

(7) The holder of such license fails to surrender promptly, or satisfactorily explain the failure to surrender, to the district director, identification cards of persons no longer employed by him where identification cards are required pursuant to § 112.41;

(8) The holder of such license fails to furnish a current list of names and addresses of officers and members or employees when required by the district director pursuant to § 112.29;

(9) The holder is guilty of any negligence, dishonest or deceptive practices

or carelessness in the conduct of his business; or

(10) The district director determines that the bond is not sufficient in amount or lacks sufficient sureties, and a satisfactory new bond with good and sufficient sureties is not furnished within a reasonable time.

(b) *Notice of revocation or suspension.* The district director shall suspend or revoke a license by serving notice of the proposed action in writing upon the holder of the license. Such notice shall be in the form of a statement specifically setting forth the grounds for revocation or suspension of the license and shall be final and conclusive upon the licensee unless he shall file with the district director a written notice of appeal in accordance with paragraph (c) of this section.

(c) *Notice of appeal.* The licensee may file a written notice of appeal from the revocation or suspension within 10 days following receipt of the notice of revocation or suspension. The notice of appeal shall be filed in duplicate, and shall set forth the response of the licensee to the statement of the district director. The licensee in his notice of appeal may request a hearing.

(d) *Hearing on appeal*—(1) *Notification of and time of hearing.* If a hearing is requested, it shall be held before a hearing officer designated by the Secretary of the Treasury or his designee within 30 days following application therefor. The licensee shall be notified of the time and place of the hearing at least 5 days prior thereto.

(2) *Conduct of hearing.* The holder of the license may be represented by counsel at the revocation or suspension hearing. All evidence and testimony of witnesses in such proceeding, including substantiation of charges and the answer thereto, shall be presented with both parties having the right of cross-examination. A stenographic record of the proceedings shall be made and a copy thereof shall be delivered to the licensee. At the conclusion of such proceedings or review of a written appeal, the hearing officer or the district director, as the case may be, shall forthwith transmit all papers and the stenographic record of the hearing, if held, to the Commissioner of Customs, together with his recommendation for final action.

(3) *Additional arguments.* Following a hearing and within 10 calendar days after delivery of a copy of the stenographic record, the licensee may submit to the Commissioner of Customs in writing additional views and arguments on the basis of such record.

(4) *Failure to appear.* If neither the licensee nor his attorney appear for a scheduled hearing, the hearing officer shall conclude the hearing and transmit all papers with his recommendation to the Commissioner of Customs.

(e) *Decision on the appeal.* The Commissioner shall render his decision, in writing, stating his reasons therefor, with respect to the action proposed by the hearing officer or the district director. Such decision shall be transmitted to the district director and served by him on the licensee.

Subpart D—Identification Cards

§ 112.41 Identification cards required.

A district director may require each licensed cartman or lighterman and each employee thereof who receives, transports, or otherwise handles imported merchandise which has not been released from Customs custody to carry and display upon request of a Customs officer, an identification card issued by the Bureau of Customs. The card shall be in the possession of the person in whose name it is issued at all times when he is engaged in transactions with respect to imported merchandise. An identification card shall not be issued to any person whose employment in connection with the transportation of bonded merchandise will, in the judgment of the district director, endanger the revenue.

§ 112.42 Application for identification card.

An application for an identification card required pursuant to § 112.41, shall be filed personally by the applicant with the district director on Customs Form 3078 together with two 1¼" x 1¼" color photographs of himself. The fingerprints of the applicant shall also be required on Standard Form 87 at the time of the filing of the application. The application may be referred to the Customs special agent in charge for investigation and report concerning the character of the applicant.

§ 112.43 Form of identification card.

The identification card shall be issued on Customs Form 3873 and shall not be valid unless signed by the employee and a Customs officer and the U.S. Customs seal is impressed thereon. The holder shall encase the card in protective transparent plastic so that both sides are clearly visible.

§ 112.44 Changes in information on identification cards.

Where there has been a change in the name, address, or employer of the holder, the card shall be promptly submitted by the cardholder to the district director, supported by application in proper form indicating the change so that it may be officially changed on the Customs records. New cards shall be issued when necessary.

§ 112.45 Surrender of identification cards.

The identification card shall be surrendered by the holder or licensee to the district director when:

(a) The employee holder leaves the employment of the licensed cartman or lighterman;

(b) The cartman or lighterman bond or license is terminated; or

(c) The card is revoked or suspended pursuant to § 112.48.

§ 112.46 Report of loss or theft.

The loss or theft of an identification card shall be promptly reported by the cardholder to the district director.

§ 112.47 Wrongful presentation.

If an identification card is presented by a person other than the one to whom it was issued, such card shall be forthwith confiscated.

§ 112.48 Revocation or suspension of identification cards.

(a) *Grounds for revocation or suspension of identification cards.* An identification card issued pursuant to this part may be revoked or suspended by the district director for any of the following grounds:

(1) Such card was obtained through fraud or the misstatement of a material fact;

(2) The holder of such card is convicted of a felony, or convicted of a misdemeanor involving theft, smuggling, or any theft-connected crime;

(3) The holder permits the card to be used by any other person, or refuses to produce it upon the proper demand of a Customs officer; or

(4) The holder fails to abide by the rules and regulations prescribed in § 112.45 and Part 125 of this chapter.

(b) *Notice of revocation or suspension.* The district director shall suspend or revoke an identification card by serving notice of the proposed action in writing upon the holder of the card. Such notice shall be in the form of a statement specifically setting forth the grounds for revocation or suspension of the card and shall be final and conclusive upon the holder unless he shall file with the district director a written notice of appeal in accordance with paragraph (c) of this section.

(c) *Notice of appeal.* The holder may file a written notice of appeal from the revocation or suspension within 10 days following receipt of the notice of revocation or suspension. The notice of appeal shall be filed, in duplicate, and shall set forth the response of the holder to the statement of the district director. The holder in his notice of appeal may request a hearing.

(d) *Hearing on appeal*—(1) *Notification of and time of hearing.* If a hearing is requested, it shall be held before a hearing officer designated by the Secretary of the Treasury or his designee within 30 days following application therefor. The holder shall be notified of the time and place of hearing at least 5 days prior thereto.

(2) *Conduct of hearing.* The holder of the card may be represented by counsel at the revocation or suspension hearing. All evidence and testimony of witnesses in such proceeding, including substantiation of charges and the answer thereto, shall be presented with both parties having the right of cross-examination. A

stenographic record of the proceedings shall be made and a copy thereof shall be delivered to the cardholder. At the conclusion of such proceedings or review of a written appeal, the hearing officer or the district director, as the case may be, shall forthwith transmit all papers and the stenographic record of the hearing, if held, to the Commissioner of Customs, together with his recommendation for final action.

(3) *Additional arguments.* Following a hearing and within 10 calendar days after delivery of a copy of the stenographic record, the holder of the card may submit to the Commissioner of Customs in writing additional views and arguments on the basis of such record.

(4) *Failure to appear.* If neither the cardholder nor his attorney appear for a scheduled hearing, the hearing officer shall conclude the hearing and transmit all papers with his recommendation to the Commissioner of Customs.

(e) *Decision on the appeal.* The Commissioner shall render his decision, in writing, stating his reasons therefor, with respect to the action proposed by the hearing officer or the district director. Such decision shall be transmitted to the district director and served by him on the cardholder.

§ 112.49 Temporary identification cards.

(a) *Issuance.* When an identification card is required by the district director under § 112.41, and the district director determines that the application for the identification card cannot be administratively processed in a reasonable period of time, any licensed cartman or lighterman may upon written request have a temporary identification card issued by the district director to his employee if he can show to the satisfaction of the district director that a hardship to his business would result pending issuance of an identification card.

(b) *Validity and renewal.* The temporary identification card shall be valid for a period of 60 days. The district director may renew the temporary identification card for additional 30-day periods if he feels that the circumstances under which the temporary identification card was originally issued continue to exist. The temporary identification card shall be returned by the holder or licensee to the district director when the identification card is issued or the privileges granted thereby are withdrawn.

(c) *Withdrawal of temporary card.* The temporary identification card may be withdrawn at any time if in the judgment of the district director continuation of the privileges granted thereby would endanger the revenue or if the holder of the temporary identification card refuses or neglects to obey any proper order of a Customs officer or any Customs order, rule, or regulation.

(d) *Bond.* The licensed cartman or lighterman shall as a condition precedent to the issuance of a temporary identification card to his employee be required to post a bond in a penal sum, the amount to be determined by the district director, to guarantee return of the temporary identification card by the holder upon its withdrawal or upon issuance of a permanent identification card and to cover any loss or damage caused to the United States by the holder of the temporary identification card. The bond shall be in the following format:

District _____
No. _____

BUREAU OF CUSTOMS

BOND OF CUSTOMS CARTMAN FOR ISSUANCE OF TEMPORARY IDENTIFICATION CARD

Know all men by these presents that *_____ _____ of _____, as principal, and *_____, of _____ and _____, of _____ as sureties, are held and firmly bound unto the United States of America in the sum of _____ dollars ($ _____), for payment of which we bind ourselves, our heirs, executors, administrators, successors, and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this _____ day of _____, 19____.

*If the principal or surety is a corporation, the name of the State in which incorporated also shall be shown.

Whereas, the said principal has requested the issuance of a temporary identification card for _____; and
(Name of employee)

Whereas, the said principal has satisfied the district director that a hardship to his business would result from the nonissuance of a temporary identification card for the said employee; and

Whereas, the said temporary identification card may be withdrawn at any time by the district director if he believes the continuation of the privileges granted thereby would endanger the revenue or the holder of the temporary identification card refuses or neglects to obey any proper order of a Customs officer or any Customs order, rule, or regulation; and

Whereas, the said principal has executed this obligation as a condition precedent to the issuance of said temporary identification card;

Now, therefore, the condition of this obligation is such that—

(1) If the above-bounden principal for whose benefit the temporary identification card has been issued, shall return the said card upon notice of demand made by the district director or upon the issuance of a permanent card to the said employee; and

(2) If the said principal shall exonerate and hold harmless the United States and its officers from or on account of any risk, loss, damage, or expense of any kind or description caused by the holder of the temporary identification card; and

(3) If the said principal fails to comply with any of the foregoing conditions, shall pay the amount of this obligation as liquidated damages;

Then this obligation to be void; otherwise to remain in full force and effect.

Signed, sealed, and delivered in the presence of—

(Name)	(Address)	
(Name)	(Address)	_____(Seal) (Principal)
(Name)	(Address)	
(Name)	(Address)	_____(Seal) (Surety)
(Name)	(Address)	
(Name)	(Address)	_____(Seal) (Surety)

PART 125—CARTAGE AND LIGHTERAGE OF MERCHANDISE

Chapter I of Title 19, Code of Federal Regulations, is amended by adding Part 125 entitled "Cartage and Lighterage of Merchandise" to read as follows:

Sec.
125.0 Scope.

Subpart A—General Provisions

125.1 Classes of cartage.
125.2 Supervision of cartage and lighterage.
125.3 Contracts for Government cartage.

Subpart B—Cartage of Packages for Examination

125.11 Cartage for examination in public stores.
125.12 Cartage for examination at importers' premises or other place.
125.13 Cartage of merchandise withdrawn from general order for regular entry.
125.14 Cartage of unclaimed merchandise.

Subpart C—Importers' Cartage

125.21 Cartage other than for examination.
125.22 Designation of cartman or lighterman.
125.23 Failure to designate.
125.24 Failure of designated cartman or lighterman to appear.

Subpart D—Delivery and Receipt

125.31 Documents used.
125.32 Merchandise delivered to a bonded store or bonded warehouse.
125.33 Procedure on receiving merchandise.
125.34 Countersigning of documents and notation of bad order or discrepancy.
125.35 Report of loss, detention or accident.
125.36 Inability to deliver merchandise.

Subpart E—Liability

125.41 Liability of cartman or lighterman.
125.42 Cancellation of liability.

AUTHORITY.—R.S. 251, as amended, secs. 565, 624, 46 Stat. 747, as amended, 759; 19 U.S.C. 66, 1565, 1624. Additional authority and statutes interpreted or applied are cited in parentheses following the sections affected.

§ 125.0 Scope.

This part is concerned with cartage and lighterage of merchandise and the duties and liabilities of cartmen and lightermen. Provisions for licensing cartmen and lightermen are in Part 112 of this chapter.

Subpart A—General Provisions

§ 125.1 Classes of cartage.

(a) *Government cartage.* Government cartage must be done by a licensed customhouse cartman under contract or other specific authority for that purpose (except as provided for in § 125.12).

(b) *Importers' cartage.* Importers' cartage may be done by any licensed customhouse cartman.

§ 125.2 Supervision of cartage and lighterage.

All licensed vehicles or lighters shall be subject to the control and direction of the officer having charge of the merchandise being carried.

§ 125.3 Contracts for Government cartage.

Contracts for Government cartage shall be procured by formally advertised solicitation for bids and award of contract or by negotiation in accordance with the appropriate provisions of the Federal Procurement Regulations, as supplemented by the special procurement requirements of the Bureau of Customs.

Subpart B—Cartage of Packages for Examination

§ 125.11 Cartage for examination in public stores.

(a) *Government cartage.* The cartage of merchandise in Customs custody designated for examination at the public stores shall be done by a licensed customhouse cartman under contract or other specific authority for that purpose.

(b) *Where there is no contract for Government cartage.* At ports where there is no contract for Government cartage in effect, the cartage of packages designated for examination at the public stores shall be done by a licensed customhouse cartman designated by the district director for this purpose.

(c) *Payment for Government cartmen.* The cost of the cartage shall be paid from the appropriation "Salaries and Expenses; Bureau of Customs."

§ 125.12 Cartage for examination at importers' premises or other place.

Merchandise designated for examination at an importer's premises or other place not in the charge of a Customs officer may be carted, lightered, or carried to any such place by the importer without a cartman's or lighterman's license, when in the judgment of the district director the revenue will not be endangered. Otherwise, such transfer shall be done by a licensed cartman, who shall be the contract cartman whenever practicable.

§ 125.13 Cartage of merchandise withdrawn from general order for regular entry.

When merchandise withdrawn from general order for regular entry is to be conveyed to a place designated by the district director for examination, the cartage shall be at the expense of the importer and shall be under the cartage arrangements established at the port for hauling examination packages under the provisions of § 125.11 (a) and (b). Reimbursement of the cost of the cartage shall be collected from the importer prior to release of the merchandise from Customs custody.

§ 125.14 Cartage of unclaimed merchandise.

Unclaimed merchandise shall be carted to the public stores or a bonded warehouse designated by the district director under the cartage arrangements established at the port for hauling examination packages under the provisions of § 125.11 (a) and (b). Reimbursement of the cost of the cartage shall be collected from the importer prior to release if entry is made or from the proceeds of sale of the merchandise.

Subpart C—Importers' Cartage

§ 125.21 Cartage other than for examination.

Any licensed customhouse cartman, including an importer licensed to cart his own imported merchandise, at the expense of the importer or other party in interest, may transfer merchandise from the importing vessel or other conveyance to bonded warehouse, from one vessel or conveyance to another, from one bonded warehouse to another, from the public stores to a bonded warehouse, from warehouse for transportation or for exportation, and from an internal revenue warehouse for exportation under the internal revenue laws without payment of tax. Nothing in this section shall apply to the cartage of examination packages to the place of examination.

§ 125.22 Designation of cartman or lighterman.

Importers and exporters shall designate on the entry and permit of bonded merchandise the bonded cartman or lighterman by whom they wish their merchandise to be conveyed. Approval of such designation shall be indicated on the entry papers by the initials of the appropriate Customs officer placed in close proximity to the designation.

§ 125.23 Failure to designate.

If an importer does not cart his merchandise or designate a licensed customhouse cartman for the purpose, it shall be carted by a public store cartman authorized by contract or designated by the district director for that purpose. The cos of such cartage shall be paid by the importer or owner of the merchandise before its release from Customs custody.

§ 125.24 Failure of designated cartman or lighterman to appear.

The cartman or lighterman designated to convey the merchandise shall be present to take the merchandise when the Customs officer in charge is ready to send it. If the designated vehicle or lighter is not present, after waiting a reasonable time, such officer shall send the merchandise by any licensed cartman or lighterman available.

Subpart D—Delivery and Receipt

§ 125.31 Documents used.

When merchandise is carted or lightered to and received from a bonded store or bonded warehouse, it shall be accompanied by one of the following tickets or documents:

(a) Customs Form 6043—Delivery Ticket.

(b) Customs Form 7502–A—Warehouse or Rewarehouse Entry (Permit).

(c) Customs Form 7505–A—Warehouse Withdrawal for Consumption (Permit).

(d) Customs Form 7505–B—Order to Release Merchandise on Order of the Warehouse Proprietor.

(e) Customs Form 7506—Warehouse Withdrawal Conditionally Free of Duty, and Permit.

(f) Customs Form 7512—Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit.

§ 125.32 Merchandise delivered to a bonded store or bonded warehouse.

When merchandise is carted or lightered to and received in a bonded store or bonded warehouse, the proprietor or his representative shall check the goods against the accompanying delivery ticket, Customs Form 6043, or copy of warehouse or rewarehouse permit, Customs Form 7502–A, and countersign the document acknowledging receipt of the merchandise as listed thereon.

§ 125.33 Procedure on receiving merchandise.

(a) *From public or bonded store.* A receipt shall be taken from the cartman or lighterman for all goods delivered to him from public store or bonded store. The receipt may be taken on Customs Form 6043, or on the appraising officer's release ticket at the time delivery is made.

(b) *From bonded warehouse.* In case of withdrawals from bonded warehouse for consumption, the merchandise shall be released only to or upon the order of the proprietor of the warehouse, who shall acknowledge such release on Customs Form 7505–A or 7505–B.

(c) *All other cases.* A receipt shall be taken for all goods delivered from Customs custody in any other case where the district director deems such receipt necessary.

§ 125.34 Countersigning of documents and notation of bad order or discrepancy.

When a cartman or lighterman receives merchandise remaining in Customs custody, he shall countersign the appropriate document in the space provided and shall note thereon any bad order or discrepancy. When available, the importing carrier's tally slip for the merchandise shall be attached to the delivery ticket which accompanies the merchandise while it is being carted or lightered in bond, for the use of Customs officers only at destination.

§ 125.35 Report of loss, detention, or accident.

Any loss or detention of bonded merchandise, or any accident happening to a licensed vehicle or lighter while carrying bonded merchandise shall be immediately reported by the cartman or lighterman to the district director.

§ 125.36 Inability to deliver merchandise.

If the warehouse is closed or the warehouseman refuses to receive the merchandise, the cartman shall notify

the appropriate Customs inspector. The inspector shall promptly report the facts to the district director or his delegated representative for instructions. The merchandise shall then be returned to the Customs inspector, deposited in the public stores for safekeeping, or handled as ordered by the district director.

Subpart E—Liability

§ 125.41 Liability of cartman or lighterman.

The cartman or lighterman conveying the merchandise, including merchandise covered by a TIR carnet which has not been "taken on charge" (see § 114.22(c)(2) of this chapter), shall be liable under his bond for its prompt delivery in sound condition, or in no worse than the damaged condition noted on the delivery ticket, if damage is so noted.

(Sec. 623, 46 Stat. 759, as amended; 19 U.S.C. 1623)

§ 125.42 Cancellation of liability.

The district director may cancel liquidated damages not in excess of $20,000 incurred under a cartman's bond or lighterman's bond upon the payment of such lesser amount, or without the payment of any amount, as he may deem appropriate under the circumstances. Application for cancellation of liquidated damages incurred shall be made in accordance with the provisions of Part 172 of this chapter.

(Sec. 623, 46 Stat. 759, as amended; 19 U.S.C. 1623)

PART 172—LIQUIDATED DAMAGES

§ 172.21 [Amended]

In § 172.21, paragraph (b)(4) is amended by substituting "112.12(a)" for "18.1".

In § 172.21, paragraph (b)(5) is amended by substituting "§§ 112.22 and 112.25" for "§ 21.1", and "125.42" for "21.8(c)".

(R.S. 251, as amended, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1624)

PARALLEL REFERENCE TABLE

(This table shows the relation of sections in revised Part 112 to 19 CFR Parts 18, 21, 24, and 25)

Revised Section	Superseded Section
112.0	New
112.1	New
112.2	18.1(c)(1); 21.1(a)
112.11	18.1
112.12	18.1 (a) and (d) 24.12; 25.4(35)
112.13	New
112.14	18.1(f)
112.15	New
112.21	21.1(a)
112.22 (a) and (b)	21.1 (a) and (b)
112.23	New
112.24	New
112.25	21.1(a)
112.26	21.1(a)
112.27	21.1(c)
112.28	21.6
112.29	21.6(a)
112.30(a)(1)–(6)	21.6(b)
112.30(a)(7) and (8)	21.1(a)
112.30(a)(9)	21.8(a)
112.30(a)(10)	21.1; 21.1(a)C.M.
112.30 (b) and (c)	21.6(c)
112.30(d)	21.6(d)
112.41	21.2(a)(d)
112.42	21.2(b)
112.43	21.2 (c) and (d)
112.44	21.2(f)
112.45	21.2(g)
112.46	21.2(h)
112.49	21.2(e)
112.47	21.2a(a)–(c)
112.48(a)–(e)	New

(This table shows the relation of sections in revised Part 125 to 19 CFR Part 21)

Revised Section	Superseded Section
125.0	New
125.1	21.3
125.2	21.7(a)
125.3	21.4(a)
125.11(a)–(c)	21.4(a)
125.12	21.4(b)
125.13	21.4(c)
125.14	21.4(d)
125.21	21.5 (a) and (b)
125.22	21.5(c)
125.23	21.5(d)
125.24	21.7(b)
125.31	New, 21.9
125.32	21.9(a)
125.33	21.9 (a) and (b)
125.34	21.9 (a) and (b)
125.35	21.9(b)
125.36	21.10
125.41	21.8(a)
125.42	21.8(c)

[FR Doc.73-10254 Filed 5-22-73;8:45 am]

[T.D. 73-141]

PART 171—FINES, PENALTIES, AND FORFEITURES

PART 172—LIQUIDATED DAMAGES

Signature on Petition

Sections 171.11(b) and 172.11(b) of the Customs regulations were amended by T.D. 72-107 (37 FR 7592; April 18, 1972), to permit attorneys at law and responsible supervisory employees of corporations to sign petitions for relief from liquidated damages and petitions for remission or mitigation of fines, penalties, or forfeitures. The Bureau of Customs has, in the past, as a matter of policy, accepted such petitions when they are signed by customhouse brokers. The amendment referred to has been interpreted to restrict that recognized practice. Therefore, §§ 171.11(b) and 172.11(b), are further amended to specifically provide for customhouse brokers to undertake that activity.

Accordingly, parts 171 and 172 of the Customs regulations are amended as follows:

1. Paragraph (b) of § 171.11 is amended to read:

§ 171.11 Petition for relief.

* * * * *

(b) *Signature.*—The petition for remission or mitigation shall be signed by the petitioner, his attorney at law, or a customhouse broker representing the petitioner. If the petitioner is a corporation, the petition may be signed by an officer or responsible supervisory employee thereof, an attorney at law, or a customhouse broker representing the corporation.

* * * * *

(R.S. 251, as amended, secs. 618, 624, 46 Stat. 757, as amended, 759; 19 U.S.C. 66, 1618, 1624.)

2. Paragraph (b) of § 172.11 is amended to read:

§ 172.11 Petition for relief.

* * * * *

(b) *Form.*—A petition for relief need not be in any particular form. Such petition shall set forth the facts relied upon by the petitioner to justify cancellation of the claim for liquidated damages, and shall be signed by the petitioner, his attorney at law, or a customhouse broker representing the petitioner. If the petitioner is a corporation, the petition may be signed by an officer or responsible supervisory employee thereof, an attorney at law, or a customhouse broker representing the corporation.

(R.S. 251, as amended, secs. 623, 624, 46 Stat. 759, as amended; 19 U.S.C. 66, 1623, 1624.)

This amendment specifically provides for customhouse brokers to engage in an activity which, as a matter of policy, they have been permitted in the past. Therefore, notice and public procedure under 5 U.S.C. 553(b) is not required. Since the amendment lists an additional segment of the public entitled to engage in a Customs related activity, good cause is found for making it effective at the earliest possible date under 5 U.S.C. 553(d).

Effective date.—This amendment shall be effective May 23, 1973.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved May 14, 1973.

EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-10253 Filed 5-22-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

POLYSORBATE 60

The Commissioner of Food and Drugs having evaluated the data in a petition (FAP 2A2713) filed by Atlas Chemical Industries, Inc. (now ICI America, Inc.), Wilmington, Del. 19899, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the safe

use of polysorbate 60 as an emulsifier in chocolate flavored syrups whereby the maximum amount of the additive does not exceed 0.05 percent on a dry weight basis.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1) 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120) § 121.1030(c) is amended by adding a new subparagraph (14) as follows:

§ 121.1030 Polysorbate 60.

* * * * *

(c) * * *

(14) As an emulsifier in chocolate flavored syrups, whereby the maximum amount of the additive does not exceed 0.05 percent on a dry weight basis.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before June 22, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date.—This order shall become effective on May 23, 1973.

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

Dated May 17, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-10278 Filed 5-22-73;8:45 am]

PART 121—FOOD ADDITIVES

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

POLYETHYLENE TEREPHTHALATE

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 3B2877) filed by E. I. du Pont de Nemours and Co., 1007 Market Street, Wilmington, Del. 19898, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to extend the present limited use of polyethylene terephthalate, a form of polyethylene phthalate, in the manufacture of film to use in other articles intended to contact food.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2524 is revised to read as follows:

§ 121.2524 Polyethylene phthalate polymers.

Polyethylene phthalate polymers identified in this section may be safely used as, or components of, plastics (films or articles) intended for use in contact with food, in accordance with the following prescribed conditions.

(a) Polyethylene phthalate films consist of a base sheet of ethylene terephalate polymer or ethylene terephthalate-isophthalate copolymers, to which have been added optional substances, either as constituents of the base sheet or as constituents of coatings applied to the base sheet.

(b) Polyethylene phthalate articles consist of a base polymer of ethylene terephthalate polymer to which have been added optional substances, either as constituents of the base polymer or as constituents of coatings applied to the base polymer.

(c) The quantity of any optional substance employed in the production of polyethylene phthalate plastics does not exceed the amount reasonably required to accomplish the intended physical or technical effect or any limitation further provided.

(d) Any substance employed in the production of polyethylene phthalate plastics that is the subject of a regulation in subpart F of this part conforms with any specification in such regulation.

(e) Substances employed in the production of polyethylene phthalate plastics include:

(1) Substances generally recognized as safe in food.

(2) Substances subject to prior sanction or approval for use in polyethylene phthalate plastics and used in accordance with such sanction or approval.

(3) Substances which by regulation in the subpart F may be safely used as components of resinous or polymeric food-contract surfaces subject to the provisions of such regulation.

(4) Substances identified in this subparagraph subject to the limitations prescribed:

LIST OF SUBSTANCES AND LIMITATIONS
(i) Base sheet:
Ethylene terephthalate copolymers: Prepared by the condensation of dimethyl terephthalate or terephthalic acid with ethylene glycol, modified with one or more of the following: Azelaic acid, dimethyl azelate, dimethyl sebacate, sebacic acid.
Ethylene terephthalate-isophthalate copolymers: Prepared by the condensation of dimethyl terephthalate and dimethyl isophthalate with ethylene glycol or terephthalic acid and isophthalic acid with ethylene glycol. The finished copolymers contain 77-83 weight percent of polymer units derived from ethylene terephthalate.
(ii) Base sheet and base polymer:
Ethylene terephthalate polymer: Prepared by the condensation of dimethyl terephthalate and ethylene glycol.
Ethylene terephthalate polymer: Prepared by the condensation of terephthalic acid and ethylene glycol.
Ethylene terephthalate polymer: Prepared by the condensation of terephthalic acid and ethylene glycol.
(iii) Coatings:
2-Ethylhexyl acrylate copolymerized with one or more of the following:
Acrylonitrile.
Methacrylonitrile.
Methyl acrylate.
Methyl methacrylate.
Itaconic acid.
Vinylidene chloride copolymerized with one or more of the following:
Methacrylic acid and its methyl, ethyl, propyl, butyl, or octyl esters.
Acrylic acid and its methyl, ethyl, propyl, butyl, or octyl esters.
Acrylonitrile.
Methacrylonitrile.
Vinyl chloride.
Itaconic acid.
(iv) Emulsifiers:
Sodium dodecylbenzenesulfonate: As an adjuvant in the application of coatings to the base sheet or base polymer.
Sodium lauryl sulfate: As an adjuvant in the application of coatings to the base sheet or base polymer.

(f) Polyethylene phthalate plastics conforming with the specifications prescribed in paragraph (f)(1) of this section are used as provided in paragraph (f)(2) of this section:

(1) *Specifications.*—(i) The food contact surface, when exposed to distilled water at 250° F. for 2 hours, yields chloroform-soluble extractives not to exceed 0.5 mg/in² of food contact surface exposed to the solvent; and

(ii) The food contact surface, when exposed to *n*-heptane at 150° F. for 2 hours, yields chloroform-soluble extractives not to exceed 0.5 mg/in² of food contact surface exposed to the solvent.

(2) *Conditions of use.*—The plastics are used for packaging, transporting, or holding food, excluding alcoholic beverages, at temperatures not to exceed 250° F.

(g) Polyethylene phthalate plastics conforming with the specifications prescribed in paragraph (g)(1) of this section are used as provided in paragraph (g)(2) of this section.

(1) *Specifications.*—(i) The food contact surface meets the specifications in paragraph (f)(1) of this section; and

(ii) The food contact surface when exposed to 50 percent ethyl alcohol at 120° F. for 24 hours, yields chloroform-soluble extractives not to exceed 0.5 mg/in² of food contact surface exposed to the solvent.

(2) *Conditions of use.*—The plastics are used for packaging, transporting, or holding alcoholic beverages that do not exceed 50 percent alcohol by volume.

(h) Uncoated polyethylene phthalate plastics consisting of a base sheet or base polymer prepared as prescribed from substances identified in paragraphs (e)(4) (i) and (ii) of this section and conforming with the specifi-

cations prescribed in paragraph (h)(1) of this section are used as provided in paragraph (h)(2) of this section:

(1) *Specifications.*—(i) The food contact surface, when exposed to distilled water at 250° F. for 2 hours yields chloroform-soluble extractives to not exceed 0.02 mg/in² of food contact surface exposed to the solvent; and

(ii) The food contact surface, when exposed to *n*-heptane at 150° F. for 2 hours, yields chloroform-soluble extractives not to exceed 0.02 mg/in² of food contact surface exposed to the solvent.

(2) *Conditions of use.*—The plastics are used to contain foods during oven baking or oven cooking at temperatures above 250° F.

Any person who will be adversely affected by the foregoing order may at any time on or before June 22, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6–88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date.—This order shall become effective on May 23, 1973.

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

Dated May 17, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-10277 Filed 5-22-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 132—REGISTRATION OF PRODUCERS OF DRUGS AND LISTING OF DRUGS IN COMMERCIAL DISTRIBUTION

PART 167—IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Exemption From Registration and Listing for General Purpose Laboratory Reagents and Equipment

Unless otherwise exempted, persons who manufacture, prepare, propagate, compound, or process drugs are required to register and submit listing information in accordance with the requirements of section 510 of the Federal Food, Drug, and Cosmetic Act. General purpose laboratory reagents that are used in in vitro diagnostic procedures are drugs and therefore are subject to these registration and listing requirements. Regulations (21 CFR pt. 167) regarding in vitro diagnostic products for human use published in the FEDERAL REGISTER of March 15, 1973 (38 FR 7096), also requested that any person who owns or operates any establishment engaged in the manufacture, preparation, propagation, compounding, or processing of such in vitro diagnostic products as general purpose laboratory equipment (e.g., test tubes and pipettes), register such establishment and list such product(s) in accordance with the procedures established under 21 CFR Part 132.

The Food and Drug Administration has concluded that it is not necessary for the protection of the public health to require or request manufacturers of general purpose laboratory reagents or equipment to register and submit listing information at this time. In view of this conclusion, the Commissioner of Food and Drugs finds that it is appropriate to amend §§ 132.51 and 167.7 (21 CFR 132.51, 167.7) to exempt from registration and drug listing persons engaged solely in the manufacture, preparation, propagation, compounding, or processing of general purpose laboratory reagents and equipment.

Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 510, 701(a), 52 Stat. 1053 as amended, 1055 as amended; 21 U.S.C. 360, 371(a)), and the Drug Listing Act of 1972 (Public Law 92–387; 86 Stat. 559–562), and under authority delegated to the Commissioner (21 CFR 2.120), parts 132 and 167 are amended as follows:

1. In part 132, by adding a new paragraph (i) to § 132.51 as follows:

§ 132.51 Exemption for domestic establishments.

* * * * *

(i) Persons who are engaged solely in the manufacture, preparation, propagation, compounding, or processing of a general purpose laboratory reagent (as described in § 167.2(d) of this chapter) intended for use in in vitro diagnostic procedures in the diagnosis of disease or in the determination of the state of health in order to cure, mitigate, treat, or prevent disease or its sequelae.

2. In part 167, by revising the first sentence of § 167.7(a) to read as follows:

§ 167.7 General requirements for manufacturers and producers of in vitro diagnostic products.

(a) *Registration and product listing.* Any person who owns or operates any establishment engaged in the manufacture, preparation, compounding, or processing of an in vitro diagnostic product should register such establishment and list such product(s) in accordance with the procedures established under part 132 of this chapter, except that registration and listing is not required or requested at this time for general purpose laboratory reagents and equipment for which labeling requirements are specified in § 167.2(d). * * *

* * * * *

Notice and public procedures and delayed effective date are not prerequisites to the promulgation of these amendments to the regulations because these amendments remove a burden from the affected segment of the industry, and in no way compromise the protection of the public health.

Effective date.—This order shall be effective May 23, 1973.

(Secs. 510, 701(a), 52 Stat. 1053 as amended, 1055 as amended; 21 U.S.C. 360, 371(a), and the Drug Listing Act of 1972 (Public Law 92–387; 86 Stat. 559–562).)

Dated May 17, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-10276 Filed 5-22-73;8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline Oral Veterinary

The Commissioner of Food and Drugs has evaluated supplemental new animal drug applications (65–069V, 65–066V, and 65–061V) filed by Rachelle Laboratories, Inc., 700 Henry Ford Avenue, P.O. Box 2029, Long Beach, Calif. 90801, proposing revised labeling for the safe and effective use of tetracycline capsules, tablets, and liquid for the treatment of dogs. The supplemental applications are approved.

Since the drugs are subject to batch certification under the provisions of section 512(n) of the act, part 146c is amended to provide that the drug, under its approved labeling, shall be dispensed on a prescription basis.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347 and 354–351; 21 U.S.C. 360b (i) and (n)) and under authority delegated to the Commissioner (21 CFR 2.120), parts 135c and 146c are amended as follow:

1. Part 135c is amended in § 135c.34 by revising paragraph (b)(2), by adding a new paragraph (b)(3), by designating the first item in table 3, in paragraph (e), as item No. 1. and adding a new item 2., and by adding new tables 4 and 5 to paragraph (e) as follows:

§ 135c.34 Tetracycline oral veterinary.

* * * * *

(b) *Sponsor.* * * *

(2) See code Nos. 035 and 037 in § 135.501(c) of this chapter for conditions of use provided for in table 3, item 1., of paragraph (e) of this section.

(3) See code No. 071 in § 135.501(c) of this chapter for conditions of use provided in table 3, item 2., and tables 4 and 5 in paragraph (e) of this section.

* * * * *

(e) *Conditions of use.*

TABLE 3.—*In capsules*

	Milligrams per capsule	Limitations	Indications for use
1. Tetracycline.	* * *	* * *	* * *
2. Tetracycline.	125, 250, or 500.	....do....	Do.

TABLE 4.—*In tablets*

	Milligrams per tablet	Limitations	Indications for use
Tetracycline....	100, 250, or 500.	For dogs; as tetracycline hydrochloride; administer orally 25 mg/lb of body weight per day given in divided doses every 6 h; treatment should be continued until symptoms of the disease have subsided and the temperature is normal for 48 h; not for use in animals which are raised for food production; Federal law restricts this drug to use by or on the order of a licensed veterinarian.	For treatment of infections caused by organisms sensitive to tetracycline hydrochloride, such as bacterial gastroenteritis due to *E. coli* and urinary tract infections due to *Staphylococcus spp.* and *E. coli*.

TABLE 5.—*In liquid form*

	Milligrams per milliliter	Limitations	Indications for use
Tetracycline....	25 or 100.....	For dogs; as tetracycline; administer orally 25 mg/lb of body weight per day given in divided doses every 6 h; treatment should be continued until symptoms of the disease have subsided and the temperature is normal for 48 h; not for use in animals which are raised for food production; Federal law restricts this drug to use by or on the order of a licensed veterinarian.	For treatment of infections caused by organisms sensitive to tetracycline hydrochloride, such as bacterial gastroenteritis due to *E. coli* and urinary tract infections due to *Staphylococcus spp.* and *E. coli*.

2. Part 146c is amended by revising § 146c.217(c)(2) to read as follows:

§ 146c.217 Chlortetracycline calcium syrup (chlortetracycline calcium oral drops); tetracycline syrup (tetracycline oral drops); tetracycline magnesium syrup (tetracycline magnesium oral drops).

* * * * *

(c) * * *

(2) *It is packaged for dispensing and intended solely for veterinary use.*—Its label and labeling shall bear the statement "Warning: Not for use in animals which are raised for food production," and shall comply with all of the requirements prescribed by paragraph (c)(1) of this section, except that in lieu of the statement "Caution: Federal law prohibits dispensing without a prescription", each package shall include information containing directions and warnings adequate for the veterinary use of the drug by the laity in all cases except those in which the veterinary prescription statement is required by regulations under part 135c. In these cases, the veterinary prescription statement shall comply with the requirements prescribed by § 1.106 (c) of this chapter.

* * * * *

Effective date.—This order shall be effective May 23, 1973.

(Sec. 512 (i) and (n), 82 Stat. 347, 345–351; 21 U.S.C. 360b (i) and (n).)

Dated May 14, 1973.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.73–10161 Filed 5–22–73;8:45 am]

[DESI 10106]

PART 148i—NEOMYCIN SULFATE

Certain Antibiotic-Containing Ophthalmic Combination Drugs; Revocation of Certification; Partial Postponement of Effective Date

An order was published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6891), to become effective in 40 days, amending part 148i (21 CFR pt. 148i) by revising §§ 148i.15 and 148i.23 of the antibiotic drug regulations to revoke provisions for certification of certain antibiotic-containing ophthalmic combination drugs.

Having received objections and a request for a hearing for combination drug containing neomycin sulfate, polymyxin B sulfate, and phenylephrine hydrochloride (§ 148i.15), the Commissioner of Food and Drugs concludes that, insofar as it pertains to § 148i.15, the effective date of the order should be postponed in order to allow time for completion of review of the objections and the material submitted. When this review is completed, the Commissioner will announce in the FEDERAL REGISTER whether or not requests for hearing with reasonable grounds have been received. Therefore, the effective date of the order of March 14, 1973 (38 FR 6891), is hereby postponed insofar as it applies to § 148i.15 of the antibiotic drug regulations, pending said review.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated May 18, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–10274 Filed 5–22–73;8:45 am]

[DESI 10106]

PART 148i—NEOMYCIN SULFATE

Certain Antibiotic-Containing Ophthalmic Combination Drugs; Revocation of Certification; Partial Confirmation of Effective Date

An order was published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6891), amending part 148i (21 CFR pt. 148i) by revising §§ 148i.15 and 148i.23 of the antibiotic drug regulations to revoke provisions for certification of certain antibiotic-containing ophthalmic combination drugs. Insofar as it pertains to § 148i.15, the effective date of the order is postponed by notice published elsewhere in this issue of the FEDERAL REGISTER.

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to that part of the order repealing provisions for certification of ophthalmic combination drug containing neomycin sulfate, gramicidin, thonzylamine hydrochloride, boric acid, and phenylephrine hydrochloride. Accordingly, the amendment promulgated thereby, insofar as it applies to § 148i.23, became effective April 23, 1973.

Dated May 18, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–10275 Filed 5–22–73;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-131]

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 (1) the effective date of the authorization of the sale of flood insurance in the area under the emergency or under the regular flood insurance program; (2) the effective date on which the community became ineligible for the sale of flood insurance because of its failure to submit land use and control measures as required pursuant to § 1909.24(a); or (3) the effective date of a community's formal reinstatement in the program pursuant to § 1909.24(b). 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
*	*	*	*	*	*	*
Colorado	Arapahoe	Columbine Valley, Town of.				May 18, 1973. Emergency.
Mississippi	Bolivar	Cleveland, City of.				May 14, 1973. Emergency.
West Virginia	Logan	Man, Town of				Jan. 29, 1971. Emergency. Sept. 10, 1971. Regular. Apr. 15, 1973. Suspended. May 14, 1973. Reinstated.
Wisconsin	Waukesha	New Berlin, City of.				May 18, 1973. Emergency.

(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 10, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-10089 Filed 5-22-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-108R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Coos Bay, Oreg.

This amendment adds regulations for the Coos Bay highway bridge, across Coos Bay South Slough to require that the draw open only on the hour and half hour from October 1, 1973 through October 31, 1973. The draw is presently required to open from 7 a.m. to 7 p.m. from June 1 through September 30. This amendment is required to permit painting of the bridge in 1973.

This rule is issued without notice of proposed rulemaking. The Coast Guard has found that good cause exists for taking this action on the basis that it would be contrary to the public interest to delay this work.

Accordingly, part 117 of title 33 of the Code of Federal Regulations is amended by adding a new sentence to § 117.720(a)(1) to read as follows:

§ 117.720 Coos Bay, Oreg.

(a)(1) * * * From October 1, 1973, through October 31, 1973, between 7 a.m. and 7 p.m., the draw need open only on the hour and half hour.

* * * * *

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

Effective date.—This revision shall be in effect from October 1, 1973 through October 31, 1973.

Dated May 17, 1973.

J. D. MCCANN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.73-10264 Filed 5-22-73;8:45 am]

[CGD 73-104R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Isthmus Slough, Oreg.

This amendment adds regulations for the Isthmus Slough highway bridge, across Isthmus Slough, mile 1.0, to require that the draw open on signal if at least 2 hours' notice has been given from July 16, 1973 through October 31, 1973. The draw is presently required to open at all times. This amendment is required to permit painting of the bridge.

This rule is issued without notice of proposed rulemaking. The Coast Guard has found that good cause exists for taking this action on the basis that it would be contrary to the public interest to delay this work.

Accordingly, part 117 of title 33 of the Code of Federal Regulations is amended by adding a new § 117.722 immediately after § 117.720 to read as follows:

§ 117.722 Isthmus Slough, Oreg.

(a) The draw shall open promptly on signal except that from July 16, 1973, through October 31, 1973, the draw need not open for the passage of vessels unless at least 2 hours' notice is given.

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

Effective date.—This revision shall be in effect from July 16, 1973 through October 31, 1973.

Dated May 11, 1973.

J. D. MCCANN,
Captain, U.S. Coast Guard, Acting Chief, Office of Marine Environment and Systems.

[FR Doc.73-10263 Filed 5-22-73;8:45 am]

Title 28—Judicial Administration

CHAPTER I—DEPARTMENT OF JUSTICE

[Memo Nos. 398, 398 Supp. 2, and 398] Supp. 3]

PART 0—ORGANIZATION OF THE DEPARTMENT OF JUSTICE

Subpart O—Administrative Division

REVOCATION

Under and by virtue of the authority vested in me by § 0.76(k) of Title 28, Code of Federal Regulations, Administrative Division Memo No. 398, prescribing regulations with respect to the Military Personnel and Civilian Employees' Claims Act of 1964 (78 Stat. 767), memo No. 398, supplement No. 2, delegating authority for settling employees' claims under Military Personnel and Civilian Employees' Claims Act of 1964 (78 Stat. 767 and 31 U.S.C. 241), and memo No. 398, supplement No. 3, delegation of authority, are hereby revoked. These regulations are being published in the internal Department of Justice directives system, order 2110.23.

Dated May 15, 1973.

GLEN E. POMMERENING,
Acting Assistant Attorney General for Administration.

[FR Doc.73-10233 Filed 5-22-73;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER F—AIRCRAFT

PART 860—CONTRACTORS' FLIGHT OPERATION PROCEDURES

Correction

Part 860, FR Doc. 72-19556, as published in 37 FR 24178, November 15, 1972, is corrected as follows:

1. In paragraph (d) of § 860.4 correct the reference which reads "41 CFR, Parts 1-10" to read "32 CFR, part 10, subparts D and E".

2. In paragraph (e) of § 860.4 correct the reference which reads "41 CFR, Parts 1-10" to read "32 CFR, part 10, subpart D".

By Order of the Secretary of the Air Force.

