

# federal register

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## 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.

**MEDICARE**—HEW eliminates current financing payments; effective 5-29-73..... 14092

**HAZARDOUS MATERIALS**—DOT proposes new safety regulations for transporting corrosive liquids (2 documents); comments by 8-28 and 9-4-73..... 14111, 14112

**COLLEGES**—HEW regulations on assistance for construction ..... 14095

**RURAL LOANS**—USDA extends disaster loan benefits and specifies refinancing conditions (2 documents)..... 14089, 14091

**NUCLEAR POWER**—AEC issues new regulatory guides for power reactor and occupational health categories (2 documents) ..... 14120, 14121

**RADIO**—FCC to study subscription agreements between broadcast licensees and musical format service companies; comments by 6-28-73..... 14124

**SECURITIES EXCHANGES**—SEC receives amendments to plan on price and volume reporting on completed transactions; comments by 6-22-73..... 14130

**FEDERAL RESERVE DISCOUNT RATE**—FRS announces increase ..... 14092

**AERONAUTICAL RADIONAVIGATION AIDS**—FCC provides additional channels; effective 6-28-73..... 14106

**ANTIDUMPING**—Tariff Commission to investigate aluminum ingots from Canada..... 14130

**POTATOES**—USDA announces budget and assessment rate for 1973-1974 research and promotion plan; effective 7-1-73..... 14088

**RICE**—USDA loan rates and program provisions for 1973 crop; effective 5-29-73..... 14088

(Continued inside)

# REMINDERS

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

## Rules Going Into Effect Today

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

	page no. and date
AMS—U.S. standards for inspection by variables.....	10446; 4-27-73
—U.S. standards for determination of fill weights.....	10449; 4-27-73

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# HIGHLIGHTS—Continued

## MEETINGS—

Commerce Department: Economic Advisory Board 6-1-73	14115
Defense Department: Secretary of Defense Natural Resources Conservation Advisory Committee, 6-11, 6-12, 6-13, 6-14 and 6-15-73	14114
Department of Defense Wage Committee, 6-5, 6-12, 6-19 and 6-26-73	14114
USAF Scientific Advisory Board Science and Technology Advisory Group, 5-31-73	14114
FCC: Answering Services Advisory Subcommittee, 6-18 to 6-20-73	14124

HEW: Health Services Research Training Committee, 6-5-73	14117
Workshop on High Blood Pressure Resources, 6-1-73	14119
National Advisory Council on Regional Medical Programs, 6-6 and 6-7-73	14118
FDA: Advisory committees, June meetings	14115
U.S. Commission on Civil Rights: Connecticut, Delaware, New York, and Vermont State Advisory Committee meetings	14122, 14123
AEC: Advisory Committee on Reactor Safeguards, 6-6-73	14119

# Contents

## AGRICULTURAL MARKETING SERVICE

Rules and Regulations	
Oranges and grapefruit grown in Lower Rio Grande Valley in Texas; expenses and rate of assessment	14087
Peaches, fresh, grown in Georgia; expenses and rate of assessment	14088
Potato research and promotion plan; expenses and rate of assessment	14088
Proposed Rules	
Domestic dates produced or packed in Riverside County, Calif.; procedures for export of dates to Mexico	14110
Pears, plums, and peaches, fresh, grown in California; limitation of handling	14110

## AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE

Rules and Regulations	
Rice; acreage allotments; closing dates for release, reapportionment, and allocation	14087

## AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Agricultural Stabilization and Conservation Service; Commodity Credit Corporation; Farmers Home Administration; Soil Conservation Service.

## AIR FORCE DEPARTMENT

Notices	
Scientific Advisory Board; meeting	14114

## ATOMIC ENERGY COMMISSION

Notices	
Advisory Committee on Reactor Safeguards: Subcommittee on Safety Guards; meeting	14119
Subcommittee on Seismic Activity; meeting	14121
California Polytechnic State University; issuance of facility license	14119

Exxon Nuclear Co., Inc.; availability of draft environmental statement	14121
Mitsubishi International Corp.; application for facility export license	14120
Regulatory guides, issuance and availability:	
Occupational health guides	14121
Power reactor guides	14120

## CIVIL AERONAUTICS BOARD

Proposed Rules	
U.S. and foreign air carriers; prohibition on entering into charter contracts except in accordance with effective tariffs	14112
Notices	
Summa Corp. and Salt Lake Aircraft Parts, Inc.; notice of proposed approval	14122

## CIVIL RIGHTS COMMISSION

Notices	
State advisory committee meetings:	
Connecticut	14122
Delaware	14122
New York (3 documents)	14123
Vermont	14123

## CIVIL SERVICE COMMISSION

Rules and Regulations	
Department of Housing and Urban Development; excepted service	14087
Notices	
Department of Defense; title change in noncareer executive assignment	14123
Grant of authority to make non-career executive assignment:	
Department of Health, Education, and Welfare	14124
Department of the Treasury	14124
National Foundation on the Arts and the Humanities (2 documents)	14124

## COAST GUARD

Rules and Regulations	
Drawbridge operation; Halifax River, Fla.	14095

## Proposed Rules

Drawbridge operation; Scuppernong River, N.C.	14111
---	-------

## COMMERCE DEPARTMENT

See also Maritime Administration; National Oceanic and Atmospheric Administration.	
Notices	
Economic Advisory Board; meeting	14115
COMMODITY CREDIT CORPORATION	
Rules and Regulations	
Rice; 1973 crop loan and purchase program	14088
Notices	
Grains and similarly handled commodities; final date for redemption of warehouse storage loans	14114
Sales of certain commodities; monthly sales list	14114

## DEFENSE DEPARTMENT

See also Air Force Department.	
Notices	
Secretary of Defense Natural Resources Conservation Advisory Committee; meetings	14114
Wage Committee; closed meetings	14114

## EDUCATION OFFICE

Rules and Regulations	
Financial assistance for construction of higher education facilities	14095

## EMERGENCY PREPAREDNESS OFFICE

Notices	
Louisiana; amendment to major disaster notice	14128

## FARMERS HOME ADMINISTRATION

Rules and Regulations	
Emergency loans; additional benefits for certain borrowers	14089
Graduation of borrowers; notification to borrowers to refinance	14091

(Continued on next page)



**FEDERAL COMMUNICATIONS COMMISSION****Rules and Regulations**

Aeronautical radio-navigation frequencies ..... 14106

**Proposed Rules**

FM broadcast stations; table of assignments; Lebanon, Mo.; correction ..... 14113

**Notices**

Answering Devices Subcommittee; meeting ..... 14124

Radio broadcast stations and musical format service companies; inquiry into subscription agreements ..... 14124

**FEDERAL HOME LOAN BANK BOARD****Rules and Regulations**

Federal Savings and Loan System; confidentiality of applications to establish branch offices ..... 14092

**FEDERAL INSURANCE ADMINISTRATION****Rules and Regulations**

National flood insurance program; areas eligible for sale of insurance (2 documents) ..... 14094

**FEDERAL POWER COMMISSION****Notices**

Proposed rate changes; order providing for hearing and suspension (2 documents) ..... 14126

**Hearings, etc.:**Brockton Taunton Gas Co. .... 14125  
Niagara Mohawk Power Corp. .... 14125**FEDERAL RESERVE SYSTEM****Rules and Regulations**

Advances and discounts by Federal Reserve banks; changes in rates ..... 14092

**Notices**

D. H. Baldwin Co.; acquisition of banks (4 documents) ..... 14127, 14128

**FOOD AND DRUG ADMINISTRATION****Proposed Rules**

Over-the-counter drugs: Antacid products; establishing of monograph; correction ..... 14111

General conditions for drugs listed as generally recognized as safe and effective and not misbranded; correction ..... 14111

**Notices**

Advisory committees; meetings... 14115

**HAZARDOUS MATERIALS REGULATIONS BOARD****Proposed Rules**Safety vents ..... 14112  
Tank car tank head shields ..... 14111**HEALTH, EDUCATION, AND WELFARE DEPARTMENT**

See Education Office; Food and Drug Administration; Health Services and Mental Health Administration; Social Security Administration.

**HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION****Notices**Advisory committees; meetings... 14117  
Workshop on High Blood Pressure Resources; meetings ..... 14119**HOUSING AND URBAN DEVELOPMENT DEPARTMENT**

See Federal Insurance Administration.

**INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)****Notices**Opportunity for public hearing on renewal permit applications: Hampshire Mining Corp. et al. .... 14128  
Monterey Coal Co. .... 14128**INTERSTATE COMMERCE COMMISSION****Notices**Assignment of hearings ..... 14131  
Fourth section application for relief ..... 14132**Motor carriers:**Board transfer proceedings ..... 14133  
Temporary authority applications (2 documents) ..... 14133, 14137**Rerouting or diversion of traffic:**Ann Arbor Railroad Co. .... 14131  
Burlington Northern Inc. .... 14132  
Chesapeake and Ohio Railway Co. .... 14132  
Illinois Central Gulf Railroad Co. (2 documents) ..... 14132**LABOR DEPARTMENT****Notices**

Harry Wise Shoe Co., Inc.; revised certification of eligibility for adjustment assistance ..... 14131

**MARITIME ADMINISTRATION****Rules and Regulations**

Merchant marine training; admission and training, Merchant Marine Academy ..... 14106

**Notices**

Mellon National Bank and Trust Co.; approval of applicant as trustee ..... 14115

**NATIONAL LABOR RELATIONS BOARD****Rules and Regulations**

Conduct and responsibilities of employees ..... 14095

**NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION****Notices**

Buhler, Donald R., and Bruce R. Mate; public hearing regarding application of exemption... 14115

**SECURITIES AND EXCHANGE COMMISSION****Notices**New York Stock Exchange et al.; receipt of amendments to plan. 14130  
*Hearings, etc.:*E. I. du Pont de Nemours & Co. .... 14129  
Goldman, Sachs & Co. .... 14129  
Goodway Inc. .... 14130  
Star-Glo Industries, Inc. .... 14130**SOCIAL SECURITY ADMINISTRATION****Rules and Regulations**

Federal health insurance for aged; current financing payments to providers ..... 14092

**SOIL CONSERVATION SERVICE****Notices**

Little Running Water Ditch, Ark.; availability of final environmental statement ..... 14115

**TARIFF COMMISSION****Notices**Aluminum ingots; investigation and hearing ..... 14130  
Erving Shoe Co., Inc.; notice of investigation ..... 14131**TRANSPORTATION DEPARTMENT**

See also Coast Guard; Hazardous Materials Regulations Board.

**Rules and Regulations**Organization and delegation of powers and duties: Delegations to General Counsel. 14109  
Order of secretarial succession. 14109**Notices**

Assistant Secretaries; reorganization ..... 14119

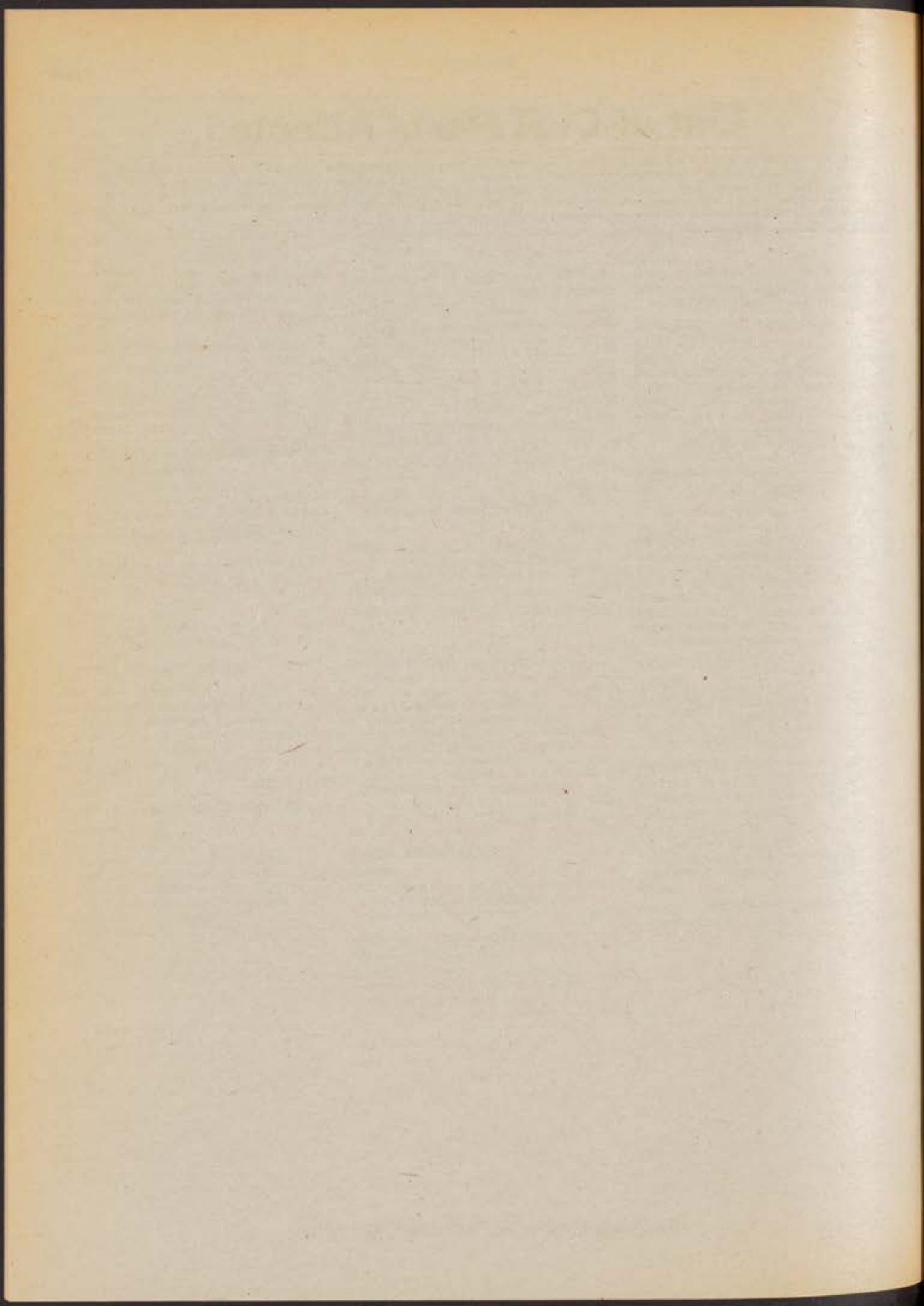


# List of CFR Parts Affected

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

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

<b>5 CFR</b>		<b>14 CFR</b>		<b>PROPOSED RULES:</b>	
213.....	14087	<b>PROPOSED RULES:</b>		117.....	14111
		207.....	14112		
<b>7 CFR</b>		208.....	14112	<b>45 CFR</b>	
730.....	14087	212.....	14112	170.....	14095
906.....	14087	214.....	14112		
918.....	14088	373.....	14112	<b>46 CFR</b>	
1207.....	14088	378.....	14112	310.....	14106
1421.....	14088				
1832.....	14089	<b>20 CFR</b>		<b>47 CFR</b>	
1865.....	14091	405.....	14092	2.....	14106
				87.....	14106
<b>PROPOSED RULES:</b>		<b>21 CFR</b>		<b>PROPOSED RULES:</b>	
917.....	14110	130 (2 documents).....	14111	73.....	14113
987.....	14110				
		<b>24 CFR</b>		<b>49 CFR</b>	
<b>12 CFR</b>		1914 (2 documents).....	14094	1 (2 documents).....	14109
201.....	14092			<b>PROPOSED RULES:</b>	
545.....	14092	<b>29 CFR</b>		173.....	14111
		100.....	14095	179 (2 documents).....	14111, 14112
		<b>33 CFR</b>			
		117.....	14095		





# Rules and Regulations

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

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

## Title 5—Administrative Personnel

### CHAPTER I—CIVIL SERVICE COMMISSION

#### PART 213—EXCEPTED SERVICE

##### Department of Housing and Urban Development

Section 213.3384 is amended to show that one additional position of Public Information Officer, one additional position of Public Information Specialist in the office of the Assistant to the Secretary for Public Affairs, and two additional positions of Staff Assistant to the Assistant Secretary for Housing Management are excepted under Schedule C.

Effective on May 29, 1973, §§ 213.3384 (a) (46), (47), and (c) (5) are amended as set out below.

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

- (a) Office of the Secretary. . . .
- (46) Four Public Information Officers, Office of the Assistant to the Secretary for Public Affairs.
- (47) Three Public Information Specialists, Office of the Assistant to the Secretary for Public Affairs.

#### (c) Office of the Assistant Secretary for Housing Management. . . .

- (5) Three Staff Assistants to the Assistant Secretary.

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

#### UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to  
the Commissioners.

[FR Doc. 73-10734 Filed 5-25-73; 8:45 am]

## Title 7—Agriculture

### CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

#### SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 13]

#### PART 730—RICE

##### Subpart—Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice

##### CLOSING DATES FOR RELEASE AND REAPPORTMENT AND FOR ALLOCATION OF PRODUCER ALLOTMENTS

**Basis and purpose.**—(a) As a result of continued rains and flooding conditions in certain areas, the planting of rice has been considerably delayed this year. In

order to give farmers additional time to make arrangements for planting as much of the acreage allotted as possible it is considered necessary to:

(1) Change the present closing date of May 15 (38 FR 10706), for allocation of producer rice allotment acreage to farms to June 1 for California for the 1973 crop year.

(2) Change the present closing date of May 15 (38 FR 10706), for releasing rice allotment acreage to the county ASC committee for reapportionment and for filing an application for reapportioned acreage to May 29 in "farm" States for the 1973 crop year.

(3) Change the present date of May 18 (38 FR 10706), for the reapportionment of released acreage by the county ASC committee to June 1 in "farm" States for the 1973 crop year.

(b) Since the latest date for planting rice with the expectation of producing a crop in certain areas is rapidly approaching in many counties, it is imperative that farmers be notified as quickly as possible of these changes. Therefore, it is determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest. Accordingly, this amendment shall become effective on May 25, 1973.

(c) The subpart, "Regulations for Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice," is amended as follows:

1. Paragraph (b) of § 730.72 is amended by changing the last sentence at the end thereof to read as follows: "Notwithstanding any other provisions of this section the 'May 1' date appearing in this paragraph shall be changed to 'May 15' for the 1973 crop year for all producer States or administrative areas except California which shall be June 1 for the 1973 crop year."

2. Paragraph (a) of § 730.84 is amended by changing the May 15, 1973, date in the last sentence to read May 29, 1973.

3. Paragraph (c) of § 730.84 is amended by changing the May 18, 1973, date in the last sentence to read June 1, 1973.

(Sec. 301, 353, 375, 52 Stat. 38, as amended; 61, as amended; 66 as amended; 7 U.S.C. 1301, 1353, 1375.)

**Effective date.**—May 25, 1973.

Signed at Washington, D.C., on May 22, 1973.

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

[FR Doc. 73-10562 Filed 5-25-73; 8:45 am]

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

### PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

#### Expenses and Rate of Assessment

This document increases, to \$892,500, the amount of money which the Texas Valley Citrus Committee may expend for its maintenance and functioning under order No. 906, during the period August 1, 1972, through July 31, 1973.

On May 10, 1973, notice of rulemaking was published in the FEDERAL REGISTER (38 FR 12232) regarding a proposed increase in expenses for the period August 1, 1972, through July 31, 1973, pursuant to the marketing agreement, as amended, and order No. 906, as amended (7 CFR pt. 906), regulating the handling of oranges and grapefruit grown in the Lower Rio Grande Valley in Texas. The amendment increases the committee's total spending authorization for the 1972-73 fiscal period to \$892,500, an increase of \$67,500. The Committee plans to use the additional funds to expand its market development project, during the current marketing season. This notice allowed interested persons 12 days during which they could submit written data, views, or arguments pertaining to these proposals. None were submitted. This regulatory program is effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Texas Valley Citrus Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that the provisions of § 906.212 (37 FR 23546) are hereby amended reading as follows:

#### § 906.212 Expenses and rate of assessment.

(a) **Expenses.**—Expenses that are reasonable and likely to be incurred by the Texas Valley Citrus Committee during the period August 1, 1972, through July 31, 1973, will amount to \$892,500.

(b) **Rate of assessment.**—The rate of assessment for said period, payable by each handler in accordance with § 906.34, is fixed at \$0.045 per seven-tenths bushel carton, or an equivalent quantity of oranges and grapefruit.



It is hereby found that good cause exists for not postponing the effective time hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the increase in the budget set forth does not involve an increase in the rate of assessment heretofore established by the Secretary (37 FR 23546); (2) the said committee has incurred expenses in excess of that previously thought likely to be incurred; and (3) it is essential that the specification of expenses herein provided be issued immediately so as that said committee can meet its obligations and perform its duties and functions within the fiscal period in accordance with the said amended marketing agreement and order.