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

[FR Doc.73-10252 Filed 5-22-73;8:45 am]

Title 36—Parks, Forests, and Memorials

CHAPTER II—FOREST SERVICE, DEPARTMENT OF AGRICULTURE

PART 221—TIMBER

Debarment and Suspension of Bidders—Sale of National Forest Timber

On February 20, 1973, there was published in the FEDERAL REGISTER (38 FR 4675) a notice that the Department of Agriculture proposed to amend part 221 of title 36, Code of Federal Regulations, by adding § 221.10a Debarment and suspension of bidders.

Interested parties were given 60 days to submit written data, views, or objections to the proposed amendment.

Four written comments were received. On the basis of all information available, it has been determined to adopt the proposed amendment without change, except for addition of citation of authority, as set forth below.

Effective date.—This amendment takes effect May 15, 1973.

Dated May 17, 1973.

ROBERT W. LONG,
Assistant Secretary for Conservation, Research and Education.

§ 221.10a Debarment and suspension of bidders.

Section 1-1.604, title 41, authorizes debarment or suspension of a firm or individual for willful violation of a contract provision or for a record of failure to perform, or of unsatisfactory performance, in accordance with the provisions of one or more contract which the agency regards as so serious as to justify debarment or suspension. The Forest Service regards as so serious as to justify debarment or suspension the willful violation or repeated failure to perform or satisfactorily perform timber sale contract provisions relating to the following:

(a) Fire suppression or prevention and the disposal of slash;

(b) Protection of soil, water and residual trees when such failure causes significant environmental or resource damage;

(c) Removal of designated timber when such failure causes substantial product deterioration or conditions favorable to insect epidemics;

(d) Restrictions on the exportation of timber included under the contract;

(e) Access by the Forest Service upon its request to purchaser's books and accounts; and

(f) Processing by small business on set-aside timber sales.

(30 Stat. 34, 35, as amended; 16 U.S.C. 456, 551.)

[FR Doc.73-10295 Filed 5-22-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER C—AIR PROGRAMS

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Approval of Plan Revisions

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR part 51, the Administrator approved, with specific exceptions, the Delaware plan for implementation of the national ambient air quality standards. On July 27, 1972 (37 FR 15080) and September 22, 1972 (37 FR 19806), the Administrator approved additional portions of the Delaware plan based on supplemental information submitted by the State correcting the deficiencies identified on May 31.

After notice and public hearing, Delaware submitted information revising the date for attainment of the national secondary sulfur dioxide standards in the Delaware portion of the Metropolitan Philadelphia interstate region from January 1973 to January 1974. This change in attainment date is necessary because some of the sources which must be controlled in order to attain the standard require additional time for compliance and, therefore, the date originally prescribed by the State and approved by the Administrator was unrealistic. Accordingly, the Administrator has determined that this revision is consistent with section 110(a)(2)(A)(ii) of the act which requires that the national secondary standards be attained within a reasonable time and it is hereby approved.

The State also submitted, after notice and public hearing, compliance schedules for two sources which modify the approved compliance dates. The schedules are for the Getty Oil Co. and the Stauffer Chemical Co., and they provide an additional 10 and 12 months respectively. These schedules are reasonable since such additional time is required for the installation of control equipment, which has already commenced. Accordingly, the Administrator has determined that the compliance schedules for Stauffer and Getty are consistent with the requirements of 40 CFR 51.15(b)(2) and they are hereby approved.

This notice also contains a change to a date for submission of supplemental information which was previously listed incorrectly; the correct date is set forth below.

The approval/disapproval actions are effective May 23, 1973. The agency finds that good cause exists for not publishing the actions as a notice of proposed rulemaking and for making them effective immediately upon publication for the following reasons:

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

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

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

Dated May 18, 1973.

ROBERT W. FRI,
Acting Administrator.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

Subpart I—Delaware

1. In § 52.420, paragraph (c) is revised. As amended, § 52.420 reads as follows:

§ 52.420 **Identification of plan.**

* * * * *

(c) Supplemental information was submitted on:

(1) February 11, March 7, May 5, June 2, and June 5, 1972, by the Delaware Department of Natural Resources and Environmental Control, and

(2) July 20, 1972, November 14, 1972, and December 19, 1972.

§ 52.428 **[Amended]**

2. In § 52.428, the attainment date table is revised by replacing the date "January 1973" for attainment of the national secondary standards for sulfur oxides in the Metropolitan Philadelphia interstate region with the date "January 1974".

3. Section 52.429 is added as follows:

§ 52.429 **Compliance schedules.**

(a) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Stauffer Chemical Co.	Delaware City	IX	Sept. 11, 1972	Immediately	Sept. 1, 1974
Getty Oil Co.	do.	IX	Sept. 24, 1972	do.	Sept. 30, 1973

[FR Doc.73-10307 Filed 5-22-73;8:45 am]

SUBCHAPTER C—AIR PROGRAMS

PART 60—STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES

Amendment to Standards for Opacity and Corrections to Certain Test Methods

On December 23, 1971, pursuant to section 111 of the Clean Air Act, as amended, 40 CFR part 60 was adopted establishing regulations for the control of air pollution from new cement plants, sulfuric acid plants, nitric acid plants, municipal incinerators, and fossil-fuel-fired steam generators. The standards included opacity limits for visible air pollution emissions; 40 CFR 60 is being amended to clarify the application of opacity standards. The revisions do not alter the stringency of the regulation.

It was EPA's intention that condensed water not be considered a visible air contaminant for purposes of new source performance standards. Condensed water was specifically exempted from the opacity limits promulgated for steam generators and cement plants. Nitric acid plants and sulfuric acid plants were not exempted since there is normally little water vapor in stack gases from these sources. However, under certain weather conditions, scrubbers will generate a visible plume of condensed water. Therefore, in order to clarify enforcement procedures, provisions are being added to exempt condensed water from opacity limits for sulfuric acid plants and for nitric acid plants.

The appendix to part 60 incorrectly presents certain data and equations. These typing/printing errors are being corrected.

This amendment makes certain clarifications and corrections but does not change the substance of the regulation. Therefore, the Administrator has determined that it is unnecessary to publish a notice of proposed rulemaking or delay the effective date of this amendment and for this good cause has not done so.

This amendment shall be effective May 23, 1973.

Dated May 16, 1973.

ROBERT W. FRI,
Acting Administrator.

Part 60, chapter I, title 40, Code of Federal Regulations, is amended as follows:

1. In § 60.72, a new paragraph (c) is added as follows:

§ 60.72 **Standards for nitrogen oxides.**

* * * * *

(c) Where the presence of uncombined water is the only reason for failure to meet the requirements of paragraph (b) of this section, such failures shall not be considered a violation of this section.

2. In § 60.83, a new paragraph (c) is added as follows:

§ 60.83 **Standards for acid mist.**

* * * * *

(c) Where the presence of uncombined water is the only reason for failure to meet the requirement of paragraph (b) of this section, such failure shall not be considered a violation of this section.

3. Table 1-1 in method 1 of the appendix to part 60 is revised to read as follows:

4. Equations 5-2 and 5-6 in method 5 of the appendix are revised to read as follows:

Table 1-1. Location of traverse points in circular stacks
(Percent of stack diameter from inside wall to traverse point)

Traverse point number on a diameter	Number of traverse points on a diameter											
	2	4	6	8	10	12	14	16	18	20	22	24
1	14.6	6.7	4.4	3.3	2.5	2.1	1.8	1.6	1.4	1.3	1.1	1.1
2	85.4	25.0	14.7	10.5	8.2	6.7	5.7	4.9	4.4	3.9	3.5	3.2
3		75.0	29.5	19.4	14.6	11.8	9.9	8.5	7.5	6.7	6.0	5.5
4		93.3	70.5	32.3	22.6	17.7	14.6	12.5	10.9	9.7	8.7	7.9
5			85.3	67.7	34.2	25.0	20.1	16.9	14.6	12.9	11.6	10.5
6			95.6	80.6	65.8	35.5	26.9	22.0	18.8	16.5	14.6	13.2
7				89.5	77.4	64.5	36.6	28.3	23.6	20.4	18.0	16.1
8				96.7	85.4	75.0	63.4	37.5	29.6	25.0	21.8	19.4
9					91.8	82.3	73.1	62.5	38.2	30.6	26.1	23.0
10					97.5	88.2	79.9	71.7	61.8	38.8	31.5	27.2
11						93.3	85.4	78.0	70.4	61.2	39.3	32.3
12						97.9	90.1	83.1	76.4	69.4	60.7	39.8
13							94.3	87.5	81.2	75.0	68.5	60.2
14							98.2	91.5	85.4	79.6	73.9	67.7
15								95.1	89.1	83.5	78.2	72.8
16								98.4	92.5	87.1	82.0	77.0
17									95.6	90.3	85.4	80.6
18									98.6	93.3	88.4	83.9
19										96.1	91.3	86.8
20										98.7	94.0	89.5
21											96.5	92.1
22											98.9	94.5
23												96.8
24												98.9

$$V_{w_{std}} = V_{l_e} \frac{\rho H_2O}{M_{H_2O}} \frac{RT_{std}}{P_{std}} \frac{\text{lb.}}{454 \text{ gm.}}$$

$$= 0.0474 \frac{\text{cu. ft.}}{\text{ml.}} V_{l_e}$$

equation 5–2

• • • • • • •

$$I = T_s \left[\left(\frac{0.00267 \text{ in. Hg-cu. ft.}}{\text{ml} - {}^\circ R} \right) V_{l_e} + \frac{V_m}{T_m} \left(P_{bar} + \frac{H}{13.6} \right) \right] \left(1.667 \frac{\text{min.}}{\text{sec.}} \right)$$

$$\theta V_s P_s A_n$$

equation 5–6

[FR Doc.73-10061 Filed 5-22-73;8:45 am]

Title 45—Public Welfare

CHAPTER I—OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 185—EMERGENCY SCHOOL AID

Part 185 of title 45 of the Code of Federal Regulations is hereby amended by revising § 185.95(b) (1) and (3) to read as follows:

§ 185.95 Reservations of funds.

• • • • • •

(b) The Assistant Secretary hereby reserves:

(1) An amount equal to 3 percent of the sums appropriated under the Act for any fiscal year for the purposes of special projects under subpart J of this part;

• • • • • •

(3) An amount equal to 5 percent of the sums so appropriated for the purposes of educational television projects under subpart H of this part; and

• • • • • •

In view of the necessity to process applications affected by the above amendments prior to June 30, 1973, and in view of the minor and technical nature of the amendments, public participation in the development of such amendments is considered impracticable within the meaning of 5 U.S.C. 553(b).

Effective date.—These amendments shall be effective on June 22, 1973.

Dated May 7, 1973.

S. P. MARLAND, JR.,
Assistant Secretary for Education.

Approved May 18, 1973.

FRANK CARLUCCI,
Acting Secretary of Health, Education and Welfare.

[FR Doc.73-10269 Filed 5-22-73;8:45 am]

Title 45—Public Welfare

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

PART 221—SERVICE PROGRAMS FOR FAMILIES AND CHILDREN AND FOR AGED, BLIND, OR DISABLED INDIVIDUALS: TITLES I, IV (PARTS A AND B), X, XIV, AND XVI OF THE SOCIAL SECURITY ACT

Rates and Amounts of Federal Financial Participation

Correction

In FR Doc. 73-8510 appearing at page 10782 in the issue for Tuesday, May 1, 1973, in § 221.54(a)(2)(i), the second line, reading "cost allocation plan and with the re-", should read "cost of workers carrying responsibility".

Title 50—Wildlife and Fisheries

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

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Wapack National Wildlife Refuge, N.H.

The following special regulation is issued and is effective June 1, 1973 through December 31, 1973.

§ 28.28 Special regulations; Recreation; for the individual wildlife refuge areas.

NEW HAMPSHIRE

WAPACK NATIONAL WILDLIFE REFUGE

Entry by foot is permitted only during daylight hours for the purpose of nature study, wildlife observation, hiking, and photography.

No motor vehicle of any kind is permitted on the refuge. Open fires are prohibited; however, portable, backpacking-type stoves may be used. Pets are permitted if on a leash not over 10 feet in length.

The possession of any drugs or substances, or immediate precursors, identified in schedule I, II, III, IV, or V of the Controlled Substances Act, 21 U.S.C. 812, or any drugs or substances added to these schedules pursuant to the terms of the act, is prohibited on the refuge, unless such drugs or substances were obtained in accordance with law. Presence in the refuge when under the influence of a controlled substance to a degree that may endanger oneself, or another person, or property, or may cause unreasonable interference with another person's enjoyment of the refuge, is prohibited.

Information about the refuge is available from the Refuge Manager, Parker River National Wildlife Refuge, Newburyport, Mass. 01950, or from the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Mass. 02109.

The above regulations supplement those set forth in title 50, Code of Federal Regulations, § 28.28, and are effective through December 31, 1973.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.73-10192 Filed 5-22-73;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Presquile National Wildlife Refuge, Va.

The following special regulations are issued and are effective during the period June 1, 1973, through December 31, 1973.

§ 28.28 Special regulations; recreation; for individual wildlife refuge areas.

VIRGINIA

PRESQUILE NATIONAL WILDLIFE REFUGE

Entry by foot is permitted for the purpose of wildlife trail use, wildlife observation, and photography. Access is gained by ferry only. Visitation is limited to organized groups such as school, civic, and church groups between the hours of 7:30 a.m. and 4 p.m. Monday through Friday except holidays. Vehicles may not be used by groups except when specifically authorized by the refuge manager. Pets, alcoholic beverages, overnight

camping, and littering are not permitted.

Students and teachers engaged in scientific studies, under special use permit, may enter the refuge either by ferry or by boat and may visit the refuge as necessary providing that prior notice is given to the refuge manager.

Information about the refuge, comprising 1,329 acres, is available from the Refuge Manager, Presquile National Wildlife Refuge, P.O. Box 658, Hopewell, Va. 23860, office located in 202 Tartan Building, 320 East Broadway, Hopewell, Va., or the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Mass. 02109.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuge areas generally, which are set forth in title 50, Code of Federal Regulations, part 28, and are effective through December 31, 1973.

RICHARD E. GRIFFITH,
Regional Director, Bureau of Sports Fisheries and Wildlife.

[FR Doc.73-10191 Filed 5-22-73;8:45 am]

Proposed Rules

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 930]

HANDLING OF CHERRIES GROWN IN CERTAIN STATES

Notice of Proposed Limitation of Handling

This notice invites written comments relative to a proposed procedure for the distribution of proceeds from the sale of reserve-pool cherries, specification of a longer period during which pack reports must be submitted to the Cherry Administrative Board, and a revised assessment billing procedure. The new and revised procedures are designed to facilitate improved administration of the subject marketing order program. The Board recommendation for increasing time for submission of the end of pack report from 30 days to 60 days after pack completion is due largely to difficulties experienced by handlers in compiling and verifying receipts of cherries in the allotted 30 days. The contemplated assessment billing procedure is to provide the committee with operating funds earlier in the season. The Board reported that the proposed reserve-pool procedure is necessary to advise equity holders of the specific manner in which reserve-pool funds shall be handled and distributed.

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, to the rules and regulations (subpart—rules and regulations, 7 CFR 930.101–930.161; 37 FR 273, 13789, 16169; 38 FR 11065), currently in effect pursuant to the applicable provisions of marketing order No. 930 (7 CFR pt. 930), regulating the handling of cherries grown in Michigan, New York, Wisconsin, Pennsylvania, Ohio, Virginia, West Virginia, and Maryland, hereinafter referred to as the order. This is a regulatory program effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This amendment of said rules and regulations was proposed by the Cherry Administrative Board established under said order as the agency to administer the terms and provisions thereof. The amendment would: Establish the procedure by which the proceeds from the sale of reserve-pool cherries would be distributed to equity holders in the pool; change the deadline date for submitting the end of pack report from 30 to 60 days following completion of pack; and establish a three-payment system for the billing and collection of assessments.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed amendment shall file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, room 112, Administration Building, Washington, D.C. 20250, not later than June 1, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposed amendment would provide as follows:

1. Section 930.106 *Pack report* is revised to read as follows:

§ 930.106 Pack report.

Each handler, in accordance with § 930.62, shall submit to the Cherry Administrative Board at its office in Hartford, Mich., or such other location as may be specified by the Board, within 60 days after the date of pack completion, a written report of the total amount of cherries received for processing, showing separately the amount of cherries that were first handled.

2. Section 930.107, Assessment procedure, is revised to read as follows:

§ 930.107 Assessment procedure.

(a) Each handler shall be billed for the first one-third of his total assessments at pack completion, the second one-third of such assessments 60 days after pack completion, and all remaining unpaid assessments 90 days after pack completion.

(b) Each handler shall pay interest of 1 percent per month on any unpaid balance beginning 30 days after date of billing.

3. A new § 930.109 Distribution of reserve pool proceeds, is added to read as follows:

§ 930.109 Distribution of reserve pool proceeds.

(a) All proceeds from the sale of reserve-pool cherries shall be placed in a special reserve-pool account, to be kept separate and apart from all other marketing order funds.

(b) All expenses incurred by the Board, in receiving, handling, holding, and disposing of reserve-pool cherries shall be deducted from the proceeds from the sale of such cherries prior to any distribution of such funds to equity holders.

(c) In accordance with § 930.60 all reserve-pool funds, after deductions, shall be distributed to equity holders in direct proportion to each such person's equity in the total reserve pool.

(d) All prepaid storage fees shall be retained by the Board until complete disposition is made of all reserve-pool cherries. Upon such disposition, any such unexpended fees shall be returned to the equity holders.

Dated May 17, 1973.

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

[FR Doc.73-10259 Filed 5-22-73;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL ELECTRIFICATION PROGRAM

Incentive Payments by REA Borrowers

Notice is hereby given that, pursuant to the Rural Electrification Act as amended (7 U.S.C. 901 et seq.), REA proposes to issue REA Bulletin 1–6, Incentive Payments by REA Borrowers, which sets forth REA policy on incentive payments by borrowers to encourage their expanded sales of electricity as opposed to other sources of energy. On issuance of the bulletin, appendix A to part 1701 of the Code of Federal Regulations will be modified accordingly.

Persons interested in the policy set forth in this bulletin may submit written data, views, or comments to the Director, Office of Program Development and Analysis, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, not later than June 22, 1973. All written submissions made pursuant to this notice will be made available for public inspection in the office of the Director, Office of Program Development and Analysis, during regular business hours.

The proposed bulletin is as follows:

REA BULLETIN 1–6

INCENTIVE PAYMENTS BY REA BORROWERS

I. *Purpose.*—This bulletin sets forth REA policy with respect to the provision of incentives by REA borrowers for the purpose of inducing contracts from real estate developers for electric power; for the purpose of expanding the use of electric power as opposed to other sources of energy; and for the purpose of gaining exclusive control over service territory or consumers in competition with other power suppliers.

II. *Policy.*—A. It is the policy of REA that borrowers should not make payments in cash, in services, in abatement of charges or otherwise for the following purposes:

(1) To induce contracts from real estate developers for electric power,

(2) To expand the use of electric power as opposed to other sources of energy, and

(3) To gain exclusive control over service territory or consumers in competition with other power suppliers.

Neither loan funds nor general funds should be used for such purposes.

B. This statement of policy is not intended to imply that borrowers should not stand ready to serve consumers of any or all types in their respective service areas. It is intended, however, that borrowers should conserve their resources and establish fair and equitable rates that will compensate for the cost of service rendered to consumers of various classes. Consumers of any particular class should not be required to subsidize other classes of consumers.

C. Providing incentives for the above purposes represents an improper use of borrowers' assets and may result in discrimination between types of consumers. Furthermore, providing incentives may under certain circumstances be in violation of public service commission rules or fair trade practices, and contrary to public policy if they tend to encourage the uneconomic use of energy resources.

III. *Explanation.*—This policy is not intended to discourage well-planned community development activities or educational programs designed to increase knowledge concerning the productive and efficient use of electric power. REA recommends that borrowers carry out educational programs to encourage consumers to eliminate wasteful uses of electric power and to conserve energy resources. It should further be understood that this policy does not oppose the use of distinctive rate schedules for different classes of electric service provided the rates are of general application and are directly related to the cost of providing service to the respective classes of consumers.

Dated May 16, 1973.

DAVID A. HAMIL,
Administrator.

[FR Doc.73-10260 Filed 5-22-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-EA-32]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of part 71 of the Federal Aviation Regulations so as to alter the Philadelphia, Pa., control zone (38 FR 411) and Philadelphia, Pa. (38 FR 555) and Pitman, N.J., transition areas (38 FR 557).

A review of the terminal airspace of Philadelphia, Pa., Bridgeport, N.J., and Pitman, N.J., indicates a need to make the foregoing alterations so as to provide controlled airspace in accordance with terminal instrument procedures (TERP's).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, attention Chief, Air Traffic division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before June 22, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal areas of Philadelphia, Pa., Bridgeport, N.J., and Pitman, N.J., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of part 71 of the Federal Aviation regulations by deleting the description of the Philadelphia, Pa. control zone and by substituting the following in lieu thereof:

Within a 5-mile radius of the center, 39°52'31" N., 75°14'20" W. of Philadelphia International Airport, Philadelphia, Pa.; within a 6-mile radius of the center of the airport extending clockwise from a 264° bearing to a 011° bearing from the airport; within 2 miles each side of the New Castle, Del., VORTAC 055° radial extending from 18.5 miles northeast to 22.5 miles northeast of the VORTAC; within 1.5 miles each side of the Philadelphia International Airport Runway 9L ILS localizer course, extending from the 5-mile-radius zone to 1.5 miles east of the Chester OM.

2. Amend § 71.181 of part 71 of the Federal Aviation regulations by deleting the description of the Philadelphia, Pa. transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 11-mile radius of the center, 39°52'31" N., 75°14'20" W. of Philadelphia International Airport, Philadelphia, Pa., extending clockwise from a 256° bearing to a 016° bearing from the airport; within a 10-mile radius of the center of the airport, extending clockwise from a 016° bearing to a 045° bearing from the airport; within an 8.5-mile radius of the center of the airport, extending clockwise from a 045° bearing to a 136° bearing from the airport; within a 9-mile radius of the center of the airport, extending clockwise from a 136° bearing to a 256° bearing from the airport; within 4.5 miles north and 6.5 miles south of the Philadelphia International Airport Runway 9R ILS localizer course, extending from 5.5 miles east of the Claymont OM to 11.5 miles west of the OM; within 4.5 miles each side of the Modena, Pa., VORTAC 097° radial, extending from 24 miles east to 33 miles east of the VORTAC; within a 5.5-mile radius of the center, 39°47'50" N., 75°20'35" W. of Bridgeport Airport, Bridgeport, N.J.; within 2 miles each side of the Woodstown, N.J., VORTAC 350° radial extending from the 5.5-mile-radius area to the Woodstown, N.J., VORTAC, excluding the portion which coincides with the Wilmington, Del., transition area.

3. Amend § 71.181 of part 71 of the Federal Aviation regulations by deleting the description of the Pitman, N.J., transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center, 39°45'15" N., 75°08'30" W. of Pitman Airport, Pitman, N.J.; and within 2 miles each side of the Woodstown, N.J., VORTAC 047° radial, extending from the 5.5-mile-radius area to 1 mile northeast of the VORTAC, excluding the portion within the Philadelphia, Pa., transition area. This transition area is effective from sunrise to sunset, daily.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on May 7, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-10211 Filed 5-22-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-EA-33]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of part 71 of the Federal Aviation Regulations so as to alter the Cambridge, Md., transition area (38 FR 457).

A review of the terminal area for Cambridge, Md., indicates a need to alter the transition area to provide controlled airspace in accordance with Terminal Instrument Procedures (TERP's).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before June 22, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested parties at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Cambridge, Md., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of part 71 of the Federal Aviation Regulations by deleting the description of the Cambridge, Md.,

transition area and by substituting the following in lieu thereof:

That airspace extending upward from 700 ft above the surface within a 6.5-mile radius of the center, 38°32'16" N., 76°01'47" W. of Cambridge Municipal Airport, Cambridge, Md.; and within 3 miles each side of the 145° bearing from the Cambridge, Md., RBN, 38°32'17" N., 76°01'56" W., extending from the 6.5-mile-radius area to 8.5 miles southeast of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on May 4, 1973.

GEORGE M. GARY,
Director, Eastern Region.

[FR Doc.73-10210 Filed 5-22-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 131]

WATER QUALITY MANAGEMENT PLANS

Preparation Guidelines for States

Notice is hereby given that the regulations set forth below are proposed by the Environmental Protection Agency. The proposed regulations are designed to assist States in the preparation of water quality management plans.

Secion 303(e) of the Federal Water Pollution Control Act, as amended (86 Stat. 816; 33 U.S.C. 1313 (1972)), requires each State to have a continuing planning process which is consistent with the Act. Plans under this part will be prepared pursuant to the State's approved planning process.

The purpose of preparing basin plans is to provide the information the States will need to make centralized coordinated water quality management decisions; to provide the strategic guidance for developing the State program submitted under section 106 of the Act; and to encourage water quality objectives which take into account overall State policies and programs, including those for land usé and other related natural resources.

The regulations describe the preparation of plans and the procedures governing plan adoption, submission, and revision and EPA approval. The relationship of plans with EPA grants and the national permit system is also described. Provision is included for coordination between plans and any permit for a source located in a planning area.

The regulations are designed to assure that there may be prepared pursuant to this part basin plans which will be adequate for water quality management in areas having complex water quality problems.

Many areas of the State will present simpler water quality management concerns. Water will be classified according to the severity of pollution as follows:

(1) *Water quality class.*—Any segment where it is known that water quality does not meet applicable water quality standards, and is not expected to meet water quality standards even after the application of the effluent limitations required by sections 301(b)(1)(A) and 301(b)(1)(B) of the Act.

(2) *Effluent limitation class.*—Any segment where water quality is meeting and will continue to meet applicable water quality standards or where there is adequate demonstration that water quality will meet applicable water quality standards after the application of the effluent limitations required by sections (301(b)(1)(A) and 301(b)(1)(B) of the Act.

A basin plan can contain one or more water quality segments and/or one or more effluent limitation segments. The plan in the effluent limitation segments need employ only those elements necessary to assure proper program management in those segments; while in the water quality segments the plan needs to include such analysis as is necessary to assure that control actions taken will meet water quality standards as well as the requirements of sound program management. All plans under this part should be completed by June 30, 1975. Provision for phased accomplishment of planning prior to that date, consistent with advancing national capabilities, is included.

Federal properties, facilities, and activities are subject to Federal, State, interstate, and local standards and effluent limitations for control and abatement of pollution. The State's planning process should include provision for Federal sources. It is contemplated that Federal agencies will provide information to the States in accordance with procedures established by the administrator.

Since plans under this part must be prepared in accordance with the approved State continuing planning process, regulations pertaining to the planning process, set forth at part 130 of this chapter, should also be consulted.

Prior to the adoption of the final regulations, consideration will be given to comments, suggestions, or objections which may be submitted in writing to the Chief, Planning and Standards Branch; Office of Air and Water Programs, room 1007, Crystal Mall Building No. 2, Environmental Protection Agency, Washington, D.C. 20460. All comments, suggestions or objections received on or before July 9, 1973.

ROBERT W. FRI,
Acting Administrator.

MAY 18, 1973.

Subpart A—Scope and Purpose; Definitions

Sec.

Subpart B—Plan Preparation

Subpart C—Monitoring and Surveillance

Subpart D—Completion and Review of Plans: Relation to Permits and Grants

AUTHORITY.—Secs. 303, 501, 86 Stat. 816, 33 U.S.C. 1313, 1361.

Subpart A—Scope and Purpose; Definitions

§ 131.100 Scope and purpose.

(a) This part establishes regulations specifying procedural and other elements which must be present in plans prepared pursuant to a continuing planning process approved in accordance with section 303(e) of the Federal Water Pollution Control Act, as amended (86 Stat. 816, 33 U.S.C. 1313).

(b) The purpose of preparing basin plans is to provide the information the States will need to make centralized coordination water quality management decisions; to provide the strategic guidance for developing the State program submitted under section 106 of the act; and to encourage water quality objectives which take into account overall State policies and programs including those for land use and other related natural resources.

(c) The basin plans will provide the technical, economic, social, and environmental basis for the identification and the adoption of the means of achieving applicable water quality objectives. The plans will assist the State in directing

resources, establishing priorities and scheduling of actions.

§ 131.101 Definitions.

The definitions set forth in § 130.2 of this chapter shall apply to this part.

Subpart B—Plan Preparation

§ 131.200 General.

(a) Each plan under this part shall be prepared pursuant to the process developed and approved in accordance with part 130 of this chapter, relating to the continuing planning process required by section 303(e) of the act.

(b) Each plan shall include, but is not limited to, the contents described in this subpart.

(c) The detail of planning conducted for each segment in the plan will depend on the complexity of the water quality problems and the water quality decisions to be made.

(d) The information in each plan shall be presented in an equivalent basis to facilitate interbasin coordination comparison.

§ 131.201 Boundaries of planning unit.

Each plan shall contain a delineation of the boundaries of the basin on a map of appropriate scale. Such map shall include but is not limited to the following:

(a) An identification of the location of each significant discharger by river mile and/or shore location for bays, lakes, and estuaries.

(b) An identification of the location of all (Federal, State, local) monitoring stations by river mile and/or grid location.

NOTE.—Such a map may omit discharger and monitoring station locations if such locations are available in the EPA water quality information system and if the plan includes the listing described in section 131.206 and a list of monitoring stations and their locations.

§ 131.202 Water quality standards.

(a) Each plan shall set forth the water quality standards applicable to each body of water or segment in the basin or shall include the legal citation of such standards.

(b) The Governor (or his designees) shall from time to time, but at least once every 3 years hold public hearings for the purpose of reviewing applicable water quality standards and, as appropriate, modify and adopt standards as set forth in section 303(e) of the act.

(c) Modification and adoptions of standards shall consider the objectives of the act specified in section 101(a) of the act and the social, economic and technical, including natural, considerations to achieving these objectives.

§ 131.203 Plan content-segment classification.

(a) Based on the following analysis, each plan shall classify all waters within the planning basin as water quality class segments and/or effluent class segments as follows:

(1) *Effluent class segment analysis.*—(i) An identification of those waters by segment where water quality is better than applicable water quality standards and will continue to be better after the application of best practicable control technology for industry and secondary treatment for municipalities;

(ii) An identification of those waters by segment where water quality does not meet applicable standards, but will after the application of best practicable control technology for industry and secondary treatment for municipalities;

(2) *Water quality class segment analysis.*—(i) An identification of those waters by segment where water quality is not expected to meet applicable water quality standards even after the application of the effluent limitations required by sections 301(b)(1)(A) and (B) of the act.

(b) This analysis shall be used to reclassify as appropriate the current State classification of segments pursuant to § 130.11.

(c) For all water quality segments within the basin, each plan shall contain the following:

(1) An assessment of total maximum daily loads necessary to meet water quality standards for the specific criteria being violated.

(2) An assessment of nonpoint source pollution and, where applicable, needed control measures.

(3) Already established effluent limit requirements for significant dischargers and target limits, previously not established, for significant dischargers that are required to achieve water quality standards.

(4) An assessment of municipal facility requirements.

(5) An inventory and categorization of significant individual discharges.

(6) Already established schedules of compliance and target dates of abatement for significant dischargers not on a compliance schedule.

(d) For all effluent class segments within the basin, each plan shall contain as a minimum the following:

(1) An assessment of municipal facility requirements.

(2) An inventory and categorization of significant individual discharges.

(3) Already established schedules of compliance and target dates of abatement for significant dischargers not on a compliance schedule.

(4) National priorities as determined by the Administrator.

(e) Each plan shall establish controls over the disposition of all residual waste from any municipal, industrial, or other water or waste water treatment processing, whenever the processing or disposal occurs within the basin.

(f) Each plan shall be revised as necessary to reflect revisions of the applicable water quality standards.

§ 131.204 Identification of relationship of other plans.

(a) Each basin plan shall identify the relationship and indicate the current status of any other water quality or other applicable resource plan prepared or under preparation which involves all or any part of the basin, including:

(1) Each areawide waste treatment management plan under section 208 of the act.

(2) Each facilities plan for a proposed project for the construction of treatment works under section 201 of the act.

(3) Each level B basin plan pursuant to section 209 of the act or Public Law 89–90.

(4) Applicable portions of each water quality standards implementation plan under section 303 (a) and (b) of the act.

(5) Applicable portions of 40 CFR 150.1 and 150.2 plans (former 18 CFR 601.32 and 601.33, 1971 ed.).

(6) Other applicable resource planning including:

(i) State land use programs.

(ii) Activities stemming from the Coastal Zone Management Act (Public Law 92–583).

(iii) Activities stemming from the Rural Development Act of 1972 (Public Law 92–419).

(iv) Other federally assisted planning and management programs.

(b) Each basin plan shall separately identify each plan which has been integrated with the basin plan.

§ 131.205 Total maximum daily loads.

(a) Each plan should include, for each water quality class segment identified pursuant to § 131.202, the total maximum daily loads of pollutants, including thermal loads, allowable for a specific criteria being violated or expected to be violated. Such loads shall be at a level at least as stringent as necessary to implement the applicable water quality standards, including:

(1) Provisions for seasonal variation; and

(2) Provision of a margin of safety which takes into account any lack of knowledge concerning the relationship between effluent limitations and water quality, including any uncertainty resulting from insufficiency of data, including data from nonpoint sources of pollutants.

(b) (1) Each plan shall estimate, for each water quality segment where thermal standards may be violated, the total daily thermal load allowable in such segment. Such load shall be at a level at least as stringent as necessary to assure the protection and propagation of a balanced, indigenous population of shellfish, fish, and wildlife. Such loads shall take into account:

(i) Normal water temperatures.

(ii) Flow rates.

(iii) Seasonal variations.

(iv) Existing sources of heat input.

(v) The dissipative capacity of the identified segment.

(2) Each estimate shall include an estimate of the maximum heat input that can be made into each water quality segment where temperature is one of

the criteria being violated and shall include a margin of safety which takes into account lack of knowledge concerning the development of thermal water quality criteria for protection and propagation of indigenous biota in the identified segment.

(c) Where predictive mathematical models are used in the determination of maximum daily loads, each model shall be identified and briefly described, and the specific use of the model shall be cited.

§ 131.206 Individual point source discharges; impact on water quality.

(a) Each plan shall identify each significant point source of pollutants, set forth the location of each source, and describe, by parameter, its waste discharge characteristics. The identification, location, and description shall include procedures for utilizing data from the national pollutant discharge elimination system.

(b) Each plan shall establish discharge load and thermal load allocations or target allocations for significant point and nonpoint sources in each water quality segment as follows:

(1) The plan shall establish a discharge load allocation or target load allocation for significant point and, to the degree feasible, nonpoint sources in each water quality segment identified pursuant to § 131.203 and shall where required establish a load allocation for each thermal source. The total of such discharge load allocations for each source in the segment shall not exceed the total maximum daily load or thermal load allocation established or estimated for such segment pursuant to § 131.205.

(2) Each discharge load allocation and thermal allocation established or estimated pursuant to this paragraph shall incorporate an allowance for anticipated economic and demographic growth over at least a 5-year period and an additional allowance reflecting the precision and validity of the method used in determining such allowance.

(3) Establishment of discharge load allocations and thermal load allocations shall be coordinated with the development of terms and conditions of permits under the national discharge elimination system in the manner prescribed by § 131.209.

(4) Where permits have been issued, the relationship of the allocations and the schedules of compliance to the permits shall be governed by § 131.209.

(c) (1) Each plan shall contain effluent limitations, or target limitations, consistent with the requirements of the act, applicable to significant point sources identified in paragraph (a) of this section.

(2) Effluent limitations for each source in water quality segments shall be at least as stringent as necessary to meet the load allocations established for such sources pursuant to paragraph (b) (1) of this section.

(3) Establishment of effluent limitations shall be coordinated with the development of terms and conditions of permits under the national Pollutant discharge elimination system in the manner prescribed by § 131.209.

§ 131.207 Schedules of compliance; coordination with permits.

(a) Each plan shall include schedules of compliance or target dates of abatement for significant point sources identified in § 131.206 which are not currently in compliance with the effluent limitations established in paragraph (c) of such section and are not anticipated to be in compliance by January 1, 1975.

(b) (1) Each schedule shall contain realistically established milestone dates pursuant to this subsection.

(i) If the State or the regional administrator has issued a permit to the source under the national pollutant discharge elimination system, the schedule shall contain the major interim and final dates included as terms or conditions of the permit, if any, that are necessary to assure an adequate tracking of progress towards compliance. For purposes of plan preparation the permit issued could be attached to the plan submitted.

(ii) If the source is required to obtain a permit under the national pollutant discharge elimination system but no permit has been issued as of the date that the plan is submitted, the schedule shall set forth a tentative or target date when the source must obtain a permit, as well as other target abatement dates that will enable an adequate tracking of progress toward completion of the facility.

(2) The plan shall set forth the legal basis for enforcement of the schedule of compliance (e.g., was adopted as State law; was promulgated as State regulations; is or will be incorporated in waste discharge permit).

(3) Establishment of schedules of compliance shall be coordinated with the development of terms and conditions of permits under the national pollutant discharge elimination system in the manner prescribed by § 131.209.

§ 131.208 Ranking of segments and inventory of point source discharges.

(a) Each plan shall include an inventory and categorization of sources which shall be used by the State in the development of the State strategy. This strategy is described in part 130, subpart D of this chapter.

(b) Each plan shall include a ranking of its segments in order of abatement priority using, as a minimum, the criteria specified in § 130.41 of this chapter.

§ 131.209 Coordination of certain planning components and terms of permits.

(a) If the State is participating in the national pollutant discharge elimination system, or if the permit program is administered by EPA, individual discharge allocations, effluent limitations, and schedules of compliance shall be developed as provided in this paragraph.

(1) (i) The State will use its best efforts to incorporate in permit terms and conditions the applicable target individual effluent limitations and target schedules of abatement established by any approved plan; subject, however, to all the rights that the permit applicant and other interested persons may have under State or Federal law to contest such effluent limitations and schedules of compliance in the permit issuance proceedings.

(ii) The milestones required to track plan implementation contained in each schedule of compliance established by a permit shall be incorporated into the plan at the first revision of the plan to take place following issuance of the permit.

(2) In a planning area where a plan is under development, permit terms and conditions proposed for any source and plan preparation shall be coordinated, to assure that the plan reflects information developed in connection with the permit application and conditions for effluent limitations and a schedule of compliance proposed for the permit.

(3) Where, pursuant to the approved phasing of planning, no plan has been approved or is under development, the State shall not be precluded by such lack of planning from processing any permit (consistent with established priorities). In such case, permit terms and conditions proposed in a cluster shall be developed following the State's consideration of all discharges in the cluster. (See § 130.60 of this chapter.) The State shall retain the documentation of any cluster analysis for use in the subsequent preparation of the discharge load allocations, effluent limitations, and compliance schedules for the area.

§ 131.210 Municipal facility investment requirements.

(a) Each plan shall include an assessment of municipal waste treatment investment requirements. Such assessment shall be based upon the criteria set forth in paragraph (b) of this section.

(b) Municipal facility investment requirements shall be determined according to the following criteria:

(1) Load reduction achieved by the identified facility, and whether this reduction is required to attain and maintain applicable water quality standards and effluent limitations.

(2) Evidence concerning the cost effectiveness of proposed treatment, where available.

(3) Population or population equivalents to be served, including forecast growth or decline of such population over the design life of the needed facility. The time period used shall be stated. These analyses shall take into account projections used in other State and local planning activities.

(c) Cost estimates for facilities meeting the above criteria shall be based on engineering plans, specifications, and detailed cost estimates where available. For any facility for which detailed estimates do not exist, cost estimates shall be made based on guidelines prepared by the Administrator.

§ 131.211 Individual nonpoint source discharges; impact on water quality.

(a) To the extent feasible and dependent upon issuance of appropriate guidelines under section 304(e) of the act, plans shall provide for the consideration of agricultural, silvicultural, mining-related, construction activity related, salt water intrusion related and other nonpoint source pollution.

(b) Each plan for each water quality segment shall identify and evaluate nonpoint source discharges including as a minimum a description of the type of problem and an identification of the waters affected, including an evaluation of the effects.

(c) Where feasible, each plan for each water quality segment shall include the following:

(1) Description of present and proposed abatement or control strategy;

(2) Determination of priority for abatement or control;

(3) Establishment of schedule of compliance;

(4) An estimate of the costs of implementation; and

(5) Assignment of responsibility of abatement control.

Data obtained from the plan monitoring program established pursuant to subpart C of this part shall be employed in making the identifications and analyses required by this section.

§ 131.212 Coordination with land use policies and controls.

The plan should describe the extent to which land use decisions can be influenced to complement and reinforce the control actions required to meet water quality goals. Each plan shall set forth any procedures established to assure land use relationships have been given adequate consideration in the development of the plan.

Subpart C—Monitoring and Surveillance

§ 131.300 Relationship of monitoring and surveillance to plans.

(a) Each plan shall be based upon adequate monitoring and surveillance data, as set forth in this subpart, from which to determine the relationship between instream water quality and individual discharges. Such data will facilitate implementation of the plan.

(b) Each plan shall contain for each water quality segment:

(1) A program to monitor the total stream discharge loadings, including contributions from significant dischargers, which shall be related to the maximum daily loads established by the plan pursuant to § 131.205; and

(2) A continuing program for monitoring instream water quality standards and goals.

§ 131.301 Coverage of monitoring and surveillance program.

In establishing the monitoring and surveillance program for discrete water segments, consideration shall be given to the severity of the pollution and applicable water quality standards and goals, including the use to be made of the waters.

§ 131.302 Use of monitoring surveys for plan development.

Each plan shall incorporate the results of any monitoring survey completed prior to the date of adoption of the plan which provides current data for the area covered by the plan. If current data are not available the State should conduct an adequate monitoring survey to obtain the necessary data before completion of the plan.

§ 131.303 Frequency of monitoring surveys.

Each plan shall provide that the monitoring survey for the area within water quality classified segments covered by the plan will be repeated at appropriately defined intervals, depending on the variability of conditions and changes in hydrologic or effluent regimes. The survey intervals shall be stated in the plan.

§ 131.304 Output of monitoring surveys.

The monitoring survey shall produce sufficient information to support the planning for the area. Output shall include, but is not limited to, the following:

(a) A listing of all surface waters by stream segment or water zone, which do not comply with applicable water quality standards and goals.

(b) In water quality segments, a description of pollutant mass balances, including estimates of the total pollutant loads to be controlled in the segment.

(c) Input to the EPA water quality information system of basic data collected during the monitoring survey, and validation and correction of data available prior to the survey.

(d) A listing of stations, parameters, and frequencies to be monitored to provide compliance, progress measurement, and trend information required by this chapter.

(e) A proposed schedule, based on variability of stream quality, expected changes in flow and effluent regimes, or other information, for the subsequent monitoring survey to be undertaken in the same basin.

§ 131.305 Water quality data from fixed stations; input to information system.

(a) Each plan shall provide for the maintenance of a small number of permanent in-stream water quality trend evaluation stations at key locations in each basin to measure progress toward applicable water quality standards and goals, trends in water quality, and compliance with approved plans, and shall be used as a basis for completing the section 305(b) reports.

(b) The operation of these stations shall continue after the completion of applicable monitoring surveys required by this subpart.

(c) The State shall input data from such stations to the EPA information system in such manner as the State and the Regional Administrator shall agree.

§ 131.306 Provision and use of point source discharge information; input to information system.

(a) Data from the National Pollutant Discharge Elimination System shall be made available for use in developing the plans required in this part, including data concerning the location, identification, and characterization of each discharge supplied by applicants for permits.

(b) Other information on point sources developed by monitoring surveys shall be assembled for use in developing the plans required by this part.

(c) The State shall input such point source data to the EPA information system in such manner as the State and the Regional Administrator shall agree.

Subpart D—Completion and Review of Plans; Relation to Permits and Grants

§ 131.400 Certifications.

Each plan shall include the following assurances and certification by the Governor or his designee:

(a) That the plan is the official State water pollution abatement plant for the hydrologic unit covered by such plan.

(b) That the plan was adopted after public hearings as prescribed in § 131.401 and that public participation was afforded in accordance with regulations promulgated for section 101(e) of the act.

(c) That the plan is compatible with all plans established pursuant to section 303(e) of the act, or pursuant to other sections of the act, for other water within the State and in any other State (except that if the plan is not wholly compatible with any plan for waters in another State, a description and explanation of such incompatibility shall be supplied).

(d) That the plan has incorporated the relevant features of each plan for the construction of publicly owned treatment works under section 201 of the act, and each areawide water quality management plan under section 208 of the act, involving all or a portion of the hydrologic unit covered by the basin plan, if such plans have been approved by the Regional Administrator.

(e) That the inventory of needs for construction of publicly owned waste treatment works included in the plan will be used by the State in determining the priority for Federal and State assistance for such construction as provided in § 130.43 of this chapter.

§ 131.401 Public hearings.

(a) There shall be conducted, prior to the adoption or any substantive revision of the plan and after reasonable notice thereof, one or more public hearings on the proposed plan or on parts of the plan, in accordance with the regulations promulgated pursuant to section 101(e) of the act. The number and location of hearings shall reflect the size of the

planning area and its population and population distribution. Public participation and contribution shall be encouraged commencing with the earliest possible stages of plan development and continuing throughout the period of plan preparation, including revisions thereof. The State may conduct its public hearing on the plan simultaneously with the public hearing on permits in the area covered by the plan. If the public hearing was conducted on a segment or cluster of the plan for the purpose of facilitating the issuance of permits, then this portion of the plan need not be subject to additional public hearings requirements.

(b) For purposes of this section:

(1) The term "substantive" includes but is not limited to any significant revision of water quality standards, maximum daily loads for water quality segments, load allocations for individual dischargers, effluent limitations, or schedules of compliance.

(2) "Reasonable notice" includes, at least 30 days prior to the date of each hearing:

(i) Notice given to the public by prominent advertisement announcing the date, time, and place of each such hearing and the availability of the proposed plan for public inspection; and

(ii) Notification to the Regional Administrator.

(c) There shall be prepared and retained for submission to the Regional Administrator upon his request a record of each hearing. The record shall contain at a minimum a list of witnesses together with the text of each written presentation.

(d) There shall be submitted with the plan a description of any major controversy raised by the hearing and the disposition thereof.

§ 131.402 Submission.

Plan submission shall be accomplished by delivering five copies of the plan to the Regional Administrator, together with a letter from the Governor (or his designee) notifying the Regional Administrator of such action.

§ 131.403 Plan review; approval or disapproval.

The Regional Administrator shall approve or disapprove the plan submitted pursuant to § 131.402 within 30 days after the date of submission, as follows:

(a) If the Regional Administrator determines that the plan conforms with the requirements of the act, this part, the continuing planning process and contiguous plans including neighboring States' plans, he shall so notify the Governor or his designee by letter.

(b) If the Regional Administrator determines that the plan fails to conform with the requirements of the act, this part, the continuing planning process or contiguous plans including those of neighboring States, he shall notify the Governor or his designee by letter and shall state:

(1) The specific revisions necessary to obtain approval of the plans, and

(2) The time period for resubmission of the plan.

(c) Where plans involving interstate waters are found to be incompatible, he shall notify the Governors, or their designees, of the concerned States of the specific areas of incompatibility.

§ 131.404 Revisions.

(a) The plan shall be revised from time to time as necessary to accomplish national water quality objectives in conformity with the requirements of the act and the continuing planning process. Procedures for revision shall be set forth in the plan.

(b)(1) The Regional Administrator shall from time to time review each approved plan for the purpose of insuring that such plan is at all times adequate to assure the goal of paragraph (a) of this section.

(2) The plan shall be revised as necessary upon finding by the Regional Administrator and notification to the Governor (or his designee) that the plan is substantially inadequate to assure the goal of paragraph (a) of this section.

(3) The plan shall be revised within 90 days following notification by the Regional Administrator pursuant to subparagraph (2) of this paragraph, or by such later date as may be prescribed by the Regional Administrator after consultation with the State.

(c) Revisions of the process shall be adopted after reasonable notice and public hearings as prescribed in § 131.401.

(d) Revisions shall be submitted in accordance with § 131.402.

(e) Plan review and approval or disapproval shall be carried out in accordance with § 131.403.

§ 131.405 Prohibition of approval of certain plans.

The Regional Administrator shall not approve any plan that does not conform with the requirements of section 303(e) of the act, the continuing planning process, and this part. Substantial failure of any plan to conform with the applicable requirements of section 303(e) of the act and of this part may indicate that the planning process by which such plan was developed was deficient and may result in withdrawal of approval of the planning process or portions thereof relating to such plan. Approval of the State's participation in the national pollutant discharge elimination system may be withheld or withdrawn if the process is not fully approved.

§ 131.406 Prohibition of certain construction grants.

(a) Before approving a grant for any project for any treatment works under section 201(g) of the act after June 30, 1973, the Regional Administrator shall determine, pursuant to 40 CFR 35.925–2, that such works are in conformity with any applicable plan approved in accordance with this part and part 130 of this chapter. Disapproval by the Regional Administrator of a plan, or relevant portion thereof, for the area where a project is to be located may constitute grounds for not approving a grant for such project.

(b) The Regional Administrator may suspend or terminate a grant for any project for any treatment works in accordance with § 35.950 of this chapter if he determines that such grant is inconsistent with a plan, for the area of the project, approved subsequent to approval of the grant.

§ 131.407 Discharge permit terms and conditions.

Each permit issued under the national pollutant discharge elimination system to any source covered by the plan shall be prepared in accordance with the plan as provided in § 131.209, shall be processed pursuant to the State priority permit issuance procedures set forth in § 130.44 of this chapter, and shall contain such terms and conditions as may be necessary to meet the applicable requirements of the plan; subject, however, to all the rights that the permit applicant and other interested persons may have under State or Federal law to contest the terms and conditions of the permit in the permit issuance proceeding. Failure of any permit to conform with the requirements of this section may constitute grounds for the Administrator to object to the issuance of such permit.

§ 131.408 Separability.

If any provision of this part, or the application of any provision of this part to any person or circumstance, is held invalid, the application of such provision to other person or circumstances, and the remainder of this part, shall not be affected thereby.

[FR Doc.73-10306 Filed 5-22-73;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 220]

[Reg. T]

CREDIT BY BROKERS AND DEALERS

Notice of Proposal To Set Uniform Margin in Connection With Writing of Puts, Calls and Combinations Thereof

Pursuant to authority of section 7 of the Securities and Exchange Act of 1934 (15 U.S.C. 78g), notice is hereby given that the Board of Governors proposes amending § 220.3(d)(5) of Regulation T, "Credit by Brokers and Dealers" to require a uniform margin in connection with the issuance, endorsement or guarantee of any put, call or combination thereof. Such uniform margin requirement would be based, at the outset, upon the minimum margin requirements of the major stock exchanges for puts, calls and combinations thereof.

Interested persons are invited to submit relevant data, views, or arguments concerning this proposal. Any such material should be submitted in writing to

the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 1, 1973. Such material will be made available for inspection and copying upon request, except as provided in § 261.6(a) of the Board's rules regarding availability of information.

This notice is published pursuant to section 553(b) of title 5, United States Code, and § 262.2(a) of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2(a)).

By order of the Board of Governors, May 10, 1973.

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

[FR Doc.73-10236 Filed 5-22-73;8:45 am]

[12 CFR Part 225]

[Reg. Y]

BANK HOLDING COMPANIES

Underwriting of Real Estate Mortgage Guaranty Insurance

The Board of Governors has received the following applications filed pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1848(c)(8)) and § 225.4(b)(2) of the Board's regulation Y (12 CFR 225.4(b)(2)), for prior approval to acquire shares of companies to be engaged in the underwriting of real estate mortgage guaranty insurance.

1. Indiana National Corp., Indianapolis, Ind., has applied to acquire voting shares of Monument Insurance Co., Indianapolis, Ind., a proposed de novo insurance company to be organized under Indiana law to underwrite real estate mortgage guaranty insurance.

2. First Virginia Bankshares Corp., Falls Church, Va., has applied to acquire voting shares of Commonwealth Mortgage Guaranty Co., Falls Church, Va., a proposed de novo insurance company to be organized under Virginia law to underwrite real estate mortgage guaranty insurance.

The activity of underwriting real estate mortgage guaranty insurance has not heretofore been found by the Board to be closely related to banking. Both applicants state that the proposed activity essentially involves a credit decision, is part of the credit-extending process, and, as such, is, in applicants' opinion, so closely related to banking as to be a proper incident thereto.

In connection with these applications, the Board will also consider possible rulemaking to add the proposed activity to the list of activities the Board has previously determined to be closely related to banking. In its deliberations on the activity proposed in the present applications and the proposed rulemaking related thereto, the Board will also consider possible imposition of certain restrictions and requirements upon bank holding company entry into the proposed activity. Among the restrictions and requirements the Board will consider are that:

a. The proposed subsidiary may not underwrite real estate mortgage guaranty insurance on mortgages originated by the holding company system;

b. The proposed subsidiary must, prior to underwriting any insurance, become an insurer qualified by the Federal Home Loan Mortgage Corporation;

c. The bank holding company system may not make demand deposits in or reduce correspondent service charges for any financial institution as an indirect means of compensating that financial institution for utilizing the holding company's proposed underwriting subsidiary; and

d. The name of the proposed subsidiary may not resemble that of the holding company or any subsidiary bank.

Additionally, the Board will consider the desirability of providing that, with respect to any proposed mortgage guaranty subsidiary, due to its status as a nonbanking subsidiary, in no event may the resources of any banking subsidiary of the holding company be used to support such company if it encounters financial difficulties.

Interested persons may express their views on the question of whether the underwriting of real estate mortgage guaranty insurance is so closely related to banking or managing or controlling banks as to be a proper incident thereto, and the restrictions and requirements which are being considered in connection with the proposed activity.

Interested persons may also express their views on the question of whether consummation of the subject proposals 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 requests for a hearing on these questions 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 applications may be inspected at the offices of the Board of Governors or at the respective Federal Reserve Banks of each of the bank holding companies.

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 June 14, 1973.

By order of the Board of Governors, effective May 14, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-10251 Filed 5-22-73;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

ADVISORY COMMITTEE ON VOLUNTARY FOREIGN AID

Notice of Meetings

Pursuant to Executive Order 11686 and the provisions of section 10(a), Public Law 92-463, Federal Advisory Committee Act, notice is hereby given of the meetings of the Advisory Committee on Voluntary Foreign Aid which will be held from 2 p.m. to 5 p.m. on May 24 and from 9:30 a.m. to 4 p.m. on May 25, 1973, at the State Department, New State Building, 21st and Virginia Avenue NW., room 5951.

The purpose of these meetings is to continue discussion of the role of voluntary agencies in the 1970's and consider matters related to the foreign assistance activities of voluntary agencies.

These meetings are open to the public. Any interested person may attend, appear before, or file statements with the Committee, which statements, if in written form, may be filed before or after the meetings, or, if oral, at the time and in the manner permitted by the Committee.

Dr. Jarold A. Kieffer is the AID representative at the meetings. Information concerning the meetings may be obtained from Mr. Howard S. Kresge, telephone No. 632-7923. Persons desiring to attend the meetings are requested, if possible, to call in ahead of time and should enter the New State Building through the 21st Street entrance.

Dated May 15, 1973.

JAROLD A. KIEFFER,
Assistant Administrator for Population and Humanitarian Assistance.

[FR Doc.73-10230 Filed 5-22-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

IN VITRO DIAGNOSTIC PRODUCTS FOR HUMAN USE

Request for Data and Information To Establish Product Class Standard for Detection or Measurement of Glucose or Total Sugars

The Commissioner of Food and Drugs published in the FEDERAL REGISTER of March 15, 1973 (33 FR 7096) procedures for establishing product class standards for in vitro diagnostic products for human use.

After consultation with the Diagnostic Products Advisory Committee, the Commissioner has concluded that the establishment of a product class standard for in vitro diagnostic products for the detection or measurement of glucose or total sugars in specimens taken from the human body appears to be necessary to reduce or eliminate unreasonable risk of illness or injury associated with exposure to or use of such products and that there are no other more practicable means to protect the public from such risks. No such standard currently exists or is being developed.

Reports of studies undertaken to evaluate the reliability of a number of marketed products indicate that a significant percentage of those examined were unacceptable for use in clinical laboratories in that they did not meet the reliability criteria considered necessary in the operation of a good clinical laboratory. Examples of such reports, taken from professional journals, are listed below.

(1) Logan, J. E., Evaluation of Commercial Kits, CRC Critical Reviews in Clinical Laboratory Science, September 1972.

(2) Barnett, R. N., Reagent Kits, Progress in Clinical Pathology, Vol. 4, Grune and Stratton, New York 1972.

(3) Barnett, R. N., and Cash, A. D., Performance of "Kits" Used for Clinical Chemical Analysis of Glucose, Am. J. Clin. Pathol., 52, 457, 1969.

(4) Logan, J. E., Waddell, L. D., and Kvynski, I. A., Observations on Diagnostic Kits for the Determination of Glucose, Clin. Biochem. 3, 129, 1970.

On the basis of all available data and other relevant information and pursuant to the provisions of § 167.3(a) (21 CFR 167.3), the Commissioner makes the following findings:

The detection or measurement of glucose or total sugars may be used to characterize an individual patient as normal or abnormal and may be cause for the instigation or withholding of treatment based on the result of a single determination. The serious consequences which may result if the instigation or withholding of treatment is based on an erroneous determination are well known and amply documented.

There is available a considerable body of information relating to the sciences upon which products for the detection or measurement of glucose or total sugars are based and to the accuracy and comparability of tests performed using several different methods for such determinations.

There are in excess of 60 marketed products intended for the detection or measurement of glucose or total sugars. The introduction in the last decade of a profusion of in vitro diagnostic products for the determination or measurement of glucose or total sugars in human physiological fluids has caused doubts in the minds of many clinical laboratory scientists as to the reliability of the data obtained when using some of these products.

The medical need for in vitro diagnostic products for the detection or measurement of glucose or total sugar is well established. Such determinations are performed frequently and may be utilized routinely in the performance of periodic health evaluations. The detection or measurement of glucose or total sugars is the primary basis for the diagnosis of diabetes. The most current information available from public health authorities indicates that there are more than 1½ million cases of undiagnosed diabetes in the United States.

There is no reason to suspect that a standard for in vitro diagnostic products for the detection or measurement of glucose or total sugars would have an unreasonable effect upon the utility, cost, or availability of such products. The Commissioner believes that a reasonable standard can be adopted with a minimal disruption of supply and of manufacturing and other commercial practices. Prior to publishing any proposed standard for such products, the Commissioner will give careful consideration to any data or other relevant information received in response to this request regarding the need for a standard, the probable effect of a standard upon the utility, cost, or availability of the product, and the available means of achieving the objective of a standard with a minimal disruption of supply and of reasonable manufacturing and other commercial practices.

Therefore, the Commissioner proposes to develop a product class standard for in vitro diagnostic products for the detection or measurement of glucose or total sugars on specimens taken from the human body. Products to be reviewed for the development of this product class standard include individual reagents, calibration reference material, instruments, systems and system components, and reagent-impregnated materials for qualitative, semiquantitative, and quantitative tests.

In order to provide all interested persons an opportunity to comment on the need for such a standard, including the factors required by § 167.3(a) to be considered by the Commissioner, and to present relevant data and information to assist in the development of a standard for these products, if one is needed, the Commissioner invites submission of published and unpublished data concerning

the composition, performance, and labeling of these products. The format for such submission may be determined by the nature of the information to be submitted. Any product performance information submitted shall relate to the performance of that product as marketed or intended for marketing. Information submitted by a manufacturer of a product which will be affected by the standard shall be in the format described below. Four indexed and bound copies shall be submitted.

(1) Name of product class and date of FEDERAL REGISTER statement.

(2) Proprietary name of product.

(3) Name of person responsible for submission.

(4) Intended use or uses of the product.

(5) A statement categorizing the procedure (e.g., qualitative or quantitative).

(6) Copies of label and all other labeling under which product is currently marketed or, for a proposed product, the label and all other labeling under which marketing is intended.

(7) Description of the product, as appropriate: For example, if the product is or includes a reagent, state the proprietary name and established name (common or usual name), if any, and quantity, proportion, or concentration of each reactive, catalytic, or inactive ingredient. If the product is a biological material, list the source and a measure of its activity. Include a statement of any purification or treatment required for use. If the product is or includes an instrument or equipment, describe as appropriate its use or functions, installation procedures and any special requirements, principle of operating instructions, calibration procedures including materials and/or equipment to be used, operation precautions and limitations, hazards, and service and maintenance instructions.

(8) Stability information: A description of, and data derived from, studies of the stability of the product. For any product that requires manipulation (e.g., reconstitution or mixing), stability data shall be described for the reconstituted or mixed product. Describe the means by which the information was developed. The data shall be for the product in the container in which it is marketed to assure, among other things, that the container is not reactive, additive, or absorptive to an extent that alters the product or its performance. Include any expiration period data which supports any expiration date which appears in the labeling of the product. Describe the storage conditions necessary for the product, such as temperature, light, humidity.

(9) Hazards to user: A statement of the principal hazards associated with the product. Include the result of tests conducted to determine the applicability of hazard warnings or cautions, including those established in the regulations contained in part 191 of this chapter.

(10) History of methodology: A brief history of the methodology, with pertinent references. All references to reports of adverse or unfavorable experience with the product or the procedure on which it is based shall be included. If the product procedure is the same as one which has been published, cite the reference. If the product is based on a modification of a published procedure, cite the reference, state the reason for and the nature of the modification and the effect such modification may have on the results of the procedure as compared to the original. Include data illustrating the comparison of the modified procedure to the original procedure.

(11) Principle of test: An explanation of the test procedure including the chemical, physical, physiological, or biological principle of the procedure with chemical reactions and techniques involved, if applicable.

(12) Specimen collection and preparation: A description of the specimen to be subjected to analysis: (i) Special precautions regarding specimen collections, including special preparation of the patient as it bears on the validity of the test.

(ii) Additives, preservatives, etc., necessary to maintain the integrity of the specimen.

(iii) Known interfering substances and their effect on the procedure and results.

(iv) Appropriate storage, handling or shipping instructions.

(13) Procedure: A detailed, step-by-step description of the test procedure from reception of the specimen to obtaining of results, including any points that may be useful in improving precision and accuracy. Give the exact details of calibration. Identify reference material. Describe preparation of reference sample, use of blanks, etc. Include a description of methods to be used in determining the standard curve.

(14) Results: Explain the procedure for calculating the value of the unknown. Give an explanation of each component of the formula used for the calculation of the unknown. Include a sample calculation, step-by-step, explaining the answer. Values should be expressed to the appropriate number of significant figures. Provide the basis for evaluation of nonquantitative test results.

(15) Limitation of the procedure: Include a statement of the limitations of the procedure and an explanation of extrinsic factors, if any, that may affect the results. Include statements regarding minimum training needed by the user, special precautions, interfering substances, likelihood of obtaining false positive or false negative results, etc. Positive data showing a lack of interference by commonly occurring substances shall be supplied. If a more specific or more sensitive laboratory test is indicated in certain instances, the indication for the additional test shall be stated and data submitted to support its value.

(16) Support of claims: Include all available data, published or unpublished, which supports or is critical of the product or its procedure. Include data for both normal and abnormal subjects and a description of the population or populations studies. State, for each claim: (i) Labeling claim.

(ii) Background documentation: Provide a bibliography and reprints of all pertinent references.

(iii) Procedure used for collecting evidence for claim.

(iv) Description of statistical protocol.

(v) Description of sampling procedure.

(vi) Summary of raw results in tabular form.

(vii) Analysis of results.

(viii) Statement of interpretation of results.

(17) Summary of scientific basis of procedure: A summary of the data and views setting forth the scientific rationale and purpose of the product, and the scientific basis for the conclusion that the product has or has not been proven accurate and reliable for its intended uses. If there is an absence of controlled studies in the material submitted, an explanation as to why such studies are not considered necessary shall be included.

(18) If the submission is by a manufacturer, a statement signed by the person responsible for such submission, that to the best of his knowledge it includes unfavorable information as well as any favorable information, known to him pertinent to an evaluation of the performance of the product. Thus, if any type of scientific data is submitted, a balanced submission of favorable and unfavorable data must be submitted. The same would be true of any other pertinent data or information submitted, such as consumer surveys or marketing results.

Any such submission shall be mailed on or before July 23, 1973, to:

Food and Drug Administration, Bureau of Drugs, Diagnostic Products Staff (BD-207), 5600 Fishers Lane, Rockville, Md. 20852.

Dated May 17, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-10279 Filed 5-22-73;8:45 am]

Office of the Secretary

FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6 (Food and Drug Administration), of the statement of organization, functions, and delegations of authority of the Department of Health, Education, and Welfare (35 FR 3685-92, dated February 25, 1970, as amended) is amended to reflect disestablishment of the drug efficacy study implementation project office and the realinement of functions within the Bureau of Drugs:

* * * * *

Section 6B is amended as follows:

Section 6B Organization. * * *

(1) *Bureau of Drugs.*—Develops standards and medical policy and conducts research with respect to the efficacy, quality, and safety of drugs for human use.

Reviews and evaluates new drug applications and exemption requests for investigational drugs.

Conducts a program of clinical studies related to the safety and efficacy of drugs.

Operates drug experience and poison control monitoring and reporting systems.

Plans, coordinates, and evaluates FDA surveillance and compliance programs relating to drugs.

Provides scientific and technical support in the areas of drug biology and drug chemistry.

Develops or coordinates the development of regulations, model codes, and other standards covering drug industry practices; fosters development of good manufacturing practices.

Coordinates, directs, and reviews FDA's antibiotic and insulin certification program.

(1-1) *Office of the Director.*—Plans, evaluates, and provides executive direction to Bureau programs and related operating and information systems.

Directs Bureau financial management and personnel management systems and other administrative services.

Plans and publishes various scientific and lay publications directed to audiences within and outside the Bureau.

Provides or arranges for Bureau response to inquiries on drugs from outside sources or other FDA components.

Directs the development of Bureau regulatory policy.

Directs the coordination of program activities for the collection and dissemination of medical treatment data to the national poison control network.

Recommends to the Office of the Commissioner changes in or additions to legislative authority.

(1-2) [*Delete and reserve.*]

(1-3) *Office of the Assistant Director for Planning and Analysis.*—Advises and assists the Bureau Director and other key Bureau officials regarding: strategic and operational planning, substantive program policy development, development and operation of scientific and management information systems and program management support systems.

Develops Bureau planning and programing strategy.

Identifies operational goals and evaluation measures; develops and applies appropriate effectiveness measures to Bureau programs.

Conducts systems analyses and operations research studies; provides planning and analysis consulting services to Bureau program and management officials.

Represents the Bureau in matters related to planning and analysis within FDA and with other Federal agencies and the regulated industries.

Provides comprehensive automatic data processing services to Bureau programs, including systems design, programing, data file construction and maintenance, and data retrieval.

Directs operation of FDA drug product and establishment registration systems.

Plans and provides administrative support to the Bureau's contract program.

(i) *Division of Planning and Analysis.*—Acts as a Bureau resource for the conduct of systems analysis and operations research studies; provides a planning and analysis service for Bureau program officials.

Develops strategic and operational plans, policy analyses, and proposals.

Develops and applies evaluation measures to Bureau programs; develops and monitors implementation of plans and program support systems.

(ii) *Division of Information Systems Design.*—Acts as a Bureau resource for the design of management and scientific information systems.

Establishes Bureau-wide policies and monitors activities regarding utilization of automatic data processing systems and facilities.

(iii) *Division of Data Management.*—Operates systems for the collection and analysis of data elements required to meet research and operating information needs within the Bureau.

Abstracts, summarizes, codes, stores, and retrieves scientific and technical data contained in drug applications and other scientific reports received by the Bureau.

Provides data input services within the Bureau and serves as liaison with the automatic data processing system policy and operations center on operational data processing matters.

Responsible for creating and maintaining data files in response to various operating needs within the Bureau.

(1-4) *Office of Compliance (Drugs).*—Advises the Bureau Director and other FDA officials on legal-administrative problems, regulatory problems, and administrative policies concerning FDA's regulatory responsibilities relating to drugs.

Directs, designs, and monitors studies to develop facts necessary to support regulatory actions on violative drugs.

Develops compliance and surveillance programs for field implementation covering regulated industries in drug and related areas.

Develops or coordinates the development of standards covering drug industry practices and fosters development of current good manufacturing practices.

Recommends approval, denial of approval, or revocation of approval of activities that use methadone for treatment of narcotic addiction and analgesia and takes appropriate action when such activities are not in compliance with regulations.

Develops and carries out programs designed to encourage compliance by industry on a voluntary basis.

Provides support and guidance, upon request, to the field/district offices in the handling of legal actions and provides headquarters case development, coordination, and contested case assistance.

Develops and coordinates studies to measure degree of compliance by regulated industries with statutes and regulations enforced by FDA.

Monitors and evaluates professional journal advertising and promotional and related labeling to determine veracity of claims.

Acts as the focal point for Bureau-field organization relations.

(i) *Division of Regulatory Operations.*—Reviews recommendations on proposed suspensions or reinstatements of antibiotic certification services and on proposed revocations of certification of batches; performs necessary liaison with the Division of Anti-Infective Drug Products and the field/district offices in connection with regulatory activities relating to antibiotics and insulin.

Provides support and guidance, upon request, to the field/district offices in the handling of legal actions relating to drugs, prescription drug advertising, new drugs, and investigational new drugs, antibiotics, and insulin.

Provides headquarters case development, coordination, and contested case assistance.

Assists in drafting proposed regulations and policy decisions and recommends action to the Bureau Director on petitions for exemption, requests for extensions, and other matters pertinent to the Fair Packaging and Labeling Act.

Develops compliance policy guidelines and administrative-legal guidelines for agencywide guidance and control of enforcement efforts.

Maintains liaison with other Federal agencies for coordination on actions and issues of mutual concern.

Initiates special field investigations of national scope upon clearance by the Office of the Commissioner; provides control and guidance in the conduct of these investigations, interprets their results, and recommends appropriate action based on these results, reviews and approves legal actions in cases of national scope requiring headquarters coordination.

Issues advisory opinions resulting from specific requests from industry, trade associations, Federal agencies, and Members of Congress.

* * * * *

(1-6) *Office of Scientific Coordination.*—Provides expert scientific and medical support to Bureau operating programs aimed at assuring the consumer safe and effective drugs. This support includes the scientific study of the epidemiology of drugs, clinical research studies of drugs, biostatistical consultation, and computer applications to scientific and medical analysis.

Provides leadership and support to the operations of the Bureau Research Committee.

Monitors the professional-scientific performance of research contracts.

Surveys and evaluates drug product trends and the implications of new and emerging industrial technology on Bureau policies and activities.

Arranges schedules for and assists in the orientation of distinguished visitors to the Bureau, such as foreign scientists or Government administrators.

Provides scientific and medical direction for the development and operation of a national drug experience monitoring system.

(i) *Division of Statistics.* Provides biostatistical services in support of the operating and administrative programs of the Bureau.

Provides statistical support to Bureau research projects and regulatory programs.

Develops and evaluates methodology for analyzing mortality and morbidity data associated with the use of drugs or required in the evaluation of adverse drug reactions.

Aids in developing appropriate epidemiological methodologies for conducting, monitoring, and evaluating intramural and extramural research providing data relevant to surveillance programs on investigational and marketed drugs.

(ii) *Division of Clinical Research.*—Identifies, in collaboration with other Bureau units, relevant subjects for research; develops and coordinates appropriate statements of work; reviews and formulates recommendations on solicited and unsolicited research proposals; monitors research contracts.

Reviews the professional performance of research contracts through project officers appointed to monitor progress reports on specific research contracts; prepares consolidated reports for use by the Bureau Director; monitors progress through visits to contract research organizations.

Designs research protocols on subjects designated as priority topics by the Bureau Director and the Bureau Research Committee.

Reviews and analyzes biochemical research study data and develops standard study protocols to be used for regulatory purposes in the area of biologic availability.

Provides facilities for the conduct of research projects directly related to pending regulatory actions and for the study of the general subjects of teratology, toxicology, and biochemical pharmacology both at a laboratory and clinical level in close collaboration and coordination with the Office of Pharmaceutical Research and Testing.

Designs studies and conducts clinical research to compare the biologic availabilities of marketed drugs and to improve related assay procedures.

(iii) *Division of Epidemiology and Drug Experience.*—Develops and implements systems for the acquisition of reports of adverse drug experiences; collects and evaluates these reports; serves as repository and dissemination center for such information.

Develops work statements for contracts to acquire drug experience data; reviews and formulates recommendations on solicited and unsolicited research and nonresearch proposals; serves as project office for the monitoring of professional performances of research contracts providing information on drug usage.

Develops and implements systems for acquisition of general drug experience and utilization information.

Plans and develops, in cooperation with the Office of the Bureau Director, systems to disseminate information to users of adverse drug reaction, drug experience, and drug utilization data. Monitors FDA participation in World Health Organization programs to implement an international drug monitoring system.

Conducts epidemiologic research on the occurrence of drug effects, both adverse and therapeutic. Develops methodologies required in the conduct of such research.

(1–7) Office of Scientific Evaluation.—Reviews notices of claimed exemption for investigational new drugs (IND's) and recommends action to restrict or stop further testing.

Performs a continuing review of IND's as amendments and required progress reports are submitted and recommends action to restrict or stop further testing.

Conducts reviews of clinical investigators and scientific investigations in the IND and the new drug application (NDA) areas and coordinates appropriate followup with the Office of Compliance.

Evaluates, for safety and efficacy, NDA's submitted by manufacturers for permission to market new drugs.

Evaluates adequacy of directions for use and warnings against misuses appearing in proposed labeling.

Evaluates the safety and efficacy data and proposed labeling in supplements to NDA's.

Conducts continuing surveillance and medical evaluation of the labeling, clinical experience, and reports, submitted by an applicant under the records and reports requirements, of all drugs for which an approved NDA is in effect.

Evaluates manufacturing and laboratory methods, facilities, and controls exercised in factories producing new drugs.

Reviews inspection and other findings designed to reveal whether new drugs are being marketed in accord with commitments contained in NDA's.

Makes recommendations concerning withdrawal of approval of NDA's. Reviews IND's and NDA's for antibiotic drugs; takes final action on antibiotic and insulin samples submitted for certification and on requests for exemptions from antibiotic certification.

Develops and recommends standards for safety closures on drugs. Coordinates the implementation of the National Academy of Science/National Research Council drug efficacy study; performs medical and scientific evaluations of submissions received from the drug industry as a result of the study's implementation and recommends withdrawal of approval of NDA's as appropriate.

(i) *Division of Anti-Infective Drug Products.*—Performs the following functions with regard to drugs classified as anti-infective drugs:

Reviews notices of claimed exemption for investigational new drugs (IND's) and recommends action to restrict or stop further testing.

Evaluates adequacy of directions for use and warning against misuses appearing in proposed labeling.

Evaluates, for safety and efficacy, new drug applications (NDA's) submitted by manufacturers for permission to market new drugs.

Conducts continuing surveillance and medical evaluation of the labeling, clinical experience, and reports, submitted by an applicant under the records and reports requirements, of all drugs for which an approved NDA is in effect.

Evaluates manufacturing and laboratory methods, facilities, and controls exercised in factories producing new drugs.

Makes recommendations concerning withdrawal of approval of NDA's. Evaluates, for safety and efficacy, antibiotic forms 5 submitted by manufacturers for permission to market new antibiotic drugs. Takes action concerning antibiotic and insulin samples submitted for certification.

Reviews and takes action on requests for exemption from antibiotic certification.

Recommends and reviews the preparation of regulations concerning the antibiotic and insulin certification program.

(ii) *Division of Neuropharmacological Drug Products.*—Performs the following review and monitoring functions for neurological and psychopharmacological drug agents:

Reviews notices of claimed exemption for investigational new drugs (IND's) in terms of the safety and efficacy of the drug and the quality of the investigations. Recommends action to restrict or stop further tests.

Monitors the progress of subsequent IND clinical investigations through IND amendments and progress reports. Recommends termination of investigations as necessary.

Evaluates new drug applications (NDA's) and proposed changes (supplements) to approved NDA's for evidence of safety and efficacy and for the adequacy of labeling, and recommends or makes approval or disapproval decisions.

Conducts continuing surveillance and medical evaluation of the labeling, clinical experience, and reports, submitted by an applicant under the records and reports requirements, of all drugs for which an approved NDA is in effect. Recommends withdrawal of approval as necessary.

Evaluates manufacturing and laboratory methods, facilities, and controls exercised in factories producing new drugs.

Serves as the primary source of information on neurological and psychopharmacological drug products within FDA, including the status of applications, existing policy decisions, and the state of product development.

Serves as the FDA resource on drug abuse. Evaluates investigational and marketed drugs for abuse potential as requested by IND/NDA review staffs. Recommends special studies or safeguards. Recommends drugs for addition to, removal from, or transfer within schedules provided by the Comprehensive Drug Abuse Prevention and Control Act of 1970.

(iii) *Division of Cardio-Renal Drug Products.*—Performs the following functions with regard to drugs classified as cardiorenal drugs:

Reviews notices of claimed exemption for investigational new drugs (IND's)

and recommends action to restrict or stop further testing.

Evaluates adequacy of directions for use and warning against misuses appearing in proposed labeling.

Evaluates, for safety and efficacy, new drug applications (NDA's) submitted by manufacturers for permission to market new drugs.

Conducts continuing surveillance and medical evaluation of the labeling, clinical experience, and reports, submitted by an applicant under the records and reports requirements, of all drugs for which an approved NDA is in effect.

Evaluates manufacturing and laboratory methods, facilities, and controls exercised in factories producing new drugs.

Makes recommendations concerning withdrawal of approval of NDA's.

(iv) *Division of Surgical-Dental Drug Products.*—Performs the functions as described above with regard to drugs classified as surgical-dental drug products.

(v) *Division of Metabolism and Endocrine Drug Products.*—Performs the functions as described above with regard to drugs classified as metabolism and endocrine drug products.

(vi) *Division of Oncology and Radiopharmaceutical Drug Products.*—Performs the functions as described above with regard to drugs classified as oncology and radiopharmaceutical drug products.

(vii) *Division of Pulmonary-Allergy-Anesthesiology Drug Products.*—Performs the functions as described above with regard to drugs classified as pulmonary, allergy, and anesthesiology drug products.

Dated May 17, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73-10270 Filed 5-22-73;8:45 am]

OFFICE OF THE ASSISTANT SECRETARY FOR PLANNING AND EVALUATION

Statement of Organization, Functions, and Delegations of Authority

Part I of the "Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare" is amended to add to the Office of Special Concerns of the Office of the Assistant Secretary (Planning and Evaluation) (35 FR 6720, Apr. 28, 1970, and 36 FR 7991, Apr. 28, 1971, and 36 FR 16701, Aug. 25, 1971) a new Office for Black American Affairs and a new Office for Asian American Affairs. Further, the title, "Office of Field Evaluations" should be formally changed to, "Division of Analysis and Evaluation" and the functions changed to reflect its expanded role. The amended functional statement is appended to chapter G.20H and reads as follows:

3. Division of Analysis and Evaluation is responsible for providing the analysis of crosscutting isues for the Office of Special Concerns, to develop and direct relevant evaluations, and to assist other components of OSC in followup activities.

5. The Office for Black American Affairs serves as the principal staff adviser on black American Affairs for the Office of the Secretary; is responsible to the Assistant Secretary (Planning and Evaluation) for participation in the development of Department policies and programs pertaining to black Americans; develops Department goals and policy in the provision of services to black Americans; seeks coordinated achievement of these goals by operating agencies, through such mechanisms as DHEW's Program Guidance Memorandum and the Operational Planning System; formulates concepts, plans, and methods for assessing the progress in meeting designated objectives regarding black Americans;

Reviews current legislative authorities to determine which Department programs should be of assistance to the black American population in the areas of education, health, and social welfare; makes recommendations to various departmental authorities in the formulation of legislation which impacts upon black Americans; provides a central information resource to collect and disseminate materials related to black Americans; reflects responsibly the special needs of the black American community in operational decisions within the Department by advising the Secretary on ways for building and sustaining effective communication with the black American community, and by insuring an appropriate degree of community participation in the implementation and evaluation of DHEW programs.

6. The Office for Asian American Affairs serves as the principal staff adviser on Asian American affairs for the Office of the Secretary; is responsible to the Assistant Secretary (Planning and Evaluation) for participation in the development of Department policies and programs pertaining to Asian Americans; develops Department goals and policy in the provision of services to Asian Americans; seeks coordinated achievement of these goals by operating agencies, through such mechanisms as DEW's Program Guidance Memorandum and the Operational Planning System; formulates concepts, plans, and methods for assessing the progress in meeting designated objectives regarding Asian Americans;

Reviews current legislative authorities to determine which Department programs should be of assistance to the Asian American population in the areas of education, health, and social welfare; makes recommendations to various departmental authorities in the formulation of legislation which impacts upon Asian Americans; provides a central information resource to collect and disseminate materials related to Asian Americans; reflects responsibly the special needs of the Asian American community in operational decisions within the Department by advising the Secretary on ways for building and sustaining effective communication with the Asian American community, and by insuring an appropriate degree of community participation in the implementation and evaluation of DHEW programs.

Dated May 17, 1973.

ROBERT H. MARIK,
Assistant Secretary for Administration and Management.

[FR Doc.73-10271 Filed 5-22-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73-109N]

NEW YORK HARBOR VESSEL TRAFFIC SYSTEM ADVISORY COMMITTEE

Notice of Open Meeting

This is to give notice pursuant to Public Law 92-463, section 10(a), approved October 6, 1972, that the New York Harbor Vessel Traffic System Advisory Committee will conduct an open meeting on Wednesday, June 20, 1973, in the auditorium of building 108, Governors Island, N.Y., beginning at 10:30 a.m.

Members of the Committee and their industry positions are:

Adm. John M. Will, State of New York Board of Commissioners of Pilots.
Capt. H. C. Breitenfeld, United New York Sandy Hook Pilots' Benevolent Association.
Capt. W. H. Burrill, State of New Jersey Board of Commissioners of Pilots.
Mr. Richard Dewling, U.S. Environmental Protection Agency.
Capt. L. T. Earl, United New Jersey Sandy Hook Pilots' Benevolent Association.
Mr. Alfred Hammon, Port Authority of New York and New Jersey.
Capt. T. A. King, U.S. Department of Commerce Maritime Administration.
Commodore F. Lindner, Long Island Sound Commodores Association.
Col. H. W. Lombard, USA, Department of the Army Corps of Engineers.
Mr. Robert W. Sanders, New York Harbor Panel, Marine Towing and Transportation Industry.
Capt. R. D. Sante, USN, U.S. Navy Military Sealift Command.
Capt. S. M. Seledee, American Institute of Marine Underwriters.
Capt. K. C. Torrens, American Institute of Merchant Shipping.
Capt. J. G. Stillwaggon, Interport Pilot's Associates, Inc.

The agenda for the June 20, 1973, meeting consists of:

1. Discuss the "Preliminary Study of a Vessel Traffic System for the Port of New York" dated March 22, 1973, by the Captain of the Port, New York.
2. Discuss the established vessel traffic systems in San Francisco, Calif., and Seattle, Wash.
3. Discuss the specific areas where advice can be given to the U.S. Coast Guard.
4. Discuss the initial report of the executive committee.
5. Location of future Committee meetings.

The New York Harbor Vessel Traffic System Advisory Committee was established by the Commander, Third Coast Guard District, on April 1, 1973, to advise on the need for, and development, installation, and operation of a vessel traffic system for the New York Harbor. Public members of the Committee serve voluntarily without compensation from

the Federal Government, either travel or per diem.

Interested persons may seek additional information by writing Commander H. A. Pledger, Project Officer, Vessel Traffic System, Third Coast Guard District, Governors Island, N.Y. 10004, or by calling 212-264-0409.

Dated May 8, 1973.

B. F. ENGEL,
Vice Admiral, U.S. Coast Guard, Commander, Third Coast Guard District.

[FR Doc.73-10265 Filed 5-22-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI73-752]

AMOCO PRODUCTION CO.

Notice of Application

MAY 17, 1973.

Take notice that on May 3, 1973, Amoco Production Co. (applicant), P.O. box 3092, Houston, Tex. 77001, filed in Docket No. CI73-752 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from the Sand Dunes Field, Eddy County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 7,500 M ft³ of gas per month for 2 years at 35.0 cents per million Btu at 4.65 lb/in²a within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-10285 Filed 5-22-73;8:45 am]

[Docket No. CI73-761]

ARKLA EXPLORATION CO.

Notice of Application

MAY 17, 1973.

Take notice that on May 4, 1973, Arkla Exploration Co. (Applicant), P.O. Box 1734, Shreveport, La. 71151, filed in docket No. CI73-761 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Arkansas Louisiana Gas Co. from acreage in Blaine County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 30,000 M ft of gas per month for 3 years at 40 c/M ft³ at 14.65 lb/in²a within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice, that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-10280 Filed 5-22-73;8:45 am]

[Docket No. CI73-758]

BASIN PETROLEUM CORP.

Notice of Application

MAY 17, 1973.

Take notice that on May 7, 1973, Basin Petroleum Corp. (Applicant), 900 Fidelity Plaza, Oklahoma City, Okla. 73102, filed in docket No. CI73-758 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. from Northwest Chalkley Field, Calcasieu Parish, La., 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 intends to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 6 months from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 120,000 M ft³ of gas per month at 50 c/M ft³ at 15.025 lb/in²a, subject to upward and downward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-10281 Filed 5-22-73;8:45]

[Docket No. CI73-751]

EXXON CORP.

Notice of Application

MAY 17, 1973.

Take notice that on May 3, 1973, Exxon Corp. (Applicant), P.O. Box 2180, Houston, Tex. 77001, filed in docket No. CI73-751 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Co. from the Vici Field, Ellis County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to sell up to 5,000 M ft³ of gas per day for 1 year at 50c/M ft³ at 14.65 lb/in²a, subject to upward and downward British thermal unit adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Estimated monthly sales of gas are 30,000 M ft³. Estimated initial upward British thermal unit adjustment is 5c/M ft³.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-10286 Filed 5-22-73;8:45 am]

[Docket No. CI73-760]

PETROLEUM, INC.

Notice of Application

MAY 17, 1973.

Take notice that on May 7, 1973, Petroleum, Inc. (Applicant), 300 West Douglas, Wichita, Kans. 67202, filed in docket No. CI73-760 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Co. from the Six Mile Field, Beaver County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 25,000 M ft³ of gas per month for 1 year at 45 cents per M ft³ at 14.65 lb/in²a within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-10284 Filed 5-22-73;8:45 am]

[Docket No. CI73-759]

PETRO-LEWIS CORP.

Notice of Application

MAY 17, 1973.

Take notice that on May 7, 1973, Petro-Lewis Corp. (Applicant), 1600 Broadway, Denver, Colo. 80202, filed in docket No. CI73-759 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America in Duval County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on April 27, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 10 months from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 90,000 M ft³ of gas per month at 45.0 cents per M ft³ at 14.65 lb/in²a, subject to Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR

1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-10282 Filed 5-22-73;8:45 am]

[Docket No. CI73-757]

RESERVE PETROLEUM CORP.

Notice of Application

MAY 17, 1973.

Take notice that on May 7, 1973, Reserve Petroleum Corp. (Applicant), 225 Cravens Building, Oklahoma City, Okla. 73102, filed in docket No. CI73-757 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Natural Gas Pipeline Co. of America from the Mocane-Laverne Gas Area, Beaver County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it proposes to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 2 years from February 15, 1973, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 26,700 M ft³ of gas per month at 40.0 cents per M ft³ at 14.65 lb/in²a plus estimated 3.0 cents per M ft³ upward Btu adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-10283 Filed 5-22-73;8:45 am]

FEDERAL RESERVE SYSTEM

CBT CORP.

Order Approving Acquisition of General Discount Corp.

CBT Corp., Hartford, Conn., 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 General Discount Corp. ("Company") and thereby to indirectly acquire voting shares of company's subsidiaries G.D.C. Leasing Corp. and General Discount Corp. (Maine), all with head offices in Boston, Mass. The proposed subsidiaries engage in the activities of commercial financing and full payout leasing of equipment. Such activities have been determined by the board to be closely related to the business of banking (12 CFR 225.4(a) (1), (3), and (6)).

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 6926). The time for filing comments and views has expired, and none has been timely received.

Applicant, the second largest banking organization in Connecticut, controls two banks with aggregate deposits of approximately $1 billion, representing 18.1 percent of the total deposits in commercial banks in the State. (All banking data are as of June 30, 1972.) Applicant also has nonbanking subsidiaries engaged principally in accounts receivable and inventory financing, equipment leasing, data processing, real estate financing, and investment advisory services.

Company, organized in 1928, has total assets of $11.8 million as of September 30, 1972, total loans outstanding of $9.7 million and total lease receivables of $2.3 million as of December 31, 1971. Company is primarily engaged in commercial finance activities, including making loans secured by accounts receivable, inventory, machinery and equipment, and real estate. Company has operated three subsidiaries, all with head offices in Boston: (1) General Discount Corp. (Maine) which has conducted the same type of business as Company in Maine, but has been dormant for the past 2 years; (2) G.D.C. Leasing Corp., which engages in full payout leasing of equipment whereby the cost of equipment, the cost of financing and a profit are realized during the initial lease term; and (3) Ready Rent-All Systems Inc. ("Ready"), which conducts a franchise and financing business with respect to retail rental outlets. Applicant has committed that Company will divest itself of all interest in Ready prior to applicant's acquisition of Company. Applicant has also agreed to terminate a servicing contract between G.D.C. Leasing Corp. and a computer leasing company within 30 days of consummation of this proposal.