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

Dated May 23, 1973.

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

[FR Doc.73-10611 Filed 5-25-73; 8:45 am]

#### PART 918—FRESH PEACHES GROWN IN GEORGIA

##### Expenses and Rate of Assessment

This document authorizes the industry committee to spend up to \$10,125 for its maintenance and functioning under order No. 918, and fixes the rate of assessment to be paid by each first handler at 1 cent per bushel of peaches, during the period March 1, 1973, through February 28, 1974.

On May 10, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 12232) regarding proposed expenses and the related rate of assessment for the period March 1, 1973, through February 28, 1974, pursuant to the marketing agreement and order No. 918 (7 CFR part 918) regulating the handling of fresh peaches grown in Georgia. This notice allowed interested persons 12 days during which they could submit written data, views, or arguments pertaining to the proposals. None were submitted. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the industry committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

##### § 918.211 Expenses and rate of assessment.

(a) *Expenses.*—Expenses that are reasonable and necessary to be incurred by the industry committee during the period March 1, 1973, through February 28, 1974, will amount to \$10,125.

(b) *Rate of assessment.*—The rate of assessment for said period, payable by each handler in accordance with § 918.41, is fixed as \$0.01 per bushel basket of peaches (net weight of 48 lbs),

or an equivalent of peaches in other containers or in bulk.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (7 U.S.C. 553) in that (1) shipments of fresh peaches have already begun; (2) the relevant provisions of said amended marketing agreement and this part require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable peaches from the beginning of such period; and (3) the current fiscal period began March 1, 1973, and the rate of assessment herein fixed will automatically apply to all assessable peaches beginning with such date.

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

Dated May 23, 1973.

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

[FR Doc.73-10610 Filed 5-25-73; 8:45 am]

#### CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

##### PART 1207—POTATO RESEARCH AND PROMOTION PLAN

##### Expenses and Rate of Assessment

Notice was published in the May 1, 1973, issue of the FEDERAL REGISTER (38 FR 10738), regarding proposed expenses and rate of assessment of the National Potato Promotion Board for the 1973-74 fiscal period. The budget of \$2,168,000 and assessment rate of 1¢ pr/cwt, as hereinafter set forth, were unanimously recommended by the National Potato Promotion Board, established pursuant to the Potato Research and Promotion Plan (7 CFR part 1207; 37 FR 5008). This nationwide research and promotion program is effective under the Potato Research and Promotion Act (7 U.S.C. 2611-2627).

The notice afforded interested persons opportunity to submit written data, views, or comments with respect to the proposal not later than May 17, 1973. None was received.

After consideration of all relevant matter, including that in the notice, it is hereby found that the expense and rate of assessment will tend to effectuate the declared policy of the act. The expenses and rate of assessment are as follows:

##### § 1207.402 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred during the fiscal period beginning July 1, 1973, and ending June 30, 1974, by the National Potato Promotion Board for its maintenance and functioning, and for such purposes as the Secretary determines to be appropriate will amount to \$2,168,000.

(b) The rate of assessment to be paid by each designated handler in accordance with the provisions of the plan shall be 1¢/cwt of assessable potatoes handled by him as the designated handler thereof during said fiscal period.

(c) Terms used in this section have the same meaning as when used in the Potato Research and Promotion Plan.

(Title III of Public Law 91-670; 84 Stat. 2041; 7 U.S.C. 2611-2627.)

Dated May 22, 1973, to become effective July 1, 1973.

JOHN C. BLUM,  
Deputy Administrator,  
Regulatory Programs,

[FR Doc.73-10556 Filed 5-25-73; 8:45 am]

#### CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

##### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Loan and Purchase Regs., 1973-Crop Rice Supp.]

##### PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

##### Subpart—1973-Crop Rice Loan and Purchase Program

On January 8, 1973, notice of proposed rulemaking regarding determinations to be made in carrying out the 1973-crop rice program was published in the FEDERAL REGISTER (38 FR 1054). One response was received suggesting that the loan level be set at 75 percent of parity. After due consideration the proposed amendment to the regulations remains unchanged. The general regulations governing price support for the 1970 and subsequent crops, published at 35 FR 7363 and 7781 and any amendments thereto, and the 1970 and subsequent crops rice loan and purchase program regulations, published at 35 FR 8443 and 8873, and any amendments to such regulations, are further supplemented for the 1973 crop of rice. The material previously appearing in this subpart in §§ 1421.325 through 1421.328 remains in full force and effect as to the crop to which it was applicable.

Sec.  
1421.325 Purpose.  
1421.326 Availability.  
1421.327 Maturity of loans.  
1421.328 Loan and purchase rates.

*Authority.*—Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 62 Stat. 1051, as amended, 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

##### § 1421.325 Purpose.

This subpart contains additional program provisions which, together with the applicable provisions of the regulations specified in § 1421.300 of the 1970 and subsequent crop rice loan and purchase program regulations and any amendments thereto, apply to loans and purchases for the 1973-crop rice.

##### § 1421.326 Availability.

(a) *Loans.*—Producers must request a loan on 1973-crop eligible rice on or before March 31, 1974.



(b) **Purchases.**—Producers desiring to offer eligible rice not under loan for purchase must execute and deliver to the county office prior to April 30, 1974, a purchase agreement (form CCC-614) indicating the approximate quantity of rice they will sell to CCC.

§ 1421.327 Maturity of loans.

Unless demand is made earlier, loans on rice will mature on April 30, 1974.

§ 1421.328 Loan and purchase rates.

The loan rate for rice placed under a loan other than a loan on rice stored commingled in an approved warehouse shall be the applicable basic rate specified in paragraph (a) of this section adjusted as provided in paragraphs (c) and (d) of this section. The rate for loans on rice stored commingled in an approved warehouse and for settlement of all loans and purchases shall be the applicable basic rate specified in paragraph (a) of this section, adjusted in accordance with the provisions of this section and §§ 1421.310 and 1421.23.

(a) **Basic rates.**—The basic rate per 100 pounds of rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class) and round the result to the nearest hundredth. Similarly, multiply the difference between the total yield and the head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice and round the result to the nearest hundredth. Add the results (as rounded) of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents.

VALUE FACTORS FOR HEAD AND BROKEN RICE<sup>1</sup>

Rough rice class	Head rice	Broken rice
	Cents per pound	
Long grains	9.62	4.65
Medium grains	8.87	4.65
Short grains	8.87	4.65

<sup>1</sup> These value factors may be changed. Such changes, if any, will be made by an amendment to this section issued shortly after Aug. 1, 1973.

(b) **Premium.** The basic rate determined under paragraph (a) of this section shall be adjusted by the following premium:

Grade U.S. No. 1	Cents per 100 lbs.
Grade U.S. No. 1	10

(c) **Discounts.**—(1) **Grade.**—The basic rate determined under paragraph (a) of this section shall be adjusted for grades below U.S. No. 2 by the following discounts:

Grade U.S. No. 3	Cents per 100 lbs.
Grade U.S. No. 4	Cents per 100 lbs.
Grade U.S. No. 5	Cents per 100 lbs.
Grade U.S. No. 3	15
Grade U.S. No. 4	30
Grade U.S. No. 5	50

(2) **Smut damage.**—The rate for rice evidencing smut damage shall be further adjusted by the following discounts:

Percent smut damage:

Trace	Cents per 100 lbs.
0.1 to 1.0	Cents per 100 lbs.
1.1 to 2.0	Cents per 100 lbs.
2.1 to 3.0	Cents per 100 lbs.
3.1 and over	Cents per 100 lbs.
Trace	0
0.1 to 1.0	5
1.1 to 2.0	10
2.1 to 3.0	15
3.1 and over	25

(d) **Location differentials.**—For rice produced in the areas specified below discounts for location (to adjust for transportation costs of moving the rice to an area where competitive milling facilities are available) shall be applied to the basic rate determined under paragraph (a) of this section and shall be in addition to any adjustment under paragraphs (b) and (c) of this section: *Provided, however,* That if such rice is transported and stored in a rice producing area where no location differential is applicable, no discount for location shall be applied.

DIFFERENTIAL TABLE

Area:	Discount per 100 lbs.
Imperial County, Calif., and adjacent counties in Arizona and California	\$1.36
State of Florida	1.36
States of North Carolina and South Carolina	1.30
Counties of Marion, Pike, and St. Charles, Mo.	0.88
Counties of Lafayette, Little River, and Miller, Ark.; Bowie, Tex.; McCurtain, Okla.; and Bossier Parish, La.	0.19

Effective date.—May 29, 1973.

Signed at Washington, D.C., on May 22, 1973.

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

[FR Doc. 73-10563 Filed 5-25-73; 8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FHA Instruction 440.8]

PART 1832—EMERGENCY LOANS

Subpart D—Additional Benefits for Certain Indebted and Paid-up Emergency and Rural Housing Disaster Loan Borrowers

An amendment to subchapter C, "Loans Primarily for Production Purposes," by adding new subpart D, "Additional Benefits for Certain Indebted and Paid-up Emergency and Rural Housing Disaster Loan Borrowers," of part 1832, title 7, Code of Federal Regulations, provides the policies and procedures for extending additional benefits under Public Law 92-385, dated August 16, 1972, to eligible FHA borrowers and borrowers who have paid their accounts in full who received emergency loans and rural housing disaster loans because of qualifying losses caused by natural disasters, including major disasters, occurring after June 30, 1971.

The benefits are principal cancellations and/or refunds on current loans and ad-

justed reduced interest rates of either 1 or 3 percent. An applicant having qualifying losses may receive a principal cancellation or refund in connection with an emergency or rural housing disaster loan he received as the result of a natural disaster.

In accordance with 5 U.S.C. 553, this new subpart is being published without notice of proposed rulemaking, effective immediately, since it implements the provisions of Public Law 92-385 and because a delay in implementing the provisions of the public law by this regulation would be contrary to the public interest.

The new subpart D reads as follows:

Subpart D—Additional Benefits for Certain Indebted and Paid-up Emergency and Rural Housing Disaster Loan Borrowers

Sec.	
1832.71	General.
1832.72	Policy guides.
1832.73	Preparing lists of borrowers.
1832.74	Notifying borrowers on list two.
1832.75	Processing lists one and two.
1832.76	Processing additional benefits.
1832.77	Special cases.
1832.78	Expiration date.

**AUTHORITY.**—Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; orders of Acting Secretary of Agriculture, 36 FR 21529, 37 FR 22008.

Subpart D—Additional Benefits for Certain Indebted and Paid-up Emergency and Rural Housing Disaster Loan Borrowers

§ 1832.71 General.

As authorized by Public Law 92-385, dated August 16, 1972, this subpart D provides the policies and procedures for extending additional benefits to eligible Farmers Home Administration (FHA) borrowers who received emergency (EM) loans and rural housing disaster (RHD) loans because of qualifying losses caused by natural disasters, including major disasters, occurring after June 30, 1971. The Finance Office is responsible for making principal cancellations and refunds and for adjusting interest as of August 16, 1972, to a reduced rate of either 1 or 3 percent. The County Supervisor will furnish information for each active and paid-up EM and RHD loan that qualified for such benefits to the Finance Office.

(a) The benefits are:

(1) **Reduced rate of interest.**—The Finance Office will:

(i) Adjust the principal balance remaining as of August 16, 1972, on EM and RHD loans made as the result of qualifying losses caused by a natural or major disaster occurring on or after July 1, 1971, and through December 31, 1971, to 3 percent interest.

(ii) Adjust the principal balance remaining as of August 16, 1972, on EM and RHD loans made as the result of qualifying losses caused by a natural or major disaster occurring on or after January 1, 1972, to 1 percent interest.

(iii) Not adjust interest payments received from a borrower prior to August 16, 1972, or refund such interest payments to a borrower.



(iv) Not change the repayment period set forth in the promissory note because of adjustments in a loan account.

(2) *Principal cancellation or refund on current loans.*—To determine the amount of principal cancellation or refund the Finance Office will:

(i) Consider EM and RHD loans already made as the result of qualifying losses caused by a natural or major disaster occurring on or after July 1, 1971, and through December 31, 1971, for principal cancellations or refunds to the extent of loss, damage, or injury not compensated for by insurance or otherwise: 50 percent of the original principal amount of the loan, or \$2,500, whichever is greater, but in any case the cancellation or refund cannot exceed \$5,000.

(ii) Consider EM and RHD loans already made as a result of qualifying losses caused by a natural or major disaster occurring on or after January 1, 1972, for principal cancellations or refunds to the extent of loss, damage or injury not compensated for by insurance or otherwise, up to the first \$5,000 of the principal amount of the loan.

**NOTE.**—EM and RHD loans closed in accordance with FHA requirements in effect prior to August 23, 1972, are eligible for these additional benefits.

(3) *Refunds of principal on paid loans.*—Make refunds on principal where applicable when EM or RHD loans have been paid in full.

(4) *Recalculation of interest payments.*—Recalculate interest payments, in applicable situations, received from a borrower after August 16, 1972, and prior to adjustment under this subpart D at the reduced interest rate of either 1 or 3 percent as appropriate, applying difference to the principal balance or refund it to the borrower if he has paid in full.

(b) To assist in determining which retroactive provisions are applicable, the National Office has furnished information about previous Presidential and Secretarial designations to those States involved in the processing of retroactive benefits. It includes a brief description of natural or major disasters occurring after June 30, 1971, through December 31, 1971, and those occurring since January 1, 1972; the date of occurrence; the counties where retroactive provisions are applicable, and the type of designation. State Directors will issue a regulation setting forth this information for use in their respective States, including the same types of information about counties where EM loans were made available on a "nondesignated" basis. Records of RHD loans made on an "isolated" basis are available in the affected county offices.

#### § 1832.72 Policy guides.

Observe the following guides in connection with each application for benefits under this subpart D.

(a) An applicant having qualifying losses may receive a separate principal cancellation or refund in connection with each EM or RHD loan he received as the

result of the same or different natural disasters. However, the total amount authorized for the same borrower in connection with EM or RHD loans made necessary by the same natural disaster may not exceed the total amount that could be authorized for him under § 1832.71(a)(2).

(b) Make principal refunds, cancellations, and combinations of refunds and cancellations only in connection with EM loans made to enable borrowers to continue their damaged farming operations for periods not to exceed 1 full crop year; or repair or restore damaged or destroyed property. However, when interim financing was necessary due to a natural disaster occurring late in a crop year, the amount of such interim EM loan plus the EM loan made to finance the operations for the ensuing crop year will be used as the amount of the loan in applying the formulas set forth in § 1832.71(a)(2).

(c) When an EM loan for annual operating expenses is based on one or more natural disaster losses, the borrower will receive only one cancellation in connection with that loan. Also, if a subsequent disaster caused additional losses during that loan year, the borrower will not receive an additional cancellation on his loan to compensate him for the additional loss. However, if the county became designated because of the subsequent disaster, and the borrower received another loan because of his additional loss, he is eligible to receive an additional cancellation in connection with the subsequent loan.

#### § 1832.73 Preparing lists of borrowers.

Each County Supervisor whose county(s) appears in the State regulation provided for in § 1832.71(b) and/or who made RHD loans on an isolated case basis will prepare two separate lists of borrowers who received EM or RHD loans as a result of the disasters in his county(s).

(a) *List one.*—List one will contain the names of EM or RHD borrowers who received loans as the result of qualifying losses occurring after June 30, 1971, in major disaster areas declared by the President.

(b) *List two.*—List two will contain the names of EM borrowers who received loans as the result of qualifying losses occurring after June 30, 1971, in areas designated by the Secretary of Agriculture, or in a nondesignated area authorized by the State Director. Include RHD loans made outside of major disaster areas declared by the President because of qualifying losses occurring after June 30, 1971.

(c) *Borrowers who have paid in full.*—Any borrower who received an EM or RHD loan based on a natural or major disaster described in § 1832.71(b), and who has paid the particular loan in full, but has not received the maximum benefit to which he may now be entitled, may qualify for a principal and interest refund. His name should appear on either list one or two.

#### § 1832.74 Notifying borrowers on list two.

The County Supervisor will mail Form FHA 440-18, "Form Letter (Possible Eligibility for Cancellation)," to borrowers on list two advising them to come to the FHA county office and complete Form FHA 440-49, "Certification of Losses Caused by Major or Natural Disaster," to determine the amount of principal cancellation or refund they are eligible to receive. He will retain a copy of each letter in the county office. He will mail additional copies to borrowers who have not responded to the first mailing within 60 days. The County Supervisor will repeat mailing until he is assured that they have received notice of the additional benefits. The County Supervisor will maintain a record of each mailing.

#### § 1832.75 Processing lists 1 and 2.

The County Supervisor will use Form FHA 440-20, "Additional Benefits Due EM and RHD Borrower Under Public Law 92-385," to document the necessary information for each borrower shown on lists 1 and 2. He will complete Form FHA 440-20 and forward these completed forms to the Finance Office at the end of each working day. When a borrower is eligible to receive more than one cancellation or refund benefit on loans based on separate disasters, the County Supervisor will complete a separate Form FHA 440-20 reflecting all loans resulting from each separate disaster.

(a) *List 1 borrowers.*—Complete Form FHA 440-20 for borrowers on list 1 using information available in the county office management system and in each individual borrower's file. Use the loss information that was documented on Form FHA 441-23, "Certification of Losses Caused by Major Disaster" (re-numbered to Form FHA 440-49) when the loans were made to determine the amount of any additional benefits that these borrowers are eligible to receive making it unnecessary to contact them about their losses. Since the information for each borrower in this category is already available, document it on Form FHA 440-20 as soon as possible. Forward the original of this form to the Finance Office and retain a copy in the borrower's county office file.

(b) *List 2 borrowers.*—Complete Form FHA 440-20 for each borrower on list 2 from information available in the county office management system and from losses to be reported on Form FHA 440-49. Do this as soon as possible after a completed Form FHA 440-49 is received from a borrower and the amount of any benefits he is eligible to receive is determined. Forward the original Form FHA 440-20 to the Finance Office and retain a copy in the borrower's county office file.

(c) *Certification of losses.*—Each EM loan borrower either active or paid in full, must have on file in the county office loan docket a duly executed Form FHA 440-49.



(1) A borrower's estimated losses as indicated on Form FHA 440-49 may be accepted as originally submitted and the retroactive benefits based on those figures.

(2) Borrowers on list two who have not yet filed Form FHA 440-49 (formerly Form FHA 441-23) will be required to do so prior to determining their retroactive benefits. Where Form FHA 441-22, "Statement of Production Losses and Certification," was obtained, the losses shown on this form may be accepted and used to complete Form FHA 440-49.

(3) County Supervisors should verify any losses which appear to be excessive.

(4) No upward revision of Form FHA 441-22, Form FHA 441-23, or Form FHA 440-49 already on file will be permitted.

(5) Additional supporting information is required to verify the borrower's stated losses in order to qualify him for retroactive benefits that additional information will be in the form of one or more of the following:

(i) A written statement from the County Agricultural Stabilization and Conservation Service Office showing his production record for the year of the disaster and also for each of the 2 previous years.

(ii) Signed statements from three neighbors describing in detail the property damage and crop or livestock losses which made the EM loan necessary.

(iii) Signed statements from professional bookkeepers and accountants who are familiar with the borrower's operations supported by their records.

(iv) Computer records from farm financial management systems.

(v) Copies of Internal Revenue Service Forms 1040, "U.S. Individual Income Tax Return," and 1040F, "Farm Income Expenses," for the disaster year and 2 previous years.

(6) Conversion to dollar amounts shall be accomplished by using prices in effect at the year's normal marketing time as evidenced by the State crop reporting service reports. Such a list will be prepared by the State Director and distributed to affected County Supervisors.

(7) Prepare a separate Form FHA 440-49 for each disaster loss where borrowers are eligible to receive more than one benefit in connection with loans based on separate disasters.

(d) *Approval authorization.*—The FHA County Supervisor is authorized to approve these retroactive benefits for eligible borrowers without recommendation by the county committee, regardless of the level of the loan approval official who approved the loan(s). To do this he will sign Form FHA 440-20.

#### § 1832.76 Processing additional benefits.

(a) *Emergency loans.*—Effective August 16, 1972, the Finance Office will first process principal cancellations and apply the amount canceled first to any installment due through January 1, 1973, and second to the final note installment(s). Then it will adjust the interest rate on any unpaid balance after cancellation and reapply payments received after August 16, 1972, at the reduced interest

rate, make any required refunds, and notify the County Supervisor of the actions taken on each loan account by Form FHA 451-31, "Borrower Transaction Record." The Finance Office will do this by using information provided by the County Supervisors on Form FHA 440-20 for each active and paid-up EM loan that qualifies for such benefits. However, the maturities as scheduled in the promissory note will not be changed.