Applicant presently operates two commercial finance subsidiaries: Connecticut Commercial Corp. ("Commercial"), located in Connecticut; and Lazere Financial Corp. ("Lazere"), located in New York. Although Company, Lazere and Commercial are engaged in similar business activities, Company derived less than 1 percent of its total loans from the market area served by either Lazere or Commercial, and Lazere and Commercial have no loans outstanding in Company's market area. Accordingly, applicant's acquisition of Company would not result in any significant adverse effects on existing commercial finance business competition. Due to the distances separating Company, Commercial, and Lazere, and the fact that it is unlikely applicant would enter Company's market de novo absent this proposal, it appears that no significant potential commercial finance competition would be eliminated upon consummation of this proposal.

Applicant, through its subsidiary CBT Leasing Corp. and its lead subsidiary bank, The Connecticut Bank and Trust Co., is engaged in equipment leasing. However, the market area for Applicant's existing leasing subsidiaries is Connecticut, while the market area for Company's leasing subsidiary is Massa-

chusetts, New Hampshire, and Rhode Island. It appears that Company's leasing subsidiary derived only 1.1 percent of its total leases, by dollar volume, from Connecticut and that neither of Applicant's existing leasing subsidiaries derived any equipment leasing business from Leasing's market areas. Accordingly, it does not appear that any significant existing equipment leasing competition would be eliminated upon consummation of this proposal. Similarly, it is unlikely that any significant equipment leasing competition between Applicant's existing subsidiaries and Company's leasing subsidiary would develop in the future, due to the distinct geographic areas served by the respective companies. On the basis of these and other facts of record the Board concludes that Applicant's acquisition of Company would not have any significant adverse effect on existing or potential competition.

It appears that the proposed acquisition would not result in any undue concentration of resources, conflicts of interests, unsound banking practices, or any other adverse effects on the public interest. It is anticipated that affiliation with applicant will provide Company with greater access to capital, increase its ability to expand its average loans outstanding, and thereby enable it to compete more effectively in the markets it serves. In its consideration of this application, the Board has examined covenants not to compete contained in employment agreements with GDC's three principal executives. The Board finds that the provisions of such covenants are reasonable in duration, scope, and geographic area and are consistent with the public interest.

Based upon the foregoing and other considerations reflected in the record,[1] 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 May 14, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-10245 Filed 5-22-73;8:45 am]

[1] Dissenting statement of Governor Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Boston.

[2] Voting for this action: Chairman Burns and Governors Daane, Sheehan, and Bucher. Voting against this action: Governor Brimmer. Absent and not voting: Governor Mitchell.

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive of February 13, 1973

In accordance with § 271.5 of its rules regarding availability of information, there is set forth below the Committee's current economic policy directive issued at its meeting held on February 13, 1973.[1]

The information reviewed at this meeting suggests continued substantial growth in real output of goods and services in the current quarter, although at a rate less rapid than in the fourth quarter of 1972. The unemployment rate has declined slightly further. In recent months wage rates have increased at a relatively rapid pace, and unit labor costs turned up in the fourth quarter of 1972. The rise in consumer prices slowed in December when retail prices of foods changed little, but prices of foods and foodstuffs at earlier stages of distribution rose sharply in both December and January. The excess of U.S. merchandise imports over exports remained large in December. Heavy speculative movements out of dollars into German marks and some other currencies developed in late January and early February. On February 12 the Government announced that the United States would devalue the dollar by 10 percent.

The narrowly defined money stock changed little in January after having increased sharply in December, and growth over the 2 months combined was at an average annual rate of about 6½ percent. Growth in the more broadly defined money stock slowed less abruptly from December to January as inflows of consumer-type time and savings deposits to banks accelerated. A sharp and pervasive increase has taken place in bank loans to businesses. In recent weeks market interest rates generally have risen further, with increases substantial for short-term rates and relatively moderate for long-term rates. Most recently, however, Treasury bill rates have moved back down under the influence of foreign official buying.

In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions consonant with the aims of the economic stabilization program, including further abatement of inflationary pressures, sustainable growth in real output and employment, and progress toward equilibrium in the country's balance of payments.

To implement this policy, while taking account of possible domestic credit market and international developments, the Committee seeks to achieve bank reserve and money market conditions that will support somewhat slower growth in monetary aggregates over the months ahead than occurred on average in the past 6 months.

By order of the Federal Open Market Committee, May 15, 1973.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.73-10241 Filed 5-22-73;8:45 am]

[1] The record of policy actions of the Committee for the meeting of February 13, 1973, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

FIRST CITY BANCORPORATION OF TEXAS, INC.

Acquisition of Bank

MAY 16, 1973.

First City Bancorporation of Texas, Inc., Houston, Tex., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of First Professional Bank, National Association, Houston, Tex. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 12, 1973.

Board of Governors of the Federal Reserve System, May 16, 1973.

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

[FR Doc.73-10247 Filed 5-22-73;8:45 am]

FIRST NATIONAL HOLDING CORP.

Proposed Retention of Tharpe & Brooks Inc.

First National Holding Corp., Atlanta, Ga., 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 Tharpe & Brooks Inc., Atlanta, Ga. Notice of the application was published in newspapers of general circulation in communities where Tharpe & Brooks Inc. has an office as follows:

Atlanta, Ga., the Atlanta Constitution, February 26, 1973.
Columbus, Ga., the Ledger Enquirer, February 28, 1973.
Albany, Ga., the Albany Herald, February 28, 1973.
Macon, Ga., the Macon Telegraph and News, March 1, 1973.
Augusta, Ga., the Augusta Herald, March 2, 1973.
Athens, Ga., Athens Banner-Herald, the Daily News, March 2, 1973.
Savannah, Ga., Savannah Evening Press, March 2, 1973.

Tharpe & Brooks Inc. engages in the following mortgage banking activities: Making or acquiring real estate loans for its own account or for the account of others, servicing real estate loans for its own account or for the account of others, and acting as agent or broker in the sale of certain insurance directly related to extensions of credit. Applicant states

that the activities of Tharpe & Brooks Inc. are consistent with the activities that have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweight possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 11, 1973.

Board of Governors of the Federal Reserve System, May 14, 1973.

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

[FR Doc.73-10240 Filed 5-22-73;8:45 am]

FIRST NATIONAL LINCOLN CORP.

Formation of One-Bank Holding Company

First National Lincoln Corp., Lincoln, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to First National Bank & Trust Co. of Lincoln, Lincoln, Nebr. 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 Reserve Bank to be received not later than June 8, 1973.

Board of Governors of the Federal Reserve System, May 16, 1973.

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

[FR Doc.73-10248 Filed 5-22-73;8:45 am]

FIRST SECURITY CORP.

Order Approving Acquisition of Bank

First Security Corp., Salt Lake City, Utah, 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 First Security Bank of Logan, National Association, Logan, Utah ("Bank"), a proposed new 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 the light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant controls the largest bank in the State of Utah and three other Utah banking subsidiaries and is the largest banking organization in the State, controlling $620 million of deposits which represent 28.9 percent of the total commercial bank deposits in the State. (All banking data are as of June 30, 1972.)

In Cache County, where the proposed bank would operate, Applicant's lead banking subsidiary has four banking offices (one in the city of Logan) with aggregate deposits of $31.4 million, representing 39.1 percent of the total commercial bank deposits in that market area. Of the four other banks in the county (each of which has only one office there), three are located in the city of Logan.

Since Bank is a proposed bank and the other Logan banks are well established, consummation of the proposal would not eliminate existing competition; nor does there appear to be a likelihood that establishment of a new bank would have an undue adverse effect on the other banks in the market. Furthermore, it appears unlikely that applicant's acquisition of Bank would preclude other banking organizations from entering the market. On the basis of figures for the period 1960–70, the Logan area (Logan, Providence, Millville, North Logan, and River Heights) has been growing at a rate slightly faster than that of the State as a whole (21 percent versus 18.9 percent). In the northern portion of Logan, where Bank will be located, eight manufacturing plants and four shopping centers have been constructed since 1960 and increased business activity is expected as a result of a recent zoning change. Any increase in the share of market deposits held by applicant that might result in the short run following consummation of this proposal may be dissipated with the arrival of new entrants to serve the expanding area; indeed, the record indicates that a charter for a new bank to be located approximately 0.7 mile south of Bank's site was recently approved by the State commissioner of financial institutions. In the Board's view, the competitive factors in this case are distinguishable from those in a recent case involving a proposal to acquire a proposed new bank where the Board found that the applicant was dominant;[1] in that case, at least one other bank in the area had not yet had sufficient time to establish itself as a viable competitor, and the population of the relevant area had remained somewhat stable. Furthermore, the Board believes that the facts in the instant application are substantially similar to a proposal by applicant to establish a new bank in Springville, Utah, which application was approved by the Board in 1970.[2] In brief, the Board believes that consummation of the proposal under consideration will not have such a significant adverse effect on potential competition in the Cache County market as to warrant denial.

The financial and managerial resources of applicant and the present subsidiary banks are generally satisfactory; prospects of Bank under applicant's control appear favorable. The establishment of Bank will provide, through affiliation with applicant, a convenient source of a full range of banking services to the residents and businesses of northern Logan. Thus, banking factors, as well as 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 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.[3] The transaction shall not be consummated (a) before June 15, 1973, or (b) later than August 16, 1973, and (c) First Security Bank of Logan, National Association, shall be opened for business not later than November 16, 1973. Each of the periods described in (b) and (c) may be extended for good cause by the Board, or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[4] effective May 16, 1973.[5]

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-10244 Filed 5-22-73;8:45 am]

[1] *First at Orlando Corp.*, 1973 Federal Reserve Bulletin, 302.

[2] *First Security Corp.*, 1970 Federal Reserve Bulletin, 952.

[3] Dissenting Statement of Governor Robertson filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of San Francisco.

[4] Voting for this action: Governors Daane, Brimmer, Sheehan, and Bucher. Dissenting from this action: Governor Roberston. Absent and not voting: Chairman Burns and Governor Mitchell.

[5] Board action was taken while Governor Robertson was a Board member.

FRANKLIN BANCORPORATION

Formation of Bank Holding Company

Franklin Bancorporation, Somerset, N.J., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares of Franklin State Bank, Franklin Township, N.J. 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 New York. 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 June 12, 1973.

Board of Governors of the Federal Reserve System, May 16, 1973.

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

[FR Doc.73-10249 Filed 5-22-73;8:45 am]

MERCANTILE BANKSHARES CORP.

Order Approving Acquisition of Bank

Mercantile Bankshares Corp., Baltimore, Md., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the Citizens National Bank, Laurel, Md. (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 controls seven banks with deposits of $368-million, representing approximately 6 percent of aggregate deposits of commercial banks in Maryland. (All banking data are as of June 30, 1972, and reflect holding company formations and acquisitions approved through April 30, 1973.) Upon the acquisition of Bank, with deposits of $55 million, Applicant would continue to rank as the sixth largest banking organization in the State.

Applicant's present subsidiary banks and Bank compete both in the Washington, D.C. and Baltimore, Md. banking markets. The proposed acquisition would increase Applicant's control of deposits in the Washington market from 0.3 to less 1 percent, and in the Baltimore market from 6.5 to less than 7 percent. Bank is the eighth largest of 11 banking organizations (including the State's four largest) which serve sections of four Maryland Counties. Applicant operates no offices in Bank's service area, but a limited amount of competition exists between Bank and Applicant's lead bank in Baltimore and Applicant's subsidiary bank located in Bowie. Applicant's two closest offices, the two Bowie branches, are located approximately 9 miles south of Bank's Montpelier office. Overall competition between the offices of Bank and Applicant's subsidiaries is minimal because of the large densely populated areas encompassed by the two markets, the large number of intervening banking offices, and commuting patterns. Affiliation with Applicant would enable Bank to compete more effectively with the larger area banks, and it appears that consummation of the proposal would eliminate only a slight amount of existing or potential competition.

The financial and managerial resources of Applicant are satisfactory and its prospects appear favorable. The financial and managerial resources and prospects of Bank are generally satisfactory. Affiliation with Applicant could, however, improve Bank's ability to recruit and train additional personnel and these considerations lend some weight toward approval. Applicant proposes to provide Bank with necessary resources to increase its lending capacity, to upgrade its existing banking services, and to introduce new services including new consumer savings programs, prearranged lines of credit for consumers, trust services, computer services, construction loan capabilities and business money management programs. This proposed affiliation would provide local residents with another full service banking alternative, and considerations relating to the convenience and needs of the communities to be served are consistent with and lend support toward approval of the application. It is the Board's judgment that consummation of the proposed transaction would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before June 15, 1973, or (b) later than August 16, 1973, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1] effective May 16, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-10242 Filed 5-22-73;8:45 am]

R. R. DONNELLEY & SONS CO.

Order Approving Exemption of Nonbanking Activities of Bank Holding Company

R. R. Donnelley & Sons Co., Chicago, Ill., a bank holding company within the meaning of the Bank Holding Company Act of 1956 by virtue of ownership of 69 percent of the voting shares of Lakeside Bank (Bank), Chicago, Ill., has applied to the Board of Governors, pursuant to section 4(d) of the act (12 U.S.C. 1843(d)), for an exemption from the prohibitions of section 4 of the act (relating to interests on organizations' nonbanking activities and acquisitions).

Notice of receipt of the application was published in the FEDERAL REGISTER on February 22, 1973 (38 FR 4818). Time for filing comments and views has expired. No request for a hearing has been received.

Section 4(d) of the act provides that to the extent such action would not be substantially at variance with the purposes of the act and subject to such conditions as the Board considers necessary to protect the public interest, the Board may grant an exemption from the provisions of section 4 of the act to certain one-bank holding companies in order (1) to avoid disrupting business relationships that have existed over a long period of years without adversely affecting the banks or the communities involved, or (2) to avoid forced sales of small locally owned banks to purchasers not similarly representative of community interests, or (3) to allow retention of banks that are so small in relation to the holding company's total interests and so small in relation to the banking market to be served as to minimize the likelihood that the bank's power to grant or deny credit may be influenced by a desire to further the holding company's other interests.

The Board has considered the application and all comments received in the light of factors set forth in section 4(d) of the act and finds that:

R. R. Donnelley & Sons Co. conducts a commercial printing business on a national basis and is the largest commercial printer in the United States. Its corporate headquarters, principal sales office, and largest printing operation are located in the near south side area of Chicago; applicant also has 11 other printing establishments and 4 regional sales offices in the United States.

Applicant states its interest in Bank stemmed from applicant's desire to assist in establishing a banking facility in proximity to its corporate headquarters and printing plant. Prior to Bank's organization, there were no banking facilities in the immediate area of applicant's Chicago operations. Applicant, as the largest commercial employer and a substantial investor in the near south side area, joined with four other individuals having interests in the area to organize Bank in 1965. Applicant subscribed for and purchased 70.5 percent of Bank's initial capital stock[2] and has continued to control approximately 70 percent of Bank's voting shares.

Applicant has maintained substantial demand deposit balances at Bank and as of July 20, 1972 almost 20 percent of

[1] Voting for this action: Governors Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Mitchell.

[2] Applicant's sale of shares to new directors and Bank's president reduced applicant's ownership to 69 percent as of Dec. 31, 1972.

Bank's deposit accounts were held by applicant's employees. Bank appears to be well managed and in sound financial condition and the record contains nothing to suggest that permitting Bank's affiliation with applicant to continue indefinitely will adversely affect either the Bank or the community to be served.

Bank's total assets were $27.9 million at yearend 1971 while applicant's total consolidated assets were $303 million;[3] Bank's net income for the year ending December 31, 1971, was equal to 0.3 percent of applicant's net income. Applicant's total borrowing at yearend 1971 was $4.5 million while Bank has a legal lending limit to an individual customer of approximately $200,000. It appears that applicant has never borrowed from Bank nor sought preferential treatment from Bank for applicant's suppliers or customers.

Bank, with deposits of $25.7 million as of December 31, 1971, competes in the Chicago banking market and controls 0.1 percent of market deposits. Based on deposits, Banks ranks as the 147th of 261 banks in the Chicago market.

The record contains nothing to suggest that applicant has misused Bank's services for the benefit of its other interests and, in view of the size disparity between Bank and applicant, and the small size of Bank in relation to the surrounding banking market and to the credit needs of applicant, future misuse of Bank by applicant seems unlikely.

Based on the foregoing and other considerations reflected in the record, the Board has concluded, pursuant to section 4(d)(3), that Bank is so small in relation to the total interests of applicant and so small in relation to the banking market served by Bank as to minimize the likelihood that Bank's powers to grant or deny credit may be influenced by a desire to further applicant's other interests; and an exemption is warranted. Accordingly, an exemption is granted: *Provided, however*, That this determination is subject to revocation if the facts upon which it is based change in any material respect.

By order of the Board of Governors,[4] effective May 16, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-10243 Filed 5-22-73;8:45 am]

SOUTHWEST CO.

Formation of Bank Holding Company and Proposed Retention of Pullman Insurance Agency

Southwest Co., Sidney, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 85.1 percent or more of the voting shares of Fremont County Savings Bank, Sidney, 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)).

Southwest Co. has also 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 the assets of Pullman Insurance Agency, Sidney, Iowa. Notice of the application was published on March 29, 1973, in the Sidney Argus-Herald, a newspaper circulated in Sidney, Iowa.

Applicant states that the proposed subsidiary would engage in the activities of a general insurance agency in a community of less than 5,000 people. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The applications may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Chicago.

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 June 11, 1973.

Board of Governors of the Federal Reserve System, May 15, 1973.

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

[FR Doc.73-10246 Filed 5-22-73;8:45 am]

WALTER HELLER INTERNATIONAL CORP.

Order Approving Formation of Bank Holding Co.

Walter Heller International Corp., Chicago, Ill., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of American National Bank and Trust Co. of Chicago, Chicago, Ill. (Bank).

At the same time applicant 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, for permission to retain the assets and continue to engage in the activities of its domestic subsidiaries, Walter E. Heller & Co., Heller Interstate Corp., and B. B. Cohen & Co., each of whose principal office is located in Chicago, Ill., and their respective subsidiary companies, and thereby continue to engage in the activities of those companies as identified herein.[1]

Notice of receipt of these applications has been given in accordance with sections 3 and 4 of the act (38 FR 2498), and the time for filing comments and views has expired. The Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the act (12 U.S.C. 1843(c)(8)).

Applicant (assets of $1 billion) is the Nation's 12th largest finance company (in terms of total capital funds) and is the parent holding company of a number of nonbanking subsidiary companies that are sought to be retained. These subsidiaries are engaged domestically and internationally in the following activities: Commercial financing, factoring, mortgage banking, equipment leasing, consumer and sales financing, rediscounting, data processing, and credit-related insurance sales. Applicant engages also in a number of manufacturing activities that are proposed to be divested.

Principal among applicant's activities are its commercial finance and factoring businesses. Income generated from its commercial finance activities accounted for approximately 60 percent of applicant's total gross finance income of $113 million for fiscal year 1971. In 1971 applicant's factoring volume, both domestic and in 19 foreign countries, amounted to $1.2 billion and applicant is the fourth largest factoring firm in the country. Revenues from its factoring activities constituted 19 percent of applicant's gross finance income for 1971. Applicant's consumer and sales finance activitives which are conducted primarily in the Southern United States, Puerto Rico, and Canada, accounted for approximately 12 percent of applicant's gross finance income in 1971.

In 1972, applicant acquired B. B. Cohen & Co. (Cohen), a mortgage banking company engaged in originating, acquiring, and servicing real estate loans for its own account or for the account of others. Cohen's principal loan operations are conducted in the Chicago metropolitan area and it ranks 152d among the 300

[3] Applicant carries its investment in Bank at underlying book value.

[4] Voting for this action: Governors Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Chairman Burns and Governor Mitchell.

[1] Applicant has filed a separate application to retain its overseas activities pursuant to sec. 4(c)(13) of the Bank Holding Company Act.

largest mortgage companies in the country in terms of mortgages serviced and 8th among 11 such firms headquartered in Chicago.[3]

Through a number of subsidiaries applicant is engaged also in certain manufacturing activities including the manufacture of furniture and food preparation equipment. Net income from its manufacturing operations represents approximately 12 percent of applicant's total net income. Applicant has stated its intention to dispose of all of its manufacturing interests as soon as possible, the period not to exceed 2 years.[3] Applicant proposes to retain all its financing and factor-related credit activities and to divest only its manufacturing operations. The activities sought to be retained by applicant appear to be of the kinds determined previously by the Board to be closely related to the business of banking (12 CFR 225.4(a)).

Bank (deposits as of Dec. 31, 1972, of $1.3 billion) is the 76th largest commercial bank in the Nation and the 5th largest of approximately 261 banks in the Chicago banking market controlling 2.9 percent of the aggregate deposits of commercial banks in that market.[4] Bank's main office is located in downtown Chicago (five blocks from applicant's headquarters) and Bank operates a branch office in London, England. In contrast to applicant, whose financial operations are carried out on a nationwide and worldwide scale, Bank's service area for most of its lending activities consists primarily of the Chicago metropolitan area extending north, south, and west from Chicago for approximately 50 miles in each direction.

Bank does not engage in permanent mortgage servicing, factoring, or rediscounting services, and engages in leasing only to a very limited extent having no relation to applicant's leasing activities. No competition between applicant and Bank would be eliminated, therefore, in these product lines by consummation of the proposals herein. It appears also that no significant potential competition would be eliminated between applicant and Bank in these activities in view of Bank's apparent lack of inclination to expand into these activities. In addition, the Chicago area is not so highly concentrated with respect to these activities so as to require the preservation of all possible entrants into that market. Applicant and Bank are both engaged, however, to varying extents, in mortgage loan origination, commercial finance and consumer lending activities. The Board has examined each of these activities as engaged in by applicant and Bank and the geographical areas in which these services are offered, to determine the competitive effects, if any, of consummation of the proposed transactions both in the Chicago area and in those areas of the country in which applicant engages in these activities.

Bank is active in consumer installment lending activities within the Chicago metropolitan area only. Although fifth in deposit size, Bank's total of installment loans to individuals as of June 30, 1972, of $72.6 million, ranked third among commercial banks in that market. Since virtually all of applicant's domestic consumer and sales finance business is derived from the Southern United States, no existing competition in this activity would be eliminated by the instant proposals. Although applicant clearly has the resource and managerial capability to initiate consumer finance activities in the Chicago area de novo, the existence of numerous competitors in this market and the relative ease of entry into this business by many potential entrants, diminishes any possible adverse effects that consummation of the proposed acquisition might have on potential competition.

The mortgage banking activities of both applicant and Bank are centered principally in the Chicago metropolitan area. Analysis of the types of mortgage loan activities engaged in by both companies indicates, however, that no significant competition would be eliminated by consummation of these proposals. Applicant's mortgage banking subsidiary provides virtually no permanent financing on real estate and instead actively solicits interim construction loan business and loan originations on income producing properties only. Bank, on the other hand, makes construction loans only as an accommodation to existing customers.[5] While the combination of Bank and applicant's mortgage loan subsidiary may eliminate some existing competition, most particularly in the area of loan originations on income producing properties in the Chicago area, in net effect, consummation of these proposals should not result in significant diminution of existing or potential competition in any relevant area, in view of the small size of both applicant's and Bank's mortgage banking operations relative to the markets in which they operate and the number of organizations competing therein.[6]

Among nonbank companies engaged in commercial financing activities in the Chicago area, applicant ranks fourth with $33.5 million in outstandings. Bank does not actively solicit secured business loans of the types of commercial financing engaged in by applicant. As of August 1972, however, Bank had $10.6 million in secured business loans, $9 million of which were originated in the Chicago area and represent only a small percentage of such loans made in the Chicago area. Although acquisition of Bank by applicant would tend to lessen somewhat existing and potential competition in commercial finance in the Chicago area, the resulting diminution of competition is not considered significant. There are more than 17 firms competing in the commercial finance field in the Chicago area, none which is dominant and there appear to be numerous potential entrants into the secured business lending field. Elimination of Bank, therefore, as a potentially more aggressive competitor would not result in a meaningful diminution of competition.

The facts of record indicate that significant direct competition would not be eliminated in any product market by applicant's acquisition of Bank. It also appears that, to a significant extent, applicant and Bank serve the financial needs of different customers and clients. The bulk of applicant's loan activities are at rates higher than those of Bank and almost always involve collateral security. Bank's lending activities on the other hand, concentrate primarily on the credit-worthiness of the customer and only secondarily on collateralled transactions.

While it is possible that some competition would develop in the future between Bank and applicant, the markets for these activities in which such competition could develop are unconcentrated and relatively accessible for entry by other companies. Although Bank and applicant have the capability to engage in the activities of the other with little difficulty—Bank through its present parent holding company and applicant, through a de novo bank or one of its existing subsidiaries—such alternatives are not so clearly more beneficial to the encouragement of competition so as to require denial of these proposals.

While applicant's entry into banking de novo or through a foothold bank and Bank's expansion into nonbanking activities on an activity by activity acquisition or de novo basis, would certainly result in a more gradual development of both institutions, the facts of record indicate that consummation of these proposals will not result in any undue concentration of economic resources or discourage potential competition in any relevant area. The resulting financial institution will be approximately the same size (in terms of assets) as the third and fourth largest banking organizations in the Chicago area, both of which are engaged in a variety of financial activities similar to those of applicant. Furthermore, it should be recognized that applicant's financial

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[3] Cohen's total mortgage loan originations equal $61 million and it services mortgage loans totaling $125 million (as of Aug. 31, 1971).

[3] Pursuant to sec. 4(a)(2) of the act, applicant would be required to divest its interest in its manufacturing activities within 2 years from the date it becomes a bank holding company.

[4] Unless otherwise indicated, data are as of June 30, 1972.

[5] During the year 1971, Bank made construction loans in the Chicago SMSA totaling $1,025,029. For fiscal year ending Aug. 31, 1972, applicant's mortgage subsidiary made construction loans totaling $30,656,792 as an interim financer only.

[6] As an approximation of the relative significance of the mortgage banking operations of Bank and applicant in the Chicago area, it is estimated that the combined mortgage loan and servicing activities of Bank and applicant would account for something less than .2 percent of the mortgage loans outstanding at commercial banks and savings and loan associations in the Chicago area, including mortgage loans serviced by mortgage companies headquartered in that area.

activities are conducted on a national and worldwide basis. Addition of Bank's capabilities to applicant's warehouse of financial services should result in applicant becoming a more effective competitor in the nationwide and overseas markets in which it operates without creating in applicant the ability to dominate any line of activity in which it is presently engaged.

It is contended that the Board's approval of this and similar proposals involving large financial institutions will result in the rapid assimilation of all of the Nation's largest multiactivity financial companies with the Nation's largest banking organizations. As stated most recently in the Board's order concerning the application of First Florida Bancorporation, Tampa, Fla., to merge with United Bancshares of Florida, Inc., Miami, Fla. (59 Federal Reserve Bulletin 183), the Board will continue to view each application before it on the merits of that particular application and every subsequent application will be considered on the basis of the competitive structure of the particular market and other facts existing at the time. The Board concludes that the subject proposals would not have an adverse effect on competition or result in an undue concentration of economic resources, conflicts of interest, or unsound banking practices in any area of the country and, it appears, in fact, that acquisition of Bank and applicant's retention of its permissible nonbanking activities, should result in applicant, its subsidiaries and Bank becoming more effective competitors with other institutions in the markets in which they operate.

The financial condition and managerial resources of both applicant and Bank are satisfactory and consistent with approval of this application. The future prospects of both Bank and applicant are favorable. Applicant asserts that the expanded capability resulting from consummation of this transaction to provide package financing will create efficiencies that will benefit applicant's customers by providing more credit with less collateral and lower credit acquisition costs. It appears that ownership of a bank is not a prerequisite for realization of the predicted efficiencies in view of the existing practice of applicant and other finance companies to develop participations and correspondent relationships with banks. Ownership of Bank by applicant, however, is consistent with realization of possible efficiencies and subsequent public benefits, and therefore, convenience and needs considerations are consistent with approval.

The Board has determined, with respect to the proposed retention of applicant's nonbanking activities that the balance of the public interest factors that the Board is required to consider under section 4(c)(8) is favorable and that consummation of these proposals would be in the public interest. Accordingly, on the basis of the record, the applications to acquire Bank and for applicant's retention of its permissible nonbanking activities are approved for the reasons summarized above, and upon the condition that applicant divest its manufacturing activities as soon as possible, but in any case, no later than 2 years from the effective date of this order. The transaction shall not be consummated (a) before the 30th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority. The Board's determination with respect to applicant's retention of its nonbanking activities is subject to the conditions set forth in § 255.4(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 evasions thereof. Applicant's application to retain its foreign investments under section 4(c)(13) of the act and § 225.4(f) of regulation Y, is also approved subject to the condition that its subsidiaries shall confine their activities to international or foreign banking and other international or foreign financial operations.[1]

By order of the Board of Governors,[2] effective May 11, 1973.[3]

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-10250 Filed 5-22-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 978, Amdt. 1]

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 the following additional counties: Craighead, Poinsett, Saline, St. Francis, and Woodruff (see 38 FR 12178).

Applications may be filed at the:

Small Business Administration, District Office, 600 West Capital Avenue, Little Rock, Ark. 72701

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 9, 1973.

Dated May 8, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-10219 Filed 5-22-73;8:45 am]

[Notice of Disaster Loan Area 981]

COLORADO

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Colorado as a major disaster area following the failure of the dam on the Lower Latham Reservoir and resultant flooding, beginning on April 12, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in Weld County.

Applications may be filed at the:

Small Business Administration, Regional Office, 721 19th Street, room 426A, Denver, Colo. 80202

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 10, 1973.

Dated May 10, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-10221 Filed 5-22-73;8:45 am]

[Notice of Disaster Loan Area 974, Amdt. 1]

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 about March 1, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties: Bureau, Clinton, Henry, Lee, Mason, McLean, Peoria, Schuyler, and Tazewell (see 38 FR 12179).

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 July 9, 1973.

Dated May 8, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-10216 Filed 5-22-73;8:45 am]

[1] Dissenting Statement of Governors Robertson and Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Chicago.

[2] Voting for this action: Chairman Burns and Governors Daane, Sheehan, and Bucher. Voting against this action: Governors Robertson and Brimmer. Absent and not voting: Governor Mitchell.

[3] Board action was taken while Governor Robertson was a Board Member.

[Notice of Disaster Loan Area 977, Amdt. 1]

LOUISIANA

Amendment to 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 which began on or about March 24, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the additional parishes of Caldwell, Franklin, Tensas, Terrebonne, Washington, and West Feliciana, La. (see 38 FR 12179).

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 for disaster loans 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 9, 1973.

Dated May 10, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73–10218 Filed 5–22–73;8:45 am]

[Declaration of Disaster Loan Area 982]

NORTH CAROLINA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of February 1973, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of North Carolina;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in Dare County, N.C., suffered damage or destruction resulting from the February 9–12, 1973, storm and subsequent severe weather. However, SBA cannot provide assistance to correct the problems created by long-term erosion. Applications will be processed under the provisions of Public Law 92–385.

Small Business Administration, District Office, 222 South Church Street, Charlotte, N.C. 28202.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to July 11, 1973.

Dated May 11, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73–10222 Filed 5–22–73;8:45 am]

[Declaration of Disaster Loan Area 980]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1973, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in Hale, Navarro and Frio Counties, Texas, suffered damage or destruction resulting from tornadoes and severe weather occurring on April 15, 1973. Applications will be processed under the provisions of Public Law 92–385.

OFFICES

Small Business Administration, Regional Office, 1100 Commerce Street, Dallas, Tex. 75202

Small Business Administration, District Office, 1205 Texas Avenue, Lubbock, Tex. 79408

Small Business Administration, District Office, 301 Broadway, San Antonio, Tex. 78205

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to July 9, 1973.

Dated May 9, 1973.

ANTHONY G. CHASE,
Acting Administrator.

[FR Doc.73–10220 Filed 5–22–73;8:45 am]

[Notice of Disaster Loan Area 976; Amdt. 1]

WISCONSIN

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Wisconsin as a major disaster area following flooding and lake shore damage beginning on or about March 7, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the additional counties of Jefferson and Outagamie, Wis. (See 38 FR 12264)

Applications may be filed at the:

Small Business Administration District Office, 122 West Washington Avenue, R. 713, Madison, Wis. 53703

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 January 10, 1974.

Dated May 10, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73–10217 Filed 5–22–73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[R 4330]

CALIFORNIA

Notice of Proposed Classification of Public Lands for Disposal by Exchange

1. Pursuant to section 7 of the act of June 28, 1934 (48 Stat. 1272), as amended (43 U.S.C. 315f), and to the regulations in 43 CFR 2400.0–3, it is proposed to classify the lands described below for disposal through private exchange, for land within the Riverside District.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 8 N., R. 4 W.,
Sec. 6, all;
Sec. 7, all;
Sec. 10, NW¼NE¼, NW¼;
Sec. 18, all.
T. 9 N., R. 4 W.,
Sec. 31, all.
T. 8 N., R. 5 W.,
Sec. 2, all;
Sec. 3, all;
Sec. 10, all;
Sec. 11, all;
Sec. 12, all.

The area described aggregates 6223.34 acres in San Bernardino County.

2. This proposal has been discussed with local governmental officials and other interested parties. Information from these discussions and other sources indicate that these lands meet the criterion of 43 CFR 2430.4(d), which authorizes classification of lands for exchange under appropriate authority. Information concerning these lands, including the field report and the environmental analysis record, is available for inspection an dstudy at the Riverside Bureau of Land Management, District Office located in Riverside, Calif.

3. Persons may submit comments, suggestions or objections, to the proposed classification, on or before June 22,

1973, to the Riverside District Manager, Bureau of Land Management, P.O. Box 723, Riverside, Calif. 92502.

DELMAR D. VAIL,
Acting State Director.

[FR Doc.73-10231 Filed 5-22-73;8:45 am]

Geological Survey

ADVISORY COMMITTEE ON WATER DATA FOR PUBLIC USE

Notice of Public Meeting

Pursuant to Public Law 92-463, effective January 5, 1973, notice is hereby given that an open meeting of the Advisory Committee on Water Data for Public Use will be held June 5-7, 1973, at the Sheraton-Motor Inn, 1000 Northeast Multnomah Street, Portland, Oreg. 97220.

This technical committee is made up of representatives of water resources oriented groups including National, State, and regional organizations, professional and technical societies, and the academic community. Its principal responsibility is to represent the interests of the non-Federal groups concerning their needs for acquisition of water data by advising the Federal Government on plans, policies, and procedures related to water-data programs. The Director of the Geological Survey is Chairman of the Committee.

The agenda for the meeting includes a wide range of topics: The proposed National Water Data Exchange, a nationwide system designed to tie together existing water-data storage and retrieval facilities; the establishment of a common base for water data through the development of an acceptable set of methods for water-data collection and analysis; the pilot assessment of river quality currently underway by the Geological Survey in the Willamette River Basin; and a review of the Geological Survey's current study of the San Francisco Bay region.

Persons wishing to attend the meeting or desiring more detailed information about the meeting should contact R. H. Langford, Chief, Office of Water Data Coordination, Geological Survey, Washington, D.C. 20244, phone 202-343-8565.

V. E. MCKELVEY,
Director, Geological Survey.

[FR Doc.73-10232 Filed 5-22-73;8:45 am]

Office of Oil and Gas

CRUDE OIL AND REFINERY PRODUCTS

Guidelines for Allocation

A voluntary program for allocation of crude oil and refinery products was announced by the Honorable William E. Simon, Deputy Secretary of the Treasury, in testimony before the Senate Committee on Banking, Housing and Urban Affairs on May 10, 1973. This program will be voluntary and will be backed up by: (1) Guidelines established by the Federal Government; (2) a mechanism for providing continuing scrutiny of compliance with the guidelines; and (3) the authority for imposition of mandatory allocation if necessary. General policy direction will be vested in the Oil Policy Committee; day-to-day administration of the program has been assigned to the Office of Oil and Gas, Department of the Interior. This program calls for suppliers to make available to each of their customers the same percentages of their total supply of crude oil and products that they provided during the corresponding quarter in a base period. It also provides that suppliers of priority customers unable to obtain needed supplies under their allocations by their suppliers may apply to the Office of Oil and Gas for assistance in obtaining supplies. The following guidelines have been established by the Office of Oil and Gas for the administration of the program for allocation of crude oil and refinery products. Comments on these guidelines may be submitted in conjunction with the hearings to be held by the Oil Policy Committee (see section 8 below, changes in program).

1. *Agreements*—a. *From whom.*—Agreements by each producer, crude oil buyer, gas plant operator, refiner, marketer, jobber and distributor are assumed unless the Office of Oil and Gas is notified to the contrary.

b. *Implied content of agreements.*—That they will make available in each State to each of their customers (including those purchasers in the spot market), the same percentage or amount of their total supply of crude oil, natural gas liquids, liquified petroleum gases, and petroleum products that they provided during the corresponding quarter of the base period (fourth quarter of 1971 and first three quarters of 1972), whichever is lower. This program is not intended to obligate a supplier beyond the extent of his base period supplies to a customer, nor is it intended to limit the supplies to the obligated amounts. A customer is defined as any person who purchased crude oil or petroleum products from the supplier during the base period.

2. *Allocation by suppliers*—a. *Voluntary allocations.*—In establishing total supply for allocation, it is not intended that any supply be withheld for possible allocation by the Office of Oil and Gas to meet priority needs. Rather, up to 10 percent of production might be distributed to meet the needs of customers. Suppliers may voluntarily supply priority needs and follow up with documentation to the Office of Oil and Gas for credit in supplying their share of priority needs in relation to section 3 below.

b. *New customers.*—All suppliers are urged to continue to supply customers that they have added since the base-case period and to provide a listing of such customers and supplemental supply commitments to the Office of Oil and Gas for consideration in the assigning of supplies under section 3.

3. *Allocation by Government.*—a. *Who may request Government assistance.*—Suppliers of priority customers (see section 3(e)) unable to obtain needed supplies under allocations by their suppliers as discussed in sections 1(b) and 2(a) may apply to the Office of Oil and Gas for assistance in obtaining supplies. Requests for assistance to priority customers made directly to oil companies by responsible Federal, State, or local government officials may be honored by those oil companies. The Office of Oil and Gas should be notified of the assistance so provided, the source of the request for assistance and the percent of quarterly supply involved. If a supplier provides assistance to priority customers without an official request, that supplier may request that the Office of Oil and Gas include that assistance as a part of his share of supplying priority needs.

Nonpriority customers who do not have a supplier with a supply obligation may apply to the Office of Oil and Gas for assistance on the basis that they are not otherwise covered by the program.

b. *Allocation by the Office of Oil and Gas.*—The Office of Oil and Gas may request each producer, crude oil buyer, gas plant operator, refiner, marketer, jobber, and distributor to provide allocations for priority customers still unable to obtain needed supplies of crude oil and products. The Office of Oil and Gas will request allocations for those not otherwise covered by the program.

c. *Basis.*—This request by the Office of Oil and Gas must be based on demonstrated need. The basic purpose of priority allocations must be to assure adequate supplies of crude oil and products to priority users who are not well served under the proportional allocation program described in sections 1(b) and 2(a) above. Supplier assignments also shall be made to fulfill the needs of new customers who have entered the marketplace since the base periods.

d. *Priority.*—Priority will be given by the Office of Oil and Gas to supplying the following activities or to independent marketers, jobbers, and refiners who supply the following activities:

(1) Farming, ranching, dairy, and fishing activities and services directly related to the cultivation, production, and preservation of food.

(2) Food processing and distribution services.

(3) Health, medical, dental, nursing, and supporting services except commercial health and recreational activities.

(4) Police, firefighting, and emergency aid services.

(5) Public passenger transportation, including schoolbuses and other buses, rail intercity and mass transit systems, but excluding tour and excursion services.

(6) Rail, highway, sea, and airfreight transportation services, and transportation and warehousing services not elsewhere specified.

(7) Other State and local government activities.

(8) The fuel needs of residents in States or parts of States unable to obtain sufficient crude oil or products.

(9) Difficulties caused by natural disasters.
(10) Public utilities.
(11) Telecommunications.

Whenever possible without detriment to the above priorities, preference shall be given to independent refiners and marketers (1) in the carrying out of such priorities, and (2) in other cases where all other conditions are equal and a choice must be made between allocation of supplies to an independent or to a major company.

e. *Where to request assistance.*—Requests for assistance should be sent to the appropriate regional office of the Office of Oil and Gas, or to the Office of Oil and Gas representative at the regional office of the Office of Emergency Preparedness with a copy to the Director, Office of Oil and Gas, Department of the Interior, Washington, D.C. 20240. Appendix A provides addresses of these regional offices and the States covered by each office.

4. *Complaints.*—The Office of Oil and Gas will receive complaints from anyone who feels he is not receiving a proper allocation of supplies. Complaints should be made in writing, documenting the bases for the complaint, to the addresses in appendix A to be considered officially. Suppliers are requested to provide each regional office with the appropriate contracts to facilitate informal review and resolution of problems by mutual consent.

If it deems it necessary, the Office of Oil and Gas may require a public hearing and submission of data, by suppliers, on their 1971 and 1972 exchanges and/or sales of crude oil, unfinished oil, and products. These data will include the names and addresses of customers, the amounts of crude oil and products sold to them, the legal relationship between major oil companies and customers, and whatever other information the Office of Oil and Gas believes necessary to conduct the hearing. The Office of Oil and Gas will then verify the accuracy of complaints against a supplier and, if justified, impose mandatory allocation on the supplier.

5. *Price*—a. *Products.*—The price at which petroleum products (including liquified petroleum gases) shall be sold by refiners and wholesale distributors to independent marketers, wholesale distributors, and other unaffiliated customers shall not exceed normal refinery or terminal rack prices, or normal delivered domestic contract barge or cargo prices charged by major companies.

b. *Crude oil.*—The price at which major oil companies shall sell crude oil to independent refiners shall not exceed the posted crude oil prices at the time of sale, plus an applicable pipeline transportation charge.

c. *Limitation.*—No price controls are contemplated in this program other than those promulgated by the Cost of Living Council.

6. *Preemption.*—For the allocation program to be successful it is imperative that supplies of crude oil and refined products be made on a coordinated national basis. Accordingly, the States should refrain from adopting independent allocation programs which would obstruct the smooth and equitable functioning of the national program. To the fullest extent legally permissible under the authority granted by the Economic Stabilization Act Amendments of 1973, it is the intent of this program to federally preempt the States from entering the field of allocation of crude oil and refinery products.

7. *Exceptions.*—The intent of this program is to assure adequate supplies for essential needs and provide an equitable basis for assuring that independent members of all segments of the industry obtain sufficient supplies to meet their customer's needs. If the results of some aspects of the program are contrary to this intent, the supplier affected may request that the Office of Oil and Gas grant an exception on the basis of unintended results.

8. *Changes in program.*—a. *Revisions.*—Immediately following the initiation of this program, the Oil Policy Committee shall begin hearings to determine any changes that may be required to make the program equitable to all classes of suppliers and purchasers, and whether the program should be made mandatory. The Chairman of the Oil Policy Committee will designate an ad hoc board to conduct such hearings and report its findings to the Oil Policy Committee. The board shall be composed of representatives of the Interior, Treasury, Justice, and Commerce Departments, GSA/OEP, and any other representatives as the Chairman of the Oil Policy Committee may feel appropriate. The Chairman of the Oil Policy Committee shall designate the Chairman of the board.

Supplemental guidelines and procedures published by the Office of Oil and Gas may be issued as appropriate.

b. *Additional measures.*—The Oil Policy Committee will also investigate and recommend additional measures that should be undertaken to encourage allocations by major suppliers.

Dated May 21, 1973.

DUKE R. LIGON,
Director.

APPENDIX A

OOG REGIONAL OFFICES
AND
STATES COVERED BY EACH REGION

Regional Offices:	*States covered by each region*
OOG Region 1: Custom House Building, 10th floor, 2 India Street, Boston, Mass. 02109, telephone: (Temporarily not occupied; call OOG Representative at OEP Region 1).	Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.
OOG Representative, OEP Region 1: JFK Federal Building, room 2003 E, Boston, Mass. 02203, telephone: 617-223-4271.	
OOG Representative, OEP Region 2: 26 Federal Plaza, room 1347, New York, N.Y., telephone: 212-264-8980.	New Jersey, New York, Puerto Rico, and Virgin Islands.
OOG Representative, OEP Region 3: 2 Penn Center Plaza, suite 915, Philadelphia, Pa. 19102, telephone: 215-597-9403.	Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and District of Columbia.
OOG Region 4: South Street Federal Building, Old Federal Square, room 650, 600 South Street, New Orleans, La. 70130, telephone: 504-527-6681.	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Canal Zone.
OOG Representative, OEP Region 4: Suite 750, 1375 Peachtree Street NE., Atlanta, Ga. 30309, telephone: 404-526-3641.	
OOG Region 5: 300 South Wacker Drive, room 565, Chicago, Ill. 60606, telephone: 312-353-5119 and 353-1818.	Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin.
OOG Representative, OEP Region 5: 300 South Wacker Drive, room 520, Chicago, Ill. 60606, telephone: 312-353-1500.	
OOG Region 6: Federal Center, Denton, Tex., telephone: 214-749-9371.	Arkansas, Louisiana, Oklahoma, New Mexico, and Texas.
OOG Representative, OEP Region 6: Federal Building, 1100 Commerce Street, room 13C28, Dallas, Tex. 75202, telephone: 214-749-1411.	
OOG REGION 7: Building 710, Denver Federal Center, Denver, Colo. 80225, telephone: 303-234-2596.	Iowa, Kansas, Missouri, and Nebraska.
OOG Representative, OEP Region 7: Trader National Bank Building, 1125 Grand Avenue, room 1500, Kansas City, Mo. 64106, telephone: 816-374-5916.	