(b) *Rural Housing Disaster loans.*—Effective August 16, 1972, the Finance Office will first process principal cancellations and apply the amount canceled on the final note installment(s). Then it will adjust the interest rate on any unpaid balance after cancellation, and reapply payments received after August 16, 1972, at the reduced interest rate, make any required refunds, and notify the County Supervisor of the actions taken on each loan account by Form FHA 451-31, "Borrower Transaction Record." The Finance Office will do this by using information provided by the County Supervisor on Form FHA 440-20 for each active and paid-up RHD loan that qualifies for such benefits. The loan will not be re-amortized because of adjustments in the account. Although the interest rate is reduced, the borrower will continue to make payments in the amount shown on the promissory note.

(c) *Conforming county office records and informing borrower.*—The Finance Office will provide the county office and the borrower with Forms FHA 451-31 showing its action and the status of each borrower's account after the additional benefits have been applied. If a refund check is involved, it will be sent to the county office at the same time as the Forms FHA 451-31. The County Supervisor will use this information to conform county office records. When a refund check is received in the county office from the Finance Office, it will be delivered to the borrower. When a refund check cannot be delivered to a borrower within 30 days because his whereabouts is unknown, the County Supervisor will return the check to the Finance Office. However, he will make a diligent effort to locate the borrower during the 30-day period before returning a check and he will document his efforts in the county office file.

(d) *Amount of refund.*—If a refund is due after the application of the additional benefits, the Finance Office will perform the following operations, in the sequence shown, before the refund check is issued.

(1) Pay accrued interest as of August 16, 1972, on the loan on which the additional benefits were applied.

(2) Apply refund as of August 16, 1972, to the unpaid interest and principal of any other loan(s) made as the result of the same natural disaster. In the other loan(s) made as the result of the same natural disaster are dated after August 16, 1972, the application of the refund will be as of the date of loan.

(3) Finance Office will not apply any refund to another loan unless that loan pertains to the same natural disaster.

This includes a borrower receiving additional benefits from more than one natural disaster and/or a borrower having unpaid operating, farm ownership, or rural housing loans.

#### § 1832.77 Special cases.

Cases involving situations which do not fall within any of the categories contained in this subpart D will be submitted with complete information to the National Office for instructions.

#### § 1832.78 Expiration date.

There is no statutory expiration date on the retroactive benefits provided under Public Law 92-385 which are made available to borrowers by this subpart D. However, State Directors should strive to complete all such actions for borrowers in their respective States before June 30, 1973.

Dated May 22, 1973.

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

[FR Doc. 73-10558 Filed 5-25-73; 8:45 am]

#### SUBCHAPTER E—ACCOUNT SERVICING

[FHA Instruction 451.6]

#### PART 1865—ANALYZING CREDIT NEEDS AND GRADUATION OF BORROWERS

##### Notification to Borrowers to Refinance

Section 1865.3(d) (1) of part 1865, title 7, Code of Federal Regulations (36 FR 17840) is amended to specify under what conditions a borrower, who might be required to refinance, may be given longer than 60 days to accomplish refinancing. This amendment is effective on May 29, 1973.

As amended § 1865.3(d) (1) reads as follows:

#### § 1865.3 Graduation of FHA borrowers to other sources of credit.

##### (d) Notifying the borrower to refinance.

(1) Through the use of instructions available in all FHA offices, a borrower who has a refinancing requirement in his note or security instrument will be asked to inform the County Supervisor within 60 days of the progress he is making in obtaining other credit. If he is unable to secure other credit he will be asked to inform the County Supervisor of the credit sources contacted and the reasons why the required credit is not available. The date by which refinancing should be accomplished by each borrower who is requested to graduate will be shown on his management system card for appropriate followup action. That date should be 60 days from the date of the letter to the borrower or in individual situations, a longer period may be given if conditions warrant such action. For example, this may include a case where the borrower expects to receive income in the near future for payment on his FHA account(s) which would substantially reduce the amount required for refinancing.



(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; sec. 510, 63 Stat. 437, 42 U.S.C. 1480; sec. 4, 64 Stat. 100, 40 U.S.C. 442; sec. 602, 78 Stat. 528, 42 U.S.C. 2942; sec. 301, 80 Stat. 379, 5 U.S.C. 301; orders of Acting Secretary of Agriculture, 36 FR 21529, 37 FR 22008, Order of Assistant Secretary of Agriculture for Rural Development and Conservation, 36 FR 21529, order of Director, OEO, 29 FR 14764.)

Dated May 21, 1973.

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

[FR Doc.73-10559 Filed 5-25-73; 8:45 am]

## Title 12—Banks and Banking

### CHAPTER II—FEDERAL RESERVE SYSTEM

#### SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

#### PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

##### Changes in Rates

Pursuant to section 14(d) of the Federal Reserve Act (12 U.S.C. 357), and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, part 201 is amended as set forth below:

1. Section 201.51 is amended to read as follows:

§ 201.51 Advances and discounts for member banks under sections 13 and 13a.

The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships, or corporations other than member banks) are:

Federal Reserve Bank of—	Rate	Effective
Boston	6	May 11, 1973.
New York	6	Do.
Philadelphia	6	Do.
Cleveland	6	Do.
Richmond	6	Do.
Atlanta	6	Do.
Chicago	6	Do.
St. Louis	6	Do.
Minneapolis	6	Do.
Kansas City	6	May 18, 1973.
Dallas	6	May 11, 1973.
San Francisco	6	Do.

2. Section 201.52 is amended to read as follows:

§ 201.52 Advances to member banks under section 10(b).

The rates for advances to member banks under section 10(b) of the Federal Reserve Act are:

Federal Reserve Bank of—	Rate	Effective
Boston	6½	May 11, 1973
New York	6½	Do.
Philadelphia	6½	Do.
Cleveland	6½	Do.
Richmond	6½	Do.
Atlanta	6½	Do.
Chicago	6½	Do.
St. Louis	6½	Do.
Minneapolis	6½	Do.
Kansas City	6½	May 18, 1973
Dallas	6½	May 11, 1973
San Francisco	6½	Do.

3. Section 201.53 is amended to read as follows:

§ 201.53 Advances to persons other than member banks.

The rates for advances under the last paragraph of section 13 of the Federal Reserve Act to individuals, partnerships, or corporations other than member banks secured by direct obligations of, or obligations fully guaranteed as to principal and interest by, the United States or any agency thereof are:

Federal Reserve Bank of—	Rate	Effective
Boston	8	May 11, 1973
New York	8	Do.
Philadelphia	8	Do.
Cleveland	8	Do.
Richmond	8	Do.
Atlanta	8	Do.
Chicago	8	Do.
St. Louis	8	Do.
Minneapolis	8	Do.
Kansas City	8	May 18, 1973
Dallas	8	May 11, 1973
San Francisco	8	Do.

A rate of 6 percent was approved (effective on the indicated dates) on advances to nonmember banks, to be applicable in special circumstances resulting from implementation of changes in regulation J (see 37 FR 12714).

(12 U.S.C. 248(i). Interprets or applies 12 U.S.C. 357.)

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

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

[FR Doc.73-10528 Filed 5-25-73; 8:45 am]

### CHAPTER V—FEDERAL HOME LOAN BANK BOARD

#### SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73-705]

#### PART 545—OPERATIONS

##### Confidentiality of Applications To Establish Branch Offices

MAY 21, 1973.

Under § 545.14(a) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.14(a)), a Federal savings and loan association may file an application with the Board for permission to establish a branch office. Section 545.14(g) (4) requires that the contents of such an application and the fact that it has been filed be held confidential.

It has been pointed out to the Board that the provisions of said § 545.14(g) (4) conflict with an arrangement between the Board and the California Department of Savings and Loan regarding an exchange on a weekly basis of information concerning branch office applications. The Board considers it desirable to amend said § 545.14(g) (4) to provide that an application by a Federal association to establish a branch office and the fact that it has been filed shall be held as confidential, "except to the extent provided otherwise in a working understanding between the Board and a

State agency which regulates State-chartered savings and loan associations."

Since the above amendment is for the purpose of specifying agency practice and policy regarding branch office applications, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the period specified in 12 CFR 508.14 and 5 U.S.C. 553 (d) prior to the effective date of said amendment would in the opinion of the Board likewise be unnecessary for the same reason, the Board hereby provides that the said amendment shall become effective on May 29, 1973.

Accordingly, the Board hereby amends subparagraph (4) of paragraph (g) of said § 545.14 to read as set forth below, effective May 29, 1973.

§ 545.14 Branch office.

(g) Processing of application by Supervisory Agent; public notice; inspection. \* \* \*

(4) The application, together with all communications in favor or in protest thereof, shall be available at the office of the Supervisory Agent during regular working hours for inspection by any person after the issuance to the applicant of advice to publish a notice. Prior thereto, the application and the fact that it has been filed shall be held as confidential except to the extent provided otherwise in a working understanding between the Board and a State agency which regulates State-chartered savings and loan associations.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorganization Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071.)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,  
Secretary.

[FR Doc.73-10608 Filed 5-25-73; 8:45 am]

## Title 20—Employees' Benefits

### CHAPTER III—SOCIAL SECURITY ADMINISTRATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

[Regs. No. 5, further amended]

#### PART 405—FEDERAL HEALTH INSURANCE FOR THE AGED (1965.....)

Subpart D—Principles of Reimbursement for Provider Costs and for Services by Hospital-Based Physicians; Appeals by Provider

##### CURRENT FINANCING PAYMENTS

On April 2, 1973, there was published in the FEDERAL REGISTER (38 FR 8450) a notice of proposed rulemaking with proposed amendments to subpart D of regulations No. 5 of the Social Security Administration. The proposed amendments provide for the elimination of current financing payments to title XVIII providers and also provide that any such



payments outstanding on the date the amendments become effective will be overpayments due the medicare program. Interested parties were given 30 days within which to submit data, views, or arguments pertaining to the proposed amendments. All comments submitted with respect to the proposed amendments were given due consideration.

Most of those who submitted comments opposed the rescission of the provision for current financing in medicare regulations. However, the major concern voiced by providers and their organizations involved the timing of recovery of current financing currently outstanding. They pointed out that recovery by June 30, 1973, as was assumed in the Administration's budget estimates would cause serious financial difficulties for many individual providers. In response to these concerns, the Bureau of Health Insurance has been instructed to accomplish recovery of overpayments resulting from the rescission of provision for current financing over a period not to exceed 12 months from the date of publication of these amendments to the regulations and to permit extension of such recovery beyond such 12-month period in situations of extreme financial hardship to the extent otherwise allowable under the laws and regulations affecting the recovery of amounts due the medicare program as a result of overpayments to providers. These instructions are not in conflict with the amendments to the regulations as originally proposed.

Accordingly, the proposed amendments are hereby adopted without change and are set forth below.

(Secs. 1102, 1814(b), 1815, 1833(a), 1861(v), and 1871, 49 Stat. 647, as amended, 79 Stat. 296, 297, 302, 322, 331; 42 U.S.C. 1302, 1395 et seq.)

**Effective date.**—The amendments shall be effective on May 29, 1973.

Dated May 8, 1973.

ARTHUR E. HESS,  
Acting Commissioner  
of Social Security.

Approved May 22, 1973.

CASPAR W. WEINBERGER,  
Secretary of Health,  
Education, and Welfare.

Regulations No. 5 of the Social Security Administration (20 CFR Part 405) are further amended as follows:

1. Section 405.405 is amended by revising the heading and by revoking paragraph (d) as follows:

§ 405.405 Payments to providers; general.

(d) [Revoked]

2. Section 405.419 is amended by deleting subparagraph (4) of paragraph (c).

§ 405.419 Interest expense.

(c) Borrower-lender relationship.

(4) [Deleted]

3. Section 405.429 is amended by deleting from paragraph (b) (2), first sentence, the parenthetical expression "(ex-

cluding the amount of any current payment made pursuant to § 405.454(g) (1))." As so amended, paragraph (b) (2) reads as follows:

§ 405.429 Return on equity capital of proprietary providers.

(b) *Application.* Proprietary providers generally do not receive public contributions and assistance of Federal and other governmental programs such as Hill-Burton in financing capital expenditures. Proprietary institutions historically have financed capital expenditures through funds invested by owners in the expectation of earning a return. A return on investment, therefore, is needed to avoid withdrawal of capital and to attract additional capital needed for expansion. For purposes of computing the allowable return, the provider's equity capital means:

(2) Net working capital maintained for necessary and proper operation of patient care activities. However, debt representing loans from partners, stockholders, or related organizations on which interest payments would be allowable as costs but for the provisions of § 405.419(b) (3) (ii), is not subtracted in computing the amount of paragraph (b) (1) of this section and this paragraph (b) (2), in order that the proceeds from such loans be treated as a part of the provider's equity capital. In computing the amount of equity capital upon which a return is allowable, investment in facilities is recognized on the basis of the historical cost, or other basis, used for depreciation and other purposes under the health insurance program. With respect to a facility or any tangible assets of a facility acquired after August 1, 1970, the excess of the price paid for such facility or such tangible assets over the historical cost, as defined in § 405.415(b), or the cost basis, as determined under § 405.415 (g) (whichever is appropriate), is not includable in equity capital, and loans made to finance such excess portion of the cost of such acquisitions (see § 405.419(d)) are excluded in computing equity capital. For purposes of computing the allowable return the amount of equity capital is the average investment during the reporting period. The rate of return allowed, as derived from time to time based upon interest rates in accordance with this principle, is determined by the Social Security Administration and communicated through intermediaries. Return on investment as an element of allowable costs is subject to apportionment in the same manner as other elements of allowable costs. For the purposes of this regulation, the term "proprietary providers" is intended to distinguish providers, whether sole proprietorships, partnerships, or corporations, that are organized and operated with the expectation of earning profit for the owners, from other providers that are organized and operated on a nonprofit basis.

4. Section 405.454 is amended by revoking the provision for current financing in paragraph (g), by substituting a new paragraph (g) and, to conform to

the revocation, deleting from paragraphs (a), (h), and (k) references to the provision for current financing. As so amended, paragraphs (a), (g), (h), and (k) will read as follows:

§ 405.454 Payments to providers.

(a) *Principle.* Providers of services will be paid the reasonable cost of services furnished to beneficiaries. Interim payments approximating the actual costs of the provider will be made on the most expeditious basis administratively feasible but not less often than monthly. A retroactive adjustment based on actual costs will be made at the end of the reporting period.

(g) *Outstanding current financing payments.* Prior to May 29, 1973, current financing payments were authorized to providers of services, at their request, to reimburse them currently as services were furnished to beneficiaries. Such payments were in addition to the basic procedure for payments to providers. Effective May 29, 1973, current financing payments shall not be made. Any current financing payments outstanding on May 29, 1973, constitute overpayments which are due and payable to the Social Security Administration as of such date. If refund is not made the Social Security Administration may recover such overpayments by withholding payments, in whole or in part, otherwise due the provider of services under title XVIII of the Social Security Act, in accordance with procedures established by the Administration, notwithstanding any provision to the contrary in §§ 405.370 to 405.373.

(h) *Accelerated payments to providers.* Upon request, an accelerated payment may be made to a provider of services where the provider has experienced financial difficulties due to a delay by the intermediary in making payments or in exceptional situations, where the provider has experienced a temporary delay in preparing and submitting bills to the intermediary beyond its normal billing cycle. Any such payment must be approved first by the intermediary and then by the Social Security Administration. The amount of the payment is computed as a percentage of the net reimbursement for unbilled and/or unpaid covered services. Recovery of the accelerated payment may be made by recoupment as provider bills are processed and/or by direct payment.

(k) *Bankruptcy or insolvency of provider.* If on the basis of reliable evidence, the intermediary has a valid basis for believing that, with respect to a provider, proceedings have been or will shortly be instituted in a State or Federal court for purposes of determining whether such provider is insolvent or bankrupt under an appropriate State or Federal law, any payments to the provider shall be adjusted by the intermediary, notwithstanding any other regulation or program instruction regarding the timing or manner of such adjustments, to a level necessary to insure that no overpayment to the provider is made.

[FR Doc. 73-10591 Filed 5-25-73; 8:45 am]



## RULES AND REGULATIONS

## 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-137]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

## Status of Participating Communities

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

## § 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Florida	Broward	Lauderdale Lakes, City of				May 29, 1973, Emergency.
Illinois	Du Page	Itasca, Village of				Do.
Do	St. Clair	Dupo, Village of				Do.
Louisiana	Grant Parish	Colfax, Town of				May 21, 1973, Emergency.
Do	Madison Parish	Delta, Village of				Do.
Do	do	Mound, Village of				Do.
Missouri	Clay	Liberty, City of				May 29, 1973, Emergency.
Do	Mississippi	East Prairie, City of				Do.
Do	Platte	Riverside, City of				Do.
Do	St. Louis	Rock Hill, City of				Do.
Do	Sullivan	Liberty, Village of				Do.
New York	Dare	Remainder unincorporated areas				Do.
North Carolina						Do.
Pennsylvania	Bradford	Ridgebury, Township of				Do.
Do	Columbia	Franklin, Township of				Do.

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

Issued May 18, 1973.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.73-10437 Filed 5-25-73;8:45 am]

[Docket No. FI-138]

## PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

## Status of Participating Communities

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

## § 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Illinois	Kankakee	Kankakee, City of				May 29, 1973, Emergency.
New York	Cattaraugus	Portville, Township of				Do.
Do	Jefferson	Ellisburg, Town of				Do.
Do	Steuben	Lindley, Town of				Do.

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

Issued May 22, 1973.

GEORGE K. BERNSTEIN,  
Federal Insurance Administrator.

[FR Doc.73-10543 Filed 5-25-73;8:45 am]



Title 29—Labor

CHAPTER I—NATIONAL LABOR RELATIONS BOARD

PART 100—EMPLOYEE RESPONSIBILITIES AND CONDUCT

Conduct and Responsibilities of Employees

Section 100.735-22, subpart B, chapter I, title 29, of the Code of Federal Regulations is amended by adding the following subsection which is derived from section 7313 of title 5 of the United States Code:

§ 100.735-22 Miscellaneous statutory and nonstatutory provisions.

(gg) The prohibition against accepting or holding any position in the National Labor Relations Board by any individual convicted of a felony which involves inciting or participating in a riot or civil disorder for the 5 years immediately following the date upon which his conviction becomes final (5 U.S.C. 7313).

These regulations were approved by the U.S. Civil Service Commission on May 7, 1973, and are effective on May 29, 1973.<sup>1</sup>

Dated, Washington, D.C., May 21, 1973.

By direction of the Board.

JOHN C. TRUESDALE,  
Executive Secretary.

[FR Doc. 73-10538 Filed 5-25-73; 8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 73-52R]

PART 117—DRAWBRIDGE OPERATION REGULATIONS

Halifax River, Fla.

This amendment changes the regulations for the Ormond Beach Bridge (State Road 40) and the Port Orange Bridge (U.S. AIA) across the Atlantic Intracoastal Waterways in Volusia County to permit closed periods during peak vehicular periods in the morning and evening rush hours. This amendment was circulated as a public notice dated March 19, 1973, by the Commander, Seventh Coast Guard District, and was published in the FEDERAL REGISTER as a notice of proposed rulemaking (CGD 73-52P) on March 14, 1973 (38 FR 6901). Seven comments were received. Three, including a petition with 716 signatures, supported this proposal. Three opposed it because there is limited maneuvering area due to shallow water outside the channel; there is no place to anchor or lay to and there are no docking facilities available to tie to while waiting for the draws to open. This could result in a large vessel running aground and also increase the potential for collisions between large vessels. It was also pointed

out that, at times of fast currents, which occurs frequently, particularly in the vicinity of the Port Orange Bridge, it is difficult to hold a large vessel in one position for even a short time. Two of these also objected to the storm warning proviso. While all of these objections have validity, the Coast Guard feels that these changes will not restrict the reasonable needs of navigation. One response requested that the wording of sentence 2 in § 117.433(a) be changed from "The draws shall open at 8 a.m. and 5 p.m. during this period if any vessels are waiting to pass," to, "The draws shall open at 8 a.m. and 5 p.m. if waterway traffic is such that this is necessary for the safety of mariners." This proposal is accepted and is included in § 117.433(a) with minor editorial change for clarity.

Accordingly, part 117 of title 33 of the Code of Federal Regulations, is amended by adding a new § 117.433 immediately after § 117.432a to read as follows:

§ 117.433 Ormond Beach Bridge (State Road 40) and Port Orange Bridge (U.S. AIA), AIWW, Volusia County, Fla.

(a) The draws of these bridges shall open on signal except that from 7:30 a.m. to 8:30 a.m. and 4:30 p.m. to 5:30 p.m., Monday through Saturday, the draws may remain closed to the passage of vessels. The draws shall open at 8 a.m. and 5 p.m. during this period, if necessary, to assure the safety of vessels. The draws shall open on signal on Federal and Florida State holidays.