Regional Offices:	*States covered by each region*
OOG REGION 8: (Covered by region 7.)	Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming.
OOG Representative, OEP Region 8: Building No. 67, room 370, Denver Federal Center, Denver, Colo. 80225, telephone: 303-234-3271.	
OOG REGION 9: 450 Golden Gate Avenue, Box 36032, San Francisco, Calif. 94120, telephone: 415-556-2833.	Arizona, California, Hawaii, Nevada, American Samoa, Guam, and Trust Territory of the Pacific Islands.
OOG Representative, OEP Region 9: 120 Montgomery Street, San Francisco, Calif. 94104, telephone: 415-556-8794.	
OOG REGION 10: (Covered by region 9.)	Alaska, Idaho, Oregon, and Washington.
OOG Representative, OEP Region 10: Room M-16, Arcade Building, 1319 Second Avenue, Seattle, Wash. 98101, telephone: 206-442-1310.	

[FR Doc.73-10399 Filed 5-22-73;10:01 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

GRAIN STANDARDS

Pennsylvania Inspection Point; Cancellation

Statement of considerations.—On March 8, 1973, there was published in the FEDERAL REGISTER (38 FR 6293) a notice announcing the proposal of the Grain and Hay Exchange of Pittsburgh, Pittsburgh, Pa., that effective April 1, 1973, its designation under section 3(m) of the U.S. Grain Standards Act (sec. 3, 39 Stat. 482, as amended, 82 Stat. 762; 7 U.S.C. 75(m)) to operate an official grain inspection agency at Pittsburgh, Pa., be canceled. Interested organizations and persons were given until April 9, 1973, to make application for designation to operate an official inspection agency at Pittsburgh, Pa. Members of the grain industry were given until April 9, 1973, to submit views and comments and to include the name of the person or agency which they recommend to operate an official inspection agency at Pittsburgh, Pa.

No comments were received with respect to the March 8, 1973, notice in the FEDERAL REGISTER. Therefore, the designation of the Grain and Hay Exchange of Pittsburgh as the official inspection agency at Pittsburgh, Pa., is canceled and no official inspection agency is designated under section 3(m) of the U.S. Grain Standards Act (7 U.S.C. 75(m)) to operate at Pittsburgh, Pa. This notice does not preclude interested organizations and persons from making application later for designation to operate an official inspection agency at Pittsburgh, Pa., in accordance with the requirements in § 26.97 of the regulations (7 CFR 26.97) under the U.S. Grain Standards Act.

Done in Washington, D.C., on May 17, 1973.

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

[FR Doc.73-10293 Filed 5-22-73;8:45 am]

Food and Nutrition Service

[FSP 1973-3]

HAWAII

Maximum Monthly Allowable Income Standards and Basis of Food Coupon Issuance

Correction

In FR Doc. 73-9650, appearing on page 12941 in the issue of Thursday, May 17, 1973, in the table on page 12942, in the fifth line of the column for a seven-person household, the figure reading "122" should read "12".

Forest Service

NORTH BRIDGER PLANNING UNIT

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Multiple Use Plan—North Bridger Planning Unit, Forest Service Report No. USDA-FS-DES(Adm) 73-67.

The environmental statement concerns a proposed Multiple Use Management Plan for the North Bridger Mountains, Bozeman Ranger District, Gallatin National Forest, in Gallatin County, Mont. The total area is about 60,000 acres, 42,000 of which are National Forest land. The plan calls for building a new road, a trail, improving other roads, harvesting timber on some areas, and maintaining other areas in a roadless condition. The plan also outlines direction for managing domestic livestock, wildlife populations and ranges, and the Fairy Lake area.

This draft environmental statement was filed with CEQ May 17, 1973.

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

USDA, Forest Service, South Agriculture Building, room 3230, 12th Street and Independence Avenue SW., Washington, D.C. 20250

USDA, Forest Service, Northern Region, 200 East Broadway, room 3077, Missoula, Mont. 59801

USDA, Forest Service, Gallatin National Forest, Federal Building, Bozeman, Mont. 59715

A limited number of single copies are available upon request to:

Paul D. Weingart, Forest Supervisor, Gallatin National Forest, P.O. Box 130, Bozeman, Mont. 59715

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Paul D. Weingart, Forest Supervisor, Gallatin National Forest, P.O. Box 130, Bozeman, Mont. 59715. Comments must be received by July 2, 1973 in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief,
Forest Service.

MAY 17, 1973.

[FR Doc.73-10297 Filed 5-22-73;8:45 am]

Packers and Stockyards Administration

[P. & S. Docket No. 4782]

LUFKIN LIVESTOCK EXCHANGE

Notice of Order Extending Period of Suspension of Modifications of Rates and Charges

On April 13, 1973, an order was issued instituting the following proceeding under title III of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 et seq.):

In regard Giles Lowery Stockyards, Inc., doing business as Lufkin Livestock Exchange, a corporation, Respondent, P. & S. Docket No. 4782 (38 FR 12143)

Such order, among other things, suspended and deferred the operation and use by the respondent of modifications of its current schedule of rates and charges to become effective April 16, 1973, for a period of 30 days beyond the time such modifications would otherwise go into effect.

Notice is hereby given that, since the hearing in this proceeding could not be concluded within such period of suspension, an order has been issued in the above proceeding suspending and deferring the operation and use of such mod-

ifications of the current schedule of rates and charges for a further period of 30 days beyond the date when such modifications would have otherwise become effective.

Done at Washington, D.C., on May 17, 1973.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.73-10296 Filed 5-22-73;8:45 am]

DEPARTMENT OF COMMERCE

Bureau of Competitive Assessment and Business Policy

INDUSTRY ADVISORY COMMITTEE ON METAL SCRAP PROBLEMS

Notice of Meeting

A meeting of the Department of Commerce Industry Advisory Committee on Metal Scrap Problems (formerly Iron and Steel Scrap Problems) will be held starting at 10 a.m. on Wednesday, May 30, 1973, room 4830, Commerce Building, 14th and E Streets NW., Washington, D.C.

The Committee gathers information and provides advice to Department officials in order to identify and overcome problems in metal scrap consumption. The Committee advises on such national issues as conservation of natural resources, solid waste management, and environmental quality, including problems of junk autos.

The intended agenda is as follows:

Gary M. Cook, Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy, Chairman.

1. Opening remarks, Gary M. Cook.
2. General discussion on possible actions to improve long-range ferrous scrap supply.
   a. Change in scrap consumer delivery systems from rail to truck, James M. Owens, Materials Division, Bureau of Competitive Assessment and Business Policy.
   b. Long-term procurement contracts between scrap industry and steel mills and foundries, Gary M. Cook.
   c. Establishment of futures market in scrap, James M. Owens.
   d. Review worldwide production of prereduced iron ore (substitute for scrap), James M. Owens.
   e. SBA loans to expand scrap collection and processing facilities, John W. Carrigan, Small Business Administration.
   f. Possible use as additional domestic shipwrecking facilities of those Navy yards which are being phased out, James M. Owens.
3. Metal Scrap Research Projects, Dr. Robert S. Kaplan, Bureau of Mines, Department of the Interior.
4. Research and Development Working Group—Report, James M. Owens.
5. Junk Car Disposal Site Working Group—Report, Charles T. Cudlip, Ford Motor Co.
6. Other industry views and comments.

The membership of the Committee consists of 24 members, currently drawn from six involved industries—iron and steel scrap processing, nonferrous scrap processing, automobile and truck wrecking, basic iron and steel producing, ferrous foundry, and automobile manufacturing.

A limited number of seats—approximately 20—will be available to the public, including three which will be reserved for the press.

Persons wishing to participate in the discussions or desiring additional information concerning this meeting should contact the Committee guidance and control officer, Mrs. Diana B. Friedman, Materials Division, room 2007, U.S. Department of Commerce, Washington, D.C. 20230, Telephone 202-967-5505. Presentation of views must be pertinent to the agenda items.

GARY M. COOK,
Acting Deputy Assistant Secretary for Competitive Assessment and Business Policy.

[FR Doc.73-10354 Filed 5-22-73;8:45 am]

Bureau of East-West Trade

COMPUTER SYSTEMS TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Computer Systems Technical Advisory Committee of the U.S. Department of Commerce will meet May 29, 1973, at 1 p.m. in room 6802 of the main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to computer systems, including technical data related thereto, and including those whose export is subject to multilateral (CoCOM) controls.

Agenda items are as follows:

(1) Opening remarks by the Director, Bureau of East-West Trade, Steven Lazarus.
(2) Overview of export control program by the Director, Office of Export Control, Rauer H. Meyer.
(3) Election of Chairman.
(4) Presentation of papers or comments by the public.
(5) Review by OEC official of current controls on computer systems, including report on any decontrol actions effected since August 29, 1972.
(6) Technical problems.
(7) Licensing procedures relating to computer systems.
(8) Foreign availability of computer systems, including extent of U.S. participation and use of U.S. technology.
(9) Executive session:
(a) Background of U.S. and CoCOM control programs and strategic criteria.
(b) Technical problems:
(1) End-use pattern for computers, including military and military support uses.
(2) Performance characteristics that as a minimum identify computer systems in such a way as to be both meaningful for national security and reasonable from the standpoint of administering controls.
(3) Safeguards to prevent the diversion of a computer system to strategic use in Eastern Europe and the USSR, including measures to present the diversion by means of remote terminals and communication links.
(a) What monitoring and surveillance techniques would be effective in reducing the risk of diversion and practical in terms of technical feasibility and burden on the computer exporter?
(c) Foreign availability, including state of the art in USSR, Eastern Europe, and People's Republic of China.
(d) Licensing control over technology related to computer systems.
(10) Adjournment.

This will be the first meeting of the Computer Systems Technical Advisory Committee. It was established January 3, 1973, and consists of technical experts from a representative cross-section of the computer industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a 2-year term.

The public will be permitted to attend the discussion of agenda items 1-8, and a limited number of seats—approximately 15—will be available to the public for these agenda items. To the extent time permits, member of the public may present oral statements to the Committee. Interested persons are also invited to file written statements with the Committee.

With respect to agenda item (9), "Executive session," the Acting Assistant Secretary of Commerce for Administration on March 5, 1973, determined pursuant to section 10(d) of Public Law 92-463, that this agenda item should be exempt from the provision of sections 10 (a)(1), and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 USC 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Control, room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202-967-4293).

Minutes of those portions of the meeting which are open to the public will be available 30 days from the date of the meeting upon written request addressed to Central Reference and Records Inspection Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated May 21, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for East-West Trade, U.S. Department of Commerce.

[FR Doc.73-10432 Filed 5-22-73;10:54 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. Re-

quests 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.

U.S. ATOMIC ENERGY COMMISSION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent 3,677,743: Mixing and Settling Separation Process for Uranium or Plutonium; filed June 3, 1969, patented July 18, 1972; not available NTIS.

Patent 3,677,891: Antijam Sliding Seal Structure; filed June 16, 1971, patented July 18, 1972; not available NTIS.

Patent 3,687,804: Compact and Safe Nuclear Reactor; filed Oct. 27, 1971, patented Aug. 29, 1972; not available NTIS.

Patent 3,688,305: Pulse Height Analyzer with Digital Readout; filed Nov. 18, 1970, patented Aug. 29, 1972; not available NTIS.

Patent 3,691,084: Base-Borate Reactor Safety Spray Solution for Radiolytic Hydrogen Suppression; filed Apr. 19, 1971, patented Sept. 12, 1972; not available NTIS.

Patent 3,692,626: Apparatus for Forming and Containing Plasma; filed Mar. 21, 1969, patented Sept. 19, 1972; not available NTIS.

Patent 3,694,274: High-Transition-Temperature Superconductors in the Nb-Al-Ge System; filed Apr. 26, 1971, patented Sept. 26, 1972; not available NTIS.

Patent 3,694,369: Selective Ion Exchange for the Isolation of Certain Alkaline Earths; filed May 11, 1971, patented Sept. 26, 1972; not available NTIS.

Patent 3,657,801: Methods of Joining Certain Metals; filed Apr. 22, 1970, patented Apr. 25, 1973; not available NTIS.

Patent 3,649,827: Helical Three-Stage Isotope Separation; filed Aug. 13, 1970, patented Mar. 14, 1972; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP-2, Washington, D.C. 20546.

Patent application 333,912: Automatic Frequency Control for FM Transmitter; filed Feb. 20, 1973; PC $3/MF $0.95.

Patent application 329,237: Integrated, Single Channel Type FET Gyrator; filed Feb. 2, 1973; PC $3/MF $0.95.

Patent application 318,357: Method and Apparatus for Checking Fire Detectors; filed Dec. 26, 1972; PC $3/MF $0.95.

Patent application 337,816: A Leak Detector, filed Mar. 5, 1973; PC $3/MF $0.95.

Patent application 337,487: A Device for Configuring Multiple Leads; filed Mar. 2, 1973; PC $3/MF $0.95.

Patent 3,708,674; Combustion Detector; patented Jan 2, 1973; not available NTIS.

[FR Doc.73-10101 Filed 5-22-73;8:45 am]

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

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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.

U.S. ATOMIC ENERGY COMMISSION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent No. 3,667,719: Method for Reprocsion Controlled Thermonuclear Reactor; filed July 8, 1970, patented July 18, 1972; not available NTIS.

Patent No. 3,667,719: Method for Reprocessing Molten Fluoride Salt Reactor Fuels; filed Mar. 9, 1971, patented July 18, 1972; not available.

Patent No. 3,667,890: Plasma Heating and Densification in Axisymmetric Toroidal Plasma Confinement Devices; filed Apr. 23, 1971, patented July 18, 1972; not available NTIS.

Patent No. 3,677,893: Fuel Assembly for a Liquid-Metal-Cooled Fast Breeder Reactor; filed Oct. 29, 1971, patented July 18, 1972; not available NTIS.

Patent No. 3,677,958: Radioactive Heat Source; filed Nov. 6, 1968, patented July 18, 1972; not available NTIS.

Patent No. 3,678,323: Hydrogen Ion Beam Generating Electrode; filed Dec. 8, 1970, patented July 18, 1972; not available NTIS.

Patent No. 3,683,272: Method and Apparatus for Determining Hydrogen Concentration in Liquid Sodium Utilizing an Ion Pump to Ionize the Hydrogen; filed Nov. 24, 1970, patented Aug. 8, 1972; not available NTIS.

Patent No. 3,687,641: Separation and Recovery of Americium from Curium and Other Elements; filed Mar. 9, 1971, patented Aug. 29, 1972; not available, NTIS.

Patent No. 3,689,428: Nuclear Fuel Having Minimum-Gas-Release Properties; filed June 8, 1970, patented Sept. 5, 1972; not available, NTIS.

Patent No. 3,692,472: Recovery of Sulfur Dioxide; filed Apr. 28, 1971, patented Sept. 19, 1972; not available NTIS.

Patent No. 3,692,989: Computer Diagnostic With Inherent Fail-Safety; filed Oct. 14, 1970, patented Sept. 19, 1972; not available NTIS.

Patent No. 3,694,370: Process for Palladium Recovery; filed June 21, 1971, patented Sept. 26, 1972; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP-2, Washington, D.C. 20546.

Patent application No. 319,150: A System for Generating Timing and Control Signals; filed Dec. 26, 1972; PC $4/MF $0.95.

Patent application No. 334,349: An Automatic Liquid Inventory Collecting and Dispensing Unit; filed Feb. 21, 1973; PC $3/MF $0.95.

[FR Doc.73-10102 Filed 5-22-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON EMERGENCY CORE COOLING SYSTEMS

Notice of Meeting

MAY 21, 1973.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Emergency Core Cooling Systems will hold a meeting on May 31, 1973, in room 1064, 1717 H Street NW., Washington, D.C. The subject scheduled for discussion is the emergency core cooling systems for light-water-cooled nuclear power reactors and related criteria.

The Subcommittee is meeting to formulate recommendations to the full ACRS regarding the above subject.

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

JOHN C. RYAN,
Acting Advisory Committee Management Officer.

[FR Doc.73-10401 Filed 5-22-73;9:59 am]

[Docket No. 50-420]

GENERAL ELECTRIC TECHNICAL SERVICES CO., INC.

Notice of Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on April 18, 1973 (38 FR 9615), and the Atomic Energy Commission having found that:

(a) The application filed by General Electric Technical Services Co., Inc., docket No. 50-420, complies with the requirements of the act, and the Commission's regulations set forth in title 10, chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said act and regulations,

the Commission has issued license No. XR–85 to General Electric Technical Services Co., Inc., authorizing the export of a boiling water reactor with a thermal power level of 3,293 megawatts to the Japan Atomic Power Co., Tokyo, Japan. The export of the reactor to Japan is within the purview of the present Agreement for Cooperation Between the Government of the United States of America and the Government of Japan Concerning Civil Uses of Atomic Energy.

Dated at Bethesda, Md., this 17th day of May 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.73–10291 Filed 5–22–73;8:45 am]

[Docket No. 50–419]

GENERAL ELECTRIC TECHNICAL SERVICES CO., INC.

Notice of Issuance of Facility Export License

Please take notice that no request for a hearing or a petition for leave to intervene having been filed following publication of notice of proposed action in the FEDERAL REGISTER on April 18, 1973 (38 FR 9616), and the Atomic Energy Commission having found that:

(a) The application filed by General Electric Technical Services Co., Inc., docket No. 50–419, complies with the requirements of the act, and the Commission's regulations set forth in title 10, chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said act and regulations,

the Commission has issued license No. XR–84 to General Electric Technical Services Co., Inc., authorizing the export of a boiling water reactor with a thermal power level of 3,293 megawatts to the Tokyo Electric Power Co., Inc., Tokyo, Japan. The export of the reactor to Japan is within the purview of the present agreement for cooperation between the Government of the United States of America and the Government of Japan concerning civil uses of atomic energy.

Dated at Bethesda, Md., this 17th day of May 1973.

For the Atomic Energy Commission.

S. H. SMILEY,
Deputy Director for Fuels and Materials, Directorate of Licensing.

[FR Doc.73–10290 Filed 5–22–73;8:45 am]

[Dockets Nos. 50–315, 50–316, 50–315–ED, 50–316–ED]

INDIANA AND MICHIGAN ELECTRIC CO. ET AL.

Assignment of Members of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787 (a), the chairman of the atomic safety and licensing appeal panel has assigned the following panel members to serve as the atomic safety and licensing appeal board for these proceedings:

Alan S. Rosenthal, Chairman.
William C. Parler, member.
Dr. Lawrence R. Quarles, member.

Dated May 17, 1973.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

[FR Doc.73–10289 Filed 5–22–73;8:45 am]

URANIUM HEXAFLUORIDE

Modification of Notice Regarding Charges, Enriching Services, Specifications, and Packaging

The U.S. Atomic Energy Commission (AEC) hereby announces a revision to the notice entitled "Uranium Hexafluoride: Base Charges, Use Charges, Special Charges, Table of Enriching Services, Specification, and Packaging," as published in the FEDERAL REGISTER on November 29, 1967 (32 FR 16289).

Paragraph 9, entitled "Container rental charges" is deleted in its entirety and the following new paragraph 9 is substituted in lieu thereof:

9. *Container rental charges.*—The rental charge, where applicable, for AEC-owned UF_6 containers is as follows:

Cylinder type:	*Per week or fraction thereof*
48F, 14 ton	$14.00
48A, 10 ton	14.00
30A, 2½ ton	10.00
12A, 12 inch	10.00
8A, 8 inch	10.00
5A, 5 inch	10.00
2S, Harshaw	2.50
1S, 1½ inch	2.50
HT, Hoke tube	2.50

There are also weekly rental charges for protective support packages for use with UF_6 cylinders of $10 for 5-inch 8-inch, and 12-inch cylinders and $50 for 30A, 2½ ton, cylinders.

Effective date.—This notice shall become effective May 23, 1973.

Dated at Germantown, Md., this 17th day of May 1973.

By the Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73–10288 Filed 5–22–73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24812, etc.; Order 73–5–97]

AMERICAN AIRLINES INC. AND COCHISE AIRLINES

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 18th day of May 1973.

Application of American Airlines, Inc. for amendment of its certificate of public convenience and necessity for route 4 so as to delete Douglas, Ariz.; docket No. 24812.

Application and agreement of American Airlines, Inc., and Cochise Airlines; docket No. 23853, agreement CAB 22707.

Application of American Airlines, Inc. for authority to temporarily suspend service at Douglas, Ariz.; docket No. 22203.

American's authority to suspend service at Douglas, Ariz., originally granted in order E–21301 (September 21, 1964) in connection with the substitute service of Apache Airlines, Inc., was continued by order 72–9–115 (September 29, 1972) until October 1, 1973, on condition that Cochise (with whom American had entered into an agreement for substitute service following the failure of Apache's service) offer a specified level of substitute service.[1] Also, Cochise was temporarily exempted from the provisions of part 298 of the Board's economic regulations to the extent they would otherwise prevent that carrier from transporting mail in conformance with the provisions of the American-Cochise agreement (agreement CAB 22707) for the substitute service.

By application filed October 6, 1972, in docket 24812, American sought deletion of Douglas from its certificate for route 4, moving for use of the show-cause procedure or, alternatively, expedited hearing. The motion for a show-cause order was denied (order 73–1–74, January 24, 1973), and in view of opposition from the cities of Douglas, Sierra Vista, and Bisbee, Ariz., the State of Arizona, Cochise County, Ariz., and the Bisbee-Douglas airport commission (hereinafter, with the subsumption of the Commission in the county, called the Arizona interests), the application was ordered set for hearing.

Thereafter, on March 20, 1973, there was filed: (1) An application of American and Cochise for approval until October 1, 1974, of further amendments to the American-Cochise agreement as approved in orders 71–9–115 and 72–9–115; and (2) a motion by American for immediate grant of its deletion application, without further procedural steps. Such deletion would be effective on October 1,

[1] At least three daily weekday round trips between Douglas and Tucson, Ariz., and two on Saturdays, Sundays, and holidays.

1974. On March 22, 1973, the Arizona interests answered in support of those pleadings, on condition that the 1-year extension of the American-Cochise agreement be approved. Except as indicated, no opposing answers have been filed.[2]

Upon consideration of the pleadings and all the relevant facts, we have decided to grant American's motion to the extent of issuing an order to show cause proposing to: (a) Amend American's certificate so as to delete Douglas, effective October 1, 1974; (b) continue American's suspension and Cochise's exemption until October 1, 1974; and (c) approve agreement CAB 22707, as amended, until October 1, 1974. We tentatively find and conclude that the public convenience and necessity require the amendment of American's certificate to delete Douglas; that enforcement of part 298 of the Board's economic regulations to the extent that such action would prevent Cochise from transporting mail as proposed in agreement CAB 22707, as amended, would be an undue burden on the carrier by reason of the limited extent of and unusual circumstances affecting its operations, and is not in the public interest; and that, subject to the conditions hereinafter imposed, agreement CAB 22707, as amended, is not adverse to the public interest nor in violation of the act. The temporary suspension is also in the public interest.

In support of these findings, we tentatively find and conclude:

The Douglas area has not been growing at a high rate. Between 1930 and 1970, for example, the population of Douglas grew from 9,828 to only 12,462, whereas the corresponding figure for Phoenix was 48,118 to 581,562, and for Tucson was 32,506 to 262,933. Between 1960 and 1970, Douglas' population increased less than 5 percent, compared with 32.4 percent for Phoenix, 23.5 percent for Tucson, and 36.1 percent for the State of Arizona in general. Similarly, Douglas has remained an extremely low traffic generating point. The number of passengers enplaned at Douglas decreased from 5,781 in the 12 months ended August 31, 1964 (i.e., 4,436 by American 1,345 by Apache, or 16 per day overall), to 4,502 in 1971 (12 per day, annualized from Apache's 6-month experience through August 31) to only 2,200 in 1972 (6 per day, annualized from Cochise's experience through August 31). The termination of service at Douglas will thus result in a substantial cost saving. The subsidy paid by American to the substitute air taxi went from $12,140 ($9.43 per passenger) in 1964, to $91,321 ($15.61 per passenger) in 1970, to $59,038 in 1971 ($26.46 per passenger). In the period September 23, 1971–August 31, 1972, American paid a direct monthly subsidy totaling $87,286 in order to convenience 1,905 passengers—almost $50 per passenger. Moreover, the loss of certificated air service will work no substantial hardship on the community. Douglas is within 98 air miles of the Tucson International Airport, and driving conditions permit travel in about 2 hours, or only 1½ hours more than it takes to drive from the center of Douglas to the local Douglas-Bisbee airport, in the same direction. The Tucson airport is served by three trunk carriers (American, Continental, and TWA), two local service carriers (Frontier and Airwest), and a foreign air carrier (Aeromexico), which provide about 80 daily schedules serving 51 cities. There is alternate ground and air transportation between Douglas and Tucson, including air taxi service, bus, and rental car service. Such alternate services are available at reasonable prices.

The renewal of American's suspension until October 1, 1974, approval of the amended suspension/substitution agreement between American and Cochise, and the continued exemption to Cochise, will allow for a useful transitional period and are in the public interest. Moreover, the recently filed amendments to the agreement will permit Cochise more flexibility while meeting the community's needs for air service and their approval is also in the public interest. Such amendments are endorsed by the community. In this connection, we tentatively adopt the detailed findings and conclusions set out in order 72-9-115 since we find that such findings and conclusions continue to be valid.

Consequently, for the reasons set forth above, we tentatively find and conclude that:

1. The public convenience and necessity require the amendment of American Airlines' certificate for route 4 so as to delete the intermediate point Douglas, Ariz., effective October 1, 1974.[3]

2. American Airlines is a citizen of the United States within the meaning of the Act and is fit, willing, and able properly to perform the air transportation authorized by the certificate proposed to be issued herein and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

3. Agreement CAB 22707, as amended, should be approved subject to the following conditions:

(a) Any financial transactions between American Airlines, Inc. (American) and Cochise Airlines (Cohise) shall be appropriately appended to American's form 41 reports and so footnoted; and

(b) Cochise Airlines shall, with respect to the operations conducted pursuant to this agreement, keep on deposit with the Board a signed counterpart of agreement CAB 18900, an agreement relating to liability limitations of the Warsaw Convention and the Hague Protocol approved by Board order E-23680, dated May 13, 1966, and a signed counterpart of any amendment which may be approved by the Board and to which the holder becomes a party;

4. Cochise Airlines shall be temporarily exempted from the provisions of part 298 of the Board's economic regulations to the extent that it would otherwise prevent that carrier from transporting mail in conformance with the provisions of agreement CAB 22707, as amended;

5. The entire compensation for the transportation of mail to be received by Cochise Airlines will be the compensation payable by American as provided by the subject agreement. Cochise shall not be eligible for additional mail compensation under section 406 for services rendered between the points specified in the agreement;

6. To the extent necessary to relieve American of its obligation to provide service in excess of those provided for by agreement CAB 22707, as amended, American Airlines shall be authorized to temporarily suspend service at Douglas, Ariz., subject to the following conditions:

(a) That American shall not itself resume service to Douglas without Board approval during the period in which Cochise Airlines is providing at least two daily round trips between Douglas and Tucson, except on weekends and holidays when one round trip will be required, pursuant to agreement CAB 22707;

(b) That such suspension shall terminate if Cochise Airlines ceases to provide regularly the service specified in (a) above;

7. The authority granted in paragraphs 3, 4, 5, and 6 above shall be effective immediately, may be amended or revoked at any time in the discretion of the Board without hearing, and shall terminate on October 1, 1974, unless sooner terminated by the Board.

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

[2] On March 30, 1973, the administrative law judge to whom the deletion case was assigned for hearing received a letter dated March 27 from Mr. Woodrow N. Harris, a member of the Commission, as an individual, asking that an attached letter dated March 9, 1973, from the Commission to the Cochise County board of supervisors (opposing any agreement with American) be made a part of the record. It is our understanding, based on a wire to the judge from Richard J. Riley, county attorney for Cochise County, that the Commission is an agency of the county, and that the county, through its board of supervisors, does not oppose the application in its present posture. In the circumstances, the Harris letter, with attachment, will be filed in the correspondence section of the docket. The opposition of Mr. Harris, as an individual, is noted.

[3] The license fee set forth in § 389.25(a) (2) (ii) for deletion of a single separate point shall be applicable.

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, including the amendment of American's certificate of public convenience and necessity for route 4 so as to delete American's authority to serve Douglas, Ariz., effective October 1, 1974.

2. Any interested persons having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons listed in paragraph 5, below, a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon the cities of Douglas, Sierra Vista, Bisbee, and Tucson, Ariz., the State of Arizona, Cochise County, Ariz., the Bisbee-Douglas Airport Commission, Cochise Airlines, the Arizona Corporation Commission, the Arizona Department of Aeronautics, The Tucson Airport Authority, and Mr. Woodrow N. Harris (a member of the Bisbee-Douglas Airport Commission), as an individual, and American Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-10303 Filed 5-22-73;8:45 am]

[Dockets Nos. 25551, 24353; Order 73-5-89]

EASTERN AIR LINES, INC.

Order of Investgation and Suspension

Adopted by the Civil Aeronautics Board, at its office in Washington, D.C., on the 17th day of May 1973.

Weekend excursion fares proposed by Eastern Air Lines, Inc., Mainland U.S.-Puerto Rico/Virgin Island fares.

By tariff revisions [1] marked to become effective May 18, and May 28, 1973, Eastern Air Lines, Inc. (Eastern), proposes to establish weekend excursion fares in coach service from various points in the northeast, and midwest, to points in Florida, and return, and between various mainland points, and San Juan.

The Florida fares are generally set at a common level of $101.85; although there are a few exceptions as a result of a relatively large mileage differential. The discounts range from 20 to 42 percent, and the fares would be available through December 17, 1973, subject to appropriate blackouts over major holiday periods. Southbound travel must be performed on Friday, or Saturday, and northbound return travel, must take place on the following Sunday or Monday. Children's fare discounts have been set at 33⅓ percent to coincide with the discount applicable to normal domestic fares and other promotional fares. Eastern alleges that 58,207 passengers would use the Florida weekend fares in 1973. On the basis of a survey conducted by an independent research organization, which indicates that 60 percent of Eastern's 1972 weekend excursion fare traffic was newly generated, Eastern estimates that its proposal would increase 1973 revenues by approximately $2.8 million, and result in a net profit contribution of $2.2 million.

The San Juan fares are $110 to/from Baltimore, New York, Philadelphia, and Washington; $115 to/from New England points; and $135 to/from all other points. The discounts from the applicable day fares range from 29.5 to 47.3 percent. The fares would likewise apply through December 17, except for the months of July, and August which are blacked out, as are Memorial Day and Columbus Day weekends, and are subject to the same travel restrictions as the Florida fares. Eastern alleges that 14,500 passengers would travel on the fares in 1973. Again, based on a survey conducted by an independent research organization, which indicates that 67 percent of Eastern's 1972 San Juan weekend excursion fare passengers were newly generated, Eastern estimates that its proposal would increase 1973 revenues by approximately $819,000, and result in a net contribution to profit of $640,000.

Delta Air Lines, Inc. (Delta), National Airlines, Inc. (National), and United Air Lines, Inc. (United), have filed complaints against the proposed Florida fares. The complainants allege, inter alia, that the proposal will result in uneconomic yield erosion; that use of the profit impact test to justify additional cut-rate fares on peak days is highly questionable; that the 60-percent generation estimated by Eastern is too high; that availability of a deeply discounted fare on days of peak demand renders it inevitable that full-fare passengers will often be turned away due to lack of space; and that the proposal will perpetuate the need for extra sections.

Eastern has filed a consolidated answer alleging that nearly identical fares have been in effect for the past 2 years; that its generation/diversion ratio demonstrates that the fares will have a favorable profit impact and hence the Board's standards in phase 5 of the domestic passenger-fare investigation (DPFI) are fully satisfied; that the complaining carriers have failed to demonstrate that such fares have been uneconomic in the past or would be uneconomic this year; and that there is no substance to the claims that the proposed fares will add to the peaking of weekend travel.

No complaints have been filed against the proposed San Juan fares.

Upon consideration of the tariff filing, the justification, complaints, and answer thereto, and other relevant matters, the Board concludes that the proposed fares may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated.[2] We further conclude that the fares should be suspended pending investigation.

In our opinion, the fares to Florida appear to be inconsistent with the essential rationale behind the present pattern of promotional fares in this market. Southbound, 7–21-day excursion fares are presently available, with the weekend level significantly higher than that applicable midweek in recognition of the natural propensity of traffic to gravitate to weekend days.[3] For travel originating in the northbound direction from Florida, weekend excursion fares are available. These were allegedly introduced to make use of "off-direction" capacity, and have apparently been successful in this regard. Taken together, these two promotional fares seem to represent a logical effort to make more efficient and productive use of capacity presumably operated to meet the demands of normal-fare traffic.

We have similar difficulty with respect to the fares proposed to and from San Juan. Here again, this is a large tourist market in which weekend travel is relatively heavy without the added impetus of an excursion fare on those days. In this connection, we note that in the "Mainland U.S.-Puerto Rico/Virgin Islands Fares" case (Docket No. 24353) the Administrative Law Judge concluded that weekend excursion fares are unreasonable, since they encourage travel on days when load factors are already high and conflict with the concept of a weekend surcharge to stimulate midweek travel. Moreover, the proposal appears inconsistent with the substantial increases in mainland-San Juan normal fares recently sought by Eastern.[4] In the New York-San Juan market, the increases would have amounted to 13 percent, and 25 percent for day, and night

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[1] Revisions to Eastern's tariff CAB Nos. 326 and 404.

[2] The proposed mainland-San Juan weekend fares are already under investigation in the mainland U.S.-Puerto Rico/Virgin Islands fares case, docket 24353.

[3] In establishing its 7–21-day excursion fares effective April 20, 1973, Monday and Friday were included in the weekend period for the specific reason that "a comparatively large volume of Eastern's traffic in these major markets traveled on Monday and Friday during the period from May through November 1972."

[4] The proposal was suspended by order 73-4-127. However, Eastern has petitioned for reconsideration.

coach fares, respectively. Here, however, Eastern would hold the weekend excursion fare to a level only 10 percent above that applicable a year ago.

It would seem axiomatic that a discount fare available in the peak direction (in the case of Florida), and on peak days (in the case of both markets), can serve only to aggravate traffic imbalance, and in our opinion Eastern has not made a convincing showing that no additional capacity will be needed. To the extent that it is, we believe profit impact becomes no longer appropriate as a test of reasonableness. On the other hand, if Eastern is correct in its statement that higher fare traffic will not be displaced, the presumption arises that the volume of service it is operating may exceed that necessary to serve the markets adequately.

In phase 5 of the DPFI, the Board recognized the need and desirability of promotional fare programs to meet short-term situations of unused capacity, and it may well be that the comparable fares available in past years satisfied the profit-impact test in that context. However, this does not per se support the reasonableness of permitting such weekend fares to become imbedded in the longer term pattern of fares to Florida and San Juan. Viewed in this perspective, we believe it realistic to anticipate that fares of this sort will create pressure toward an escalation of capacity which is unnecessary and which will ultimately prove uneconomic in light of the very low yields involved.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof, *It is ordered*, That:

1. An investigation be instituted to determine whether the fares and provisions described in appendix A,[1] and rules, regulations, and practices affecting such fares, and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine, and prescribe the lawful fares, and provisions, and rules, regulations, or practices, affecting such fares, and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in appendixes A and B[2] are suspended, and their use deferred to, and including August 15, 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 Nos. 25464, 25467, and 25471 are hereby dismissed;

4. The proceeding ordered herein be assigned for hearing 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 in the aforesaid tariffs, and served on Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[4]

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-10302 Filed 5-22-73;8:45 am]

[1] Appendixes A and B filed as part of the original document.

[4] Minetti, member, dissenting in part, issued a statement which is filed as part of the original document.

[2] Overseas National Airways, Inc., Saturn Airways, Inc., Trans International Airlines, Inc., and World Airways, Inc.

[Docket No. 25063]

LAKER AIRWAYS LTD.

Enforcement Proceeding; Postponement of Hearing

Notice is hereby given that the hearing in the above-entitled proceeding previously scheduled for May 22, 1973 (38 FR 12151), is hereby postponed until June 5, 1973, at 10 a.m. (local time), in room 1750, 26 Federal Plaza Building, New York, N.Y., before the undersigned administrative law judge.

Dated at Washington, D.C., May 17, 1973.

[SEAL] RICHARD M. HARTSOCK,
Administrative Law Judge.

[FR Doc.73-10301 Filed 5-22-73;8:45 am]

[Docket No. 24621; Order 73-5-87]

NATIONAL AIR CARRIER ASSOCIATION, INC.

Order of Deferral

Issued under delegated authority May 16, 1973.

The members of the National Air Carrier Association, Inc. (NACA),[1] an association of certificated supplemental air carriers, have filed pursuant to section 412 of the Federal Aviation Act of 1958, as amended (the Act), a resolution of the NACA board of directors adopting an agreement for designation of agents. The agreement, identified as Agreement CAB 23209, is subject to prior Board approval.

Briefly summarized, the agreement provides that no member of NACA will pay any commission or other compensation in connection with the sale of air transportation originating in the United States to any agent (other than an officer or bona fide employee of the carrier) who has not been designated as a NACA agent; provides for the appointment of a director of agency affairs who shall perform the functions assigned to him under the agreement; and establishes agency designation procedures relative to agents currently providing services for individual NACA members, as well as new agency applicants, which include a fee schedule, application requirements, and procedures for investigation and designation and for appeal. The agreement also contains provisions relating to ethical standards of NACA agents, protective arrangements for the traveling public, removal, suspension, and fines of agents, and renewal fees. It also provides for penalties against NACA members dealing with unauthorized agents. The entire text of the agreement is reproduced in the attachment.

No comments in support of or in opposition to the agreement have been received.

We are advised informally that 90 to 95 percent of the sales of supplemental air transportation provided by NACA members are now handled through travel agents. Thus, it appears that a uniform program for the appointment and retention of agents serving the supplemental air carrier industry may encourage and promote the sale of supplemental air transportation in an orderly and efficient manner which will best serve the public interest. However, since the agreement involves a program not heretofore tested in the supplemental air carrier industry, we have decided to defer action on the matter temporarily and to allow an opportunity for interested person to file written comments in support of or in opposition to approval of the agreement.

In regard to written comments, it is desirable that interested persons focus in detail on the following matters as well as any other matters they may deem relevant:

1. Whether applicants should be required to submit a current financial statement, with verification of bank balances;

2. Whether approved agents should be required to maintain a bond and, if so, in what amount, and for whose protection;

3. Whether standards should be established concerning business premises of an agency applicant, and, if so, what the standards should be;

4. Whether an agency applicant should be required to meet precise objective standards as to experience and competency in the sale of air transportation, and related travel services, and, if so, what the standards should be;

5. Whether the agreement should establish rules regarding the payment of commissions, including prohibitions against division and/or rebating thereof, and, if so, what the rules should be;

6. What restrictions, if any, should be incorporated in the agreement regarding the eligibility for travel agency commissions vis-a-vis the Board's regulations;

7. What requirements, if any, should be incorporated in the agreement concerning defaults, remittances and financial irregularities by agents;

8. Whether all or any part of the agency application fee should be refundable to rejected applicants;

9. The extent to which an agency applicant's membership in an established

travel agents' trade association would bear upon his approval as a NACA agent;

10. The extent to which an agency applicant's holding of current travel agency approval from the Air Traffic Conference of America or the International Air Transport Association would bear upon his approval as a NACA agent;

11. Whether appeals or complaints under the agreement should be heard by an arbitral tribunal subject, in general, to the rules of the American Arbitration Association or before an "impartial Commissioner," in the manner now set forth in the agreement; and

12. Whether final action on the agreement, if affirmative, should be made contingent upon the filing and final Board approval of a standard form of sales agency agreement.

Acting pursuant to authority duly delegated by the Board in the Boards regulations, 14 CFR 385.3, it is concluded that it is in the public interest to defer action on the agreement in order to permit interested persons to file comments as provided for herein.

Accordingly, it is ordered, That:

1. Action on Agreement CAB 23209 be and it hereby is deferred;

2. Interested persons be and they hereby are afforded a period of 30 days from the date of this order to file comments in support of or in opposition to approval of the agreement;

3. Rebuttal comments may be filed by those persons filing initial comments within 45 days of the date of this order;

4. This order shall be served upon the National Air Carrier Association and each of its air carrier members, the American Society of Travel Agents, the Association of Retail Travel Agents, and the Department of Justice; and

5. Comments filed pursuant to paragraphs 2 and 3 shall be served on all persons named in paragraph 4.[1]

This order shall be published in the FEDERAL REGISTER.

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 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.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

JUNE 1972

NACA AGREEMENT FOR DESIGNATION OF AGENTS

I. *Effectiveness.*—This agreement shall not become effective until it has been approved by the Civil Aeronautics Board under section 412 of the Federal Aviation Act. Commencing 45 days after the agreement becomes effective, no member carrier of the National Air Carrier Association (NACA) will pay any commission or other compensation in connection with the sale of air transportation originating in the United States to any agent (other than an officer or bona fide employee of the carrier) who has not been designated as a NACA agent in accordance with the procedures of this agreement.

II. *NACA Director of agency affairs.*—The NACA Board of Directors shall appoint a Director of agency affairs (hereinafter referred to as the Director) who shall perform the functions assigned to him by this agreement. The Director shall be responsible to and paid by NACA, and may be assisted by other NACA employees.

III. *Designation procedure.*—A. Within 15 days after this agreement has been approved by the CAB, each member carrier will compile and send to the Director a list of the names and addresses of all persons whom it currently regards as its agents and for whom it wishes to obtain a NACA designation. Within 10 days after receipt of such lists from all carriers, the Director shall compile a combined list, in alphabetical order, of all the names and addresses which appear on the individual lists received from the carriers, and shall mail a copy of such combined list to each member carrier. This combined list shall constitute the initial list of NACA Agents, and all member carriers shall be permitted to deal with any agent on such list unless his name is removed therefrom in accordance with the procedures set forth below.

B. As soon as practicable after the compilation of the initial list, the Director shall notify each agent whose name appears thereon that if he wishes to remain a NACA agent he must submit to the Director all of the information and the application fee required of new applicants. Any agent failing to submit such information within 60 days after such notification shall be stricken from the list, and all carriers will be advised that such agent is no longer a NACA agent.

C. Any applicant who desires to be designated a NACA agent (including all agents on the initial list) shall submit a written application, on a form to be provided by the Director, together with an application fee as follows:

For all applicants who are already travel agents by appointment of any airline conference approved by the Civil Aeronautics Board	$15
For all other applicants	50

The application shall contain or be accompanied by the following information:

1. Name and address of applicant and, if different, name and address under which applicant engages in the travel business.

2. Form of applicant's business (proprietorship, partnership, corporation).

3. The names of any travel agents' trade associations (e.g., American Society of Travel Agents, Association of Retail Travel Agents) of which the applicant is currently a member in good standing.

4. Whether applicant holds a current appointment as a travel agent under any airline conference approved by the Civil Aeronautics Board, and the name(s) of such conference(s).

5. Name of each person having a financial or ownership interest in applicant's business.

6. If any person holding a financial or ownership interest in applicant's business, or employed therein, has or had a connection or affiliation with, or a financial interest in, or was employed by, any agent previously denied a designation as a NACA agent, a full statement covering such prior and present connections.

7. Letters from at least three former employers, business associates, customers, or business or professional men in the community in which the applicant lives, attesting to the applicant's reputation for ethical business practices, especially in the travel or transportation field.

8. An undertaking to be bound by any decision of any impartial Commissioner designated to hear and decide appeals and complaints under this agreement.

9. A waiver of any and all rights of action based on libel, slander or defamation of character by reason of any action reasonably taken by NACA or its member carriers in the performance of appropriate functions under this agreement.

D. Promptly upon receipt of a fully-executed application, the Director shall send copies thereof to all NACA member carriers and shall conduct such investigation as the NACA Board of Directors may from time to time prescribe to verify the statements in the application and to determine whether there is any reason why the applicant should not be designated as a NACA agent. Upon completion of such investigation, but in no event more than 90 days after receipt of the application, the Director shall report the results of the investigation and all other available information concerning the applicant to the NACA Board of Directors. Unless the Board of Directors finds some reason, based on the application and the information submitted, to question the applicant's honesty, integrity, or ability to perform the functions of a NACA agent, it shall direct that his application be approved and that his name shall be placed (or retained) on the list of NACA agents. If the Board finds some reason to question the applicant's honesty, integrity, or ability to perform the functions of a NACA agent, it may either (a) deny the application, or (b) direct that a further investigation be conducted and specify a date on which the results of such investigation are to be submitted to the Board of Directors for a final decision. The applicant shall be immediately advised in writing of the Board's decision, and if the decision is other than approval of the application, the applicant shall be informed in writing of the reasons for the Board's action.