(b) Public vessels of the United States, tug with tows, and vessels in distress shall be passed at any time. The opening signal from these vessels is four blasts of a whistle, horn, or other sound-producing device or by shouting.

(c) During periods when storm signals are displayed in the Daytona Beach area, the draws shall open on signal. Storm signals are displayed upon notification by the National Weather Service that winds of up to 33 knots or more and/or sea conditions considered dangerous to small craft are expected. The opening signal is three blasts of a whistle, horn, or other sound-producing device or by shouting.

(d) The owners of or agencies controlling these bridges shall post signs on both the upstream and downstream sides of the bridges or adjacent to the bridges, that can be easily read at any time from an approaching vessel, stating the regulations in this section.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 409, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5), 33 CFR 1.05-1(c) (4).)

**Effective date.**—This revision shall become effective on July 2, 1973.

Dated May 22, 1973.

J. D. McCANN,  
Acting Chief, Office of Marine  
Environment and Systems.

[FR Doc. 73-10569 Filed 5-25-73; 8:45 am]

Title 45—Public Welfare

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

PART 170—FINANCIAL ASSISTANCE FOR CONSTRUCTION OF HIGHER EDUCATION FACILITIES

On December 2, 1972, notice of proposed rulemaking dealing with changes in the regulations for title VII of the Higher Education Act of 1965, as amended (previously the Higher Education Facilities Act of 1963) was published in the FEDERAL REGISTER (37 FR 25736 through 25747). After consideration of all such relevant comments as were presented by interested persons, the proposed regulations are hereby adopted, subject to the following changes:

1. Most of the legislative citations have been changed to comply with new codifications in the United States Code.

2. Reference to the requirements under the Civil Rights Act have been reinserted immediately before the table of contents. Also added is a reference to the requirement under title IX of the Education Amendments of 1972.

3. The second sentence of § 170.1(m) has been omitted.

4. In paragraph (d) of § 170.3 the word "concurrence" has been changed to "approval."

5. In § 170.8, two additional requirements were recommended for inclusion in compliance with the Historic Preservation Act and the Occupational Safety and Health Act.

6. In paragraph (b) of § 170.9 so much as reads "applicant provides substantial evidence" has been changed to read "applicant provides evidence satisfactory to the Commissioner."

7. In subparagraph (3) of § 170.14(e) two lines were mistakenly omitted but are now included. Also, in paragraph (1) of that section, the word "share" is now included between "Federal" and "allowable."

8. Subparagraph (2) of § 170.15(c) "instructional" is changed to "instructional."

9. In paragraph (c) of § 170.17 the effective date is changed to April 1, 1973.

10. In § 170.53, paragraph (f) has been added to provide for the waiver of non-Federal funds as authorized by a new title III provision for developing institutions.

11. In § 170.60 "accepted loan officer" becomes "accepted loan offer."

12. In § 17.077 "security and repayment provisions" becomes "security and prepayment provisions."

Several comments received from interested persons that did not result in modifications of these finally published regulations are as follows:

(1) It was suggested that annual interest grants payments be made on a monthly basis to protect the lender. Inasmuch as assignment of benefits is possible and since monthly payments would produce an inordinate workload the suggestion was rejected.

<sup>1</sup> Executive Order 11222 of May 8, 1965; 5 CFR 735.104.



(2) It was suggested that greater emphasis be placed on renovation projects. The Division of Academic Facilities in responding to these suggestions pointed out that changes had been incorporated liberalizing the strict "expansion of capacity" requirement but that further liberalization would require legislative action.

(3) One comment was an objection to the Commissioner's assigning higher priority under the annual interest grants program to developing institutions, public community colleges and technical institutes, and colleges enrolling 20 percent or more students from low-income families. The Division response suggested that such an allocation of funds was within the Commissioner's discretionary authority and that in periods of limited resources such priority considerations were in keeping with departmental objectives.

**Effective date.**—Except as provided in § 170.17, May 29, 1973, constitutes the effective date of these regulations.

These amended regulations shall become effective on May 29, 1973, except § 170.17 which becomes effective on April 1, 1973.

Federal financial assistance provided pursuant to these regulations set forth below is subject to the regulations in 45 CFR part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (Public Law 88-352). Federal financial assistance is also subject to the provisions of title IX of the Education Amendments of 1972 (prohibition of sex discrimination), and any regulations issued thereunder. (Public Law 92-318, title IX).

Dated March 27, 1973.

JOHN OTTINA,  
Acting U.S. Commissioner  
of Education.

Approved May 21, 1973.

CASPAR W. WEINBERGER,  
Secretary of Health,  
Education, and Welfare.

#### Subpart A—General Provisions

- Sec.
- 170.1 Definitions.
  - 170.2 Requirement for compliance with labor standards and equal opportunity requirements in all construction contracts.
  - 170.3 Requirement for competitive bidding on contracts for construction and for acquisition and installation of built-in equipment.
  - 170.4 Requirement for economical methods of purchase of initial equipment.
  - 170.5 Fiscal control and fund accounting procedures.
  - 170.6 Federal audits and retention of records.
  - 170.7 Determination of costs eligible for Federal participation.
  - 170.8 Compliance with other federally assisted construction requirements.
  - 170.9 Urgency of need for projects of public institutions.

#### Subpart B—Grants for Construction of Academic Facilities

- Sec.
- 170.11 Institutional eligibility for grants under section 702 of the Act.
  - 170.12 Institutional eligibility for grants under section 703 of the Act.
  - 170.13 Conditions for grant approval.
  - 170.14 Submission and processing of Title VII A Applications.
  - 170.15 Criteria for standards and methods to determine relative priorities of eligible projects.
  - 170.16 Criteria for standards and methods to determine Federal shares of eligible projects.
  - 170.17 State plans.
  - 170.18 Adjustments in amount of Federal share.
  - 170.19 Payment of grant funds on approved projects.

#### Subpart C—Grants for Construction of Graduate Academic Facilities

- 170.41 Eligibility for grants.
- 170.42 Submission of applications.
- 170.43 Facilities panel.
- 170.44 Criteria for evaluating applications.
- 170.45 Special terms and conditions.

#### Subpart D—Loans for Construction of Academic Facilities

- 170.51 Eligibility for loans.
- 170.52 Submission of applications.
- 170.53 Special terms and conditions.
- 170.54 Determination of nonavailability of equally as favorable terms and conditions.
- 170.55 Form of evidence of indebtedness.
- 170.56 Security for loans.
- 170.57 Length and maturity of loans.
- 170.58 Bond counsel opinion.
- 170.59 Determination of priorities for loan approvals.
- 170.60 Loan agreement.
- 170.61 Loan closing.
- 170.62 Interim financing.
- 170.63 Construction fund.
- 170.64 Investment of idle construction funds.
- 170.65 Disposal of balance remaining in the construction fund.

#### Subpart E—Annual Interest Grants for Construction of Academic Facilities

- 170.71 Eligibility for annual interest grants.
- 170.72 Amount of annual interest grants.
- 170.73 Submission of applications.
- 170.74 Conditions for approval of annual interest grants.
- 170.75 Limits governing extent of Federal assistance.
- 170.76 Approval of financing plans.
- 170.77 Evidence of lowest possible cost of loan.
- 170.78 Annual interest grant agreement.
- 170.79 Payment of annual interest grants.
- 170.80 Reduction of grant where refinancing produces lower cost.
- 170.81 Conversion of direct loans to annual interest grants.
- 170.82 Priority considerations; closing dates.
- 170.83 Preceding provisions not exhaustive of authority of Government.

AUTHORITY: Secs. 701-782, 86 Stat. 288-303; 20 U.S.C. 1132a-1132e.

#### Subpart A—General Provisions

##### § 170.1 Definitions.

(a) "Act" means Public Law 89-329, the Higher Education Act of 1965, as amended. Unless otherwise indicated, title references are to titles of the Act. All terms defined in the Act shall have the same meaning as given them in the

Act. All references to sections are to sections of this part, unless otherwise indicated.

(b) "Academic facilities," as defined in the Act, are further defined and subdivided into the following categories:

(1) "Instructional and library facilities" means all rooms or areas used regularly for instruction of students, for faculty offices, or for library purposes, and service areas which adjoin and are used in connection with such rooms or areas.

(2) "Instruction-related facilities" means all rooms or areas other than instructional and library facilities which are used for purposes related to the instruction of students, research, or for the general administration of the educational or research programs of an institution of higher education and service areas which adjoin and are used in conjunction with such rooms or areas.

(3) "Health-care facilities," as authorized under Titles VII A and VII C, means infirmaries and all other rooms or areas designed to be used for medical examination or treatment of students and institutional personnel, and service areas which directly serve such rooms or areas.

(4) "Related supporting facilities" means all other areas and facilities which are necessary for the utilization, operation, and maintenance of "instructional and library facilities," "instruction-related facilities," or "health care facilities," as defined above. This term includes building service and circulation areas and central maintenance and utility facilities which serve more than one building, to the degree that such central facilities are designed and used to serve academic facilities of the aforementioned categories, rather than other, nonacademic facilities such as dormitories, chapels, stadiums, or facilities which are excluded by statute from the definition of eligible academic facilities because they are used by ineligible schools or departments.

(20 U.S.C. 1132e-1.)

(c) "Assignable area" means square feet of area in facilities which are designed and available for assignment to specific functional purposes (such as instruction, research, and administration, and including noneligible purposes such as student sleeping rooms, apartments, or chapel rooms). Areas used for general circulation within the building, for public washrooms, for building maintenance and custodial services, or in central maintenance and utility facilities which exist only to support the operation and utilization of other structures on the campus and which are not available for assignment to other specific functional purposes, as illustrated above, shall be classified as nonassignable area.

(20 U.S.C. 1132e-1.)

(d) "Branch campus" means a separately organized unit of an institution of higher education which is located apart from the parent institution and



which meets in its own right the definition of an institution of higher education as defined in the Act.

(20 U.S.C. 1141.)

(e) "Capacity/enrollment ratio" means the ratio of (1) the square feet of assignable area of instructional and library facilities as defined in paragraph (b) (1) of this section to (2) the total student clock-hour enrollment, at a particular campus of an institution. For purposes of this definition, "student clock-hour enrollment" means the aggregate clock hours (sometimes called contact hours) per week in classes or supervised laboratory or shop work for which all resident students (i.e., students enrolled for credit courses on the campus) are enrolled as of a particular date. Where formally established independent study programs exist, systematically determined equivalents of class or laboratory hours may be included under "student clock-hour enrollment."

(20 U.S.C. 1132a-4.)

(f) "Commissioner" means the U.S. Commissioner of Education or his designee.

(20 U.S.C. 1221.)

(g) "Developing institution" means an eligible institution of higher education which has the desire and potential to make a substantial contribution to the higher education resources of our Nation but which for financial and other reasons is struggling for survival and is isolated from the main currents of academic life.

(20 U.S.C. 1051.)

(h) "Equipment" means manufactured items which have an extended useful life and are not consumed in use and which have an identity and function which are not lost through incorporation into a different or more complex unit or substance. Equipment is further subdivided into two categories: Built-in equipment and initial equipment.

(1) "Built-in equipment" means equipment which is a permanent part of the structure.

(2) "Initial equipment" means all items of equipment other than built-in equipment, which are necessary and appropriate for the initial functioning of a particular academic facility for its specific purpose. No equipment shall be considered as initial equipment unless it has been acquired or contracted for prior to the date on which the facility is first used for education of students.

(20 U.S.C. 1132e-1(2).)

(i) "Full-time equivalent number of students" means:

(1) For purposes of determining State allotments, the number of full-time students enrolled in programs which consist wholly or principally of work normally creditable towards a bachelor's or higher degree plus one-third of the number of part-time students enrolled in such programs, plus 40 percent of the

number of students enrolled in programs which are not chiefly transferable towards a bachelor's or higher degree plus 28 percent of the remaining number of such students. Student enrollment figures for each fiscal year for the purposes of this computation shall be those contained in the most recent Office of Education survey containing data on opening fall enrollments in higher education.

(20 U.S.C. 1132a-1, 1132a-2.)

(2) For purposes of reporting undergraduate enrollment trends and projections in connection with applications for financial assistance for individual institutions under Title VII A of the Act, the "full-time equivalent number of students" may be defined for each State by the State commission by specific State plan provision. In the absence of such a definition in the applicable State plan, "full-time equivalent number of students" for application purposes shall be the total number of full-time students plus one-third of the number of part-time students. For the purpose of this definition, full-time students are those carrying at least 75 percent of a normal student-hour load.

(20 U.S.C. 1132a-4.)

(j) "Institution of higher education, or institution," means only so much of an educational institution in any State as meets the requirements set forth in section 1201(a) of the Act. The term "educational institution" limits the scope of this definition to establishments at which teaching is conducted.

(20 U.S.C. 1141.)

(k) "Project" means the facilities (all or a portion of one or more structures) which are eligible for grant or loan assistance under a particular title of the Act, and for which grant or loan assistance is requested in a specific grant or loan application. Only facilities to be part of a unified construction activity and to be constructed on the same campus may be included in the same project application.

(20 U.S.C. 1132e-1(2).)

(l) "Secretary" means the Secretary of Health, Education, and Welfare or his designee.

(m) "State commission" means the State agency designated or established in each State which is broadly representative of the public and of institutions of higher education in that State.

(20 U.S.C. 1132a-2.)

(n) "State plan" means the document submitted by a State commission and approved by the Commissioner, which sets forth the standards, methods, and administrative procedures whereby the State Commission will review projects proposed by applicants in the State for Federal assistance under Title VII A of the Act, and will determine and recommend the relative priority of each such project and the Federal share of the

costs eligible for Federal financial participation for each such project.

(20 U.S.C. 1132a-3(a).)

#### § 170.2 Requirement for compliance with labor standards and equal employment opportunity requirements in all construction contracts.

The Commissioner shall not approve any application for a grant or loan under the act except upon adequate assurance that:

(a) All laborers and mechanics employed by contractors or subcontractors in the performance of work on construction assisted by such grant or loan will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended.

(20 U.S.C. 1232b)

(b) All applicable provisions for equal opportunity in employment, pursuant to Executive Order 11246, will be included in all construction contracts covered by the application, and all other requirements, imposed by or pursuant to that Executive order, will be complied with. Executive Order 11246, as amended by Executive Order 11375.

#### § 170.3 Requirement for competitive bidding on contracts for construction and for acquisition and installation of built-in equipment.

(a) All contracting for new construction, and all orders for the acquisition and installation of built-in equipment not covered by general construction contracts, shall be on a fixed price basis. Such contracts shall be awarded on the basis of open competitive bidding and contract awards shall be made to the lowest qualified bidder whose bid is responsive to the bid invitation.

(b) Except where the Commissioner specifically approves alternative contracting procedures due to special problems or conditions, all contracting for rehabilitation, renovation, remodeling, conversion, or improvement of existing structures shall be undertaken in accordance with the provisions of paragraph (a) of this section.

(c) Owner-furnished material or equipment may be procured in accordance with the procedures set out in § 170.4.

(d) The approval of the Commissioner must be obtained both before advertising for or soliciting bids and before awarding any contract covered under this section. Such approval will be given only after Federal assistance has been approved for the facility by an appropriate Federal agency.

(20 U.S.C. 1132a-6(a) (2) (F).)

#### § 170.4 Requirement for economical methods of purchase of initial equipment.

All initial equipment, the cost of which is charged to a project covered by a grant or loan application under the Act, shall



be procured in accordance with one of the following methods: (a) Open competitive bidding, either through public advertising or the solicitation of three or more bids, with contract award to be made to the lowest qualified bidder whose bid is responsive to the bid invitation; (b) procurement under existing contracts entered into by competitive means; (c) methods prescribed by State or local laws. An alternative to the methods cited above may be approved by the Commissioner if, in advance of procurement, the applicant satisfactorily demonstrates that such method is consistent with sound business practice.

(20 U.S.C. 1132a-6(a) (2) (F).)

#### § 170.5 Fiscal control and fund accounting procedures.

(a) "State commissions." Each State plan shall contain specific information regarding fiscal control and fund accounting procedures as required by the Commissioner to insure proper disbursement of and accounting for Federal funds which may be paid to the State commission for expenses for the proper and efficient administration of the State plan.

(20 U.S.C. 1132a-3.)

(b) "Institutions, cooperative graduate center boards, and higher education building agencies." Applicants and, where applicable, their building agencies, shall maintain adequate and separate accounting and fiscal records and accounts of all funds provided from any source to pay the cost of construction (including necessary site acquisition and equipment) covered by the grant or loan application.

(20 U.S.C. 1132a-6(a) (H).)

#### § 170.6 Federal audits and retention of records.

(a) Federal Audits: The Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the State commissions, institutions, cooperative graduate center boards, and higher education building agencies, which are pertinent to the program.

(20 U.S.C. 1232e.)

#### (b) State commissions:

(1) Accounts and documents supporting expenditures of Federal funds by State commissions shall be maintained for a period of 3 years following the year in which the expenditures were made. The records shall be retained beyond the 3-year period if audit findings have not been resolved.

(2) Where the State commission purchases nonexpendable equipment items with Federal funds, inventories and other records supporting accountability for such items shall be maintained for a period of 3 years following final disposition of the equipment.

(3) State commissions shall establish

a complete case file on each title VII-A application received; inform applicants of official actions and determinations by letter or similar type of correspondence, and shall retain records regarding each case for at least 2 years after final action with respect to any such application. In addition, each State commission shall maintain a full record of all hearings on appeals pursuant to section 704(a) (5) of the Act, and all proceedings by which it establishes relative priorities and recommended Federal shares for eligible projects considered as of each specified closing date and shall retain such records for at least 3 years.

(20 U.S.C. 1132a-3(a) (b).)

(c) "Institutions, cooperative graduate center boards, and higher education building agencies." All accounting records relating to approved projects, including bank deposit slips, contract payrolls, canceled checks and other supporting documents, purchase orders and contract awards (or microfilm copies thereof), shall be retained intact by the applicant and where applicable, by the applicant's building agency, for audit or inspection by authorized representatives of the Federal Government for a period of 3 years after completion of the project.

(20 U.S.C. 1232e.)

#### § 170.7 Determination of costs eligible for Federal participation.

(a) Determination of costs eligible for Federal participation will be based for each individual project, whether application is made under title VII-A, VII-B, or VII-C of the Act, upon: (1) The date on which a given cost item was incurred or contracted for; (2) whether the cost is an allowable "development cost," as defined in section 782(c) of the Act, and has been incurred in accordance with the requirements set forth in these regulations; (3) the portion of the proposed facility which is eligible under the type of assistance for which the application is submitted; and (4) the amount of any financial assistance under any other Federal program which the applicant has obtained or is assured of obtaining for the project.

(b) For a project for which an application is filed for the first time under any program of the Act on or after July 1, 1972, the following shall be excluded from the eligible development cost:

(1) Any cost for the acquisition of land which was incurred more than 2 years prior to the date an application is filed;

(2) Any cost for the acquisition of an existing structure incurred more than 1 year prior to the date an application is filed;

(3) Any cost for initial equipment incurred before the date an application is filed; or

(4) Any cost for construction (including new construction, remodeling, rehabilitation, or conversion) or for built-in equipment where the contract has been entered into prior to the date an application is filed and prior to the concur-

rence of the Commissioner in the award of the contract.

(20 U.S.C. 1132e-1(3) and (4).)

(c) With respect to applications for annual interest grants submitted under Subpart E of this part, where the construction contract or contract for the purchase or installation of built-in equipment was entered into on or before July 1, 1966, an exception to the provisions set forth in paragraph (b) of this section may be made by the Commissioner in unusual cases where he finds that the applicant is financially hard pressed and has secured only short-term (not in excess of 5 years) financing of the academic facilities with respect to which the annual interest grant is requested, which short-term financing must be replaced in order to reduce the financial hardships, and where such academic facilities provide significant additional enrollment capacity for disadvantaged students. In making the foregoing findings the Commissioner will take into account:

(1) The number of disadvantaged students enrolled by the college and the percentage of the total enrollment represented by that number;

(2) The number of low-income families residing in the area served by the college and the average family income in that area;

(3) The immediacy of the college's need to obtain new financing, the availability of financing from other sources, and the effect of the burden of the present and proposed new financing on the college's ability to continue serving disadvantaged students;

(4) The number of disadvantaged students who benefit from the facilities for which the college is seeking financing; and

(5) The extent of programs offered by the college to assist disadvantaged students in taking maximum advantage of their educational opportunity.

In no event will an exception be made by the Commissioner pursuant to this paragraph unless the applicant produces evidence that the provisions of §§ 170.2, 170.3, and 170.4 have been met and has satisfied the Commissioner that the reasons for the applicant not having timely filed an application or secured the Commissioner's concurrence as provided for in paragraph (b) of this section were not due to any unwillingness on the part of the applicant to meet such conditions.

(20 U.S.C. 1132e-4.)

#### § 170.8 Compliance with other federally assisted construction requirements.

The Commissioner shall not approve any application for a grant or loan under the Act except upon assurance that:

(a) The construction will be undertaken in an economical manner and will not be elaborate or extravagant design or materials;

(20 U.S.C. 1132a-6(a) (2) (F).)



(b) The design will comply with all applicable State and local building codes, ordinances and regulations; or where the project is not subject to the provisions of State and local building codes or there is an absence of such building codes, the design will comply with the provisions of national codes which are recognized as a basis for minimum requirements in the geographical area of the project and, with respect to life safety design of facilities, local and State building codes, as well as the National Fire Protection Association Standard 101 (Life Safety Code) will be observed as minimum design requirements, whichever code is the more stringent;

(20 U.S.C. 651-678.)

(c) Project facilities will conform with Executive Order 11296, "Unified National Program for Managing Flood Losses," 31 F.R. 10663, August 11, 1966;

(d) Project facilities will conform with Executive Order 11288, "Prevention, Control and Abatement of Water Pollution," 31 F.R. 9261, July 7, 1966;

(e) The project facilities, to the extent appropriate, will be accessible to and usable by handicapped persons;

(20 U.S.C. 1132e-1 (1) (A).)

(f) The applicant (public institutions or public building agencies only) will comply with the provisions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646 and 45 CFR part 15 in order to assist persons and businesses displaced as a result of the construction of project facilities; and

(g) Each application shall contain an assessment of the effect of the project on the environment, which assessment will be evaluated by the Department of Health, Education, and Welfare to determine whether or not the potential environmental impact of the project warrants an "Environmental Impact Statement" as provided for under the National Environmental Policy Act of 1969 (Public Law 91-190).

(h) Each application shall describe the relationship to and the probable effect, or lack of effect, on any district, site, building, or object that is included in the National Register of Historic Preservation of the National Park Service as required under the Historic Preservation Act (Public Law 89-665).

(16 U.S.C. 470-470m.)

#### § 170.9 Urgency of need for projects of public institutions.

(a) Notwithstanding other project eligibility requirements, the Commissioner under Parts B, C, and D of Title VII of the Act and the State commission under Part A of Title VII of the Act, shall not approve an application for assistance of a public institution of higher education unless the Commissioner or State commission, as appropriate, determines that the need for the project is urgent in light of the capacity of other public institutions of higher education which enroll students from basically the same

geographic area as the applicant institution.

(b) If the applicant institution has a history of not serving persons of a particular race, color, or national origin and if there are within the geographic area which the institution serves one or more public institutions of higher education which have a history of not serving persons of another race, color, or national origin, the Commissioner or the State commission, as appropriate, shall not determine that such urgency of need exists unless the applicant provides evidence satisfactory to the Commissioner that the construction and proposed use of the facilities will not establish, increase, or impede the elimination of, the racial identifiability of any of these institutions.

(20 U.S.C. 1132a-4, 1132b, 1132c-4, 1132d-1 and Shannon vs. HUD, 439 F.2d 809.)

#### Subpart B—Grants for Construction of Academic Facilities

##### § 170.11 Institutional eligibility for grants under section 702 of the Act.

To qualify for a grant from funds allotted pursuant to section 702 of the Act, an institution or a branch campus of an institution shall meet the requirements specified in section 1201(a) and 782(6) of the Act.

(a) An institution which is not accredited by a nationally recognized accrediting agency or association listed pursuant to section 1201 of the Act may qualify, alternatively, by obtaining a certification from the Commissioner (dated no earlier than 2 years prior to the date of filing of the application for a grant) stating that the institution has met the requirements set forth in subsection 1201(a) (5) of the Act.

(b) An institution or a branch campus of an institution shall be determined to be organized and administered principally to provide a 2-year program as specified in section 782(6) of the Act, if:

(1) More than 50 percent of the full-time equivalent student enrollment at the institution or branch campus is in 2-year programs of the types specified in section 782(6) of the Act; and

(2) The application for a grant pursuant to section 702 of the Act contains a statement that the institution or branch campus is organized and administered principally to provide such programs, and such statement is supported by information available to or obtained by the State Commission.

(20 U.S.C. 1132a-1, 1141.)

##### § 170.12 Institutional eligibility for grants under section 703 of the Act.

To qualify for a grant from funds allotted pursuant to section 703 of the Act, an institution shall meet requirements specified in section 1201(a) of the Act. An institution which is not accredited by a nationally recognized accrediting agency or association listed pursuant to section 1201(a) of the Act may qualify, alternatively, by obtaining a certification from the Commissioner

(dated no earlier than 2 years prior to the date of filing of the application for a grant) stating that the institution has met the requirements set forth in subsection 1201(a) (5) of the Act.

(20 U.S.C. 1132a-2.)

##### § 170.13 Conditions for grant approval.

(a) An application for a grant under Title VII-A of the Act shall be approved only if the Commissioner is satisfied, on the basis of information submitted with the application, that:

(1) The facilities included in the Title VII A project are intended for use predominantly in undergraduate instruction, extension, and continuing education programs, and/or health care to students or personnel of the institution;

(2) The requirements of section 705 of the Act will be met;

(3) The application meets all requirements of section 707(a) of the Act; and

(4) The application contains or is supported by: (i) Satisfactory assurances that the applicant has the necessary legal authority to finance, construct, and maintain the proposed facilities, and to apply for and receive the proposed grant; and (ii) satisfactory evidence that the applicant has or will have a fee simple or such other estate or interest in the facilities and site, including access thereto, sufficient in the opinion of the Commissioner to assure undisturbed use and possession for the purpose of the construction and operation of the facilities for not less than 50 years from the date of the application.

(b) In determining whether an institution of higher education shall be eligible for a grant in accordance with section 705 of the Act, the State commission shall base its determination on the following criteria:

(1) To establish whether a substantial expansion of student enrollment capacity, health care capacity, or continuing education capacity is being provided, the State commission must determine that the increase to be provided in any one of the three types of capacities will exceed 10 percent of current capacity, or, in the case of enrollment capacity an increase of 10,000 S.F. of instructional and library space. For purposes of this paragraph student enrollment capacity means "instructional and library facilities," health care capacity means "infirmaries and all other rooms or areas designed to be used for medical examination or treatment of students and institutional personnel," and extension and continuing education capacity means "academic facilities" used principally for extension and continuing education programs of the institution.

(2) To establish whether such substantial expansion or creation of capacity is urgently needed, the State commission shall give consideration to:

(i) The planned enrollment growth of the institution (10 percent over 4 years to be considered minimal growth at existing institutions);

(ii) The capacity enrollment ratio at the campus to be expanded (other utili-



zation measures may be substituted); and

(iii) Serious deficiencies in the quality of programs due to inadequacies in existing space.

(3) As used in section 705 of the Act, "other construction to be undertaken within a reasonable time" means construction approved to start within 1 year of the date of application.

(c) In determining whether an institution of higher education would experience a decrease in enrollment capacity if an urgently needed facility is not constructed, the Commissioner shall give consideration to:

(1) The age and condition of existing instructional and library facilities which will be withdrawn from use, and

(2) Any other factors which will cause facilities to be functionally inadequate for instructional or library purposes.

(20 U.S.C. 1132a-6(a)(2).)

#### § 170.14 Submission and processing of title VII-A applications.

(a) *Closing dates for filing of applications.* Closing dates for which applications may be filed and accepted by the State commission shall be established in the State plan. For each category of application (i.e., applications for public community colleges and public technical institutes and applications for institutions of higher education other than public community colleges and public technical institutes) the State plan shall provide at least two closing dates for any Federal fiscal year, and all such closing dates shall be between July 31 and February 15: *Provided, however,* That where the Commissioner determines unusual circumstances so warrant, the State plan may provide for a closing date after February 15.

(b) *Submission of project applications.* Applications for grants under title VII-A of the Act shall be submitted on forms supplied by the Commissioner, and shall contain such assurances as are required pursuant to the Act and the regulations in this part. Applications shall be submitted directly to the appropriate State commission, together with any supplemental information which may be required by the State commission. The State commission shall officially record the date of receipt of each application. Applications must be initially submitted in advance of inviting bids for construction. The application may be considered at only those closing dates which occur no later than 12 months after construction has started.

(c) *Verification of application data and institutional and project eligibility.* Before determining the relative priority or Federal share for any application for grant assistance under title VII-A of the Act, the State commission shall satisfy itself that the data contained in the application appear to be valid, and that the institution and the project appear to meet basic eligibility requirements set forth in the Act and the regulations governing the administration of the Act.

In any case where in the opinion of the State commission a question may be raised as to the eligibility of an institution, the State commission shall promptly forward a copy of the application to the Office of Education for a clarification of such eligibility. In any such case, the State commission shall continue to process and rank such application as if it were eligible, but shall delay final action on all applications under the same category considered as of the same closing date until receipt of notification by the Office of Education of the disposition of the eligibility question.

(d) *Determination of relative priorities and Federal shares.* All eligible applications received by each specified closing date shall be considered by the State commission together with others of the same category (i.e., applications for public community colleges and public technical institutes for funds allotted under section 702 of the Act, and applications for all other institutions of higher education for funds allotted under section 703 of the Act) and assigned relative priorities and recommended Federal shares in accordance with the provisions of the State plan.

(e) *Procedures where funds are insufficient to provide full Federal shares for all eligible projects.* (1) In any case where the funds available in a State allotment for projects considered as a particular closing date are insufficient to cover all eligible applications, the State commission shall nevertheless determine the full Federal share, calculated according to the State plan, for all projects in their order of relative priority, until the remaining available funds are insufficient to provide the full Federal share as calculated for the next project in order of priority.

(2) If the State plan provides for apportionment of the State allotment among closing dates, the State plan may provide also that sufficient funds will be made available immediately, from such funds as were apportioned to later closing dates in the same fiscal year, so that the full Federal share as initially calculated will be available for the first project for which only a part of the Federal share would otherwise have been available. In any case where the State allotment is apportioned among closing dates and no such provision is included in the State plan, all projects for which the full Federal share, as calculated, cannot be provided for by the available funds shall be carried over to any subsequent closing dates in the same fiscal year.

(3) If the State allotment is not apportioned among closing dates, or in the case of the last closing date in the fiscal year, the amount of the remaining funds shall be offered as a partial Federal share for the first project in order of relative priority for which less than the full Federal share as calculated is available. The offer and acceptance of such a lesser Federal share shall in no way be deemed to diminish the scope of the project. An applicant which agrees to accept such a partial Federal share shall in all cases have the option to submit a supplemental

application as provided in subparagraph (1) of this paragraph. If the applicant offered such a partial Federal share declines to accept it, the remaining funds and the application for which the partial Federal share was declined shall be carried over to the next closing date, if any, in the same fiscal year.

(f) *Recommendation by State commissions.* Promptly upon completing its consideration of applications as of each closing date, and no later than March 31 of each Federal fiscal year, each State commission will forward to the Commissioner: (1) A current project report, on forms supplied by the Commissioner, for the pertinent category of applications, listing each application received or carried over from the previous closing date, each application returned to the applicant and the reason for return of such application, each application considered as of the closing date, and the priority and Federal share determined according to the State plan for each project considered and (2) the application form and exhibits in the number of copies requested by the Commissioner, for each project assigned a priority high enough to qualify for a Federal grant within the amount of funds available in the allotment for the State.

(g) *Notification to applicants.* The State commission shall promptly notify each applicant of the results of all determinations regarding its application as of each closing date, and any applicant shall upon request in accordance with such orderly procedures as are established by the State commission, be furnished access to the records of official State commission proceedings on the basis of which relative priorities and Federal shares of all applications were determined.

(h) *Disposition of applications which are not recommended for grants.* Applications which are not recommended for a grant within the fiscal year in which they are filed, may be retained by the State commission but the unsuccessful applicants should be notified when there are no longer any funds available in the State allotments for the fiscal year. Applications may be reconsidered the following fiscal year for any project which does not receive a recommendation for a grant and which the applicant states in writing a desire to have reconsidered in a subsequent year. In addition, whenever any application is carried over from one closing date to the next those portions of the application requiring data on enrollments and available instructional, library, and/or health care facilities must be amended to reflect most recent opening fall term data.

(i) *Grant award.* For a title VII-A project application which meets all eligibility requirements the Commissioner will approve the application and reserve Federal funds from the appropriate State allotment and will prepare and send to the applicant a grant award, which sets forth the pertinent terms and conditions of the grant.

(j) *Amendment of project applications.* Any time prior to a closing date



for which an application is to be considered, the applicant may make changes in the application by written notification to the State commission. After any such closing date, no changes in applications shall be permitted, except corrections or submission of additional data as requested by the State commission.

(k) *Project changes.* After a project has been forwarded to the Commissioner by the State commission, no substantial changes in the nature or scope of the project shall be approved by the Commissioner without first verifying that such changes would not have affected the State commission's original recommendation of the project for a grant.

(l) *Supplemental applications.* Any time after approval of a title VII-A grant, an applicant may for reasons of not having received the maximum Federal share allowable under the Act or the applicable State plan, file a supplemental application. The supplemental application shall take the form of a written request to the State commission and should contain all amended application data necessary to assign a priority to the application and to calculate a revised eligible development cost of the project where applicable. In no event, however, will a supplemental application be considered by a State commission (1) for a closing date which is more than 12 months after construction has been started or (2) for a closing date which is after the date the project has been substantially completed, whichever is earlier.

(20 U.S.C. 1132a-6(c).)

**§ 170.15 Criteria for standards and methods to determine relative priorities of eligible projects.**

(a) The State plan shall set forth separately the standards and methods for determining the relative priorities of eligible projects for the construction of academic facilities (1) for public community colleges and public technical institutes and (2) for institutions of higher education other than public community colleges and public technical institutes. The standards and methods set forth for each of the two categories of eligible projects shall provide separately for new institutions or new branch campuses and for established institutions or campuses. Unless otherwise defined in the State plan, a new institution or branch campus (as distinguished from an established institution or branch campus) shall be one which was not in operation and admitting students as of the fourth fall term preceding the date of application for assistance under title VII-A.

(b) The standards for determining relative priorities for established institutions or branch campuses shall include the following, each of which shall be assigned at least the percentage of the total weight assigned to all standards for established institutions or branch campuses:

(1) One or more standards dealing with the planned for and reasonably expected numerical and/or percentage in-

crease in full-time equivalent undergraduate student enrollment at the campus at which the facilities are to be constructed occurring between the opening of the fall term which opened preceding the closing date for which the application is being considered and the opening of either the third, fourth, or fifth term thereafter (at least 20 percent of total weight, with priority advantage given to higher numerical and/or percentage increases).

(2) One or more standards (at least 10 percent of total weight) dealing with the amount and/or percentage by which the construction of the project will increase or replace the assignable area in instructional and library facilities and health care facilities on the campus at which the facilities are to be constructed.

(3) One or more standards designed to favor projects for institutions or branch campuses which are most effectively utilizing their existing academic facilities (at least 10 percent of total weight).

(4) A standard (at least 5 percent of total weight) designed to favor projects submitted by institutions or branch campuses that are committed to the enrollment of a substantial number of students from low income families.

(5) A standard (at least 5 percent of total weight) designed to favor projects submitted by institutions or branch campuses which are committed to the enrollment of a substantial number of veterans returning to civilian life.

(c) The standards for determining relative priorities for new institutions or branch campuses shall include the following, each of which shall be assigned at least the indicated percentage of the total weight assigned to all standards for new institutions or branch campuses:

(1) A standard dealing with the planned for and reasonably expected numerical increase in full-time equivalent undergraduate student enrollment at the campus at which the facilities are to be constructed occurring between the opening of the fall term which opened preceding the closing date for which the application is being considered and the opening of either the third, fourth, or fifth fall term thereafter (at least 30 percent of total weight, with priority advantage given to higher numerical increases).

(2) A standard (at least 10 percent of total weight) dealing with the amount by which the construction of the project for which a Title VII A grant is requested will provide for assignable area in instructional and library facilities and/or health care facilities on the campus at which the facilities are to be constructed.

(3) A standard (at least 5 percent of total weight) designed to favor projects submitted by institutions or branch campuses that are committed to the enrollment of a substantial number of students from low income families.

(4) A standard (at least 5 percent of total weight) designed to favor projects submitted by institutions or branch

campuses which are committed to the enrollment of a substantial number of veterans returning to civilian life.

(d) The State plan may include additional standards for determining relative priorities which are not inconsistent with the standards set forth in paragraphs (b) and (c) of this section and which will carry out the purposes of the Act.

(e) The methods for application of the standards for determining relative priorities shall provide for the assignment of point scores for each standard applied, such that the potential total score for each project will be the same whether the project is for a new institution or branch campus or for an established institution or branch campus. The assignment of points for each standard may be by any one of the following methods or by similar objective methods, a different one of which may be used in connection with each standard:

(1) Applications may be ranked according to relative performance for the standard, and assigned a point score for relative rank (e.g., 10 points placement in the highest 10 percent, 9 points for placement in the second highest 10 percent, 8 points for placement in the third highest 10 percent, etc.).

(2) Applications may be compared to a scoring table for the standard, and assigned points accordingly (e.g., for numerical increase in full-time equivalent undergraduate enrollment, a scoring table might provide for 10 points for an increase of 1,000 or more, 8 points for an increase of 800-999, 6 points for an increase of 600-799, etc.).

(3) Applications may be compared to a fixed requirement for the standard, and assigned points if they meet the requirement or denied points if they do not. This type of scoring should be used where comparison against the standard involves a "yes-no" decision (e.g., Is the proposed project located in a geographic area of the State in which an unfilled need for creation or expansion of undergraduate enrollment capacity has been documented in a statewide study? If "yes," award 5 points if "no," award 0 points).

(f) The methods for application of the standards shall provide for determination of relative priorities on the basis of the total of the points earned by each application for each applicable standard and shall specify factors to be applied in determining which application shall receive the higher priority in the case of identical scores.

(g) The standards and methods for determining relative priorities must be developed on the basis of information which is to be submitted on the application form prescribed by the Commissioner, or required by the State commission to be submitted on supplemental State forms to accompany the application, or contained in published reports or publications readily available to the State commission and to all institutions within the State. Whenever supplemental forms or definitions or data in



public reports or publications are to be used in connection with optional State plan standards, the State plan shall include a section setting forth such definitions and supplementary data sources and an appendix illustrating the supplemental State forms.

(h) In no event shall an institution's readiness to admit out-of-State students be considered as a priority factor adverse to such institution and in no event may the nature of the control or sponsorship of the institution, or the fact that construction of the project has commenced, or the part of the cost of a project has been incurred before or under a contract entered into prior to the date of the application, be considered as a priority factor either in favor of, or adverse to, an institution.

(20 U.S.C. 1132a-5(a).)

#### § 170.16 Criteria for standards and methods to determine Federal shares of eligible projects.

(a) Unless the Federal share is specified in the State plan as a uniform percentage of the costs eligible for Federal financial participation, the State plan shall prescribe the standards and methods in accordance with which the State commission shall determine the Federal share of such costs, but in no event may the Federal share of a project exceed the percentage of the eligible project development cost specified by the Act.

(b) Standards and methods for determining the Federal share pursuant to paragraph (a) of this section: (1) Must be objective and simple to apply; (2) may involve the use only of data which are to be submitted on the application form prescribed by the Commissioner, required by the State commission to be submitted on supplemental State forms to accompany the application, or contained in reports or publications readily available to the State commission and the institutions of higher education in the State; (3) must be such as will enable an applicant to calculate in advance (on the assumption that sufficient funds will be available to cover all applications) the minimum Federal share of the estimated eligible project development cost which the State commission will certify to the Commissioner if it recommends the project for a Federal grant; and (4) must be consistent with criteria published by the Commissioner with respect to the determination of relative priorities among projects and be promotive of the purposes of the Act.

(20 U.S.C. 1132a-5(b).)

#### § 170.17 State plans.

(a) A State plan shall be submitted to the Commissioner no later than 60 days prior to the first closing date of each fiscal year that the State desires to participate in the Title VII A grant program. The Commissioner shall approve a State plan and annual revision upon the basis that he has received satisfactory assurance and explanation regarding the basis on which the State commission

submitting the plan meets the requirements of section 704(a) of the Act. A new or revised State plan submitted in accordance with section 704 of the Act shall be submitted on forms or in a format supplied by the Commissioner and shall contain all provisions required by the Commissioner pursuant to section 704 of the Act and other sections of the regulations in this part, together with such additional organizational and administrative information as the Commissioner may request.