E. Any applicant who is refused a designation by the NACA Board of Directors may appeal to an impartial Commissioner who shall be appointed by the NACA Board of Directors to hear and determine such appeals. Such impartial Commissioner shall have no economic interest or economic relationship with NACA or any of its member carriers (except that he may be the same impartial Commissioner who is appointed under the NACA agreement entitled "Uniform Standards and Practices for Charter Flight Eligibility," which was approved by the Civil Aeronautics Board in Order 70-12-145). A rejected applicant who desires to appeal shall so notify the Director in writing within 30 days after receipt of notice that his application has been denied. Such an appeal shall be accompanied by a check for $100, payable to NACA, which shall constitute an advance deposit toward the applicant's share of the costs of the appeal. The Director shall immediately send a copy of the appeal to the Commissioner, who shall set a date for a hearing and notify the applicant and the Director to attend. At such hearing, the Director shall explain in full the reasons for the rejection of the applicant, and shall disclose to the applicant and the Commissioner the information upon which such rejection was based. The applicant shall have the right to present evidence and arguments on his own behalf. The Commissioner shall be authorized to develop his own procedural rules, and shall not be bound by the legal rules of evidence. After considering the evidence and arguments submitted by the par-

[1] An original and two copies of all comments filed pursuant to ordering paragraphs 2 and 3 herein shall be filed with the Board's Docket Section.

ties, the Commissioner shall decide whether the applicant has the necessary honesty, integrity, and ability to be a NACA agent. The decision of the Commissioner shall be in writing and shall be final and binding upon all parties. All costs and fees in connection with any appeal, including the Commissioner's fee, and expenses, shall be shared equally by the applicant and NACA.

IV. *Ethical standards for NACA agents.*—All NACA agents shall maintain the highest standards of honesty, integrity and business ethics, and shall comply with all applicable requirements of the Federal Aviation Act and the rules and regulations issued thereunder. They shall conduct themselves at all times in a manner which will protect the good name and reputation of the National Air Carrier Association and its member carriers, and shall not engage in any unfair or deceptive practices or unfair methods of competition.

V. *Protective arrangements for the traveling public.*—The NACA Board of Directors may at any time, in its discretion, require all NACA agents to participate in specific bonding, escrow, or insurance arrangements—or some combination thereof—for the protection of persons dealing with or purchasing transportation through NACA agents. Any such arrangement shall not become effective, or binding upon NACA agents, until it has been approved by the Civil Aeronautics Board pursuant to section 412 of the Federal Aviation Act.

VI. *Removal, suspension and fines of NACA agents.*—A. Upon receipt of a complaint filed by any member carrier or NACA agent, or upon its own initiative, the Board of Directors may investigate any NACA agent who is alleged to have failed to maintain the ethical standards prescribed in section IV above or failed to comply with any protective arrangement duly adopted under section V above. Upon the conclusion of such an investigation, the Board of Directors shall determine whether any violation has in fact occurred. Upon finding such violation, it may (1) remove the agent from the list of NACA agents, (2) suspend the agent from the list of NACA agents for a specified period of time, or (3) impose a fine on such agent in an amount not to exceed $1,000 for each violation. In the event a fine is imposed, the agent shall automatically be suspended from the list of NACA agents until such fine is paid in full. A decision to remove, suspend or fine an agent shall be effective immediately unless the Board of Directors elects to stay the effectiveness of its decision pending an appeal by the agent.

B. Any agent who has been removed, suspended or fined shall have a right to appeal to the Commissioner designated under section III–E above, by submitting a written notice of appeal to the Director within 30 days after receiving notice of such suspension or removal. Such appeal must be accompanied by a check for $100, payable to NACA, which shall constitute an advance deposit toward the agent's share of the costs of the appeal. The Director shall immediately send a copy of the appeal to the Commissioner, who shall set a date for a hearing and notify the agent and the Director to attend. At such hearing, the Director shall explain and justify its action, and the agent shall be permitted to present evidence and arguments on his own behalf. The Commissioner shall be authorized to develop his own procedural rules, and shall not be bound by the legal rules of evidence. After considering the evidence and arguments submitted by the parties, the Commissioner shall issue a written decision affirming, reversing or modifying the action of the NACA Board of Directors. The decision of the Commissioner shall be final and binding upon all parties. All costs and fees in connection with any appeal, including the Commissioner's fees and expenses, shall be shared equally by the agent and NACA.

VII. *Annual renewal fee.*—Commencing one year after the effective date of this agreement, and annually thereafter, the NACA Board of Directors shall fix a renewal fee to be paid by each NACA agent to defray the costs of administering this agreement. Each agent on the list will be billed for this fee, and any agent who fails to pay the fee in full within 30 days after such bill has been mailed to the agent's last known address shall be automatically suspended until the fee is paid. A suspension under this section shall not be subject to appeal.

VIII. *Penalties against carriers dealing with unauthorized agents.*—A. The Director will advise all NACA member carriers of all additions to or deletions or suspensions from the list of NACA agents. A complete and current list will be sent to all NACA carriers at least annually.

B. Any member carrier who shall knowingly pay a commission or other compensation, directly or indirectly, to an agent who does not have a valid NACA designation may be fined up to $10,000. Complaints of violation of this section may be filed by any member carrier or by the Director. Such complaints shall be filed in writing with the Director, who shall refer them to the Commissioner appointed under section III–E herein. Upon receipt of such complaint, the Commissioner shall schedule a hearing and shall notify the complainant and the carrier complained against to be present. At such hearing, both parties shall be permitted to present evidence and arguments. The Commissioner shall be authorized to develop his own rules of procedure, and shall not be bound by the legal rules of evidence. After considering the evidence and arguments submitted by the parties, the Commissioner shall issue a written decision in which he shall state his findings and the penalty to be imposed, if any. The decision of the Commissioner shall be final and binding upon the parties.

IX. *NACA emblem.*—A. The NACA Board of Directors shall establish a distinctive emblem which shall be displayed by every designated NACA agent.

B. Any agent who is removed or suspended from the list of NACA agents shall immediately cease displaying the NACA emblem and in any other manner holding himself out as a NACA agent. This paragraph shall be enforceable by NACA in any court of competent jurisdiction, and any agent who is found to have violated this paragraph shall be liable to NACA for liquidated damages of $1,000 per day for each day that such violation occurred.

JUNE 1972.

[FR Doc. 73-10304 Filed 5-22-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ADVISORY COMMITTEE ON ALTERNATIVE AUTOMOTIVE POWER SYSTEMS

Notice of Meeting

Notice is hereby given that the Council on Environmental Quality's advisory committee on alternative automotive power systems will hold its next meeting in Washington, D.C., on May 31, 1973. The session, which is open to the public, will commence at 9 a.m. in the CEQ conference room at 722 Jackson Place NW.

The agenda for this meeting of the advisory committee will include a review of the status of the Environmental Protection Agency's alternative automotive power systems program, the Federal clean car incentive program, and fuel economy prospects of alternative automobile engine systems.

A list of advisory committee members is available from, and requests for additional information should be made to: Dr. Philip E. Schambra, Council on Environmental Quality, 722 Jackson Place NW., Washington, D.C. 20006, 202–382-6754.

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-10261 Filed 5-22-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

4-CHLORO - 5 - (METHYLAMINO)-2-(α,α,α-TRIFLUORO-m-TOLYL)-3(2H)-PYRIDAZINONE

Notice of Establishment of Temporary Tolerance

Sandoz-Wander, Inc., P.O. Box 1489, Homestead, Fla. 33030, submitted a petition (PP 3G1338) requesting establishment of a temporary tolerance for negligible residues of the herbicide 4-chloro-5 - (methylamino) - 2 - (α,α,α - trifluoro-*m*-tolyl) -3(2*H*) -pyridazinone in or on the raw agricultural commodity cranberries at 0.1 part per million. Subsequently, the petitioner amended the petition by proposing a tolerance for combined negligible residues of the herbicide and its desmethyl metabolite in or on cranberries at 0.1 part per million.

It has been determined that a temporary tolerance for combined negligible residues of the herbicide and its desmethyl metabolite in or on cranberries at 0.1 part per million is safe and will protect the public health. It is therefore established as requested on condition that the herbicide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Sandoz-Wander, Inc. name.

This temporary tolerance expires May 8, 1974.

This action is being taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038).

Dated May 8, 1973.

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

[FR Doc.73-10305 Filed 5-22-73;8:45 am]

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC WESTBOUND FREIGHT ASSOCIATION

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to

section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 12, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, counsel, suite 631, 17 Battery Place, New York, N.Y. 10004.

Agreement No. 5850-22 modifies the basic agreement to change the quorum requirement for meetings from 80 percent to two-thirds.

By order of the Federal Maritime Commission.

Dated May 17, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-10212 Filed 5-22-73;8:45 am]

STIEGLER SHIPPING CO., INC., ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

Stiegler Shipping Co., Inc., 1 Stuart Circle, Mobile, Ala. 36601.

OFFICERS

Rene A. Stiegler, Jr., president, Gary P. Stiegler, vice president, Kinta C. Stiegler, secretary-treasurer.

American Container Transport, Inc., 8100 Stansbury Road, Baltimore, Md. 21222.

OFFICERS

Melvin J. Suchnick, president, Virginia L. Suchnick, vice president.
Bradley Mettee, Jr., secretary, Elizabeth Pannell, treasurer.
Clyde L. McGuire, doing business as Global Forwarding Co., 1119 Petroleum Building, Houston, Tex. 77002.
Robert Field Barnes, 111 South Bridge Avenue, Hidalgo, Tex. 78557.
Frank P. Tamayo, 2200 Pecos Street, Beaumont, Tex. 77701.

By the Commission.

Dated May 16, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-10214 Filed 5-22-73;8:45 am]

WEST CRUISE LINES, INC.

Order of Revocation

Certificate of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-85 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,080.

Whereas, West Cruise Lines, Inc. (c/o Westours, Inc., 900 IBM Building, Seattle, Wash. 98101) has ceased to operate the passenger vessel *Pacific Star*.

It is ordered, That certificate (Performance) No. P-85 and certificate (Casualty) No. C-1,080 covering the *Pacific Star* be and are hereby revoked effective May 16, 1973.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served on the certificant.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-10213 Filed 5-22-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

THE FLORENCE MINING CO.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for renewal permit for noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m³) has been received as follows:

ICP docket No. 20505, the Florence Mining Co., Florence Mine No. 1—Robinson portal, USBM ID No. 36 00925 0, Robinson, Pa.:
- Section ID No. 007 (new mains, right side).
- Section ID No. 015 (seven west).
- Section ID No. 021 (new mains, left side).
- Section ID No. 024 (seven west).
- Section ID No. 025 (eight east, left side).
- Section ID No. 026 (two north).
- Section ID No. 027 (eight east, right side).
- Section ID No. 028 (Seward mains).
- Section ID No. 029 (three north off eight west).

In accordance with the provisions of section 202(b)(4) (30 U.S.C. 842(b)(4)), of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed on or before June 7, 1973. Requests for public hearing must be filed in accordance with 30 CFR part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the correspondence control officer, Interim Compliance Panel, room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MAY 17, 1973.

[FR Doc.73-10215 Filed 5-22-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AADAN CORP.

Order Suspending Trading

MAY 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Aadan Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 18, 1973, through May 27, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-10227 Filed 5-22-73;8:45 am]

[File No. 500-1]

APPLIED DEVICES CORP.

Order Suspending Trading

MAY 15, 1973.

The common stock, $0.50 par value, of Applied Devices Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934, and all other securities of Applied Devices Corp. 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 2:30 p.m., e.d.t., on May

15, 1973, and continuing through May 24, 1973.

By the Commission.

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

[FR Doc.73-10224 Filed 5-22-73;8:45 am]

[File No. 500-1]

ARLAN'S DEPARTMENT STORES INC.

Order Suspending Trading

MAY 11, 1973.

The common stock, $1 par value, of Arlan's Department Stores Inc., being traded on the New York Stock Exchange and the PBW Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934, and all other securities of Arlan's Department Stores Inc., 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 15(c)(5) and 19(a)(4) 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 4:45 p.m., e.d.t. on May 11, 1973, and through May 20, 1973.

By the Commission.

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

[FR Doc.73-10196 Filed 5-22-73;8:45 am]

BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE

Notice of Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, the Securities and Exchange Commission announces the following public advisory committee meetings.

The Commission's Advisory Committee on a model compliance program for broker-dealers, established on October 25, 1972 (Securities Exchange Act Release No. 9835), will hold meetings on May 30-31, 1973, at the office of Goldman, Sachs & Co., 55 Broad Street, New York, N.Y., and on June 12-13, at the office of the National Association of Securities Dealers, Inc., 1735 K Street NW., Washington, D.C. The meetings will commence at 9 a.m., local time.

This Advisory Committee was formed to assist the Commission in developing a model compliance program to serve as an industry guide for the broker-dealer community. Assisted by this committee's work the Commission plans to publish a guide to broker-dealer compliance under the securitities acts in order to advise broker-dealers of the standards to which they should adhere if investor confidence in the fairness of the marketplace is to be warranted and sustained. The committee's recommendations are not intended to result in the expansion of Commission rules governing broker-dealers, but to inform broker-dealers as to the existing requirements and how they may comply with them.

The committee's scheduled meetings will be for the purpose of reviewing drafts and proposals concerning the committee's proposed report to the Commission on these compliance guidelines for broker-dealers.

These meetings are open to the public. Any interested person may attend and appear before or file statements with the Advisory Committee—which statements, if in written form, may be filed before or after the meeting or, if oral, at the time and in the manner and extent permitted by the Advisory Committee.

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

[FR Doc.73-10205 Filed 5-22-73;8:45 am]

[File No. 500-1]

BROWN'S LIMOUSINE SERVICE, INC.

Order Suspending Trading

MAY 15, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Brown's Limousine Service, 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 2:30 p.m., e.d.t., on May 15, 1973, and continuing through May 24, 1973.

By the Commission.

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

[FR Doc.73-10226 Filed 5-22-73;8:45 am]

[File No. 500-1]

FIRST LEISURE CORP.

Order Suspending Trading

MAY 16, 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 First Leisure 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 16, 1973, through May 25, 1973.

By the Commission.

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

[FR Doc.73-10195 Filed 5-22-73;8:45 am]

[File No. 500-1]

GIANT STORES CORP.

Order Suspending Trading

MAY 16, 1973.

The common stock, $0.10 par value, of Giant Stores Corp. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Giant Stores Corp. being traded otherwise than on a national securities; 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 17, 1973, through May 26, 1973.

By the Commission.

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

[FR Doc.73-10194 Filed 5-22-73;8:45 am]

[812-3460]

GOLDMAN, SACHS & CO.

Filing of Application for Exemption

Notice is hereby given that Goldman, Sachs & Co. (Applicant), 55 Broad Street, New York, N.Y. 10004, a registered broker-dealer and one of the prospective representatives of a group of underwriters to be formed in connection with a proposed public offering of shares of the common stock ($1 par value) of Circle Income Shares, Inc. (the Company), a new, registered closed end, diversified 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 in respect of their transactions incident to the distribution of the Company's shares. All interested persons are referred to the application on file with the Commission for a statement of the contents thereof, which are summarized below.

Shares of the Company (the Registered Shares) are to be purchased by the underwriters pursuant to an underwriting agreement to be entered into between Company, its investment adviser, and

the underwriters represented by Applicant. It is intended that the several underwriters will make a public offering of the Registered Shares which such underwriters are to purchase under the underwriting agreement as soon as practicable after the effective date of Company's registration statement on form S–4.

In addition to purchases from the Company and sales to dealers and retail customers, there may be the usual transactions of purchases or sales 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.

It is possible that the ownership of shares of the Company's common stock by one or more of the underwriters will exceed 10 percent of the aggregate number of outstanding shares after the purchase(s) by the underwriters pursuant to the underwriting agreement, immediately prior to completion of the distribution and/or at some interim time.

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 Company to the same duties and liabilities as those imposed by section 16 of the Securities Exchange Act of 1934 (Exchange Act).

Section 16(a) of the Exchange Act requires insiders to file reports of their holdings and changes in their holdings and section 16(b) makes such insiders liable for short-term trading profits.

Rule 16b–2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) of the Exchange Act. Applicant states that the purposes of the purchases by Applicant and the other underwriters of the Registered Shares from the Company is for resale in connection with the distribution of such shares. The purchases and sales will thus be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of rule 16b–2.

It is possible, however, that Applicant and one or more of the counderwriters will not be exempted from section 16(b) by the operation of rule 16b–2, as they may fail to meet the requirement stated in paragraph (a)(3) of rule 16b–2 that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act be at least equal to the aggregate participation of persons receiving the exemption under rule 16b–2. It is possible that one or more of the underwriters subject to section 16(b) may become obligated, pursuant to the underwriting agreement, to purchase more than 50 percent of the Registered Shares. Moreover, rule 16b–2 will not exempt the underwriters subject to section 30(f) of the Act from the provisions of section 16(a) of the Exchange Act.

Applicant states that there is no "inside information" in existence since the Company, prior to the purchase of the Registered Shares, will have no assets (other than the approximately $1,000 required for State law initial capitalization purposes) or business of any sort, and detailed information with respect to the Company will be set forth in the prospectus incorporated in its registration statement on form S–4.

Applicant submits that the requested exemption from the provisions of section 30(f) of the Act 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. It is further submitted that the transactions sought to be exempted are not susceptible for use in connection with the practices section 16 of the Exchange Act and section 30(f) of the Act were enacted to prevent.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act and rules 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 hereby given that any interested person may, not later than June 1, 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 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 Applicant 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 O–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.73–10229 Filed 5–22–73;8:45 am]

[File No. 500–1]

HENRY'S DRIVE-IN, INC.

Order Suspending Trading

MAY 15, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, no par value, and all other securities of Henry's Drive-In, 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 2:30 p.m., e.d.t., on May 15, 1973, and continuing through May 24, 1973.

By the Commission.

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

[FR Doc.73–10223 Filed 5–22–73;8:45 am]

[70–5346]

PENNSYLVANIA POWER CO. & OHIO EDISON CO.

Proposed Issue and Sale of Common Stock of Holding Company At Competitive Bidding and of Subsidiary Company to Holding Company

MAY 16, 1973.

Notice is hereby given that Ohio Edison Co. (Ohio Edison), 47 North Main Street, Akron, Ohio 44308, a registered holding company, and its electric utility subsidiary company, Pennsylvania Power Co. (Pennsylvania), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 6(b), 7, 9(a), 10, and 12(f) of the Act and rules 43 and 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison proposes to issue 3 million shares of its authorized but unissued common stock, par value $9 per share, and to sell said stock at competitive bidding, for the best price obtainable, to underwriters who shall agree promptly to make a public offering thereof. Ohio Edison presently has 25,695,121 shares of its common stock outstanding. It is stated that the proceeds of the proposed issuance and sale of common stock are to provide, in part, funds required during 1973 for the acquisition of property, the construction, completion, extension, renewal, or improvement of Ohio Edison's facilities, or for the improvement of its service, or for the repayment of unsecured short-term debt incurred by Ohio Edison (estimated to amount to $30 million at the time of such issue) for, or for the reimbursement of its treasury for expenditures

made for, such purposes. Ohio Edison estimates that its plant additions for 1973 will aggregate $225,188,000. In addition, a portion of the proceeds to be realized by Ohio Edison will be used to purchase shares of common stock of its subsidiary company, Pennsylvania, in the transactions described below.

Pennsylvania proposes to issue and sell to Ohio Edison, its sole common stockholder, 340,000 additional shares of its authorized but unissued common stock, par value $30 per share, and Ohio Edison proposes to acquire these shares for cash at par, or for a total consideration of $10,200,000. It is proposed that 200,000 shares be issued and sold on or about July 2, 1973, and the remaining 140,000 shares on or about September 15, 1973.

The proceeds from the sale of the common stock will be used by Pennsylvania to construct and acquire new facilities, for the betterment of existing facilities, to pay bank loans (estimated at $5,500,000 on July 2, 1973, and $4,200,000 on September 15, 1973), and to reimburse its treasury in part for moneys expended for such purposes. Pennsylvania estimates that its plant additions for 1973 will aggregate $37 million.

It is stated that the Public Utilities Commission of Ohio and the Pennsylvania Public Utility Commission have jurisdiction over the respective issue and sale of common stock and that such commissions' orders will be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the issue and sale of the common stock by Pennsylvania are estimated at $1,500, including counsel fee of $1,000. The fees and expenses to be incurred by Ohio Edison are to be filed by amendment.

Notice is further given that any interested persons may, not later than June 8, 1973, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.73-10193 Filed 5-22-73;8:45 am]

[File No. 500-1]

PICKWICK ORGANIZATION, INC.

Order Suspending Trading

MAY 15, 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 Pickwick Organization, 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 2:30 p.m., e.d.t., on May 15, 1973 and continuing through May 24, 1973.

By the Commission.

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

[FR Doc.73-10225 Filed 5-22-73;8:45 am]

PMT TAX-EXEMPT BOND FUND, FIRST NEW YORK SERIES (AND SUBSEQUENT SERIES) ET AL.

[812-3444]

Filing Application for Order of Exemption

Notice is hereby given that PMT Tax-Exempt Bond Fund, First New York Series (First Fund), and its sponsors, Prescott, Merrill, Turben & Co., 900 National City Bank Building, Cleveland, Ohio 44114, and Cohen, Simonson & Rea, Inc. (the Sponsors), 111 Broadway, New York, N.Y. 10006 (hereinafter collectively referred to as Applicants), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the Act) for order of exemption from the provisions of section 14(a) of the Act and rule 19b-1 and rule 22c-1 under the Act. 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.

First Fund is registered under the Act as a unit investment trust, and has filed a registration statement on form S-6 under the Securities Act of 1933. The objective of First Fund and each subsequent series (hereinafter collectively referred to as the Funds) is and will be to provide a diversified investment in high quality tax-exempt bonds. Each of the Funds will be governed by a trust agreement (the Agreement) under which the Sponsors will act as such, U.S. Trust Co. of New York will act as trustee (the Trustee), and Standard and Poors Corp. will act as evaluator (Evaluator). Each Agreement will contain standard terms and conditions of trust common to all the Funds. Pursuant to each Agreement the Sponsors will deposit with the Trustee not less than $3 million principal amount of bonds, and simultaneously the Trustee will deliver to the Sponsors registered certificates for not less than 3,000 units, which will represent the entire ownership of each Fund. The units will then be offered for sale to the public by the Sponsor. All of the bonds deposited with the Trustee will be interest bearing obligations of the State of New York, and political subdivisions and authorities thereof and of certain U.S. territories and possessions, the interest on which is exempt from Federal, New York State, and New York City income taxation.

Each fund will consist of the bonds, such bonds as may continue to be held from time to time in exchange or substitution for any of the bonds upon certain refunds, accrued and undistributed interest, and undistributed cash. Certain of the bonds may from time to time be sold under the special circumstances set forth in the Agreement, or may be redeemed or may mature in accordance with their terms. The proceeds from such dispositions will be distributed to unit holders and not reinvested. There will be no sale and reinvestment of the bonds.

Each unit for a particular Fund will represent a fractional undivided interest in that Fund. Units will be redeemable. In the event that any unit shall be redeemed, the portion of the fractional undivided interest represented by each unit outstanding will be increased. Units will remain outstanding until redeemed or until the termination of the Agreement. Each Agreement may be terminated by 66⅔ percent agreement of the unit holders or, in the event that the value of the bonds shall fall below 20 percent of the amount originally deposited in the Fund, upon direction of the Sponsor.

Section 14(a). Section 14(a) of the Act requires that a registered investment company (a) have a net worth of at least $100,000 prior to making a public offering of its securities, (b) have previously made a public offering and at that time have had a net worth of $100,000 or (c) have made arrangements for at least $100,000 to be paid in by 25 or fewer persons before acceptance of public subscriptions.

Applicants seek an exemption from the provision of section 14(a) in order that they may make public offerings of units of the Funds as described above. In connection with the requested exemption from section 14(a), the Sponsors have agreed as follows: (i) To refund on demand and without deduction the sales

load to purchasers of units, if within 90 days after the registration of a Fund under the Securities Act of 1933 becomes effective, the net worth of that Fund shall be reduced to less than $100,000 or if the Fund is terminated; (ii) to instruct the Trustee on the date the bonds are deposited in each Fund that if the Fund shall at any time have a net worth of less than 20 percent of the principal amount of bonds originally deposited in the Fund, as a result of redemption by the Sponsor of units constituting a part of the unsold units, the Trustee shall terminate the Fund in the manner provided in the trust agreement and distribute any bonds or other assets deposited with the Trustee pursuant to the trust agreement as provided therein; and (iii) in event of termination for the reasons described in (ii) above to refund any sales load to any purchaser of units purchased from the Sponsor on demand and without any deduction.

Rule 19b–1.—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 one taxable year. Paragraph (b) of the rule contains a similar prohibition for a company not a "regulated investment company" but permits a unit investment trust to distribute capital gain distributions received from a "regulated investment company" within a reasonable time after receipt.

Distributions of principal and interest to unit holders of a Fund are to be made on a quarterly basis. 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 a Fund will be distributed to a unit holder on the next distribution date; and (2) if units are redeemed by the Trustee 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.

Paragraph (b) of rule 19b–1 provides that a unit investment trust may distribute capital gains received from a "regulated investment company" within a reasonable time after receipt. Applicants state that the purpose of this provision is to avoid forcing unit investment trusts to accumulate valid distributions received throughout the year and distribute them only at yearend. Applicants contend that their situation is within the intended objectives of this provision. However, because this provision is not applicable to a Fund, since a Fund would not invest in regulated investment companies, it would be forced, under the rule, to hold to the end of its taxable year any moneys which would constitute capital gains upon distribution. Applicants contend that such a practice would clearly be to the detriment of the unit holders.

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 event which may 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.

Rule 22c–1.—Rule 22c–1 provides, in pertinent part, that redeemable securities of registered investment companies may be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once daily as of the time of the close of trading on such exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

The Sponsors intend to maintain a market for units of the Funds, subsequent to the initial public offering of each Fund, and to continuously offer to purchase such units at prices in excess of the redemption prices as set forth in the Agreements.

Applicants assert that the pricing by the Sponsors in the secondary market will in no way affect the assets of the Funds, and the public unit holders will benefit from such pricing procedure by receiving a normally higher repurchase price for their units without the cost burden of daily evaluations of the unit redemption value. In addition, the Sponsors have undertaken to adopt a procedure whereby the Evaluator, without a formal evaluation, will provide estimated evaluations on trading days. In the case of a repurchase, if the Evaluator cannot state that the previous Friday's price is at least equal to the current bid price, the Sponsors will order a full evaluation. The Sponsors agree that, in case of the resale of units in the secondary market, if the Evaluator cannot state that the previous Friday's price is not more than one-half point ($5 on a unit representing $1,000 principal amount of underlying bonds) greater than the current offering price, a full evaluation will be ordered. Applicants contend that under these circumstances the exemption of the Sponsors from the provisions of rule 22c–1 will in no way affect the operations of a Fund and will benefit the unit holders by providing a repurchase price for their units which is in excess of the current net asset value of such units as computed for redemption purposes.

Section 6(c) of the Act provides, in part, that the Commission may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions 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 June 1, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (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 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.73–10228 Filed 5–22–73;8:45 am]

AIR CALIFORNIA

[File No. 500–1]

Order Suspending Trading

MAY 11, 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 Air California being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this

order to be effective for the period from 11 a.m. (e.d.t.), May 11, 1973 and continuing through May 20, 1973.

By the Commission.

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

[FR Doc.73-10204 Filed 5-22-73;8:45 am]

[File No. 500-1]

CLINTON OIL COMPANY

Order Suspending Trading

MAY 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.03 one-third par value, and all other securities of Clinton Oil Co., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 17, 1973 through May 26, 1973.

By the Commission.

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

[FR Doc.73-10202 Filed 5-22-73;8:45 am]

[File No. 500-1]

EQUITY FUNDING CORP. OF AMERICA

Order Suspending Trading

MAY 16, 1973.

The common stock, $0.30 par value, of Equity Funding Corp. of America being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase to $0.30 par value common stock being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange; 9½ percent debentures due 1990 being traded on the New York Stock Exchange; and 5½ percent convertible subordinated debentures due 1991 being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Equity Funding Corp. of America being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 17, 1973, through May 26, 1973.

By the Commission.

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

[FR Doc.73-10198 Filed 5-22-73;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Order Suspending Trading

MAY 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Industries International, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 17, 1973 through May 26, 1973.

By the Commission.

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

[FR Doc.73-10203 Filed 5-22-73;8:45 am]

[File No. 500-1]

PELOREX CORP.

Order Suspending Trading

MAY 16, 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 Pelorex 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 16, 1973 through May 25, 1973.

By the Commission.

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

[FR Doc.73-10197 Filed 5-22-73;8:45 am]

[70-5328]

METROPOLITAN EDISON CO.

Proposed Amendments of First Mortgage Indenture and Solicitation of Bondholders' Proxies

MAY 16, 1973.

Notice is hereby given that Metropolitan Edison Co (Met Ed), 2800 Pottsville Pike, Muhlenberg Township, Berks County, Pa. 19605, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(e) of the Act and rules 62 and 65 promulgated thereunder as applicable to the proposals. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposals.

Met Ed proposes to amend its first mortgage indenture and deed of trust dated as of November 1, 1944, as heretofore supplemented and amended by 23 supplemental indentures (Indenture) to effect two changes. Met Ed proposes to eliminate the covenant which provides that Met Ed will duly observe and conform to all valid requirements of any governmental authority relative to any mortgaged property. It is stated that such covenant be eliminated since, under a developing pattern of legislation and administrative action, there will be periods when Met Ed will be unable to comply with governmental requirements with respect to its mortgaged property, although it may not be expected by the governmental agency to be in compliance. However, this covenant in the Indenture could be construed as resulting in a default under the Indenture. In addition, Met Ed proposes to include as bondable property additions, property for which Met Ed does not have all necessary permission from governmental authorities to operate, but which otherwise would constitute bondable property additions. Met Ed states that the elimination of this covenant will not relieve it of its obligation to comply with governmental requirements, but it will permit appropriate governmental enforcement measures consistent with their intent.

Met Ed states further that although, under the Indenture, it is specifically contemplated that property additions under construction can constitute bondable property, it is believed that it is not clear whether the Indenture permits the inclusions of, in computing the bondable value of property additions, the value of Met Ed's plant and equipment as to which all currently obtainable permission has been received, but as to which further governmental permission must be obtained in the future. Met Ed states that this ambiguity jeopardizes its ability to finance additions to its facilities in the most economic and orderly manner.

The affirmative vote of the holders of 75 percent in principal amount of the first mortgage bonds outstanding is required for approval of the proposed amendment to the Indenture. The consent of such percentage in principal amount of the bondholders will be sought at a meeting of bondholders, the date of which will be scheduled as promptly as practicable. A notice of meeting and proxy statement and a form of proxy will be mailed to the bondholders prior to the date set for such meeting.

The Pennsylvania Public Utility Commission has jurisdiction over the pro-

posals. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposals. The fees and expenses to be incurred in connection with the proposals will be filed by amendment.

Notice is further given that any interested person may, not later than June 8, 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 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 case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended by said post-effective amendment 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.73-10200 Filed 5-22-73;8:45 am]

[70-5339]

PENNSYLVANIA ELECTRIC CO.

Proposed Amendments of First Mortgage Indenture and Solicitation of Bondholders' Proxies

MAY 16, 1973.

Notice is hereby given that Pennsylvania Electric Co. (Penelec), 1001 Broad Street, Johnstown, Pa. 15907, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a), 7, and 12(e) of the Act and rules 62 and 65 promulgated thereunder as applicable to the proposals. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposals.

Penelec proposes to amend its first mortgage indenture and deed of trust dated as of January 1, 1942, as heretofore supplemented and amended by 27 supplemental indentures (Indenture) to effect two changes. Penelec proposes to eliminate the covenant which provides that Penelec will duly observe and conform to all valid requirements of any governmental authority relative to any mortgaged property. It is stated that such covenant be eliminated since, under a developing pattern of legislation and administrative action, there will be periods when Penelec will be unable to comply with governmental requirements with respect to its mortgaged property, although it may not be expected by the governmental agency to be in compliance. However, this covenant in the Indenture could be construed as resulting in a default under the Indenture. In addition, Penelec proposes to include as bondable property additions, property for which Penelec does not have all necessary permission from governmental authorities to operate, but which otherwise would constitute bondable property additions. Penelec states that the elimination of this covenant will not relieve it of its obligation to comply with governmental requirements, but it will permit appropriate governmental enforcement measures consistent with their intent.

Penelec states further that although, under the Indenture, it is specifically contemplated that property additions under construction can constitute bondable property, it is believed that it is not clear whether the Indenture permits the inclusions of, in computing the bondable value of property additions, the value of Penelec's plant and equipment as to which all currently obtainable permission has been received, but as to which further governmental permission must be obtained in the future. Penelec states that this ambiguity jeopardizes its ability to finance additions to its facilities in the most economic and orderly manner.

The affirmative vote of the holders of 75 percent in principal amount of the first mortgage bonds outstanding is required for approval of the proposed amendment to the Indenture. The consent of such percentage in principal amount of the bondholders will be sought at a meeting of bondholders, the date of which will be scheduled as promptly as practicable. A notice of meeting and proxy statement and a form of proxy will be mailed to the bondholders prior to the date set for such meeting.

The Pennsylvania Public Utility Commission has jurisdiction over the proposals. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposals. The fees and expenses to be incurred in connection with the proposals will be filed by amendment.

Notice is further given that any interested person may, not later than June 8, 1973, request in writing that a hearing be held with respect to the proposed amendment, 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 case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective pursuant to 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.73-10201 Filed 5-22-73;8:45 am]

[File No. 500-1]

TRIONICS ENGINEERING CORPORATION

Order Suspending Trading

MAY 16, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Trionics Engineering 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 17, 1973, through May 26, 1973.

By the Commission.

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

[FR Doc.73-10199 Filed 5-22-73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

CONSOLIDATED NATIONAL SHOE CORP.

Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

After reviewing the Tariff Commission's report on its investigation of the petition for adjustment assistance filed on behalf of workers formerly employed by the Consolidated National Shoe Corp., formerly of Norwood (now Braintree), Mass. (report No. TEA-W-183) under

section 301(c)(2) of the Trade Expansion Act of 1962, and in which report the Commission being equally divided, made no finding with respect to women's and children's footwear, the President decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission. Accordingly, he has advised the Secretary of Labor that he may certify the group of workers involved as eligible to apply for adjustment assistance.

In view of the Tariff Commission's report, the President's authorization, and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation relates to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in subpart B of CFR part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigation to the director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210 on or before May 29, 1973.

Signed at Washington, D.C., this 16th day of May 1973.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.73-10234 Filed 5-22-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 249]

ASSIGNMENT OF HEARINGS

MAY 18, 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-124211 sub 222, Hilt Truck Line, Inc., now assigned June 6, 1973, will be held in room 1665, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Ill.

MC-123048 sub 221, Diamond Transportation System, Inc., now assigned June 7, 1973, will be held in room 1665, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Ill.

MC-124796 sub 97, Continental Contract Carrier Corp., now assigned June 11, 1973, will be held in room 1665, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Ill.

MC 114273 sub 110, Cedar Rapids Steel Transportation, Inc., now assigned June 18, 1973, at Kansas City, Mo., will be held in room 303, Old Federal Building, 911 Walnut Street.

MC 39416 sub 5, the Gray Line, now assigned June 6, 1973, MC-F-11605, Evergreen Stage Line, Inc.—Purchase (portion)—Greyhound Lines, Inc., now assigned June 11, 1973, MC 1515 sub 181, Greyhound Lines, Inc., now assigned June 14, 1973, MC-C-7700, East Texas Motor Freight Lines, Inc.—Investigation and revocation of certificates, now assigned June 4, 1973, will be held in room 401, Multnomah Building, 319 Southwest Pine Street, Portland, Oreg.

AB-49, Ann Arbor Railroad Co. abandonment entire line of railroad including all of its car ferry routes, north and west of Thompsonville, Mich., in Benzie County, Mich., and Kewaunee and Manitowoc Counties, Wis., now assigned continued hearing June 11, 1973, at Green Bay, Wis., will be held in the supervisors room, second floor, courthouse annex, Adams and Walnut Streets.

W-457 sub 6, McAllister Brothers, Inc., now being assigned July 23, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 95084 sub 90, Hove Truck Line, now assigned June 4, 1973, at Kansas City, Mo., will be held in room 303, Old Federal Building, 911 Walnut Street.

MC 133748 sub 3, Lile Moving & Storage Co., now assigned June 4, 1973, at Olympia, Wash., will be held on the sixth floor, Highway Licenses Building, 12th and Washington Street.

MC 119774 sub 54, Mary Ellen Stidham, N. M. Stidham, A. E. Mankins (Inez Mankins, executrix) and James E. Mankins, Sr., a partnership, d.b.a. Eagle Trucking Co., now assigned June 11, 1973, at Kansas City, Mo., will be held in room 829, 811 Grand Avenue.

MC 128007 sub 44, Hofer, Inc., now assigned June 13, 1973, at Kansas City, Mo., will be held in room 303, Old Federal Building, 911 Walnut Street.

MC 123048 sub 239, Diamond Transportation System, Inc., now being assigned July 24, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 128273 sub 134, Midwestern Express, Inc., now assigned June 8, 1973, at Kansas City, Mo., is canceled and the application is dismissed.

MC 61396 sub 234, Herman Bros., Inc., now assigned June 13, 1973, at St. Paul, Minn., is canceled and the application is dismissed.

MC-C-7901, North American Van Lines, Inc.—investigation and revocation of certificates, now being assigned prehearing conference, June 6, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-10299 Filed 5-22-73;8:45 am]

FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 18, 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.

Montana docket No. MC 2067A (amendment), filed May 1, 1973, published in the FEDERAL REGISTER issues of October 12, 1972, and November 15, 1972, and republished, as amended, this issue. Applicant: BIG SKY DISTRIBUTING, Route 1, Box 218-A, Sidney, Mont. 59270. Applicant's representative: John Berger (same address as applicant). Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *post, lumber, and processed feeds* in intrastate commerce as a class B carrier from all points and places in Flathead, Sanders, Lewis and Clark, Missoula and Ravalli Counties, Mont., to all points and places in Sheridan, Roosevelt, Daniels, Valley, Garfield, Phillips, Richland, and Dawson Counties, Mont., and return movements of the same commodities. Both intrastate and interstate authority sought.

HEARING.—Continued indefinitely, County Library Building, Sidney, Mont. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Montana Public Service Commission, 1227 11th Avenue, Helena, Mont. 59601, and should not be directed to the Interstate Commerce Commission.

Arkansas docket No. M-7599, filed April 10, 1973. Applicant: ATLAS TRANSIT, INC., 6101 Lindsey Road, Little Rock, Ark. Applicant's representative: James N. Clay, III, 2700 Sterick Building, Memphis, Tenn. Certificate of public convenience and necessity sought to operate a freight service as follows: (1) Transportation of *general commodities*, over regular routes, between El Dorado, Ark., and Fordyce, Ark., over U.S. Highway 167, serving all intermediate points. (2) Transportation of *general commodities*, over irregular routes, between points and places in that part of Arkansas west of U.S. Highway 167, Fordyce to El Dorado; and on and north of Arkansas Highway 7, El Dorado to Camden; and east of U.S. Highway 79, Cam-

den to Fordyce, the point of beginning, in connection with the carrier's regular route operations over U.S. Highway 79, and U.S. Highway 167. Both intrastate and interstate authority sought.

HEARING.—June 13, 1973, in the Arkansas Transportation Commission hearing room, Justice Building, Little Rock, Ark., at 1:30 p.m. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Arkansas Transportation Commission, Justice Building, Little Rock, Ark. 72201, and should *not* be directed to the Interstate Commerce Commission.

By the Commission.

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

[FR Doc.73-10298 Filed 5-22-73;8:45 am]

[Notice 39]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 18, 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 82492 (sub-No. 81), filed April 27, 1973. Applicant: MICHIGAN & NEBRASKA TRANSIT CO., INC., P.O. Box 2853, 2109 Olmstead Road, Kalamazoo, Mich. 49003. Applicant's representative: William C. Harris (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Compounded oils and greases, lubricating greases, and petroleum and petroleum products* as described in appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in packages or containers only; (2) *such materials and supplies as are used in automotive service centers* when transported with commodities in (1) above, from Cincinnati, Ohio to points in Illinois (except Chicago and its commercial zone), Indiana (except Indianapolis and Indiana points in the commercial zone of Chicago, Ill.), Iowa, Kansas (except Kansas City, Kans.), Michigan, Minnesota, Missouri (except St. Louis and Kansas City and their respective commercial zones), Nebraska, North Dakota, South Dakota, and Wisconsin (except Milwaukee and its commercial zone); and (3) *empty petroleum containers* between points in the above-named States. Restriction: Restricted to shipments originated by Union Oil Co. of California located at Cincinnati, Ohio and destined to points in the above-named States.

HEARING.—June 11, 1973. Location of hearing room and time to be later designated.

No. MC 109236 (sub-No. 26), filed May 1, 1973. Applicant: ELMER L. SIMS, G. GRANT SIMS AND ELMER L. SIMS (trustee for Sims family trust), a partnership, doing business as SALT LAKE TRANSFER COMPANY, 35 South 5th West, Salt Lake City, Utah 84101. Applicant's representative: Elmer L. Sims (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 ex parte No. MC 45, descriptions in motor carrier certificates, appendix V, 61 M.C.C. 276, (1) between points in Montana, Idaho, Wyoming, Utah, Arizona, and Nevada (except Mineral County); (2) between points in Utah, on the one hand, and, on the other, points in New Mexico; and (3) between points in Utah and Montana, on the one hand, and, on the other, points in Washington and Oregon.

NOTE.—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, Portland, Oreg., in a room to be later designated.

No. MC 48632 (sub-No. 15) (republication), filed July 17, 1972, published in the FEDERAL REGISTER issue of August 16, 1972, and as corrected on September 27, 1972, as California docket No. A-53457, and in third publication this issue. Applicant: WILLIG FREIGHT LINES, a California corporation, 123 Loomis Street, San Francisco, Calif. 94124. Applicant's representative: Robert L. LaVine, 415 Hearst Building, San Francisco, Calif. 94103. An order of the Commission, operating rights board, dated April 26, 1973, and served May 11, 1973, finds that a certificate of registration should be issued to applicant, to engage in operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, to perform a transportation service solely within the State of California, pursuant to certificate of public convenience and necessity granted by decision No. 81094 dated February 23, 1973, issued by the Public Utilities Commission of the State of California, authorizing the transportation of *general commodities* as follows: I. From, to, and between all points and places located on or laterally within 25 miles of State Highway 1 between Fort Bragg and San Francisco, including both Fort Bragg and San Francisco, but excluding points located on U.S. Highway 101 north of Cloverdale. II. From, to, and between all points and places located: (A) On or laterally within 25 miles of the following named highways: (1) State Highway 1 between San Francisco and Carmel, inclusive; (2) U.S. Highway 101 between San Francisco and Los Angeles Basin Territory, hereinafter described in note A hereof, inclusive; (3) State Highway 99 between Yuba City and Los Angeles Basin Territory inclusive, except for that portion of State Highway 99 between Wheeler Ridge and Castaic, there shall be no lateral; (4) Interstate Highway 15 between San Bernardino and San Diego, inclusive.

(B) On or laterally within 20 miles of the following named highways: (1) State Highway 65 between Roseville and Marysville, inclusive. (C) On or laterally within 10 miles of the following named highways: (1) Interstate Highway 5 between Sacramento, and Los Angeles Basin Territory inclusive, except for that portion of Interstate Highway 5 between Wheeler Ridge, and Castaic, there shall be no lateral; (2) Interstate Highway 80 between San Francisco, and Sacramento, inclusive; (3) State Highway 4 between the intersection with Interstate Highway 80, and Stockton, inclusive; (4) State Highway 1 between Fort Bragg, and Rockport, inclusive, including both Rockport, and Leggett Valley; (5) State Highway 126 between the intersection with U.S. Highway 101 at Ventura, and Interstate Highway 5 near Castaic; (6) State Highway 150 between Santa Barbara and the intersection with State Highway 126 near Santa Paula; (7) State Highway 24 between Oakland and the intersection of State Highway 24 with State Highway 4; (8) State Highway 84 and 160 between their intersection with State Highway 4, approximately 4 miles east of Antioch, and Sacramento, inclusive. (D) On or laterally within 5 miles of the following named highways: (1) State Highway 128 between Geyserville and Rutherford, inclusive; (2) State Highway 29 between Rutherford, and Napa, inclusive; (3) Interstate Highways 80, 580, and 205, and State Highway 120 between San Francisco, and State Highway 99; (4) Interstate Highway 80, State Highways 17, and 238, Interstate Highways 580, and 205, and State Highway 120 between San Francisco, and State Highway 99; (5) State Highway 150 from its intersection with U.S. Highway 101 at Buellton to Lompoc, inclusive. (E) On or laterally within 3 miles of the following named highways: (1) State Highway 12 between Santa Rosa, and Shellville; (2) State Highway 37 between Shellville and the intersection of State Highway 37 with U.S. Highway 101 near Ignacio; (3) U.S. Highway 101 between Los Angeles

Basin Territory, and San Ysidro, inclusive.

(F) On the following highways: (1) State Highway 33 from its intersection with Interstate Highway 205 near Tracy to its intersection with State Highway 152 near Los Banos; (2) State Highway 152 from Los Banos to its intersection with State Highway 99 near Califa; (3) State Highway 33 from its intersection with State Highway 152 near Dos Palos to and including Coalinga; (4) State Highway 198 from its intersection with State Highway 33 to its intersection with State Highway 99. (G) The off-route point of the Geysers located approximately 20 miles east of Cloverdale via the Cloverdale-Geysers Road, and the Healdsburg-Geysers Road. (H) Within the San Francisco Territory as described in note B, hereof. (I) Within the Los Angeles Basin Territory. Any and all available highways may be used, and traversed in operating between the points authorized to be served by paragraphs I and II hereof. The following commodities shall not be transported: (a) Used household goods, personal effects, and office, store, and institution furniture, fixtures, and equipment not packed in accordance with the crated property requirements set forth in item 5 of minimum rate tariff 4–B. (b) 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. (c) Commodities when transported in motor vehicles equipped for mechanical mixing in transit. (d) Articles of extraordinary value. (e) 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, and bus chassis. (f) Beer originating at San Francisco, and empty beer containers destined to San Francisco.

NOTE A.—Los Angeles Basin Territory—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 118, approximately 2 miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the city of San Fernando; westerly, and northerly along said corporate boundary of the city of San Fernando to Maclay Avenue; northeasterly along Maclay, 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 Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincoorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60, and U.S. Highway 395 to Nuevo Road; easterly along Nuevo Road via Nuevo, and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; thence westerly to the corporate boundary of the city of Hemet; southerly, westerly, and northerly along said corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along said right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to U.S. Highway 395; southerly along U.S. Highway 395 to the Riverside County-San Diego County boundary line; westerly along said boundary line to the Orange County-San Diego County boundary line; southerly along said boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

NOTE B.—San Francisco Territory—San Francisco Territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County line meets the Pacific Ocean; thence easterly along said county line to a point 1 mile west of State Highway 82; southerly along an imaginary line 1 mile west of and paralleling State Highway 82 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to Division Street; easterly along Division Street to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific right-of-way to the Campbell-Los Gatos city limits; easterly along said limits, and the prolongation thereof to South Bascom Avenue (formerly San Jose-Los Gatos Road); northeasterly along South Bascom Avenue to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to State Highway 82; northwesterly along State Highway 82 to Tully Road; northeasterly along Tully Road, and the prolongation thereof to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 238 (Oakland Road); northerly along State Highway 238 to Warm Springs; northerly along State Highway 238 (Mission Boulevard), via Mission San Jose, and Niles to Hayward; northerly along Foothill Boulvevard, and MacArthur Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard to Warren Boulevard (State Highway 13); northerly along Warren Boulevard to Broadway Terrace; westerly along Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; westerly, northerly, and easterly along the campus boundary to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; Westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to San Pablo Avenue (State Highway 123); northerly along San Pablo Avenue to, and including the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront, and shoreline to the Pacific Ocean; southerly along the shoreline of the Pacific Ocean to point of beginning. 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 67485 (sub-No. 13) (republication), filed August 20, 1971, published in the FEDERAL REGISTER issue of September 22, 1971, as Texas State Docket No. 2674, and republished this issue. Applicant: TEXAS TEX-PACK EXPRESS, INC., 150 East Zavalla Street, San Antonio, Tex. 78204. Applicant's representatives: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, and Johnnie B. Rogers, 313 Perry Brooks Building, Austin, Tex. 78701. An order of the Commission, Operating Rights Board, dated April 27, 1973, and served May 10, 1973, finds that a certificate of registration should be issued to applicant, to engage in operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, to perform a transportation service solely within the State of Texas, pursuant to that portion of certificate of convenience and necessity No. 2674, authorized by order dated January 31, 1973, issued by the Railroad Commission of Texas, authorizing the transportation of: *General commodities* to, from, and between all points along the routes shown below subject to the following restriction: (1) No service shall be provided in the transportation of packages, or articles weighing in the aggregate more than 100 pounds, from one consignor at one location, to one consignee at one location, on any one day:

(1) U.S. Highway 77, U.S. Highway 81, and Interstate 35 between Dallas and San Antonio, Tex.; (2) U.S. Highway 67 between Dallas and Alvarado, Tex.; (3) U.S. Highway 81 between Alvarado and Hillsboro, Tex.; (4) State Highway 171 between Hillsboro, and Coolidge, Tex.; (5) U.S. Highway 84 and F.M. 73 between McGregor and Coolidge, Tex.; (6) State Highway 317 and F.M. 107 between McGregor, and Moody, Tex.; (7) State Highway 95 between Temple and Taylor, Tex.; (8) U.S. Highway 79 between Taylor, and Round Rock, Tex.; (9) U.S. Highway 183 between Austin, and Gonzales, Tex.; (10) U.S. Highway 90 and Interstate 10 between Houston, and San Antonio, Tex.; (11) F.M. Road 78 and State Highway 46 between San Antonio,

and Seguin, Tex.; (12) State Highway 123 between Seguin and Stockdale, Tex.; (13) U.S. Highway 87 between San Antonio and Nixon, Tex.; (14) State Highway 80 and State Highway 97 and Alternate Route U.S. Highway 90 between Nixon and Gonzales, Tex.; (15) U.S. Highway 181 between San Antonio and Corpus Christi, Tex.; (16) State Highway 35 between Gregory and Fulton, Tex.; (17) F.M. Road 881 between Sinton and Rockport, Tex.; (18) F.M. Road 136 between Woodsboro, Tex., and its intersection with F.M. Road 881; (19) State Highway 44 between Corpus Christi and Alice, Tex.; (20) U.S. Highway 77 between Victoria and Brownsville, Tex.; (21) State Highway 141 between Kingsville, Tex., and its intersection with U.S. Highway 281; (22) U.S. Highway 281 between Alice and Edinburg, Tex.; (23) U.S. Highway 59 between Victoria and Houston, Tex.

(24) U.S. Highway 83 between Harlingen and Mission, Tex.; (25) State Highway 107 between Combes and Edinburg, Tex.; (26) U.S. Highway 281 between San Antonio and Johnson City, Tex.; (27) U.S. Highway 290 between Johnson City and Fredericksburg, Tex.; (28) State Highway 16 between Fredericksburg and Kerrville, Tex.; (29) State Highway 27 between Kerrville and Comfort, Tex.; (30) U.S. Highway 87 and Interstate 10 between Fredericksburg and San Antonio, Tex.; (31) U.S. Highway 183 between Austin and Goldthwaite, Tex.; (32) U.S. Highway 190 between Belton and Brady, Tex.; (33) State Highway 195 between its junction with U.S. Highway 183 via Florence, Tex., to its intersection with U.S. Highway 81; (34) State Highway 29 between its intersection with U.S. Highway 183 and Mason, Tex., via Burnet and Llano, Tex.; (35) U.S. Highway 281 between Lampasas, Tex., and its intersection with State Highway 71 near Marble Falls, Tex.; (36) State Highway 71 between its intersection with U.S. Highway 281 and Llano, Tex.; (37) State Highway 16 between Llano and Goldthwaite, Tex., via San Saba, Tex.; (38) U.S. Highway 377 between Mason and Junction, Tex.; (39) U.S. Highway 83 between Junction and Eden, Tex.; (40) U.S. Highway 87 between Eden and Brady, Tex.; (41) U.S. Highway 377 and U.S. Highway 87 between Mason and Brady, Tex.; (42) State Highway 71 between Austin and Bastrop, Tex.; (43) State Highway 95 between Bastrop and Elgin, Tex.; (44) U.S. Highway 290 between Elgin and Austin, Tex.; (45) F.M. Road 440 between Killeen and Florence, Tex.; (46) F.M. Road 1431 between its intersection with U.S. Highway 281 and its intersection with State Highway 29, via Kingsland, Tex.; (47) U.S. Highway 90 between San Antonio and Del Rio, Tex.; (48) U.S. Highway 277 between Del Rio and Carrizo Springs, Tex.;

(49) U.S. Highway 83 between Uvalde and Carrizo Springs, Tex.; (50) U.S. Highway 57 between Eagle Pass and Moore, Tex.; (51) State Highway 85 between Carrizo Springs and Dilley, Tex.; (52) F.M. Road 65 between Crystal City and Brundage, Tex.; (53) U.S. Highway 81 between San Antonio and Laredo, Tex.; (56) State Highway 339 between Laredo and Mathis, Tex.; (55) State Highway 44 between Freer and Alice, Tex.; (56) State Highway 339 between Freer and Benavides, Tex.; (57) U.S. Highway 83 between Laredo and Rio Grande City, Tex.; (58) U.S. Highway 281 between San Antonio and George West, Tex.; (59) U.S. Highway 59 and State Highway 9 between George West and Mathis, Tex.; (60) State Highway 6 between Waco and Hearne, Tex., via Marlin and Calvert, Tex.; (61) State Highway 164 between Waco and Groesbeck, Tex., via Mart, Tex.; (62) State Highway 14 between Groesbeck, Tex., and its intersection with State Highway 6 south of Bremond, Tex.; (63) F.M. Road 107 between Moody and Eddy, Tex.; (64) State Highway 361 between Gregory and Aransas Pass, Tex.; (65) State Highway 97 between Jourdanton and Pleasanton, Tex.; (66) State Highway 16 between Jourdanton and Poteet, Tex.; (67) U.S. Highway 77 between Waco and Victoria, Tex., serving all intermediate points along said routes, coordinating the service authorized herein with that being rendered under existing certificates, and interlining with other carriers at appropriate interline points.

Restrictions: (1) No service shall be rendered on any shipments originating in Houston, Tex., and destined to Victoria, Tex., or any intermediate point located on U.S. Highway 59 between Victoria and Houston, Tex.; nor on shipments originating at Victoria, Tex., destined to Houston, Tex., or any intermediate point located on U.S. Highway 59 between Victoria and Houston, Tex., nor on shipments originating at any intermediate point located on U.S. Highway 59 between Victoria and Houston, Tex., and destined to Houston, Victoria, or any other intermediate point along said route. No service shall be rendered on shipments moving to, from, or between the following named towns: Brownsville, Olmito, San Benito, Sebastion, Lyford, Raymondville, Combes, Santa Rosa, La Villa, Edcouch, San Carlos, Mission, McAllen, Pharr, Alamo, Donna, Weslaco, Mercedes, LaFeria, and San Juan; (2) no service shall be rendered on shipments moving between Harlingen and Edinburg, and holder of this authority is further prohibited from handling any shipments between Houston and Victoria, Tex., over the routes shown in (60), (61), (62), (63), or (67) shown above; (3) the holder of this authority is prohibited from serving LaGrange, Tex., Hallettsville, Tex., or any intermediate point on U.S. Highway 77 between Schulenburg and Victoria; and (4) the holder of this authority is prohibited from serving Hearne, Tex., in the transportation of general commodities as described herein except for the purpose of interline with other carriers. In addition to other alternate routes authorized, the holder hereby is authorized to operate over the following alternate routes, without service to any intermediate point except as otherwise authorized:

(1) U.S. Highway 290, Interstate 10 and State Highway 27 between Kerrville and Junction, Tex.; (2) U.S. Highway 87 between Fredericksburg and Mason, Tex.; (3) U.S. Highway 281 between Johnson City, Tex., and its intersection with State Highway 71 south of Marble Falls, Tex.; (4) State Highway 16 between Fredericksburg and Llano, Tex.; (5) U.S. Highway 90a between Seguin and Belmont, Tex.; (6) State Highway 71 between Austin, Tex., and its intersection with U.S. Highway 281 south of Marble Falls, Tex., and between Llano, and Brady, Tex.; (7) State Highway 46 between New Braunfels and Seguin, Tex.; (8) U.S. Highway 79 between Hearne and Taylor, Tex.; (9) State Highway 95 between Elgin and Taylor, Tex.; (10) State Highway 21 between Bastrop and Lincoln, Tex.; (11) State Highway 16 between San Antonio, Tex. and its intersection with U.S. Highway 83, near Zapata, Tex.; (12) Interstate 37 between Corpus Christi and San Antonio, Tex.; (13) U.S. Highway 83 between Mission and Rio Grande City, Tex.; (14) Interstate 10, between Comfort, Tex., and its intersection with State Highway 16, near Legion, Tex.; (15) State Highway 285 between Falfurrias and Riviera, Tex.; (16) State Highway 9 between its intersection with U.S. Highway 281 north of Three Rivers to Corpus Christi, Tex.; (17) State Highway 123 between Stockdale and Karnes City, Tex.; (18) U.S. Highway 281 between San Antonio and Alice, Tex.; (19) State Highway 186 between San Manuel and Raymondville, Tex.; (20) U.S. Highway 281 between Edinburg and Pharr, Tex.; (21) State Highway 202 between Beeville and Refugio, Tex.; (22) State Highway 97 between Waelder and Gonzales, Tex.;

(23) State Highway 142 between San Marcos, Tex., and its intersection with U.S. Highway 183 north of Lockhart; (24) F.M. Road 218 between its intersection with U.S. Highway 81 and State Highway 78, near Schertz; (25) State Highway 131 between Brackettville, Tex., and its intersection with U.S. Highway 277, north of Eagle Pass; (26) State Highway 117 between Uvalde and Batesville, Tex.; (27) F.M. Roads 1025 and 1867 between Batesville and Big Wells, Tex.; (28) U.S. Highway 83 between Carrizo Springs, Tex., and its intersection with U.S. Highway 81, north of Laredo; (29) U.S. Highway 59 between Laredo and Freer, Tex.; (30) State Highway 346 and 173 between San Antonio and Freer, Tex.; (31) U.S. Highway 281 between George West and Alice Tex.; (32) State Highway 97 between Pleasanton and Jourdanton, Tex.; and (33) F.M. Road 467 between Pleasanton and Poteet, Tex. Because it is possible that other parties 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 96769 (sub-No. 6) (republication), filed August 20, 1971, published in the FEDERAL REGISTER issue of September 22, 1971, as Texas docket No. 2625, and republished this issue. Applicant: LIBERTY EXPRESS, INC., 1066 West Mockingbird Lane, Dallas, Tex. 75247. Applicant's representative: Austin L. Hatchell, 102 Perry Brooks Building, Austin, Tex. 78701. An order of the Commission, Operating Rights Board, dated April 27, 1973, and served May 8, 1973, finds that a certificate of registration should be issued to applicant to engage in operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, to perform a transportation service solely within the State of Texas, pursuant to that portion of certificate of convenience and necessity No. 2625, authorized by order dated January 31, 1973, issued by the Railroad Commission of Texas, authorizing the transportation of *general commodities* to, from and between all points along the routes appearing below subject to the following restriction: (1) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any 1 day:

(1) State Highway 289 between Dallas and Celina, Tex.; (2) F.M. Road 455 between Celina and Pilot Point, Tex.; (3) State Highway 99 between Pilot Point and Whitesboro, Tex.; (4) U.S. Highway 82 between Whitesboro and Honey Grove, Tex.; (5) U.S. Highway 75 between Dallas and Denison, Tex.; (6) U.S. Highway 67 between Dallas and Mt. Pleasant, Tex.; (7) State Highway 24 between Greenville and Paris, Tex.; (8) U.S. Highway 69 and State Highway 78 between Greenville and Bonham, Tex., via Leonard, Tex.; (9) U.S. Highway 80 and Interstate Highway 20 between Dallas and Marshall, Tex.; (10) F.M. Road 1403 between Longview and Gilmer, Tex.; (11) State Highway 155 and U.S. Highway 59 between Gilmer and Atlanta, Tex.; (12) U.S. Highway 259 between Daingerfield, Tex., and its intersection with State Highway 155 near Ore City, Tex.; (13) State Highway 11 between Daingerfield and Linden, Tex.; (14) U.S. Highway 59 between Linden and Marshall, Tex., and between Carthage and Garrison, Tex., via Tenaha, Tex.; (15) State Highway 149 between Longview and Carthage, Tex.; (16) U.S. Highway 79 between Carthage and Henderson, Tex.; (17) F.M. Road 124 between Beckville, Tex., and its intersection with U.S. Highway 79; (18) State Highway 64 between Wills Point and Henderson, Tex.; (19) U.S. Highway 69 between Mineola and Tyler, Tex.; (20) State Highway 31 between Tyler and Kilgore, Tex.; (21) State Highway 135 between Troup and Gladewater, Texas via Kilgore, Tex.; (22) U.S. Highway 259 between Kilgore and Longview, Tex., and between Henderson and Mt. Enterprise, Tex.; (23) F.M. Road 95 and U.S. Highway 84 between Mt. Enterprise and Garrison, Tex.; (24) State Highway 87 between Timpson and Center, Tex.; (25) U.S. Highway 96 between Tenaha and San Augustine, Tex.; between Bronson and Jasper, Tex.; and between Kirbyville and Silsbee, Tex.; (26) State Highway 21 between San Augustine and Milam, Tex.; (27) State Highway 87 and F.M. Road 184 between Milam and Bronson, Tex.; (28) U.S. Highway 190 between Jasper and Newton, Tex.; (29) State Highway 87 and F.M. Road 363 between Newton and Kirbyville, Tex., via Bleakwood, Tex.; (30) State Highway 326 and U.S. Highway 90 between Kountze and Nome, Tex.; (31) State Highway 327 between Silsbee and Kountze, Tex.; (32) U.S. Highway 82 between Paris and Texarkana, Tex.; (33) U.S. Highway 271 between Pittsburg and Paris, Tex.; (34) State Highway 37 between Clarksville and Bogata, Tex.; (35) State Highway 11 between Pittsburg and Commerce, Tex., via Sulphur Springs, Tex., serving all intermediate points along said routes, coordinating the service proposed herein with that presently being rendered under existing certificates and interlining with other carriers at appropriate points. The holder of this authority is authorized to operate over the following alternate routes without service to any intermediate points, except as otherwise authorized: (1) U.S. Highway 69 between Bells and Denison, Tex.; (2) U.S. Highway 96 between San Augustine and Bronson, Tex., and between Jasper and Kirbyville, Tex.; (3) U.S. Highway 259 between Kilgore and Henderson, Tex.; (4) State Highway 11 between Pittsburg and Daingerfield, Tex.; (5) U.S. Highway 59 between Atlanta and Texarkana, Tex.; (6) U.S. Highway 67 and/or Interstate 30 between Mount Pleasant and Texarkana, Tex.

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.

MC 98572 (sub-No. 7) (Republication), filed August 20, 1971, and published in the FEDERAL REGISTER issue of September 22, 1971, as Texas State docket No. 4304, and republished this issue. Applicant: FILM TRANSFER CO., INC., 1066 West Mockingbird Lane, Dallas, Tex. 75247. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, and Johnnie B. Rogers, 313 Perry Brooks Building, Austin, Tex. 78701. An order of the Commission, Operating Rights Board, dated April 27, 1973, and served May 10, 1973, finds that a certificate of registration should be issued to applicant, to engage in operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, to perform a transportation service solely within the State of Texas, pursuant to that portion of certificate of convenience and necessity No. 2637, authorized by order dated January 31, 1973, issued by the Railroad Commission of Texas, authorizing the transportation of *general commodities* to, from and between all points along the routes appearing below, subject to the following restriction: (1) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any 1 day.

(1) U.S. Highway 77 between Dallas and Waxahachie, Tex.; (2) U.S. Highway 287 between Waxahachie and Ennis, Tex.; (3) U.S. Highway 75 between Ennis and Richland, Tex.; and between Fairfield and Galveston, Tex.; (4) State Highway 14 between Richland and Mexia, Tex.; (5) U.S. Highway 84 between Mexia and Fairfield, Tex.; (6) U.S. Highway 175 between Dallas and Jacksonville, Tex.; (7) U.S. Highway 69 between Jacksonville and Alto, Tex.; (8) State Highway 21 between Alto and Nacogdoches, Tex.; (9) U.S. Highway 59 between Nacogdoches and Lufkin, Tex.; (10) U.S. Highway 69 between Lufkin and Kountze, Tex.; (11) State Highway 327 between Kountze and Silsbee, Tex.; (12) U.S. Highway 96 between Silsbee and Beaumont, Tex.; (13) U.S. Highway 90 between Houston and Orange, Tex.; (14) State Highway 347 between Beaumont and Port Arthur, Tex.; (15) State Highway 87 between Orange and Port Arthur, Tex.; (16) U.S. Highway 69 between Beaumont, and Port Arthur, Tex.; (17) State Highway 73 between Port Arthur and Winnie, Tex.; (18) Farm Market Road 124 and State Highway 65 between Winnie, Tex. and Anahuac, Tex.; (19) Farm Market Road 562, Interstate Highway 10 and Farm Market 563 between Anahuac and Liberty, Tex., serving intermediate points along said routes and coordinating the service proposed with that now being rendered by applicant under existing certificates and interchanging with other carriers at appropriate points. The holder of this authority is authorized to operate over the following alternate routes without service to any intermediate point except as otherwise authorized:

(1) Interstate Highway 10 between Beaumont and Houston, Tex.; (2) U.S. Highway 75 between Richland and Fairfield, Tex., and between Dallas and Ennis, Tex.; (3) State Highway 179 between Teague and Dew, Tex.; (4) State Highway 124 between Beaumont and Winnie, Tex.; (5) U.S. Highway 287 between Corsicana and Palestine, Tex. 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 114004 (sub-No. 117) (republication), filed July 24, 1972, published in the FEDERAL REGISTER issue of August 17, 1972, and republished this issue. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Winston G. Chandler, Jr. (same address as applicant). An order of the Commission, Review Board No. 2, dated April 25, 1973, and served May 10, 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, (1) of (a) *trailers* designed to be drawn by passenger automobiles, in initial movements, and (b) *buildings* in sections mounted on wheeled undercarriages, from points of manufacture in Pueblo County, Colo., to points in New Mexico, Kansas, Nebraska, Wyoming, Nevada, Utah, Arizona, Texas, Oklahoma, Arkansas, Idaho, Iowa, Louisiana, Minnesota, Missouri, Montana, North Dakota, Oregon, South Dakota, and Washington; and (2) of *prefabricated buildings* from points in Union County, Miss., to points in the United States (except Mississippi, Alaska, and Hawaii); 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 120309 (sub-No. 3) (republication), filed August 20, 1971, published in the FEDERAL REGISTER issue of September 22, 1971, as Texas State Docket No. 3037, and republished this issue. Applicant: R. G. DUDLEY & MRS. JEWELL FRANCES WESTFALL, INDEPENDENT EXECUTRIX, d.b.a.: MISTLETOE TRANSIT CO., Lubbock, Tex. 79415, P.O. Box 1029, Stamford, Tex. 79553. Applicant's representatives: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, and Johnnie B. Rogers, 313 Perry Brooks Building, Austin, Tex. 78701. An order of the Commission, Operating Rights Board, dated April 26, 1973, and served May 10, 1973, finds that a certificate of registration should be issued to applicant, to engage in operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, to perform a transportation service solely within the State of Texas, pursuant to that portion of Certificate of Convenience and Necessity No. 3037, authorized by order dated January 31, 1973, issued by the Railroad Commission of Texas, authorizing the transportation of *general commodities* to, from, and between all points along the routes appearing below, subject to the following restriction: (1) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location on any one day. (1) State Highways 114 and 121 between Dallas and Fort Worth; (2) State Highway 199 between Fort Worth and Jacksboro; (3) U.S. Highway 380 between Jacksboro and Rule; (4) U.S. Highways 277, 83, and 82, between Wichita Falls and Abilene; (5) State Highway 222 between Munday and Knox City;

(6) State Highway 283 between Quanah and Rule; (7) U.S. Highway 83 between Anson and Aspermont; (8) U.S. Highway 180 between Anson and Roby; (9) State Highway 70 between Roby and Rotan, and between Spur and Turkey; (10) State Highway 92 between Rotan and its intersection with U.S. Highway 277 near Stamford; (11) U.S. Highways 370 and 70 between Aspermont and Spur; (12) U.S. Highways 70 and 62 between Vernon and Earth; (13) U.S. Highways 82 and 62 between Dickens and Lubbock; (14) State Highway 86 between Turkey and Tulia; (15) U.S. Highway 87 between Lubbock and Amarillo; (16) U.S. Highway 385 between Springdale and Hereford; (17) U.S. Highway 62 between Floydada and Ralls; (18) Farm-Market Road 54 between its intersection with U.S. Highway 62 and its intersection with U.S. Highway 87; (19) State Highway 6, U.S. Highway 380, and U.S. Highway 180 between Aspermont and Albany; (20) U.S. Highway 62 and U.S. Highway 83 between Childress and Paducah; (21) U.S. Highway 80, State Highway 183, and Interstate 20 between Dallas and Fort Worth; (22) Interstate 35W and U.S. Highway 81 between Fort Worth and Itasca; (23) Farm-Market Roads 66 and 934 between Itasca and Osceola; (24) State Highway 171 between Osceola and Cleburne; (25) State Highway 174 between Burleson and Cleburne; (26) U.S. Highway 67 between Cleburne and its intersection with State Highway 220; thence over State Highway 220 to Hico; (27) U.S. Highway 281 between Hico and Hamilton; (28) State Highway 36 between Hamilton and Gatesville; (29) U.S. Highway 84 between Gatesville and McGregor; (30) State Highway 317 between McGregor and Valley Mills; (31) State Highway 6 between Valley Mills and Meridian; (32) State Highway 144 between Meridian and Glen Rose serving all intermediate points along said routes, except as hereinafter restricted, and coordinating this service with service presently being rendered under existing authority and interlining with other carriers at appropriate points.

Restrictions: (1) The holder of this authority is prohibited from (a) transporting any shipments originating at and destined to Amarillo, Childress, Vernon, Wichita Falls, Quanah, Fort Worth, Dallas, Albany, and Abilene; (b) performing any service to any intermediate point between Fort Worth and Dallas; (c) serving any intermediate point between Fort Worth and Throckmorton on State Highways 24 and 129 except Lake Worth, Azle, and Springtown. The holder of this authority is authorized to use the following highways as alternate routes only without service to any intermediate point thereon unless otherwise authorized: (1) U.S. Highway 82 and Farm Market Road 143 between Knox City and Dickens; (2) State Highway 207 between Silverton and Floydada; (3) State Highway 283 between Rule and its intersection with U.S. Highway 380; (4) State Highway 194 between Dimmitt and Plainview; (5) State Highway 199 between Jacksboro and Seymour; (6) State Highway 174 between Meridian and Cleburne; (7) State Highway 22 between Hamilton and Meridian; (8) Interstate Highway 20 between Dallas and Fort Worth, U.S. Highway 80 between Fort Worth and Weatherford, U.S. Highway 180 between Weatherford and its intersection with U.S. Highway 380, thence west on U.S. Highway 380 to Stamford; (9) U.S. Highway 67 between Cleburne and Alvarado. 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 120371 (sub-No. 8) (republication), filed September 22, 1972, published in the FEDERAL REGISTER issue of October 4, 1972, as Oklahoma Docket No. MC 23466 (sub-No. 2), and republished this issue. Applicant: CENTRAL OKLAHOMA FREIGHT LINES, INC., 207 North Cincinnati, Tulsa, Okla. 74103. Applicant's representative: Rufus H. Lawson, 106 Bixler Building, P.O. Box 75124, Oklahoma City, Okla. 73107. An order of the Commission, Operating Rights Board, dated May 8, 1973, and served May 10, 1973, finds that a certificate of registration should be issued to applicant, to engage in operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, to perform a transportation service solely within the

State of Oklahoma, pursuant to Motor Carrier Certificate No. MC–23466 (sub-No. 2) dated March 8, 1973, issued by the Corporation Commission of Oklahoma, authorizing the transportation of *General commodities*, to, from and between all points over the following regular routes: (1) Between Tulsa and Atoka, Okla., via U.S. Highway 75 to Henryetta, thence via U.S. Highway 62 to Okemah, thence via State Highway 56 to the junction of State Highway 99, thence via State Highway 99 to Ada, Oklahoma thence via State Highway 3 to Coalgate; thence via U.S. Highway 75 to Atoka, serving all intermediate points: restricted however against pickup and delivery service between Sapulpa, Henryetta, and Okmulgee and all intermediate points between said cities:

(2) Between Shawnee and Holdenville via U.S. Highway 270, serving all intermediate points and tacking at Junction of Wewoka via routes shown in Route 1; (3) between Tulsa and Allen, Okla. via U.S. Highway 75 to Junction of SH 1, thence SH 1 to Allen, serving intermediate points of Pharoah, Weleetka, Wetumka, Calvin, and Atwood, Okla.; (4) between Tulsa and Oklahoma City via U.S. Highway 75 to Junction U.S. Highway 62, thence U.S. Highway 62 to Oklahoma City and serving all intermediate points subject to restrictions (a) No freight originated at Tulsa destined to Oklahoma City nor shipments originated at Oklahoma City destined to Tulsa and (b) No pickup and delivery service between Sapulpa and Henryetta and Okmulgee and all intermediate points between said cities; (5) between Seminole and Ada, Okla. via SH 99 serving all intermediate points and the off route point of Konawa, Oklahoma, via SH 39; (6) between Oklahoma City and Henryetta via U.S. Highway 62, serving all intermediate points and the termini; (7) between Oklahoma City and Atoka via U.S. Highway 270 to Junction SH 99, thence SH 99 to Ada, Okla. thence SH 3 to Coalgate, thence U.S. Highway 75 to Atoka, serving all intermediate points; (8) between Oklahoma City and Allen, Okla. via U.S. Highway 270 to Junction SH 1, thence SH 1 to Allen, serving all intermediate points and off route point of Calvin via U.S. 270 at Junction of SH 1;

(9) Between Oklahoma City and Weleetka, Okla. via U.S. Highway 270 to Seminole, thence via SH 9 to Wetumka, thence U.S. Highway 75 to Weleetka, serving all intermediate points; (10) between Oklahoma City and Holdenville, via U.S. Highway 270, serving all intermediate points; (11) between Tulsa and Oklahoma City, Okla. via U.S. Highway 75 to junction of U.S. Highway 62 thence via U.S. Highway 62 to junction of State Highway 56 thence State Highway 56 to junction of State Highway 99(a) thence via State Highway 99(a) to Shawnee, Okla., thence via U.S. 270 to Oklahoma City and return over the same route serving all intermediate points. Restricted against freight originating at Tulsa destined to Oklahoma City or shipments originating at Oklahoma City destined to Tulsa; (12) alternate route over U.S. Interstate Highway 40 for operating convenience only; authority granted herein authorizes service to, from and between all points and places on and along all of the routes, as a unitized authority subject to noted restrictions. 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 129659 (sub-No. 5) (republication), filed March 31, 1972, published in the FEDERAL REGISTER issue of April 27, 1972, and republished this issue. Applicant: T–P STORAGE AND LEASING, INC., 4 Colonial Terrace, Pompton Plains, N.J. 07444. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. A report and order of the Commission, Review Board No. 4, dated March 16, 1973, and served May 3, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of (1) *steel pipe, piling, railway track accessories, bridge and highway railing, pile drivers, pile extractors,* and *earth drilling equipment* and (2) *parts and accessories* for the commodities described in (1) above, between points in New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia under a continuing contract or contracts with L. B. Foster Co., Inc., of Pittsburgh, Pa., will be consistent with the public interest and the national transportation policy; 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 permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATIONS UNDER SECTIONS 5 AND 210(a)(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11870. Authority sought for purchase by OVERNITE TRANSPORTATION CO., 1100 Commerce Road, Richmond, Va. 23224, of a portion of the operating of MILLS TRANSFER CO., 47 Sycamore Avenue, Gallipolis, Ohio 45631, and for acquisition by J. H. COCHRANE, also of Richmond, Va. 23224, of control of such rights through the purchase. Applicants' attorneys: Rudy Yessin P.O. Box B, Frankfort, Ky. 40601, and J. M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over irregular routes, between Gallipolis, Ohio, on the one hand, and, on the other, points in a defined area of Pennsylvania and West Virginia. Vendee is authorized to operate as a *common carrier* in Alabama, Florida, Georgia, North Carolina, Kentucky, Ohio, South Carolina, Tennessee, Virginia, and West Virginia. Application has been filed for temporary authority under section 210a (b).

No. MC–F–11871. Authority sought for purchase by F & S CO., INC., P.O. Box 238, Tooele, Utah 84074, of the operating rights and property of L. E. SCHOOLEY, INC., 2462 Highway 6–50, Grand Junction, Colo. 81501, and for acquisition by S. R. HULLINGER, also of Tooele, Utah 84074, of control of such rights and property through the purchase. Applicants' attorney: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Operating rights sought to be transferred: *Uranium and vanadium bearing ores*, in bulk, as a *common carrier* over irregular routes, between points within 225 miles of Monticello, Utah, and including Monticello; *barites, bentonite, calcite, colomite, granite, limestone, marble, pumice, quartz, ragamite, sand,* and *drilling mud*, in bulk, in dump vehicles, from Glenwood Springs, Grand Junction, and Marble, Colo., to points within 225 miles of Monticello, Utah, including Monticello; *uranium and vanadium ores*, in bulk, in dump vehicles, from points in Carbon and Sweetwater Counties, Wyo., to Maybell, Colo., and points within 5 miles thereof. Vendee is authorized to operate as a *common carrier* in Arizona, Colorado, and Utah. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11872. Authority sought for control by THE CAPITOL CORPORATION, a noncarrier of 140 Everett Avenue, Newark, Ohio 43055, of HARRY A. BLADES, INC., 440 West 24th Street, New York, N.Y. 10011, and for acquisition by H. E. LEFEVRE, 1142 Newark Road, Granville, Ohio 43023, of control of HARRY A. BLADES, through the acquisition by THE CAPITOL CORP.

Applicants' attorney: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Operating rights sought to be controlled: *Scrap aluminum and tin foil*, as a *common carrier* over regular routes, from Hershey, Pa., to New York, N.Y., serving no intermediate points; *empty cans and canisters* and *tin plates*, from Lancaster, Pa., to New York, N.Y., serving no intermediate points; *coffee beans*, from New York, N.Y., to Lancaster, Pa., from Hoboken, N.J., to Lancaster, Pa., serving no intermediate points; *chocolate and chocolate products*, and *commodities* used or useful in the manufacture, distribution, and advertising of chocolate and chocolate products, between Hershey, Pa., and New York, N.Y., serving various intermediate and off-route points; *chocolate and chocolate products* and *products* used or useful in the manufacture, distribution, and advertising of chocolate and chocolate products, between Hershey, Pa., and New York, N.Y., serving no intermediate points; *tin plates*, over irregular routes, from Lancaster, Pa., to certain specified points in New Jersey, and points in Mamaroneck, N.Y.; *paper* and *paper products*, from Philadelphia, Pa., to Bridgeport, Danbury, and Waterbury, Conn., Springfield, Mass., points in New Jersey, Maryland, Delaware, the District of Columbia, and that part of New York in the New York, N.Y., commercial zone, as defined by the Commission; *advertising matter and displays*, made of paper and paper board, from New York, N.Y., to Trenton and Camden, N.J., and points in New Jersey within 30 miles of Columbus Circle, New York, N.Y.; *paper* and *paper boards*, from Philadelphia and Downingtown, Pa., to New York, N.Y.; *potato chips*, in boxes, when moving from to or between the plants or retail or wholesale outlets of manufacturers of distributors of bakery products, from York, Pa., to New York, N.Y., Phillipsburg, N.J., Baltimore, Md., and the District of Columbia, from Philadelphia, Pa., to Atlantic City, Phillipsburg, and Trenton, N.J., Baltimore and Hagerstown, Md., New York, N.Y., Wilmington, Del., and the District of Columbia, from New York, N.Y., to certain specified points in New York, Pennsylvania, New Jersey, Maryland, and points in Wilmington, Del., and the District of Columbia; *bakery products* (including flour, cereals and dog biscuits), *car-bracing material*, and *machinery, materials, supplies, and equipment* (including office furniture and supplies) used in or incidental to the production, packing, and sale of bakery products, between New York, N.Y., on the one hand, and, on the other, certain specified points in New York, Pennsylvania, New Jersey, Maryland, and points in Wilmington, Del., and Washington, D.C., between Philadelphia, Pa., on the one hand, and, on the other, Atlantic City, Phillipsburg, and Trenton, N.J., Baltimore and Hagerstown, Md., New York, N.Y., York, Pa., Wilmington, Del., and Washington, D.C., between York, Pa., on the one hand, and, on the other, Baltimore, Md., Phillipsburg, N.J., and Washington, D.C.; *paper* and *paper articles* (including paper boxes and advertising matter), between Beacon, N.Y., on the one hand, and, on the other, Baltimore, Md., Jersey City and Newark, N.J., and Philadelphia and York, Pa., between Garfield, N.J., on the one hand, and, on the other, Baltimore, Md., Beacon and New York, N.Y., and Philadelphia and York, Pa., between Milford, N.J., on the one hand, and, on the other, New York, N.Y., and Philadelphia and York, Pa.; *machinery and parts, materials, supplies*, and *equipment*, used in or incidental to manufacture or packing of paper articles, between Beacon and New York, N.Y.; *chocolate, chocolate coating, cocoa*, and *confectionery*, from Hershey and Elizabethtown, Pa., to New York, N.Y., and Newark, N.J., from Elizabethtown, Pa., to Philadelphia, Pa.; *paper* and *paper products*, from York, Pa., to certain specified points in Virginia and West Virginia, and points in Maryland and the District of Columbia; *paper* and *paper products*, not including paper roofing and paper sheathing in rolls, from York, Pa., to points in New Jersey, and points in that part of New York on and south of New York Highway 7, and on and east of New York Highway 30, with restrictions; *bakery products*, and *supplies* used in or in connection with the sale of bakery products, when moving from, to, or between the plants or retail or wholesale outlets of manufacturers or distributors of bakery products, between New York, N.Y., and Dunellen, N.J.; *asphalt*, in containers, *asphalt shingles*, in bundles, *paper roofing and paper sheathing* in rolls, *roofing cement*, and *machinery and materials* used in the manufacture of such commodities, from York, Pa., to Baltimore, Md., Fort Humphreys, Va., and points in New York and New Jersey; *machinery and machinery parts* and *supplies*, used or useful in the manufacture of roofing, from Baltimore, Md., Fort Humphreys, Va., and points in New York and New Jersey, to York, Pa., with restriction; *pulpboard boxes*, other than corrugated, knocked down, from Port Providence, Pa., to New York, N.Y., with restriction; *bakery products, flour, cereals, dog biscuits, potato chips, car-bracing material*, and *machinery, supplies and equipment* used in or incidental to the production, packing and sale of bakery products, between the site of National Biscuit Co. plant, at Fair Lawn, N.J., on the one hand, and, on the other, certain specified points in New York, Pennsylvania, Maryland, and points in Wilmington, Del., and the District of Columbia; *bakery products, flour, cereals, dog biscuits, car-bracing materials*, and *machinery, materials, supplies and equipment* used in the production, packing, and sale of bakery products (except liquid commodities in bulk, in tank vehicles), between Montgomery, N.Y., on the one hand, and, on the other, New York, N.Y., and Fair Lawn, N.J.; *pretzels*, from York, Pa., to certain specified points in New Jersey; *bakery products*, from Sayreville, N.J., to Albany and Newburgh, N.Y., and Allentown, Pa. THE CAPITOL CORPORATION holds no authority from this Commission. However, it is affiliated with (1) B & L MOTOR FREIGHT, INC., 140 East Everett Avenue, Newark, Ohio 43055, and (2) SERVICE MOTOR FREIGHT, INC., 133 East Atlantic Avenue, Lawnside, N.J. 08045, (1) is authorized to operate as a *common carrier* in Ohio, Indiana, New York, Pennsylvania, Maryland, West Virginia, Kentucky, Michigan, Louisiana, Wisconsin, Missouri, Illinois, New Jersey, Massachusetts, Kansas, Rhode Island, Connecticut, Delaware, Virginia, Iowa, Tennessee, and the District of Columbia and as a *contract carrier* in Ohio, Pennsylvania, West Virginia, Kentucky, New York, Indiana, Illinois, Michigan, Wisconsin, Missouri, Kansas, Delaware, Maryland, New Jersey, Connecticut, Massachusetts, Rhode Island, Alabama, Florida, Georgia, Maine, Mississippi, North Carolina, New Hampshire, South Carolina, Tennessee, Vermont, Virginia, Minnesota, and the District of Columbia, and (2) is authorized to operate as a *contract carrier* in Pennsylvania, Maryland, Delaware, New York, New Jersey, Georgia, Illinois, Indiana, Kentucky, Maine, New Hampshire, North Carolina, Ohio, South Carolina, Tennessee, West Virginia, Vermont, Michigan, Virginia, Massachusetts, Connecticut, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11873. Authority sought for purchase by V. F. WARNER & SON, INC., 706 Anthony Drive, Champaign, Ill. 61820, of a portion of the operating rights and property of KAPE EXPRESS, INC., Erie Industrial Park Building 50, Port Clinton, Ohio 43452, and for acquisition by CLIFFORD V. WARNER, and ROSE C. WARNER, both of Champaign, Ill. 61820, of control of such rights and property through the purchase. Applicants' attorney: Thomas A. Graham, suite 1610, 10 South La Salle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: *Laboratory and museum furniture, fixtures and equipment, and parts and accessories therefor*, as a contract carrier over irregular routes, between Adrian, Mich., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), with restriction. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–11874. Authority sought for control by MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050, of CF TANK LINES, INC., 175 Linfield Drive, Menlo Park, Calif. 94025, and for acquisition by ROLLINS INTERNATIONAL, INC., 1 Rollins Plaza, Wilmington, Del. 19899, of control of CF TANK LINES, INC., through the acquisition by MATLACK, INC. Applicants' attorney and representatives: Harry C. Ames, Jr., suite 805, 666 11th Street NW., Washington, D.C. 20001, Allen H. Knouft, 10 West Baltimore Avenue, Lansdowne, Pa. 19050, and John C. Peet, Jr., P.O. Box 1791, Wilmington, Del. 19899. Operating

rights sought to be controlled: *Petroleum products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from points in Contra Costa County, Calif., to points in Alabama, Connecticut, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, Ohio, Oklahoma, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia, from points in Los Angeles County, Calif., to points in Alabama, Connecticut, Illinois, Indiana, Iowa, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, Ohio, Oklahoma, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia, from Bakersfield, Calif., to points in Connecticut, Illinois, Indiana, Iowa, Michigan, Missouri, New Jersey, Ohio, Oklahoma, and Rhode Island, from Santa Maria, Calif., to points in Illinois, Indiana, Iowa, Michigan, Ohio, Oklahoma, West Virginia, and Wisconsin, with restriction, from points in Whitman, Garfield, Columbia, and Asotin Counties, Wash., to points in Oregon, Idaho, and Montana; *benzaldehyde*, in bulk in tank vehicles, from Kalama, Wash., to points in Alabama, Ohio, Michigan, and New Jersey; *animal fats and animal greases*, in bulk, in tank vehicles, from points in Washington and Oregon, to points in California. MATLACK, INC., is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 20a(b).

No. MC-F-11875. Authority sought for purchase by ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223, of a portion of the operating rights of SMITH'S TRUCK LINES, P.O. Box 8, Muncy, Pa. 17756, and for acquisition by RICHARD E. DORAN, ROBERT J. DORAN, and C. M. DORAN, all of Cincinnati, Ohio 45223, of control of such rights through the purchase. Applicants' attorneys: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215, and John M. Musselman, 401 North Third Street, Harrisburg, Pa. 17108. Operating rights sought to be transferred: *Machinery*, as a *common carrier* over irregular routes, between points in Pennsylvania on and east of U.S. Highway 15 and north of the east branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour, and Columbia Counties, Pa., on the one hand, and, on the other, points in Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, Ohio, and the District of Columbia. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has not been filed for temporary authority under section 210a(b).