(b) All proposed amendments to the State plan shall be submitted to the Commissioner for his approval in such form and in accordance with such instructions as are established for that purpose. Such amendments shall apply uniformly to all applications to be considered together as of any closing date, and, unless otherwise provided in the State plan, shall become effective immediately upon approval by the Commissioner, except that in no event shall any amendment which affects the standards and methods for determining priorities or Federal share or any amendment providing for an additional closing date or for the change in an existing closing date become effective sooner than 60 days after the date the proposal to make such amendment is received by the Commissioner and 30 days after the date of the Commissioner's approval of the amendments as a part of the State plan: *Provided, however,* That amendments which are required by amendments of the Act or of these regulations or are designed to implement promptly amendments of the Act or of these regulations may be effective immediately upon their approval by the Commissioner.

(c) State plan amendments conforming to the provisions in these regulations regarding determination of priorities shall be submitted and approved prior to State commission actions on any Title VII A applications for closing dates later than April 1, 1973.

(20 U.S.C. 1132a-3.)

#### § 170.18 Adjustments in amount of Federal share.

Adjustments in the amount of Federal participation with respect to all Title VII A grants shall be subject to the following provisions:

(a) In any case where the costs eligible for Federal participation, as determined at the time of final settlement, exceed those provided for in the grant award the Federal share entitlement of the applicant shall be limited to that provided by the grant award.

(b) In any case where the costs eligible for Federal participation are determined to be less than those provided for in the grant award, the Commissioner shall redetermine the amount of the Federal share which would have been recommended for the project, based on the lesser eligible cost, under State plan provisions in effect at the time the project was recommended for a grant, as if sufficient funds had been available in the State allotment at that time to provide

the maximum Federal share provided for by the plan. If such redetermined Federal share entitlement is less than the maximum amount authorized by the grant award the grant shall be reduced accordingly, and any overpayment of Federal funds shall immediately be due to the Government of the United States. If such redetermined Federal share is equal to or greater than the maximum amount of the Federal share authorized by the grant award, the final settlement shall be based on the Federal share amount authorized by the grant award.

(c) The Commissioner may from time to time, after award of the grant and prior to final settlement, adjust the grant amount to take into account any reductions of eligible project development cost which occur or are identified subsequent to the award of the grant.

(20 U.S.C. 1132a-b(c).)

#### § 170.19 Payment of grant funds on approved projects.

The Commissioner shall provide for payment of grant funds for approved projects pursuant to such methods as he determines will best make the funds available as needed and eliminate unnecessary expense to the Federal Government.

(20 U.S.C. 1232d.)

#### Subpart C—Grants for Construction of Graduate Academic Facilities

#### § 170.41 Eligibility for grants.

Grants for construction of academic facilities from funds appropriated under Title VII B of the Act may be made only to assist institutions of higher education and cooperative graduate center boards in the construction of such academic facilities, including facilities essential to their operation, as will be dedicated to the provision of graduate education.

(20 U.S.C. 1132b(a).)

#### § 170.42 Submission of applications.

Applications covered by this subpart may be submitted by institutions of higher education or by cooperative graduate center boards as defined in section 782(8) of the Act. Such applications shall be submitted at such time and in such manner as may be prescribed by the Commissioner and will be processed by the staff of the Office of Education in the order of their receipt. Upon the completion of such processing as is appropriate, each application will be submitted to the panel of specialists for their review and evaluation. Applications must be submitted in advance of inviting bids for construction.

(20 U.S.C. 1132b-1 (a) and (b).)

#### § 170.43 Facilities Panel.

The Commissioner shall not approve any application for a grant under this title until he has obtained the advice and recommendations of a panel of specialists who are not employees of the Federal Government and who are competent to evaluate such applications. The panel of specialists shall review all applications



in the light of the criteria set forth in § 170.44 and shall make recommendations to the Commissioner for the approval or disapproval, in whole or in part, of each such application.

(20 U.S.C. 1132b-1(b).)

**§ 170.44 Criteria for evaluating applications.**

In determining relative priorities in recommending grants against available funds consideration shall be given, but not limited to, the following factors which are not necessarily listed in the order of their importance:

(a) The extent to which the programs to be assisted by the proposed construction will contribute toward the establishment or development of a graduate school or cooperative graduate center of excellence, or the extent to which such program or programs will contribute toward the improvement of an existing graduate school or cooperative graduate center.

(b) The extent to which the proposed construction will increase the capacity of the institution to supply highly qualified personnel critically needed by the community, industry, government, research, and teaching.

(c) The extent to which the proposed construction will assist in attaining a wider distribution throughout the United States of graduate schools and cooperative graduate centers.

(d) The capability of the applicant to give full financial support to its program generally, and specifically to the programs of graduate education to be assisted by the proposed construction.

(e) The extent to which the program or programs to be assisted by the proposed construction are likely to draw to the institution both graduate students and faculty of a high level of competence.

(f) The adequacy of applicant's existing academic facilities with respect to the present demands made on them and the demands that can reasonably be expected to be made on them in the foreseeable future, with particular reference to the adequacy of those facilities, if any, available for the conduct of the program or programs to be assisted by the proposed construction.

(g) The extent to which the proposed construction would contribute significantly to the increase in both or either the quantity or quality of graduate education in a relatively wide geographical area.

(20 U.S.C. 1132b(a).)

**§ 170.45 Special terms and conditions.**

Before approving a Title VII B grant the Commissioner will require:

(a) Satisfactory evidence that the applicant has or will have a fee simple or such other estate or interest in the facilities and site, including access thereto, sufficient in the opinion of the Commissioner to assure undisturbed use and possession for the purpose of the construction and operation of the facilities for not less than 50 years from the date of application.

(b) Satisfactory evidence that the applicant has the necessary legal authority to finance, construct, and maintain the proposed facilities, and to apply for and receive the proposed grant.

(20 U.S.C. 1132b-1(a)(1).)

**Subpart D—Loans for Construction of Academic Facilities**

**§ 170.51 Eligibility for loans.**

Loans may be made only for construction of academic facilities for institutions of higher education or for cooperative graduate centers.

(20 U.S.C. 1132c(a)(2).)

**§ 170.52 Submission of applications.**

Each institution, cooperative graduate center board or higher education building agency desiring a loan for the construction of academic facilities shall submit an application for such assistance, in the manner and containing the information specified by the Commissioner. Applications must be submitted in advance of inviting bids for construction.

(20 U.S.C. 1132c.)

**§ 170.53 Special terms and conditions.**

Before approving a loan the Commissioner will require:

(a) Satisfactory evidence that the applicant has or will have a fee simple or such other estate or interest in the facilities and site, access thereto, sufficient in the opinion of the Commissioner to assure undisturbed use and possession for the purpose of the construction and operation of the facilities for not less than 50 years from the date of application.

(b) Satisfactory evidence of the ability of the applicant to comply with the appropriate terms and conditions for repayment of the loan.

(c) Satisfactory evidence that the applicant has the necessary legal authority to finance, construct, and maintain the proposed facilities, to apply for and receive the proposed loan, and to pledge or mortgage any assets or revenues to be given as security for the proposed loan.

(d) Satisfactory assurances that the project for which the loan is requested is related to a plan for development of the institution, branch campus, or cooperative graduate center for which it will be constructed, and is associated with either a planned increase in student enrollment or a planned improvement in the instructional programs offered by the institution, branch campus, or cooperative graduate center.

(e) Satisfactory assurance that the applicant will not mortgage to others without the consent of the Commissioner the facility to be constructed with the assistance of the loan during the life of the loan.

(20 U.S.C. 1132c-2(b)(1).)

(f) Satisfactory assurance that not less than 20 percent of the development cost of the facility will be financed from non-Federal sources except that in the instance of an institution qualifying as a developing institution pursuant to title

III of the act, the applicant is not required to provide such an assurance.

(20 U.S.C. 1055(b)(1); 1132c-1(a).)

**§ 170.54 Determination of nonavailability of equally as favorable terms and conditions.**

No loan will be made unless the Commissioner finds that the applicant is unable to secure the amount of such loan from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to loans under this part. For the purpose of making such determination, the applicant shall be required to comply with such procedures as the Commissioner may establish, including, where deemed necessary, public advertising for bids from other sources.

(20 U.S.C. 1132c-1(a)(2).)

**§ 170.55 Forms of evidence of indebtedness.**

The evidence of indebtedness shall be in such form as may be prescribed by the Commissioner.

(20 U.S.C. 1132c-1(b).)

**§ 170.56 Security for loans.**

All loans shall be secured in a manner which the Commissioner finds sufficient to reasonably assure repayment. The security may be one or a combination of the following:

(a) A first mortgage on the facilities and site thereof.

(b) Negotiable stocks or bonds of a quality and value acceptable to the Commissioner.

(c) A pledge of unrestricted and unencumbered income from an endowment or other trust funds acceptable to the Commissioner.

(d) A pledge of a specified portion of annual general or special revenues of the institution, acceptable to the Commissioner.

(e) General obligations of a State or local public body.

(f) Such other types of security as the Commissioner may find acceptable in specific instances.

(20 U.S.C. 1132c-1(b).)

**§ 170.57 Length and maturity of loans.**

(a) The maximum repayment period for loans under Title VII C of the Act shall be 30 years, except where the Commissioner finds that a longer repayment period is required.

(b) Substantially level total annual installments of principal and interest, sufficient to amortize the loan from the third year through the final year of the life of the loan, will be required unless otherwise authorized by the Commissioner.

(c) Loans maturing in less than 30 years, or loans which do not mature serially, may be considered by the Commissioner in order to fit any such loan into an applicant's total financial plan.

(d) In no case shall a loan repayment period exceed the estimated useful life of the facilities to be constructed with the assistance of the loan.

(20 U.S.C. 1132c-1(b).)



**§ 170.58 Bond counsel opinion.**

At appropriate stages in the loan application and development procedure, a legal memorandum or opinion of bond counsel will be required with respect to the legality of the proposed bond or note issue, the legal authority to offer the issue and secure it by the proposed collateral, and the legality of the issue upon delivery. "Bond Counsel" means either a law firm or individual lawyer, thoroughly experienced in the financing of construction projects by the issuance of bonds, and whose approving opinions have previously been accepted by purchasers of bonds offered at public sales. In addition, where the borrower is a public institution or agency, the proposed bond counsel shall be a recognized bond counsel in the municipal field. The legal memorandum or opinion to be provided by such an acceptable bond counsel in each case generally shall be as follows:

(a) A memorandum by bond counsel, submitted with the loan application, stating that there is or will be authority to finance, construct, maintain the project, and to issue the proposed obligations and to pledge or mortgage the assets and/or revenues offered to secure the loan, citing the basis for such authority.

(b) A preliminary approving opinion of bond counsel, submitted at the time the applicant proposes to advertise for construction bids for the project, to the effect that when the bonds or notes described in the loan agreement are sold and delivered they will comply with the applicable provisions of the loan agreement and will be valid and binding obligations of the issuer and will be payable in accordance with their terms.

(c) The final approving opinion of bond counsel, delivered at the same time as the delivery of the bonds or notes, stating that the bonds or notes (1) are those described in the loan agreement and the authorizing proceedings, (2) have been duly authorized, sold, and delivered to the Commissioner, and (3) constitute the valid and binding obligations of the issuer payable in accordance with their terms.

(20 U.S.C. 1132c-2(b)(6).)

**§ 170.59 Determination of priorities for loan approvals.**

Loan applications shall be processed in such order and according to such standards and methods as the Commissioner may determine. Such standards and methods shall be developed as may be necessary and appropriate to encourage distribution of the available loan funds in accordance with actual needs and may include establishment of closing dates for consideration of applications and for determination of priorities.

(20 U.S.C. 1132c-2(b).)

**§ 170.60 Loan agreement.**

For project applications which meet all requirements of the Act and of the regulations governing the administration of the Act, and upon approval by the Commissioner together with a reservation of Federal funds, a loan offer will be pre-

pared by the Commissioner and sent to the applicant. The loan offer will set forth the pertinent terms and conditions for the loan, and will be conditioned upon the fulfillment of these terms and conditions. The accepted loan offer will constitute the loan agreement between the Commissioner and the applicant for the partial financing of the construction of the approved project.

(20 U.S.C. 1132c-2(b).)

**§ 170.61 Loan closing.**

Loan closing shall be accomplished at such time as may be determined by the Commissioner.

(20 U.S.C. 1132c-2(b).)

**§ 170.62 Interim financing.**

If necessary, the applicant shall arrange for interim financing, subject to the approval of the Commissioner, to cover the cost of construction pending the loan closing. Where the Commissioner finds that an applicant is unable to secure necessary interim financing on reasonable terms, he may provide for advances against the approved loan.

(20 U.S.C. 1132c-2(b).)

**§ 170.63 Construction fund.**

The proceeds of the sale of the bonds or notes, any interim advances against the approved loans, and all other moneys to be used in paying for the construction, of which the project is a part, shall be deposited into a separate bank account to be maintained in a bank of the applicant's choice and to be known as the Construction fund. All expenditures for the construction shall be made from this fund. Accounting for this fund shall be in accordance with generally accepted accounting principles. When necessary and appropriate, the Commissioner may approve other arrangements for the deposit of construction funds and the construction fund accounting, provided such arrangements provide adequate accountability for the total construction receipts and expenditures.

(20 U.S.C. 1132c-2(b).)

**§ 170.64 Investment of idle construction funds.**

Where the moneys on deposit in the construction fund exceed the estimated disbursements for the project for the next 90 days, the borrower shall, if permitted by State or local law, direct the depository bank to invest such excess funds in direct obligations of the U.S. Government or obligations the principal of or interest on which is guaranteed by the U.S. Government, which shall mature not later than eighteen (18) months from the date of such investment.

(20 U.S.C. 1132c-2(b).)

**§ 170.65 Disposal of balance remaining in the construction fund.**

The balance of moneys remaining in the construction fund at the completion of construction shall be disposed of in accordance with the provisions of the loan agreement.

(20 U.S.C. 1132c-2(b).)

**Subpart E—Annual Interest Grants for Construction of Academic Facilities****§ 170.71 Eligibility for annual interest grants.**

(a) Annual interest grants may be made to institutions of higher education, higher education building agencies, and cooperative graduate center boards, to reduce the cost to them of borrowing funds, other than those available under this part, for the construction of academic facilities.

(20 U.S.C. 1132c-4.)

(b) No annual interest grant shall be made unless the Commissioner finds that the applicant is unable to secure a loan in the amount with respect to which the annual interest grant is to be made, from other sources upon terms and conditions equally as favorable as the terms and conditions applicable to direct Federal loans under Subpart D of this part. For the purpose of making such determination, the applicant shall comply with such procedures as the Commissioner may establish, including public advertising for bids from other sources.

(20 U.S.C. 1132c-4(e)(2).)

(c) Annual interest grants may not be made with respect to loans consummated prior to the filing of an application under this subpart or Subpart D of this part.

(20 U.S.C. 1132c-4(e)(2).)

(d) Annual interest grants may not be made with respect to loans (or portions thereof) which cover a construction activity that was begun more than 12 months before the closing date for which consideration is being requested, unless an exception is granted specifically pursuant to § 170.7(c).

(20 U.S.C. 1132c-3(b)(1).)

**§ 170.72 Amount of annual interest grants.**

Except where limitation of general applicability is promulgated, each grant shall be in an amount approximately equal to but not more than the difference between (a) the average annual debt service which is required to be paid, during the life of the loan, on the amount borrowed from private sources for the construction of an academic facility covered by the application, and (b) the average annual debt services which the institution would have been required to pay, during the life of the loan, with respect to such amount if the applicable interest rate were 3 percent per annum. The amount of the annual interest grant stipulated in the Agreement may be amended by the Commissioner to reflect changes in the amount or terms of the loan. An increase in the annual grant amount resulting from a request to increase the amount of loan to be subsidized must be made not later than 12 months after construction has started, through the submission of an amended application and is subject to priority considerations applicable at the time such a supplemental request is filed. A request for an increase in the annual grant amount resulting from a change in the



rate of interest or the term at the time of actual consummation of the loan will be considered apart from the priority ranking system.

(20 U.S.C. 1132c-4(b).)

**§ 170.73 Submission of applications.**

Each applicant desiring to receive annual interest grants shall submit an application for such grant assistance, in the manner and containing the information specified by the Commissioner. Applications shall be submitted directly to the appropriate Regional Office of the Department of Health, Education, and Welfare together with all required State agency comments. Applications must be submitted in advance of inviting bids for construction.

(20 U.S.C. 1132c-4.)

**§ 170.74 Condition for approval of annual interest grants.**

An application for annual interest grants will be approved only if the Commissioner is satisfied that:

(a) The facilities to be constructed are urgently needed to accommodate more students or to replace inadequate facilities in order to prevent a decrease in student enrollment capacity;

(b) Funds will be available as required to pay the total development cost of the facilities;

(c) The applicant has or will have a fee simple or such other estate or interest in the facilities and site, including access thereto, sufficient in the opinion of the Commissioner to assure undisturbed use and possession for the purpose of the construction and operation of the facilities for not less than 50 years from the date of application;

(d) The applicant has the necessary legal authority to finance, construct, and maintain the proposed facilities, to apply for and receive the proposed loan and annual interest grants, and to pledge or mortgage any assets or revenues to be given as security for the proposed loan; and

(e) The applicant's financing plan meets the conditions of § 170.76 and is otherwise practicable and feasible.

(20 U.S.C. 1132c-4.)

**§ 170.75 Limits governing extent of Federal assistance.**

The principal amount of loan (or portion thereof) on which an annual interest grant is approved, together with the amount of any other Federal financial assistance the applicant has obtained or is assured of obtaining under any other Federal program, may not exceed 90 percent of the eligible development cost. Further, the aggregate principal amount of loans (or portions thereof) with respect to which annual interest grants are approved during any Federal fiscal year may not exceed \$5 million per campus.

(20 U.S.C. 1132c-4.)

**§ 170.76 Approval of financing plans.**

(a) Except as provided in paragraph (b) of this section, in order to be accept-

able a financing plan submitted pursuant to § 170.73 must:

(1) Provide that the term of the loan with respect to which an annual interest grant is to be paid does not exceed 30 years or the useful life of the facilities with respect to which such annual interest grant is to be made, whichever is the lesser;

(2) Provide that such loan is to be repaid in substantially level annual installments of interest and principal over the term of the loan, except that interest only may be paid for an initial period not exceeding 5 years; and

(3) Contain such other terms and conditions as will assure the Commissioner that the support provided by the Government over the term of the loan is no more than is necessary to effectuate the purposes of this subpart.

(b) Financing plans may also be acceptable where the term of the loan is longer than 30 years or the annual installments of interest and principal are not substantially level, if the Commissioner finds that unusual circumstances warrant such exceptions: *Provided, however*, That in no event shall the term of the loan exceed 40 years.

(20 U.S.C. 1132c-4.)

**§ 170.77 Evidence of lowest possible cost of loan.**

An applicant shall demonstrate to the satisfaction of the Commissioner that the loan it proposes to obtain is at the lowest possible net interest cost. In the case of an applicant proposing to issue tax-exempt bonds to finance the construction of academic facilities, a sale pursuant to public advertising or bids for the securities in an advertising medium acceptable to the Commissioner will be deemed to meet this requirement. An applicant not issuing tax-exempt securities will be expected to submit offers from at least three (3) lending institutions normally engaged in making long term construction loans. The applicant must have furnished each such institution with the information necessary to enable it to specify in its offer the amount, interest rate, maturity period, security and prepayment provisions of the loan.

(20 U.S.C. 1132c-4.)

**§ 170.78 Annual interest grant agreement.**

Upon approval of an application for annual interest grant, the Commissioner shall prepare and send to the applicant a proposed agreement, which shall contain the terms and conditions relating to the receipt of an annual interest grant including a description of the project and the facilities, the maximum principal amount of the loan (or portion thereof) on account of which annual interest grants payments will be made, the maximum annual grant amount and the anticipated terms of the annual interest grant payments. The proposed agreement shall also provide that where a loan is not consummated prior to execution of such agreement by the Commissioner, no grant shall be made thereunder unless

the Commissioner concurs in the rate of interest and other terms and conditions of the loan. The agreement once executed by the applicant and the Commissioner creates a contractual obligation on the part of the Commissioner to make annual interest grants in future years in accordance with the terms and conditions of the agreement for so long as the applicant carries out its obligations under the agreement. The agreement for annual interest grants is not entered into for the benefit of, nor to induce the making of loans by or the sale of bonds to, third parties, and the Commissioner shall not entertain grievances or claims of such third parties.

(20 U.S.C. 1132c-4.)

**§ 170.79 Payment of annual interest grants.**

Payments under an annual interest grant agreement will be made by the Government once a year. The date of such payment will coincide as closely as possible with the anniversary date of the loan or, a date during the year when debt service requirement related to the loan is greatest. Once established, the payment date shall remain fixed for the duration of the loan. The first payment shall accrue from a date not earlier than the date of initial use of the project to the date established for the annual payment. The last payment will accrue from the effective date of the next-to-last payment to the date the loan is completely repaid. Payment of annual interest grants shall be made directly to the grantee or to a trustee, paying agent, or lender pursuant to an assignment of such payments by the grantee.

(20 U.S.C. 1132c-4.)

**§ 170.80 Reduction of grant where refinancing produces lower cost.**

Where the Commissioner finds that the applicant could have accelerated repayment of the loan outstanding and obtained a new loan where to do so would have resulted in a net savings in the cost of the loan, the amount of annual interest grants shall be computed as if such refinancing had been undertaken.

(20 U.S.C. 1132c-4.)

**§ 170.81 Conversion of direct loans to annual interest grants.**

Applicants who have already secured approval of a direct loan under this part or who have applications on file with the Office of Education which have not yet been approved will be given an opportunity to convert such loans or applications for such loans to annual interest grants or applications for annual interest grants under the provisions of this subpart.

(20 U.S.C. 1132c-4.)

**§ 170.82 Priority considerations; closing dates.**

Priority shall be given first to applications from public community colleges and public technical institutes, developing institutions (as defined in § 170.1) and to institutions enrolling 20 percent



or more students from low-income families. All applications from other institutions of higher education will be considered next. Within the two priority categories, applications shall be processed in such manner as is appropriate to encourage distribution of the available funds to those institutions or branch campuses that are (a) in urgent need of additional academic facilities to meet increasing enrollments or to prevent a decrease in enrollment due to inadequate facilities and (b) committed to the enrollment of substantial numbers of veterans. Closing dates by which applications must be filed in order to be considered for funds allocated for such closing date shall be on September 1 and February 1 in each fiscal year in which funds are available unless otherwise announced by the Commissioner. Applications filed by September 1 will be considered as filed for the February 1 closing date. Available funds will be divided equally among closing dates.

(20 U.S.C. 1132c-4.)

**§ 170.83 Preceding provisions not exhaustive of authority of Government.**

The provisions of this subpart are not exhaustive of the authority of the Government to impose, at such time as it may deem appropriate, further limitations respecting the amount of the annual interest grant or the amount on which such grant is based.

(20 U.S.C. 1132c-4.)

[FR Doc. 73-10592 Filed 5-25-73; 8:45 am]

**Title 46—Shipping**

**CHAPTER II—MARITIME ADMINISTRATION, DEPARTMENT OF COMMERCE**  
**SUBCHAPTER H—TRAINING**

[General Order 97, Rev. Amdt. 1]

**PART 310—MERCHANT MARINE TRAINING**

**Subpart C—Admission and Training of Midshipmen at the U.S. Merchant Marine Academy**

**GRADUATION**

Effective on May 29, 1973, paragraph (c) (4) of § 310.63 of subpart C is amended to read as follows:

**§ 310.63 Graduation.**

(c) \* \* \*

(4) Apply for and serve on full-time active duty as a commissioned officer in a uniformed service of the United States for a period of 3 consecutive years.

(Sec. 204, 49 Stat. 1987, as amended; 46 U.S.C. 1114; sec. 216, 53 Stat. 1182, as amended; 46 U.S.C. 1126.)

Dated May 22, 1973.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,  
Secretary.

[FR Doc. 73-10571 Filed 5-25-73; 8:45 am]

**Title 47—Telecommunication**

**CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION**

[Docket No. 19590; FCC 73-511]

**PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS**

**PART 87—AVIATION SERVICES**

**Aeronautical Radio-Navigation Frequencies**

In the matter of amendment of parts 2 and 87 of the rules to provide 50 kHz channel spacing in the aeronautical radio-navigation band 108-117.95 MHz,

1. Acting on the request of the Department of Transportation, Federal Aviation Administration (FAA) to consider changes to the rules to provide for additional channels for aeronautical navigation aids, a notice of proposed rulemaking (NPRM) was adopted by the Commission on September 20, 1972, and released September 26, 1972 (37 FR 20872, Oct. 4, 1972). The comment period has passed.

2. The notice of proposed rulemaking proposed additional channels for the aeronautical navigation aids by channel splitting from the current 100 to 50 kHz in the band 108-117.95 MHz. This would allow the FAA to both increase and improve the safety system utilizing the VOR, ILS and TACAN/DME navigation aids as programed in the National Aerospace System (NAS) plan. Presently, the shortage of frequencies has made it impossible to provide for the full complement of navigation aids required, particularly in areas of radio frequency congestion. The congestion has become severe in the Boston/New York/Washington, Chicago/Detroit, and San Francisco/Los Angeles areas. Future implementation of FAA planned new installations would add to the problems in these areas as well as add other areas to the congestion problem.

3. We agree with the FAA there is an immediate need to provide additional channels by channel splitting. We consider the FAA implementation plan of initially confining the assignment of split-channel frequencies to those areas where 100 kHz assignments are impossible or impractical in terms of the number of frequency changes required at existing facilities, to be feasible.

4. Comments were received from the following: Aeronautical Radio, Inc. (ARINC), and the Air Transport Association of America (ATA), joint comment; Collins Radio Co. (Collins); RCA Corp. (RCA); Aircraft Owners & Pilots Association (AOPA); General Aviation Manufacturers Association (GAMA); the 3M Co.; Aeronautical Flight Test Radio Coordinating Council (AFTRCC); McCreary Tire & Rubber Co. (McCreary). No reply comments were filed.

5. ARINC/ATA support the provisions of 50 kHz channel spacing and the proposals to impose the more demanding

equipment stability requirements. However, they point out that the "optimistic view taken by the Commission in paragraph 7 of the instant notice" does not entirely reflect the correct view as quick and economical modification of airline equipment is not possible in some cases. They report that a number of aircraft currently in operation will require rather expensive replacement or retrofit which, in some cases, will even require servicing of the airframe. Even so, they support the proposed channel splitting and tolerance changes. AFTRCC supported the ARINC/ATA filing which they found fully consistent with the views of their organization.

6. AOPA supported the proposed rulemaking but expressed some concern over the FAA's proposal to protect airborne receivers operating on 100 kHz spacing. They recognized that the FAA's implementation procedure is beyond the scope of this docket, but believe it to be an important consideration. AOPA indicates their specific concern to be the need for essential protection of the total areas of all VOR coverage, not solely the areas served by the present airways. This would accommodate users of random route-area navigation tracks as well as those flying under visual flight rules. AOPA, in commenting on paragraph 7 of the notice, reports that they are reliably informed that at least one make of airframe glide path receiver that is heavily used by general aviation can easily be field modified to achieve 40 channel receiver capability for a modest price.

7. GAMA states the opinion that proceeding to split the channels to provide 50 kHz spacing is necessary to provide for installation of the required number of instrument landing systems. GAMA, however, suggests that the proposed 0.002-percent frequency tolerance is not stringent enough. They recommend instead that the ground transmitter tolerance be reduced to 0.0005 percent so that the airborne tolerance may be relaxed accordingly. Their reasoning is that overall economy will result because of the limited number of ground transmitters compared to the airborne. They also state their opinion that the ground transmitters, which operate on a single channel, can more easily achieve the improved tolerance.

8. RCA concurred with the proposal with respect to channel splitting and agreed that it is essential to tighten ground transmitter frequency stability requirements. Their comments additionally support and amplify GAMA's recommendation to establish a 0.005-percent tolerance for the ground transmitters. They suggest that such a relatively lenient tolerance for ground equipment will impose an inequitable economic burden on the users, that is, the owners of the airborne equipment. This is because the multichannel airborne receivers generally require a number of crystals and operate in a wide environmental range.



necessitating more costly design features and manufacturing controls.

8. In their comments, Collins recognized the need for channel splitting and, in principle, supported the proposal to accommodate 50 kHz spacing. However, Collins pointed out what they considered to be a potential problem area. They indicated that a frequency selection error of 50 kHz can cause an erroneous bearing indication without activation of the flag warning. Collins reported that an FAA Advisory Circular (No. 90-58, dated Feb. 16, 1972) points out this situation as well as stating that a manufacturer of airborne VOR equipment is investigating methods of eliminating the problem. Collins stated that the manufacturer involved is Collins Radio Co. and that they had not yet completed the contract performance nor compiled and submitted the resultant data. (Since that time, it has been completed and the data considered.)

10. Comments from McCreary were very brief and to the point. Their statement regarding the channel split is, "If going to 50 kHz channel spacing for navigational aids will give us more VORs and/or more ILS, we are very much in favor of this move being made."

11. Along with McCreary, another user, the 3M Co., recognized the need for more channels. 3M reported that they intend to quickly implement a plan to convert all their VOR receivers to 50 kHz separation and 40 channel glide slope. They present their major concern as being the need to have as much advance notice as possible from FAA as to planned implementation of 50 kHz stations. To amplify that concern, the 3M Co. says in part, "Past experience regarding subjects similar to this kind has revealed that the aircraft are modified far in advance of FAA's actual implementation capabilities; therefore, we would like to have FAA's complete schedule of which airports and VOR stations will receive either new facilities or changed frequencies prior to January 1, 1973."

12. It was evident from several of the comments that investigation beyond that already performed was necessary. Specifically, the comments of RCA, Collins, and ARINC were directed to FAA for their analysis and coordination with the FCC staff. In regard to the matter of ground station tolerance, the FAA proposed 0.005-percent stability in the NPRM on the "Selection Order: U.S. National Aviation Standard for the VORTAC System" (34 FR 18050). The FAA after consideration of the comments received and all other factors such as the cost of airborne receivers, attainable crystal stability for ground transmitters, oscillator load/supply voltage variations, crystal aging, and frequency measurement capability (accuracy) determined that the 0.002-percent stability was realizable at a reasonable cost. The 0.002-percent tolerance is con-

tained in the existing VORTAC standard (35 FR 8956). We agree with the FAA determination and with AOPA's comments as to conversion costs and determine that the 0.002-percent stability as proposed in our NPRM is the most viable tolerance. The Collins concern about adjacent channel interference was well founded. The recently completed receiver testing program, however, did not indicate a need for a policy change in regard to the channel splitting but did establish the need for FAA revision of the desired to undesired (D/U) criterion for 50 kHz removed signals for both the interim and final implementation periods. Additionally, the FAA has revised the final adjacent channel criteria to preclude the use of one facility while in the vicinity of another facility operating on an adjacent channel. Also, correct airborne operator channel selection is an operator responsibility or can be a feature of the airborne receiver if a receiver mistuning "flag" option is implemented. In any event, the implementation by both the FAA and the users cannot proceed without the availability of the frequencies, and we consider there to be no need for a revision to 0.002 tolerance as proposed in the NPRM for ground equipment in the split channel environment.

13. In order that it will be possible for the FAA, the users and the equipment manufacturers to proceed toward the implementation of the 50 kHz channelization in accordance with the FAA program, we are making the split channels available. We urge the FAA to provide as much advance notice as possible to the users as the implementation plan is developed and programmed.

14. ARINC and ATA reported their belief that the inclusion of channel pairings for glide path and DME, as implied but not detailed in the NPRM, should be included in part 87 of the FCC rules since they must be paired with the VOR and localizers. FAA agrees. There appears to be no reason to believe that such pairings in the rules would impose a restrictive penalty on the implementation program. We, therefore, have amended § 87.501 (a), (b), and (h) to provide those frequency pairings.

15. There is a consensus that the earliest possible provision of the new channels is desirable. The investigation and coordination required in processing this proceeding have taken us past the initially proposed effective date of January 1, 1973, for equipment frequency tolerance change. That date is changed to reflect a suitable early date beyond the adoption date of this report and order.

16. In view of the foregoing, it is ordered, That pursuant to the authority contained in sections 4(i), 303(r), and 318 to the Communications Act of 1934, as amended, parts 2 and 87 of the Commission's rules are amended, effective June 28, 1973, as set forth below.

17. It is further ordered, That the proceeding in this docket is terminated.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>  
BEN F. WAPLE,  
Secretary.

Adopted May 16, 1973.

Released May 21, 1973.

(Secs. 4, 303, 318, 48 Stat., as amended, 1066, 1062, 1089; 47 U.S.C. 154, 303, 318.)

1. In Part 2, Subpart B, § 2.106 Table of Frequency Allocations the listings in columns 10 and 11 of the band 108-117.975 MHz are amended to read as follows:

§ 2.106 Table of frequency allocations.

Frequency (MHz)	Nature of (services) and (stations)
10	11
108.05----	Omnidirectional range (VOR).
108.10----	Localizer.
108.15----	Do.
108.20----	Omnidirectional range (VOR).
108.25----	Do.
108.30----	Localizer.
108.35----	Do.
108.40----	Omnidirectional range (VOR).
108.45----	Do.
108.50----	Localizer.
108.55----	Do.
108.60----	Omnidirectional range (VOR).
108.65----	Do.
108.70----	Localizer.
108.75----	Do.
108.80----	Omnidirectional range (VOR).
108.85----	Do.
108.90----	Localizer.
108.95----	Do.
109.00----	Omnidirectional range (VOR).
109.05----	Do.
109.10----	Localizer.
109.15----	Do.
109.20----	Omnidirectional range (VOR).
109.25----	Do.
109.30----	Localizer.
109.35----	Do.
109.40----	Omnidirectional range (VOR).
109.45----	Do.
109.50----	Localizer.
109.55----	Do.
109.60----	Omnidirectional range (VOR).
109.65----	Do.
109.70----	Localizer.
109.75----	Do.
109.80----	Omnidirectional range (VOR).
109.85----	Do.
109.90----	Localizer.
109.95----	Do.
110.00----	Omnidirectional range (VOR).
110.05----	Do.
110.10----	Localizer.
110.15----	Do.
110.20----	Omnidirectional range (VOR).
110.25----	Do.
110.30----	Localizer.
110.35----	Do.
110.40----	Omnidirectional range (VOR).
110.45----	Do.
110.50----	Localizer.
110.55----	Do.
110.60----	Omnidirectional range (VOR).
110.65----	Do.
110.70----	Localizer.
110.75----	Do.

<sup>1</sup> Commissioners Burch, Chairman, and Wiley concurring in the result.



## RULES AND REGULATIONS

Frequency (MHz) 10	Nature of (services) and (stations) 11	Localizer MHz	Glide Path MHz	DME CHANNELLING AND PAIRING		
				VHF channel	Airborne interrogating frequency	Ground reply frequency
110.80	Omnidirectional range (VOR).	108.1	334.7			
110.85	Do.	108.15	334.55			
110.90	Localizer.	108.3	334.1			
110.95	Do.	108.35	333.95			
111.00	Omnidirectional range (VOR).	108.5	329.9	MHz	MHz	MHz
111.05	Do.	108.55	329.75	108.00	1 041	978
111.10	Localizer.	108.7	330.5	108.05	1 041	1 104
111.15	Do.	108.75	330.35	108.10	1 042	979
111.20	Omnidirectional range (VOR).	108.9	329.3	108.15	1 042	1 105
111.25	Do.	108.95	329.15	108.20	1 043	980
111.30	Localizer.	109.1	331.4	108.25	1 043	1 106
111.35	Do.	109.15	331.25	108.30	1 044	981
111.40	Omnidirectional range (VOR).	109.3	332.0	108.35	1 044	1 107
111.45	Do.	109.35	331.85	108.40	1 045	982
111.50	Localizer.	109.5	332.6	108.45	1 045	1 108
111.55	Do.	109.55	332.45	108.50	1 046	983
111.60	Omnidirectional range (VOR).	109.7	333.2	108.55	1 046	1 109
111.65	Do.	109.75	333.05	108.60	1 047	984
111.70	Localizer.	109.9	333.8	108.65	1 047	1 110
111.75	Do.	109.95	333.65	108.70	1 048	985
111.80	Omnidirectional range (VOR).	110.1	334.4	108.75	1 048	1 111
111.85	Do.	110.15	334.25	108.80	1 049	986
111.90	Localizer.	110.3	335.0	108.85	1 049	1 112
111.95	Do.	110.35	334.85	108.90	1 050	987
112.00	Omnidirectional range (VOR).	110.5	329.6	108.95	1 050	1 113
117.95		110.7	329.45	109.00	1 051	988
(NG 34).		110.75	330.2	109.05	1 051	1 114
		110.9	330.05	109.10	1 052	989
		110.95	330.8	109.15	1 052	1 115
		111.1	331.7	109.20	1 053	990
		111.15	331.55	109.25	1 053	1 116
		111.3	332.3	109.30	1 054	991
		111.35	332.15	109.35	1 054	1 117
		111.5	332.9	109.40	1 055	992
		111.55	332.75	109.45	1 055	1 118
		111.7	333.5	109.50	1 056	993
		111.75	333.35	109.55	1 056	1 119
		111.9	334.1	109.60	1 057	994
		111.95	333.95	109.65	1 057	1 120
				109.70	1 058	995
				109.75	1 058	1 121
				109.80	1 059	996
				109.85	1 059	1 122
				109.90	1 060	997
				109.95	1 060	1 123
				110.00	1 061	998
				110.05	1 061	1 124
				110.10	1 062	999
				110.15	1 062	1 125
				110.20	1 063	1 000
				110.25	1 063	1 126
				110.30	1 064	1 001
				110.35	1 064	1 127
				110.40	1 065	1 002
				110.45	1 065	1 128
				110.50	1 066	1 003
				110.55	1 066	1 129
				110.60	1 067	1 004
				110.65	1 067	1 130
				110.70	1 068	1 005
				110.75	1 068	1 131
				110.80	1 069	1 006
				110.85	1 069	1 132
				110.90	1 070	1 007
				110.95	1 070	1 133
				111.00	1 071	1 008
				111.05	1 071	1 134
				111.10	1 072	1 009
				111.15	1 072	1 135
				111.20	1 073	1 010
				111.25	1 073	1 136
				111.30	1 074	1 011
				111.35	1 074	1 137
				111.40	1 075	1 012
				111.45	1 075	1 138
				111.50	1 076	1 013
				111.55	1 076	1 139
				111.60	1 077	1 014
				111.65	1 077	1 140
				111.70	1 078	1 015
				111.75	1 078	1 141
				111.80	1 079	1 016
				111.85	1 079	1 142
				111.90	1 080	1 017
				111.95	1 080	1 143
				112.00	1 081	1 018
				112.05	1 081	1 144
				112.10	1 082	1 019
				112.15	1 082	1 145
				112.20	1 083	1 020
				112.25	1 083	1 146
				112.30	1 084	1 021
				112.35	1 084	1 147
				112.40	1 085	1 022
				112.45	1 085	1 148
				112.50	1 086	1 023
				112.55	1 086	1 149
				112.60	1 087	1 024
				112.65	1 087	1 150
				112.70	1 088	1 025
				112.75	1 088	1 151
				112.80	1 089	1 026
				112.85	1 089	1 152
				112.90	1 090	1 027
				112.95	1 090	1 153

2. In § 87.65(a) the present footnote designators and footnotes are deleted, subparagraphs (5) and (7) are amended, new subparagraphs (8) and (9) and new footnotes 1 and 2 are added to read as follows:

§ 87.65 Frequency stability.

- (a) \* \* \*
- (5) Band 100 to 136 MHz: Land stations ..... 1.003  
Mobile stations:  
Survival craft stations ..... .005  
Aircraft and all other mobile stations ..... .005  
Radionavigation stations ..... 2.002
- (7) Band 470 to 960 MHz: All stations. .01
- (8) Band 960 to 1215 MHz:  
Land stations ..... .002  
Aircraft stations ..... .01
- (9) All stations on frequencies above 1215 MHz ..... .01

\* The tolerance shown is applicable to all transmitters except that the use of types of transmitters which meet a tolerance of .005 percent, and which were licensed before Jan. 1, 1966, will be permitted to continue indefinitely.

\* The tolerance shown in the table is applicable to transmitters first licensed after July 1, 1973. A tolerance of .005 is applicable to transmitters licensed before July 1, 1973. All transmitters to be used in the National Airspace System, however, must have .002 percent stability after July 1, 1973.

3. Part 87, subpart N, § 87.501(a), (b), (d), and (h) are revised to read as follows:

§ 87.501 Frequencies available.

(a) Localizer stations with simultaneous radiotelephone channels and their associated glide path stations.

The frequencies:

(b) Glide path stations: The band 328.6 to 335.4 MHz paired with localizers as shown in paragraph (a) of this section.

(d) Omnidirectional radio range (VOR) stations: 112.05 through 117.95 MHz and the following frequencies in the 108-112 MHz band.

MHz	MHz	MHz
108.20	109.60	110.85
108.25	109.65	111.00
108.40	109.80	111.05
108.45	109.85	111.20
108.60	110.00	111.25
108.65	110.05	111.40
108.80	110.20	111.45
108.85	110.25	111.60
109.00	110.40	111.65
109.05	110.45	111.80
109.20	110.60	111.85
109.25	110.65	112.00
109.40	110.80	112.05

(h) (1) The band 960-1215 MHz is available for the use of ground based facilities and directly associated airborne electronic aids to air navigation. When distance measuring equipment (DME) is intended to operate in association with a single VHF navigation facility in the 108-117.975 MHz frequency band, the DME operating channel shall be paired with the VHF channel as shown in the following table.