NOTICE

SOO LINE RAILROAD CO. (SOO LINE) with offices at room 800 Soo Line Building, Minneapolis, Minn. 55440, hereby gives notice that on the 8th day of May, 1973 it filed with the Interstate Commerce Commission at Washington, D.C., an application assigned Finance Docket No. 27379 for authority to lease a portion of the Mississippi Street yard of the Burlington Northern Inc. (BN) in the city of St. Paul, Ramsey County, Minn., for the purpose of providing additional storage and switching yard facilities and facilities for the handling of piggyback and container-on-flat-car-service. In the opinion of the applicant the relief sought by this application is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex parte No. 55 (sub-No. 4), implementation, National Evironmental Policy Act, 1969, 340 ICC 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the request Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex parte No. 55 (sub-No. 4), supra (b)(1)–(5), 340 ICC 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

NOTICE

BURLINGTON NORTHERN, INC., 176 East Fifth Street, St. Paul, Minn. 55101, represented by Mr. Raymond E. Skov, associate general counsel, 547 West Jackson Boulevard, Chicago, Ill. 60606, hereby gives notice that on the 1st day of May 1973, it filed with the Interstate Commerce Commission at Washington, D.C., a petition to modify the original agreement approved by the Commission in Finance Docket No. 16395 by order dated July 6, 1949, covering trackage rights over Illinois Central Gulf Railroad Co. between Rock Creek Junction (Kansas City) and Francis, Mo., involving approximately 159 miles of trackage. In this petition, applicant seeks approval of an agreement dated December 20, 1968, modifying the original contract in two respects. First, the amendatory agreement changes the method of computation of minimum payments payable by applicant for use of said line by eliminating a provision requiring it to pay not less than 30 percent of expenses for maintenance and operation, and requiring only that it pay its car-mile proportion or the average car-mile proportion for the 5 years prior to January 1, 1969, whichever is greater. Second, the amendatory agreement permits termination of the original contract by applicant at any time after September 30, 1979. In the opinion of the applicant the requested Commission action in this proceeding will have no effect on the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex parte No. 55 (sub-No. 4), implementation, National Environmental Policy Act 1969, 340 ICC 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex parte No. 55 (sub-No. 4), supra, part (B)(1)–(5), 340 ICC 431, 461. The proceeding will be handled without public hearings, unless protests and received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission, no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.73-10300 Filed 5-22-73;8:45 am]

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Notice of Public Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the membership of the Administrative Conference of the United States, which makes recommendations to administrative agencies, to the President, Congress, and the Judicial Conference of the United States regarding the efficiency, adequacy, and fairness of the administrative procedures used by administrative agencies in carrying out their programs, will meet in Plenary Session on Thursday, June 7, 1973 at 1:30 p.m., at the International Conference Room, Department of State, Washington, D.C., and on Friday, June 8, 1973 at 9:30 a.m., in the second floor conference room, New Executive Office Building, 726 Jackson Place NW., Washington, D.C. The meetings are open to the public.

The Conference will consider (not necessarily in the order stated) the following matters:

1. A proposed statement on the resolutions of the American Bar Association to amend the Administrative Procedure Act.
2. A proposed recommendation respecting agency issuance of publicity adversely affecting persons in their business, property, or reputation.
3. A proposed recommendation regarding procedures for the resolution of environmental issues in licensing proceedings.
4. A proposed recommendation regarding alien certification procedures of the Department of Labor.
5. A proposed recommendation regarding quality assurance systems in the adjudication of claims of entitlement to benefits or compensation.

Further information on the meeting, including copies of proposed recommendations and supporting reports, may be obtained at the Conference office, room

500, 2120 L Street NW., Washington, D.C., telephone 254-7020.

Dated May 22, 1973.

RICHARD K. BERG,
Executive Secretary.

[FR Doc.73-10436 Filed 5-22-73;12:06 pm]

DEPARTMENT OF THE TREASURY

Office of the Secretary

DEFORMED CONCRETE REINFORCING BARS OF NONALLOY STEEL FROM MEXICO

Antidumping; Determination of Sales at Less Than Fair Value

MAY 22, 1973.

Information was received on June 8, 1972, that deformed concrete reinforcing bars of nonalloy steel from Mexico were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq) (referred to in this notice as the Act).

A withholding of appraisement notice issued by the Secretary of the Treasury was published in the FEDERAL REGISTER of February 23, 1973 (38 FR 4997).

I hereby determine that, for the reasons stated below, deformed concrete reinforcing bars of nonalloy steel from Mexico are being, or are likely to be, sold at less than fair value within the meaning of section 201(a) of the Act (19 U.S.C. 160(a)).

Statement of reasons on which this determination is based.—The information before the Bureau of Customs reveals that the proper basis of comparison for fair value purposes is between purchase price or exporter's sales price, as appropriate, and the adjusted home market price of such or similar merchandise.

Purchase price was calculated on the basis of a Mexican ex-plant price or a delivered Mexican border price, as appropriate, with deductions for inland freight charges. Adjustments were made, as appropriate, for the Mexican taxes and import duties rebated or not collected by reason of the exportation of the merchandise to the United States.

Exporter's sales price was calculated on the basis of a delivered U.S. customer's premises price or a delivered U.S. border price, with deductions, as appropriate, for inland Mexican and U.S. freight, Mexican and U.S. brokerage charges, U.S. duty, handling and switchover expenses, commissions, and selling expenses. Adjustments were made, as appropriate, for Mexican taxes and import duties rebated by reason of the exportation of the merchandise to the United States.

Home market price was based on a price list point of sale price of such or similar merchandise sold in Mexico with deductions, as appropriate, for discounts and freight expense, and adjustments for credit, commission, and selling expenses.

Using the above criteria, purchase price and exporter's sales price were found to be lower than the adjusted home market price of such or similar merchandise.

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

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

[SEAL] EDWARD L. MORGAN,
Assistant Secretary.

[FR Doc.73-10431 Filed 5-22-73;10:44 am]

OIL POLICY COMMITTEE

Notice of Public Hearing Regarding Allocation of Crude Oil and Refinery Products

A public hearing will be held in Washington, D.C., on the voluntary crude oil and product allocation program beginning at 9 a.m., e.d.t., Monday, June 11, 1973, and continuing through Wednesday, June 13, 1973, in the auditorium of GSA Headquarters Building, 19th and F Streets NW., Washington, D.C. 20242, for the purpose of receiving comments and testimony on all phases of the voluntary crude oil and refinery product allocation program announced by the Honorable William E. Simon, Deputy Secretary of the Treasury, before the Senate Committee on Banking, Housing and Urban Affairs on Thursday, May 10, 1973.

The Chairman of the Oil Policy Committee has established the Oil Policy Hearing Committee which will be comprised of two representatives from the Department of the Interior and a representative each from the Department of the Treasury, Commerce, Justice, Office of Emergency Preparedness, and the White House, representatives to be designated respectively by the heads of such departments. The Interior representative shall serve as Chairman of the Committee.

Written comments (20 copies) should be submitted by all interested persons to: Mr. Kenneth L. Dupuy, Oil Policy Hearing Committee, room 5522, Department of the Interior, Washington, D.C. 20240, on or before 5 p.m., Thursday, June 7, 1973. Public testimony will be heard by the Committee according to the following timetable (see attached timetable).

Dated May 21, 1973.

WILLIAM E. SIMON,
Deputy Secretary of the Treasury.

Persons submitting comment and testimony to the Committee should address their comments to the following questions:

1. What legal problems will complicate compliance with the voluntary allocation program? To what extent will they limit compliance?

2. What problems other than legal problems will tend to limit effective compliance with the voluntary program? To what extent will they prevent compliance? Would these problems be any different if the program were made mandatory?

3. If the program were made mandatory under the provisions of the Economic Stabilization Act, would this eliminate the legal problems you expect under the voluntary allocation program? What legal problems would you expect under a mandatory allocation program? To what extent would they complicate compliance?

4. To whom should the allocation program be extended? Should coverage be limited to major companies? If the program coverage is limited, what criteria should be applied?

5. In your opinion, how should the allocation program be administered?

6. What limits, if any, should be set on proportional allocations? Should we require a supplier to make available amounts greater than base period sales and exchanges if the supplier has greater volumes available or proportional allocation than he had during the base period?

7. In your opinion what would be the best procedure for administering priority allocations? Should each supplier be required to set aside a certain portion of his supplies for priority classes of customers? Should we assign priority allocation to each supplier or rely upon suppliers to make priority allocations up to a certain percent of their supply.

8. What category of customers should receive priority allocations? List in the order in which you think they should be considered.

9. What problems or conflicts do you foresee between the pricing provision of the voluntary allocation program and the requirements of the Cost of Living Council? How could these problems or conflicts be avoided?

10. Should a special board be established to handle complaints or should they be handled by the section of OOG administering the allocation program?

11. In a voluntary program what penalties, if any, could be imposed for noncompliance? What incentives could be provided to induce compliance? Should license-fee exemptions under the MOIP be contingent upon compliance with the voluntary allocation program?

12. What criteria should be established to determine when allocations are no longer necessary and when the program should be terminated? Should a schedule for phasing out the present program or any modified program be established at this time? What can we do to prevent independent refiners and marketers from becoming so dependent upon allocation controls that perpetual extension of the program is required?

13. Do you have any other suggestion for improvements of the present voluntary program or inclusion in a mandatory program? Should a force majeure provision be added to the current program?

14. Should the voluntary program be made mandatory? If so, what are your recommendations, if any, on the specific nature of the program that should be adopted?

15. What additional measures should be taken to insure the accomplishment of program goals?

HEARING AGENDA

FIRST DAY

9:00 to 9:05—Meeting called to order—introduce Mr. Simon.
9:05 to 9:20—Mr. Simon—opening remarks—introduce Committee (panel) members.
9:20 to 9:30—Calling first witness.
9:30 to 9:45—First witness.
9:45 to 9:55—Question directed by Committee to witness.
9:55 to 10:00—Idle time—moving in and out of witnesses.
10:00 to 10:15—Second witness.
10:15 to 10:25—Questions.
10:25 to 10:30—Idle.
10:30 to 10:45—Third witness.

FIRST DAY—continued

10:45 to 10:55—Questions.
10:55 to 11:00—Idle.
11:00 to 11:15—Fourth witness.
11:15 to 11:25—Questions.
11:25 to 11:30—Idle.
11:30 to 11:45—Fifth witness.
11:45 to 11:55—Questions.
11:55 to 12:00—Idle.
12:00 to 1:00—Lunch.
1:00 to 1:15—Sixth witness.
1:15 to 1:25—Questions.
1:25 to 1:30—Idle.
1:30 to 1:45—Seventh witness.
1:45 to 1:55—Questions.
1:55 to 2:00—Idle.
2:00 to 2:15—Eighth witness.
2:15 to 2:25—Questions.
2:25 to 2:30—Idle.
2:30 to 2:45—Ninth witness.
2:45 to 2:55—Questions.
2:55 to 3:00—Idle.
3:00 to 3:15—10th witness.
3:15 to 3:25—Questions.
3:25 to 3:30—Idle.
3:30 to 5:00—Question from Committee to any or all of the individual witnesses during the day.

SECOND DAY

9:00 to 9:20—Meeting called to order. Opening remarks—introduce Committee (panel) members.
9:20 to 9:30—Calling first witness.
9:30 to 9:45—First witness.
9:45 to 9:55—Question directed by committee to witness.
9:55 to 10:00—Idle time—moving in and out of witnesses.
10:00 to 10:15—Second witness.

SECOND DAY—continued

10:15 to 10:25—Questions.
10:25 to 10:30—Idle.
10:30 to 10:45—Third witness.
10:45 to 10:55—Questions.
10:55 to 11:00—Idle.
11:00 to 11:15—Fourth witness.
11:15 to 11:25—Questions.
11:25 to 11:30—Idle.
11:30 to 11:45—Fifth witness.
11:45 to 11:55—Questions.
11:55 to 12:00—Idle.
12:00 to 1:00—Lunch.
1:00 to 1:15—Sixth witness.
1:15 to 1:25—Questions.
1:25 to 1:30—Idle.
1:30 to 1:45—Seventh witness.
1:45 to 1:55—Questions.
1:55 to 2:00—Idle.
2:00 to 2:15—Eighth witness.
2:15 to 2:25—Questions.
2:25 to 2:30—Idle.
2:30 to 2:45—Ninth witness.
2:45 to 2:55—Questions.
2:55 to 3:00—Idle.
3:00 to 3:15—10th witness.
3:15 to 3:25—Questions.
3:25 to 3:30—Idle.
3:30 to 5:00—Questions from Committee to any or all of the individual witnesses during the day.

THIRD DAY

9:00 to 9:20—Meeting called to order. Opening remarks—introduce Committee (panel) members.
9:20 to 9:30—Calling first witness.
9:30 to 9:45—First witness.

THIRD DAY—continued

9:45 to 9:55—Question directed by Committee to witness.
9:55 to 10:00—Idle time—moving in and out of witnesses.
10:00 to 10:15—Second witness.
10:15 to 10:25—Questions.
10:25 to 10:30—Idle.
10:30 to 10:45—Third witness.
10:45 to 10:55—Questions.
10:55 to 11:00—Idle.
11:00 to 11:15—Fourth witness.
11:15 to 11:25—Questions.
11:25 to 11:30—Idle.
11:30 to 11:45—Fifth witness.
11:45 to 11:55—Questions.
11:55 to 12:00—Idle.
12:00 to 1:00—Lunch.
1:00 to 1:15—Sixth witness.
1:15 to 1:25—Questions.
1:25 to 1:30—Idle.
1:30 to 1:45—Seventh witness.
1:45 to 1:55—Questions.
1:55 to 2:00—Idle.
2:00 to 2:15—Eighth witness.
2:15 to 2:25—Questions.
2:25 to 2:30—Idle.
2:30 to 2:45—Ninth witness.
2:45 to 2:55—Questions.
2:55 to 3:00—Idle.
3:00 to 3:15—10th witness.
3:15 to 3:25—Questions.
3:25 to 3:30—Idle.
3:30 to 4:45—Questions.
4:45 to 5:00—Chairman, closing remarks.

Additional hearings and testimony will be heard at a later time.

[FR Doc.73-10398 Filed 5-22-73;10:00 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*	*Pages*	*Date*
10699–10788	May 1	12307–12594	May 11
10789–10908	2	12595–12721	14
10909–11052	3	12723–12789	15
11053–11329	4	12791–12884	16
11331–11426	7	12885–13002	17
11427–12084	8	13003–13307	18
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12195–12306	10	13469–13540	22
		13541–13626	23

federal register

WEDNESDAY, MAY 23, 1973
WASHINGTON, D.C.
Volume 38 ■ Number 99

PART II

ENVIRONMENTAL PROTECTION AGENCY

■

PESTICIDES AND CONTAINERS; ACCEPTANCE, DISPOSAL, AND STORAGE

Proposed Rulemaking and Issuance of Procedures

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 165]

PESTICIDES AND CONTAINERS; ACCEPTANCE, DISPOSAL, AND STORAGE

Proposed Rulemaking and Issuance of Procedures

The previous Federal pesticide legislation, the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 (7 U.S.C. 135 et seq.), known as FIFRA, did not address the problems of disposal or storage. However, the Federal Environmental Pesticide Control Act of 1972, known as FEPCA (Public Law 92-516, 86 Stat. 973) alters and broadens FIFRA to provide for the first definitive control of pesticide, and pesticide container, disposal and storage. Under section 19(a) of the new act, the Administrator of the Environmental Protection Agency is required to "establish procedures and regulations for the disposal or storage of packages and containers of pesticides and for disposal or storage of excess amounts of such pesticides, and accept at convenient locations for safe disposal a pesticide the registration of which is canceled under section 6(c) if requested by the owner of the pesticide." The proposed regulations for acceptance, and recommended procedures for disposal and storage, contained herein represent the Agency's first issuance in accordance with the provisions of section 19(a) of the new act.

The potential seriousness of health and environmental hazards due to improper disposal and storage of pesticides and containers became increasingly clear in the late 1960's, as documented case studies accumulated. Expanding usage of pesticides in the United States (an estimated 665 million pounds in 1968) and increasing numbers of spent containers requiring disposal (240 million in 1968, up 50 percent over the number in 1963) indicated that these problems could be expected to increase. Since little was known of the extent of the problem, or of proper methods of disposal and storage, the working group on pesticides, composed of experts from several Federal departments, was asked to study the subject. Their initial recommendations were published under the title "Summary of Interim Guidelines for Disposal of Surplus Waste Pesticides and Pesticide Containers." More recently, in 1972 a task force on excess chemicals with representation from all parts of the Environmental Protection Agency was formed to study disposal problems relating to pesticides and other hazardous chemicals, and to recommend solutions.

In drafting these regulations and recommended procedures the Agency drew heavily on the knowledge and information developed by these two groups, other Federal and State agencies and departments, and the private sector. Thus, these documents represent a broadly based judgment regarding the pesticide and container disposal and storage requirements necessary to protect the environment. Compliance is achievable using today's technology; however, facilities utilizing this technology are not readily available to the general public in all geographic areas at the present time.

Among the new features of the act is the requirement that the Administrator of the Environmental Protection Agency accept at convenient locations for safe disposal a pesticide the registration of which is canceled under section 6(c) if requested by the owner of the pesticide. Section 6(c) of the new act refers only to those pesticides the registration of which has been canceled after first having been suspended to prevent an imminent hazard during the time required for cancellation proceedings. The owner of such a pesticide is required to make a formal request in writing to the appropriate Regional Administrator; upon approval of the request, mutually convenient arrangements will be made for acceptance. Since pesticides canceled under section 6(c) are not subject to a grandfather clause, pesticides canceled under FIFRA prior to October 21, 1972, will not qualify. Other canceled pesticides which do not qualify under the conditions set forth in section 6(c) of the new act will not be accepted pursuant to section 19(a) of the new act, and their safe disposal is the responsibility of the owner.

The recommended disposal and storage procedures apply to all pesticides and pesticide related wastes, including those which are or may in the future be registered for general use, restricted use, or experimental use. Additionally, they also apply to the storage of empty and full containers and container residues. However, these procedures may not be necessary for packages and containers of pesticides intended for use in the home and garden, or on farms and ranches when small quantities are disposed of. Such disposal will have only minimal environmental impact and is preferable to concentrating these products and containers. Similarly, the farm or ranch storage of small quantities (500 pounds active ingredient basis or less) when undertaken with reasonable regard to location and safety, is not judged to present undue environmental hazards.

In considering disposal techniques, first preference should be given to procedures designed to recover some useful value from excess pesticides and containers. Where large quantities are involved, one of the first recommendations is that the excess material should be used for the purpose originally intended, provided this use is legal. Another alternative is to return the material to the manufacturer for potential reuse or reprocessing. A third alternative, in some cases, may be the export of the material to countries where its use is desired and legal.

Should these alternatives be inapplicable, the ultimate disposal method should be determined by the type of material. Organic pesticides which do not contain mercury, lead, cadmium, or arsenic may be disposed of by incineration at temperatures which will ensure complete destruction. Maximum volume reduction is achieved by incineration, and the incinerator emissions can be treated so that only relatively innocuous products are emitted. Incineration is not, however, applicable to those organic pesticides which contain heavy metals such as mercury, lead, cadmium, or arsenic, nor is it applicable to most inorganic pesticides or other metallo-organic pesticides which have not been treated to remove the heavy metals.

If incineration is not applicable or available, disposal in specially designated landfills is suggested as an alternative. However, encapsulation prior to landfilling is recommended for certain materials such as those containing mercury, lead, cadmium, and arsenic, and inorganic compounds which are highly mobile in the soil. Encapsulation of these will retard mobility and contain them within a small area which can be permanently marked and recorded for future reference. Properly rinsed pesticide containers, however, may be safely disposed of in a sanitary landfill; rinse liquids which cannot be used should be disposed of as if they were an excess pesticide. Among the procedures not recommended are water dumping, open dumping, and open burning, except that open burning of small quantities of certain containers by the pesticide user may be acceptable in some areas.

Other disposal processes, such as soil injection, well injection, and chemical degradation, may be acceptable in specific cases. At present, such methods have been neither sufficiently described nor classified to suggest their general use, and further study is necessary.

Recommendations for storage sites, facilities, and operating procedures also are included. These storage procedures and criteria are generally not applicable to farms and ranches, and to facilities where small quantities of home and garden pesticides are stored. However, commercial facilities where significant quantities of pesticides are stored should conform.

Sites and facilities should be located and constructed to prevent escape of pesticides and contaminated materials into the environment. Where practicable, provision for separate storage of different classifications of pesticides according to their chemical type, and for routine container inspection, should be considered. Special procedures are recommended for use in the case of fires and explosions where pesticides are stored.

It is hoped that these proposed regulations and recommended procedures will alert all Federal and State agencies and private manufacturers, handlers, and users of pesticides to the need for proper disposal and storage of excess pesticides and pesticide containers. The U.S. Environmental Protection Agency will follow these recommended procedures in its own operations. Each office, laboratory or

other facility of the Agency will conform strictly to these procedures in the disposal or storage of pesticides and their containers.

The Environmental Protection Agency via publication of these proposed regulations and recommended procedures in the FEDERAL REGISTER invites comments, reviews, and critiques from the Federal and other governmental agencies, and from the private sector. Interested parties may submit written comments to the Deputy Assistant Administrator for Solid Waste Management Programs, U.S. Environmental Protection Agency, Washington, D.C. 20460. All comments received on or before July 23, 1973, will be considered, but substantive responses to individual comments will not be made. The Deputy Assistant Administrator will, however, acknowledge receipt of all comments.

The proposed regulations and recommended procedures for disposal and storage of pesticides and pesticide containers are issued under the authority of sections 19(a) and 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 955, 977), and section 204 of the Solid Waste Disposal Act (Public Law 89-272, as amended by Public Law 91-512).

ROBERT W. FRI,
Acting Administrator.

MAY 17, 1973.

PART 165—REGULATIONS FOR THE ACCEPTANCE OF CERTAIN PESTICIDES AND RECOMMENDED PROCEDURES FOR THE DIPOSAL AND STORAGE OF PESTICIDES AND PESTICIDE CONTAINERS

Subpart A—General

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Subpart D—Pesticide-Related Wastes

165.11 Procedures for disposal and storage of pesticide-related wastes.

Subpart A—General

§ 165.1 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them by the act.

(a) "The Act" means the Federal Insecticide, Fungicide, and Rodenticide Act as amended by the Federal Environmental Pesticide Control Act of 1972 (Public Law 92-516, 86 Stat. 973).

(b) "Agency" means the U.S. Environmental Protection Agency.

(c) "Administrator" means the Administrator of the U.S. Environmental Protection Agency.

(d) "Adequate storage" means placing of pesticides in proper containers and in safe areas as per § 165.10 so as to minimize the possibility of escape which could result in unreasonable adverse effects on the environment.

(e) "Complete destruction" of pesticides means alteration by physical or chemical processes to inorganic forms.

(f) "Container" means any package, can, bottle, bag, barrel, drum, tank, or other containing-device (excluding spray applicator tanks) used to enclose a pesticide or pesticide related wastes.

(g) "Decontamination/detoxification" means processes which will convert pesticides into nontoxic compounds.

(h) "Degradation products" means those chemicals resulting from partial decomposition or chemical breakdown of pesticides.

(i) "Diluent" means a material which, when added to a pesticide by the user, reduces the concentration of active ingredient in the mixture.

(j) "Encapsulate" means to seal a pesticide, and its container if appropriate, in an impervious container made of plastic, glass, or other suitable material which will not be chemically degraded by the contents. This container then should be sealed within a durable container made from steel, plastic, concrete, or other suitable material of sufficient thickness and strength to resist physical damage during and subsequent to burial.

(k) "Heavy metals" means metallic elements of higher atomic weights, including but not limited to arsenic, cadmium, copper, lead, mercury, manganese, zinc, chromium, tin, thallium, and selenium.

(l) "Imminent hazard" means a situation which exists when the continued use of a pesticide during the time required for cancellation proceeding would be likely to result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the Secretary of the Interior under Public Law 91-135.

(m) "Ocean dumping" means the disposal of pesticides in or on the oceans.

(n) "Open burning" means the combustion of a pesticide or container in any fashion other than incineration.

(o) "Open dumping" means the placing of pesticides or containers in a landsite in a manner which does not protect the environment and is exposed to the elements, vectors, and scavengers.

(p) "Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

(1) "Excess pesticides" means all pesticides which cannot be legally sold pursuant to the Act or which are to be discarded.

(2) "Organic pesticides" means carbon-hydrogen containing substances used as pesticides, excluding metallo-organic compounds.

(3) "Inoganic pesticides" means non-carbon-hydrogen containing substances used as pesticides.

(4) "Metallo-organic pesticides" means a class of carbon-hydrogen pesticides containing one or more metal or metalloid atoms in the structure.

(q) "Pesticide-related wastes" means all pesticide-containing wastes or by-products which are produced in the manufacturing or processing of a pesticide and which are to be discarded, but, which, pursuant to acceptable pesticide manufacturing or processing operations, are not ordinarily a part of or contained within an industrial waste stream discharged into a sewer or the waters of a State.

(r) "Pesticide incinerator" means any installation capable of the controlled combustion of pesticides, at a temperature of 1000° C (1832°) for 2 seconds dwell time in the combustion zone, or lower temperatures and related dwell times that will assure complete conversion of the specific pesticide to inorganic gases and solid ash residues.

(s) "Safe disposal" means discarding pesticides or containers in a permanent manner so as to comply with these proposed procedures and so as to avoid unreasonable adverse effects on the environment.

(t) "Sanitary landfill" means a disposal facility employing an engineered method of disposing of solid wastes on land in a manner which minimizes environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying cover material at the end of each working day.

(u) "Scrubbing" means the washing of impurities from any process gas stream.

(v) "Soil injection" means the emplacement of pesticides by ordinary tillage practices within the plow layer of a soil.

(w) "Specially designated landfill" means a landfill at which complete protection is provided for all time for the quality of surface and subsurface waters from pesticides, pesticide containers, and pesticide-related wastes deposited therein, and against hazard to public health and the environment. Such sites should be located and engineered to avoid direct hydraulic continuity with surface and subsurface waters, and any leachate or subsurface flow into the disposal area should be contained within the site unless treatment is provided. Monitoring wells should be established and a sampling and analysis program conducted. The location of the disposal site should be permanently recorded in the appropriate office of legal jurisdiction.

(x) "Triple rinse" means the flushing of containers three times, each time using a volume of the normal diluent equal to approximately 20 percent of the container's capacity, and adding the rinse

liquid to the spray mixture or disposing of it by a method prescribed for disposing of the pesticide.

(y) "Unreclaimable residues" means residual materials of little or no value remaining after incineration.

(z) "Water dumping" means the disposal of pesticides in or on lakes, ponds, rivers, sewers, and other water systems.

(aa) "Well injection" means disposal of liquid wastes through a hole or shaft to a subsurface stratum.

§ 165.2 Authorization and scope.

(a) These proposed regulations and recommended procedures are published pursuant to section 19(a) of the act, which gives the Administrator the authority to establish regulations and procedures for the disposal or storage of packages and containers of pesticides, and for disposal or storage of excess amounts of such pesticides, and requires the Administrator to accept for safe disposal a pesticide the registration of which is canceled under section 6(c) of the act if requested by the owner of the pesticide. Section 165.11 of these recommended procedures (pesticide-related wastes) is published pursuant to section 204 of the Solid Waste Disposal Act (Public Law 89-272 as amended by Public Law 91-512) which authorizes the Administrator to make information available and to make recommendations concerning the disposal and handling of wastes.

(b) Proposed regulations for acceptance for safe disposal of pesticides canceled under section 6(c) and recommended procedures for disposal or storage of pesticides and pesticide containers are those which the Administrator judges as necessary, with an adequate margin of safety, to protect public health and the environment. Such procedures are subject to addition and revision as the Administrator deems necessary.

(c) The promulgation or revision of national recommended pesticide and container disposal and storage procedures by the Agency shall not supersede or abrogate existing State regulations of more stringent nature, and similarly shall not prohibit any State from establishing regulations more stringent than these procedures.

(d) The recommended procedures for the disposal of pesticides and pesticide containers apply equally to all pesticides (and their containers) including those which are or may in the future be registered for general use, restricted use, or experimental use. These disposal procedures are mandatory only for the Agency in carrying out its pesticide and container disposal operations.

(e) The recommended procedures for the storage of pesticides and pesticide containers should apply to all pesticides and excess pesticides and to empty unrinsed containers and containers which contain pesticides. These procedures should apply to all facilities where pesticides that are or may in the future be registered for restricted use or experimental use are stored, but not to farm or ranch facilities where small quantities of pesticides (up to 500 pounds of active ingredient) are stored, nor to stores and other small volume retail outlets where pesticides registered for use in the home and garden are stored.

(f) Recommended pesticide and pesticide container disposal procedures shall not apply to containers of pesticides registered for use in the home and garden if disposed of singly during routine municipal solid waste disposal.

(g) As a general guideline, the owner of large quantities of excess pesticides should first exhaust the two following avenues before undertaking final disposal:

(1) Use for the purposes originally intended, at the prescribed dosage rates, providing these are currently legal under all Federal, State, and local laws and regulations.

(2) Return to the manufacturer or distributor for potential re-labelling, recovery of resources, or reprocessing into other materials. All currently applicable U.S. Department of Transportation regulations must be observed during transportation, including those prescribed in 49 CFR parts 170-179 and 397, 46 CFR part 146, and 14 CFR part 103. The "for hire" transportation of excess pesticides across State lines may be subject to Interstate Commerce Commission's commodities economic regulations, and the Commission should be contacted in case of doubt.

NOTE.—Some excess pesticides may be suitable for export to a country where use of the pesticide is legal. All pesticides so exported should be in good condition and packed according to specifications of the foreign purchaser, and must be transported to the port of embarkment in accordance with all Department of Transportation regulations.

Subpart B—Acceptance

§ 165.3 Acceptable pesticides.

The Administrator will accept for safe disposal those pesticides the registrations of which have been canceled, after first having been suspended to prevent an imminent hazard during the time required for cancellation proceedings as specified in section 6(c) of the act. However, no other pesticides will be accepted pursuant to section 19(a) of the act, and nothing herein shall obligate the Federal Government to own or operate any disposal facility.

§ 165.4 Request for acceptance.

Before the owner of such a pesticide requests acceptance by the Administrator for disposal, he shall make every reasonable effort to return the material to either its manufacturer, distributor, or to another agent capable of using the material. If such an effort is unsuccessful, the following procedure shall be used by the owner of a suspended pesticide to request acceptance by the Administrator:

(a) The owner of such a pesticide must make a formal request in writing to the appropriate Regional Administrator for acceptance.

(b) Records and data pertaining to the amount, location, physical form, type and condition of containers, and data of manufacture or purchase of individual lots must be submitted. Certification that the owner of the suspended pesticide has made every reasonable effort to return the material to the manufacturer, distributor of the pesticide, or to other agents capable of re-labeling, recovering, recycling or re-processing the material and has been refused on the basis of technological infeasibility, must also be submitted.

§ 165.5 Delivery.

If it is found that a canceled pesticide meets the requirements for acceptance, the Regional Administrator will confer with the owner for purposes of arranging a mutually convenient location for acceptance of individual lots of such canceled pesticides. Transportation to the acceptance location will be the responsibility of, and transportation costs will be borne by, the owner of the pesticide.

§ 165.6 Disposal

Following such acceptance, the Regional Administrator will cause the disposal of such pesticide as appropriate, in accordance with the procedures outlined in subparts A and C of this part.

Subpart C—Pesticides and Containers

§ 165.7 Procedures not recommended.

No person should dispose of or store (or receive for disposal or storage) any pesticide or dispose of or store any pesticide container or pesticide container residue:

(a) In a manner inconsistent with its label or labeling or inconsistent with safe disposal or adequate storage criteria and procedures.

(b) So as to cause or allow open dumping of pesticides or pesticide containers.

(c) So as to cause or allow open burning of pesticides or pesticide containers; except, the open burning by the user of small quantities of combustible containers formerly containing organic or metallo-organic pesticides, except organic mercury, lead, cadmium, or arsenic compounds, is acceptable when allowed by State and local regulations.

(d) So as to cause or allow water dumping, or ocean dumping except in conformance with regulations developed pursuant to National Marine Protection, Research and Sanctuaries Act of 1972 (Public Law 92-532).

(e) So as to violate any applicable Federal or State pollution control standard.

(f) So as to violate any applicable provisions of the act.

§ 165.8 Recommended procedures for the disposal of pesticides.

Recommended procedures for the disposal of pesticides are given below:

(a) Organic pesticides (except organic mercury, lead, cadmium, and arsenic compounds which are discussed in § 165.8 (c)) should be disposed of according to the following rank order of procedures:

(1) Incinerate in a pesticide incinerator at the specified temperature/dwell time combination, or at such other lower temperature and related dwell time that will cause complete destruction of the pesticide. As a minimum all emissions should meet the requirements of the Clean Air Act of 1970 (42 U.S.C. 1857 et seq.) relating to gaseous emissions: specifically any performance regulations and standards promulgated under secs. 111 and 112 should be adhered to. Any liquids, sludges, or solid residues generated should be disposed of in accordance with all applicable Federal, State, and local pollution control requirements. Municipal solid waste incinerators should not be used to incinerate excess pesticides or pesticide containers except as provided in § 165.2(f).

(2) If appropriate incineration facilities are not available, organic pesticides may be disposed of by burial in a specially designated landfill. Adequate records to locate such buried pesticides within the landfill site should be maintained.

(3) The environmental impact of the soil injection method of pesticide disposal has not been clearly defined, and therefore this disposal method should be undertaken only with specific guidance. It is recommended that the appropriate Regional Administrator be contacted prior to undertaking such disposal by this method.

(4) There are some chmeical methods and procedures which will degrade pesticides to forms which are not hazardous to the environment. It is intended that such methods will be described and catalogued according to their applicability to the different groups of pesticides. Until this list of methods is available, however, it is recommended that the appropriate Regional Office be contacted prior to undertaking disposal by such method.

(5) If adequate incineration facilities, specially designated landfill facilities, or other approved procedures are not available, temporary storage of pesticides for disposal should be undertaken. Storage facilities, management procedures, safety precautions and fire and explosion control procedures should conform to those set forth in § 165.10.

(6) The effects of subsurface emplacement of liquid by well injection and the fate of injection materials are uncertain with today's knowledge, and could result in serious environmental damage requiring complex and costly solutions on a long-term basis. Well injection should not be considered for pesticide disposal unless all reasonable alternative measures have been explored and found less satisfactory in terms of environmental protection. The agency will oppose well injection of pesticides without strict controls. It must be clearly demonstrated to the appropriate Regional Administrator that adequate preinjection tests have been made, provisions have been made for monitoring the operation and the environmental effects, contingency plans have been formulated to cope with well failures, and provisions will be made for plugging injection wells when abandoned.

(b) Metallo-organic pesticides (except organic mercury, lead, cadmium, or arsenic compounds which are discussed in § 165.8(c)), should be disposed of according to the following rank order of procedures:

(1) After first subjecting such compounds to an appropriate chemical or physical treatment to recover the heavy metals from the hydrocarbon structure, incinerate in a pesticide incinerator as described in § 165.8(a)(1).

(2) If appropriate treatment and incineration facilities are not available, bury in a specially designated landfill as noted in § 165.8(a)(2).

(3) Disposal by soil injection of metallo-organic pesticides should be undertaken only in accordance with the procedure set forth in § 165.8(a)(3).

(4) Chemical degradation methods and procedures that can be demonstrated to provide safety to public health and the environment should be undertaken only as noted in § 165.8(a)(4).

(5) If adequate disposal methods as listed above in this section are not available, the pesticides should be stored according to the procedures in § 165.10 until disposal facilities become available.

(6) Well injection of metallo-organic pesticides should be undertaken only in accordance with the procedure set forth in § 165.8(a)(6).

(c) Organic mercury, lead, cadmium, and arsenic, and all inorganic pesticides should be disposed of according to the following rank order of procedures:

(1) Chemically deactivate the pesticides by conversion to nonhazardous compounds, and recover the heavy metal resources. It is intended that such methods as are appropriate will be described and catalogued according to their applicability to the different groups of pesticides. Until a list of such methods is available, however, each use of such methods should be undertaken only as noted in § 165.8(a)(4).

(2) If chemical deactivation facilities are not available, such pesticides should be encapsulated and buried in a specially designated landfill. Records sufficient to permit location for retrieval should be maintained.

(3) If none of the above options is available, place in suitable containers (if necessary) and provide temporary storage until such time as adequate disposal facilities or procedures are available. The general criteria for acceptable storage are noted in § 165.10.

§165.9 Recommended procedures for the disposal of pesticide containers and residues.

(a) *Category I containers.*—Combustible containers which formerly contained organic or metallo-organic pesticides, except organic mercury, lead, cadmium, or arsenic compounds, should be disposed of in a pesticide incinerator, or buried in a specially designated landfill, as noted in § 165.8(a); except that small quantities of such containers may be burned or buried in open fields by the user of the pesticide when such open burning is permitted by State and local regulations.

(b) *Category II containers.*—Noncombustible containers which formerly contained organic or metallo-organic pesticides, except organic mercury, lead, cadmium, or arsenic compounds, should be triple rinsed and punctured to facilitate drainage prior to transport to the disposal facility. Rinsed containers may be disposed of by burial in a sanitary landfill, in conformance with State and local standards or buried in the field by the user of the pesticide. Unrinsed containers should be disposed of in a specially designated landfill, or subjected to incineration in a pesticide incinerator.

(c) *Category III containers.*—Containers (both combustible and noncombustible) which formerly contained organic mercury, lead, cadmium, or arsenic or inorganic pesticides and which have been triple rinsed and punctured to facilitate drainage, may be disposed of in a sanitary landfill. Such containers which are not rinsed should be encapsulated and buried in a specially designated landfill.

(d) *Residue disposal.*—Residue and rinse liquids which are not added to spray mixtures in the field should be disposed of in the manner prescribed for each specific type of pesticide as set forth in § 165.8.

§ 165.10 Recommended procedures and criteria for storage of pesticides and pesticide containers.

(a) *General.*—Large quantities (in excess of 500 pounds active ingredient basis) of pesticides and excess pesticides and containers whose uncontrolled release into the environment would cause unreasonable adverse effects on the environment, should be stored only in facilities where due regard has been given to the nature of the pesticide, site selection, protective enclosures, and operating procedures, and adequate measures are taken to assure personal safety, accident prevention, and monitoring of the environment. These procedures and criteria may not be necessary at facilities where pesticides registered for home and garden use are stored, such as stores and other small volume retail outlets, nor on farms and ranches where less than 500 pounds (active ingredients basis) are stored at any one time. All other facilities where pesticides, including those which are or may in the future be registered for restricted or experimental use, are stored should be in conformance with these procedures and criteria.

(b) *Storage sites.*—Storage sites should be selected with due regard to the amount and classification of pesticides, and the number and sizes of containers to be handled. When practicable, sites should be located where flooding is unlikely and where soil texture/structure and geologic/hydrologic characteristics will prevent the contamination of any water system by runoff or percolation. Where warranted, drainage from the site

should be contained (by natural barriers or dikes), monitored, and if contaminated, disposed of as an excess pesticide as discussed in § 165.8. Consideration should also be given to containing windblown pesticide dusts or particles.

(c) *Storage facilities.*—Pesticides should be stored in a dry, well ventilated, separate, fireproof room or building or covered area. Where relevant and practicable, the following precautions should be taken:

(1) The entire storage facility should be secured by a climb-proof fence, and doors and gates should be kept locked to prevent unauthorized entry.

(2) Signs should be placed on rooms, buildings, and fences to advise of the contents and warn of their hazardous nature.

(3) All items of movable equipment at the storage site should be labeled "contaminated with pesticides" and should not be removed from the site unless thoroughly decontaminated.

(4) Provision should be made for decontamination of personnel and equipment such as delivery trucks, tarpaulin covers, etc. Where feasible, a wash basin, and shower with a delayed-closing pull chain valve should be provided. All contaminated water should be disposed of as an excess pesticide. Where required, decontamination areas should be paved or lined with impervious materials, and should include gutters. Contaminated runoff should be collected, and treated as an excess pesticide.

(d) *Operational procedures.*—Pesticide containers should be stored with the label plainly visible. If containers are not in good condition when received, the contents should be placed in a suitable container and marked as to content. If dry excess pesticides are received in paper bags that are damaged, the bags and the contents should be placed in a sound container that can be sealed. Metal or rigid plastic containers should be checked carefully to insure that the lids and bungs are tight. Where relevant and practicable, the following provisions should be considered:

(1) *Classification and separation.*—Each pesticide formulation should be segregated and stored under a sign containing the name of the formulation. Rigid containers should be stored in an upright position and all containers should be stored off the ground, in an orderly way, so as to permit ready access and inspection. They should be accumulated in rows or units so that all labels are visible, and with lanes to provide effective access. A complete inventory should be maintained indicating the number and identity of containers in each storage unit.

(i) Excess pesticides and containers should be further segregated according to the method of disposal to insure that entire shipments of the same class of pesticides are disposed of properly, and that accidental mixing of containers of different categories does not occur during the removal operation.

(2) *Container inspection and maintenance.*—Containers should be checked regularly for corrosion and leaks. If such is found, the container should be transferred to a sound, suitable, larger container and be properly marked. Adsorptive clay, hydrated lime, and sodium hypochlorite should be kept on hand for emergency treatment and detoxification of spills or leaks. (Specific information relating to other spill treatment procedures and materials will be published as it is confirmed.)

(e) *Safety precautions.*—Where relevant and practicable, rules for personal safety and accident prevention similar to those listed below, should be available in areas where personnel congregate.

(1) *Accident prevention measures.*—(i) Inspect all containers of pesticides for leaks before handling them.

(ii) Do not mishandle containers and thereby create emergencies by carelessness.

(iii) Do not permit unauthorized persons in the storage area.

(iv) Do not store pesticides next to food or other articles intended for consumption by humans or animals.

(v) Inspect all vehicles prior to departure, and treat those found to be contaminated.

(2) *Safety measures.*—(i) Do not store food, beverages, tobacco, eating utensils, or smoking equipment in the storage or loading areas.

(ii) Do not drink, eat food, smoke, or use tobacco in areas where pesticides are present.

(iii) Wear rubber gloves while handling containers of pesticides.

(iv) Do not put fingers in mouth or rub eyes while working.

(v) Wash hands before eating, smoking, or using toilet and immediately after loading, or transferring pesticides.

(vi) Persons working regularly with organophosphate and N-alkyl carbamate pesticides should have periodic physical examinations, including cholinesterase tests.

(f) *Protective clothing and respirators.*—When handling pesticides which are in concentrated form, protective clothing should be worn. Contaminated garments should be removed immediately, and extra sets of clean clothing should be maintained nearby. Particular care should be taken when handling certain pesticides to protect against absorption through skin, and inhalation of fumes. Respirators or gas masks with proper canisters approved for the particular type of exposure noted in the label directions, should be used when such pesticides are handled.

(g) *Fire control.*—Where large quantities of pesticides are stored, or where conditions may otherwise warrant, the owner of the pesticides should consider informing the local fire department, hospitals, public health officials, and police department in writing of the hazards that pesticides may present in the event of a fire. A floor plan of the storage area indicating where different pesticide classifications are regularly stored should be provided to the fire department. The fire chief should be furnished with the home telephone numbers of the person(s) responsible for the pesticide storage facility, the appropriate regional administrator, who can summon the appropriate agency emergency response team, the U.S. Coast Guard, and the pesticide safety team network of the National Agricultural Chemicals Association.

(1) *Suggestions for fire hazard abatement.*—(i) Where applicable, plainly label the outside of each storage area with "DANGER", "POISON", "PESTICIDE STORAGE" signs. Consult with the local fire department regarding the use of the hazard signal system of the National Fire Protection Association.

(ii) Post a list on the outside of the storage area of the types of chemicals stored therein. The list should be updated as appropriate.

(2) *Suggested fire fighting precautions.*—(i) Wear air-supplied breathing apparatus and rubber clothing.

(ii) Avoid breathing or otherwise contacting toxic smoke and fumes.

(iii) Wash completely as soon as possible after encountering smoke and fumes.

(iv) Contain the water used in fire fighting within the storage site drainage system.

(v) Firemen should take cholinesterase tests after fighting a fire involving organo-phosphate or N-alkyl carbamate pesticides, if they have been heavily exposed to the smoke. Baseline cholinesterase tests should be part of the regular physical examination for firemen.

(vi) Evacuate persons near such fires who may come in contact with smoke or fumes or contaminated surfaces.

(h) *Monitoring.*—An environmental monitoring system should be considered in the vicinity of storage facilities for large quantities of pesticide. Samples from the surrounding water, wildlife, and plant environment, as appropriate, should be tested in a regular program to ensure minimal environmental risk. Analyses should be performed according to "Official Methods of the Association of Official Analytical Chemists (AOAC)," and such other methods and procedures as may be suitable.

Subpart D—Pesticide-Related Wastes

§ 165.11 Procedures for disposal and storage of pesticide-related wastes.

(a) In general all pesticide-related wastes should be disposed of as excess pesticides in accordance with the procedures set forth in §§ 165.7 and 165.8 of subpart C. Such wastes should not be disposed of by addition to an industrial effluent stream if not ordinarily a part of or contained within such industrial effluent stream, except as regulated by and in compliance with effluent standards established pursuant to section 307 of the Federal Water Pollution Control Act as amended.

(b) Pesticide-related wastes which are to be temporarily stored should be managed in accordance with the provisions of § 165.10.

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