VHF channel	Airborne interrogating frequency	Ground reply frequency
MHz	MHz	MHz
112.05	1 100	1 037
112.09	1 101	1 104
112.05	1 101	1 038
112.10	1 102	1 105
112.15	1 102	1 039
112.20	1 103	1 106
112.25	1 103	1 040
112.30	1 104	1 107
112.35	1 104	1 041
112.40	1 105	1 108
112.45	1 105	1 042
112.50	1 106	1 109
112.55	1 106	1 043
113.00	1 107	1 110
113.05	1 107	1 044
113.10	1 108	1 111
113.15	1 108	1 045
113.20	1 109	1 112
113.25	1 109	1 046
113.30	1 110	1 113
113.35	1 110	1 047
113.40	1 111	1 114
113.45	1 111	1 048
113.50	1 112	1 115
113.55	1 112	1 049
114.00	1 113	1 116
114.05	1 113	1 050
114.10	1 114	1 117
114.15	1 114	1 051
114.20	1 115	1 118
114.25	1 115	1 052
114.30	1 116	1 119
114.35	1 116	1 053
114.40	1 117	1 120
114.45	1 117	1 054
114.50	1 118	1 121
114.55	1 118	1 055
114.60	1 119	1 122
114.65	1 119	1 056
114.70	1 120	1 123
114.75	1 120	1 057
114.80	1 121	1 124
114.85	1 121	1 058
114.90	1 122	1 125
114.95	1 122	1 059
115.00	1 123	1 126
115.05	1 123	1 060
115.10	1 124	1 127
115.15	1 124	1 061
115.20	1 125	1 128
115.25	1 125	1 062
115.30	1 126	1 129
115.35	1 126	1 063
115.40	1 127	1 130
115.45	1 127	1 064
115.50	1 128	1 131
115.55	1 128	1 065
115.60	1 129	1 132
115.65	1 129	1 066
115.70	1 130	1 133
115.75	1 130	1 067
115.80	1 131	1 134
115.85	1 131	1 068
115.90	1 132	1 135
115.95	1 132	1 069
116.00	1 133	1 136
116.05	1 133	1 070
116.10	1 134	1 137
116.15	1 134	1 071
116.20	1 135	1 138
116.25	1 135	1 072
116.30	1 136	1 139
116.35	1 136	1 073
116.40	1 137	1 140
116.45	1 137	1 074
116.50	1 138	1 141
116.55	1 138	1 075
116.60	1 139	1 142
116.65	1 139	1 076
116.70	1 140	1 143
116.75	1 140	1 077
116.80	1 141	1 144
116.85	1 141	1 078
116.90	1 142	1 145
116.95	1 142	1 079
117.00	1 143	1 146

VHF channel	Airborne interrogating frequency	Ground reply frequency
MHz	MHz	MHz
117.25	1 143	1 080
117.30	1 144	1 207
117.35	1 144	1 081
117.40	1 145	1 208
117.45	1 145	1 082
117.50	1 146	1 209
117.55	1 146	1 083
117.60	1 147	1 210
117.65	1 147	1 084
117.70	1 148	1 211
117.75	1 148	1 085
117.80	1 149	1 212
117.85	1 149	1 086
117.90	1 150	1 213
117.95	1 150	1 087

4. Section 87.521(d) is revised to read as follows:

§ 87.521 Frequencies available.

(d) 108.0 MHz and the frequencies set forth in subpart N of this part may be assigned to radionavigation land test stations for the testing of airborne receiving equipment. The frequencies normally assigned will be 108.0 and 108.05 MHz for VHF omnirange, 108.1 MHz for localizer, 334.7 MHz for glide slope, 978 and 979 MHz (X channel) and 1104 MHz (Y channel) for DME/TACAN, and 1030 MHz for ATC beacon. The power authorized on these frequencies normally will be 1 watt or less. The assignment of 108.0 MHz is subject to the condition that no interference shall be caused to the reception of FM broadcasting stations and stations using the frequency are not protected against interference from FM broadcasting stations.

[FR Doc.73-10381 Filed 5-25-73;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amdt. 1-72]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Order of Secretarial Succession

The purpose of this amendment is to amend the order of secretarial succession listed in 49 CFR 1.27.

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

In consideration of the foregoing, effective May 29, 1973, paragraphs (b) through (g), inclusive, of § 1.27 of part 1 of title 49, Code of Federal Regulations, are amended to read as follows:

§ 1.27 Secretarial succession.

- (b) General Counsel.
- (c) Assistant Secretary for Policy, Plans, and International Affairs.
- (d) Assistant Secretary for Environment, Safety, and Consumer Affairs.
- (e) Assistant Secretary for Administration.
- (f) Assistant Secretary for Systems Development and Technology.
- (g) Assistant Secretary for Congressional and Intergovernmental Affairs.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e).)

Issued in Washington, D.C., on May 21, 1973.

CLAUDE S. BRINEGAR,  
Secretary of Transportation.

[FR Doc.73-10600 Filed 5-25-73;8:45 am]

[OST Docket No. 1; Amdt. 1-71]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation to the General Counsel

The purpose of this amendment is to delegate to the General Counsel authority to issue regulations making editorial changes or corrections in the regulations of the Office of the Secretary.

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

In consideration of the foregoing, effective May 29, 1973, § 1.59 of part 1 of title 49, Code of Federal Regulations, is amended by adding a new paragraph (m), to read as follows:

§ 1.59 Delegations to General Counsel.

- (m) Issue regulations making editorial changes or corrections in the regulations of the Office of the Secretary.

(Sec. 9(e), Department of Transportation Act, 49 U.S.C. 1657(e).)

Issued in Washington, D.C., on May 21, 1973.

CLAUDE S. BRINEGAR,  
Secretary of Transportation.

[FR Doc.73-10599 Filed 5-25-73;8:45 am]



# Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### [7 CFR Part 917]

### FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

#### Proposed Handling Regulations

This notice invites written comments relative to the continuation of Plum Regulation 9 (§ 917.431, 38 FR 12899). This regulation requires that all California plums grade at least U.S. No. 1 grade with additional tolerances for defects not considered serious, healed cracks, and gum spots for specified varieties. It also establishes minimum sizes for certain specified varieties in terms of the number of plums contained in an 8 pound sample. The Plum Commodity Committee, is proposing continuance, reflected that in order to assure consumers of an appropriate supply of quality fruit during 1973 such regulation should encompass the entire shipping and harvesting season for California plums.

Consideration is being given to the following proposal submitted by the Plum Commodity Committee, established pursuant to the amended marketing agreement and order No. 917, as amended (7 CFR pt. 917), regulating the handling of fresh pears, plums, and peaches grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

The proposal is to amend § 917.431 (Plum Regulation 9; 38 FR 12899) to continue the effective period of said regulation to include all plum shipments for the 1973 season. It is the committee's recommendation that such regulation be continued for the entire 1972 plum shipping season and that the grade and size requirements be continued to the start of the 1974 shipping season. The present regulation ends June 18, 1973.

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 6, 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)).

As proposed to be amended § 917.431 paragraph (b), paragraph (c) preceding subparagraph (1), and paragraph (d) preceding table I, will read as follows:

#### § 917.431 Plum Regulation 9.

(b) During the period May 19, 1973, through May 31, 1974, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (c) of this section, unless such plums grade at least U.S. No. 1.

(c) During the period May 19, 1973, through May 31, 1974, no handler shall ship:

(d) During the period May 19, 1973, through May 31, 1974, no handler shall ship any package or other container of any variety of plums listed in column A of the following table I unless such plums are of a size that an 8-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in column B of said table.

Dated May 23, 1973.

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

[FR Doc.73-10609 Filed 5-25-73; 8:45 am]

#### [7 CFR Part 987]

### DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIF.

#### Procedures for Export of Dates to Mexico

Notice is hereby given of a proposal to amend §§ 987.155(b) and 987.164 of subpart—administrative rules (7 CFR 987.101-987.168; 37 FR 23324), to revise the reporting procedures applicable to the exportation of dates to Mexico. Such procedural requirements are pursuant to § 987.55, of the marketing agreement, as amended, and order No. 987, as amended (7 CFR pt. 987), regulating the handling of domestic dates produced or packed in Riverside County, Calif. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was unanimously recommended by the California Date Administrative Committee.

Section 987.155(b) provides, in part, that no dates shall be exported to Mexico until the handler obtains from the importer or trucker of each lot of dates a certification to the committee and the U.S. Department of Agriculture, that such dates will not re-enter the United States or be shipped to Canada. The cer-

tification is on CDAC form No. 11(a), which must be submitted to the committee. Paragraph (b), also provides that one copy of the form shall be surrendered to the U.S. customs service, at the border crossing station. Section 987.164 prescribes, in part, that if the lot of dates was certified as products dates, and was exported into Mexico, the handler shall obtain a completed CDAC form No. 11(a), from the buyer and submit this form to the committee.

In its recommendation, the committee stated that the provision requiring a copy of CDAC form No. 11(a), to be delivered to U.S. customs when the shipment crosses the border has not been adhered to in recent months. It indicated that truckers may be reluctant to admit that they are carrying dates because of the legal implications if the dates are re-entered into the United States or are shipped to Canada. The submission of the form at the crossing station assures that the dates are exported into Mexico.

Pursuant to the order, dates permitted to be shipped to Mexico are of a lower quality than those permitted to be shipped in the United States and to Canada. Most dates shipped to Mexico usually are of this quality, generally for manufacture into date products such as chocolate covered date candy. Although the quantity of domestic dates exported to Mexico is relatively small, it is important that surveillance of these lots be maintained so that lower quality dates do not re-enter the United States or be shipped to Canada.

The proposed amendment would revise § 987.155(b), to require only the handler to execute CDAC form No. 11(a). The handler would certify on that form that the importing buyer is under an agreement that he will not re-enter the dates into the United States or ship them to Canada. Under the proposal, the truck driver delivering the dates to Mexico would not complete any certification. He would only surrender the form at the border crossing. It is also proposed that § 987.164 be amended to bring the provisions of this section into conformity with the proposed changes in § 987.155(b), so as to require the handler, instead of the buyer, to complete CDAC form No. 11(a).

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, room 112, Administration Building, Washington, D.C. 20250, not later than June 6, 1973. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public in-



section at the office of the hearing clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

1. Amend § 987.155(b) of subpart—administrative rules (7 CFR 987.101-987.168; 37 FR 23324), by revising the fifth sentence thereof to read as follows: "Furthermore, no dates shall be exported to Mexico unless the handler certifies to the committee and the U.S. Department of Agriculture, on CDAC form No. 11(a), which shall be submitted to the committee, at least to the following: That the importing buyer has agreed that such dates will not re-enter the United States or be shipped to Canada."

2. Amend § 987.164 of subpart—administrative rules (7 CFR 987.101-987.168; 37 FR 23324), by revising the last sentence thereof to read as follows: "If the lot was certified as products dates and is exported to Mexico, the handler shall submit completed CDAC form No. 8, together with completed CDAC form No. 11(a) to the committee."

Dated May 22, 1973.

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

[FR Doc.73-10557 Filed 5-25-73;8:45 am]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 130]

### OVER-THE-COUNTER DRUGS

Proposed General Conditions for OTC Drugs Listed as Generally Recognized as Safe and Effective and as Not Misbranded

#### Correction

In FR Doc. 73-5656 appearing on page 8714 in the issue for Thursday, April 5, 1973, the following changes should be made in § 130.302: In paragraph (d), in the second line, a comma should be inserted between the words "prescribes" and "recommends". In paragraph (e) the sixth line, reading "prescribes, recommends, or suggest its", should be deleted.

[21 CFR Part 130]

### OVER-THE-COUNTER DRUGS

Proposal Establishing Monograph for OTC Antacid Products; Correction

In FR Doc. 73-5657, appearing at page 8714, in the issue of Thursday, April 5, 1973, the following changes concerning: (1) Fifteen-minute duration of test, (2) inactive ingredients and (3) § 130.305(a) active ingredient(s), should be made:

1. On page 8717, the fourth line in the third new paragraph in the first column should read "vivo". Specifically, a slow rate of in vitro reaction does not necessarily mean that in vivo".

2. On page 8723, the seventh line in the first column under "Inactive Ingredients" should read "agents, thickness, liquid ve-

hicles, solubilizers, emulsifying agents, and sweeteners. Except for lac-".

3. In § 130.305(a), on page 8724, second column, insert "(12) Sodium-containing active ingredients." immediately after "(11) Potassium-containing active ingredients."

Dated May 18, 1973.

SAM D. FINE,  
Associate Commissioner  
for Compliance.

[FR Doc.73-10273 Filed 5-25-73;8:45 am]

## DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73 111P]

[33 CFR Part 117]

### SCUPPERNONG RIVER, N.C.

Proposed Drawbridge Operation Regulations

At the request of the North Carolina State Highway Commission the Coast Guard is considering amending the regulations for the swingbridge across the Scuppernong River at Columbia to require at least 24 hours notice before the draw is required to open. Present regulations require that the draw open on signal from 7 a.m. to 7 p.m. From 7 p.m. to 7 a.m., at least 6-hour notice is required. This change is being considered because of limited navigation in this reach of the Scuppernong River.

The Coast Guard also proposes to revoke the regulations for the bridges across the Scuppernong River at Cross Landing and Creswell. The bridge at Cross Landing was rebuilt as a fixed bridge in 1964. The bridge at Creswell is now a removable span bridge.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (oan), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Va. 23705. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Fifth Coast Guard District.

The Commander, Fifth Coast Guard District, will forward any comments received before July 3, 1973, with his recommendations to the Chief, Office of Marine Environment and Systems, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that part 117 of title 33 of the Code of Federal Regulations, be amended by:

(1) Paragraph (g) of § 117.245 is amended by revising subparagraph (3) and by revoking subparagraph (3-a) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

(g) \* \* \*

(3) Scuppernong River; North Carolina State Highway Commission bridge at Columbia. The draw shall open on signal if at least 24-hour notice is given.

(3-a) [Revoked]

(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).)

Dated May 23, 1973.

J. D. McCANN,  
Acting Chief, Office of Marine  
Environment and Systems.

[FR Doc.73-10568 Filed 5-25-73;8:45 am]

## Hazardous Materials Regulations Board

[49 CFR Parts 173, 179]

[Docket No. HM-108]

### SAFETY VENTS

#### Transportation of Hazardous Materials

The Hazardous Materials Regulations Board is considering amending parts 173 and 179 of the Department's hazardous materials regulations to require the use of safety relief valves in place of safety vents on tank cars used for transporting any corrosive liquids.

Frequently in train accidents, tank cars overturn and the hazardous commodities are released through the safety vents due to rupturing of the frangible discs. In some incidents, the entire tank content has been lost through the safety vents. This spillage of hazardous materials creates serious problems. During switching operations, acids, liquid caustic soda, and other corrosive liquids have splashed through ruptured safety vent discs and in some instances they have caused injuries to railroad employees. Contributing to this problem is poor maintenance of the rupture disc and the design of the safety vent assembly. It appears that the presently authorized safety vent disc is not capable of withstanding the lading surge pressures created by train handling and switching. These surges tend to induce flexing of the disc with resultant weakening and failure. For these reasons the Board is considering the use of safety valves or combination safety valve-vent devices of approved materials which will be resistant to deterioration by the lading in place of presently specified safety vents.

Interested persons are invited to submit information, particularly valve manufacturers and tank car builders, as to the merits of this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regula-



tions Board, Department of Transportation, Washington, D.C. 20590. Communications received on or before August 28, 1973, will be considered before publication of a notice of proposed rulemaking or before final action is taken following its publication. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, room 6215F, Buzzards Point Building, Second and V Streets SW., Washington, D.C., both before and after the closing date for comments.

(Secs. 831-835 of title 18, United States Code, and sec. 9 of the Department of Transportation Act (49 U.S.C. 1657).)

Issued in Washington, D.C., on May 18, 1973.

MAC E. ROGERS,  
Board Member,  
Federal Railroad Administration.

[FR Doc.73-10606 Filed 5-25-73; 8:45 am]

#### [ 49 CFR Part 179 ]

[Docket No. HM-109; Notice No. 73-4]

### TANK CAR TANK HEAD SHIELDS Notice of Proposed Rulemaking

The Hazardous Materials Regulations Board (HMRB), is considering an amendment to § 179.100-8, of the hazardous materials regulations to require a protective shield for uninsulated pressure tank car tank heads.

As a result of the growing concern with tank car accidents involving uninsulated pressure tank cars, the Federal Railroad Administration commissioned the railroad tank car safety research and test project (a cooperative program of the Railway Progress Institute and the Association of American Railroads), to study the design of a railroad tank car head protective device, which would reduce the frequency of head puncture in accidents. This study was undertaken under contract No. DOT FRA 00035 and the final report, entitled "Hazardous Materials Tank Cars—Tank Head Protective Shield or Bumper Design," was completed in August 1971. The study showed that for uninsulated pressure tank cars conforming to DOT specifications 112A and 114A, most punctures occur on the lower portion of the tank head. In addition, the study indicated that there was merit in terms of cost/benefit in applying head protection to the lower portion of specifications 112A and 114A tank car tank heads.

Subsequent to the issuance of the report on protective head shields, an accident occurred in the East St. Louis railroad yard of the Alton and Southern Railway. As a result of an impact, the lower portion of the head of a specification 112A tank car was punctured, releasing a vapor cloud of liquefied petroleum gas which exploded. More than 230 persons were injured and property damage was estimated at \$7½ million. A

complete analysis of this accident was published by the National Transportation Safety Board in Report No. NTSB-RAR-73-1, adopted January 31, 1973. The HMRB believes that rulemaking action is necessary to prevent repetition of such an accident.

Based on the Federal Railroad Administration's studies and analysis of the various accidents, including the one in East St. Louis, the HMRB is proposing to amend § 179.100-8 to include a requirement for a protective shield for each tank head on the specifications 112A and 114A uninsulated tank car tanks. Protective shields would be installed on all newly constructed tank cars of these specifications effective January 1, 1974, although existing tank cars would not have to be so equipped until January 1, 1978. The Board considers this proposal to be more practical and effective than that made in the HM-60 advance notice of proposed rulemaking (35 FR 16180) which proposed speed restrictions for certain hazardous materials trains or wayside inspections and checking of the trains by hotbox detectors or dragging equipment detectors.

The HMRB also believes that even though interlocking couplers are now required on all new tank cars, their presence does not obviate the need for protective end shielding. Shielding is necessary due to the possibility of tank cars being coupled to cars having couplers which are not of the interlocking type, or whose shanks may break, allowing puncture of tank heads in derailments.

In consideration of the foregoing, it is proposed to amend § 179.100-8 of title 49 of the Code of Federal Regulations by adding a new paragraph (b) to read as follows:

#### § 179.100-8 Tank heads.

(b) After December 31, 1973, each end of a class DOT-112AW and 114AW tank car must be equipped with a protective head shield, unless the car was built before January 1, 1974, in which case it need not be equipped until January 1, 1978. The shield must be—

- (1) At least ½-in thick, and made from steel produced in accordance with specification ASTM A242 or ASTM A572 Gr. 50;
- (2) In the shape of a trapezoid with the following dimensions:
  - (i) A minimum width at the top of center sill of 4 ft 6 in;
  - (ii) A minimum width at the top of the shield of 9 ft 0 in;
  - (iii) The top corners of the shield rounded to a minimum radius of 9 in;
  - (iv) The bottom corners of the shield rounded to a minimum radius of 3 in;
  - (v) All inside edges of the shield chamfered to a minimum radius of ¼-inch; and
  - (vi) A minimum height of 4 ft 6 in;

(3) Shaped to the contour of the tank shell head, utilizing a minimum of three vertical bend lines; and

(4) Secured to the underframe of the car structure by means which will not completely fail if a dynamic force of 500,000 pounds, distributed over a ½-square ft area, is applied anywhere on the shield in a direction anywhere from 0 to 15° from the longitudinal centerline of the tank shell.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, Washington, D.C. 20590. Communications received before September 4, 1973, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, room 6215F, Buzzards Point Building, Second and V Streets SW., Washington, D.C., both before and after closing date for comments.

This notice is issued under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on May 18, 1973.

MAC E. ROGERS,  
Board Member,  
Federal Railroad Administration.

[FR Doc.73-10607 Filed 5-25-73; 8:45 am]

### CIVIL AERONAUTICS BOARD

[ 14 CFR Parts 207, 208, 212, 214, 373, 378 ]

[Docket No. 25563; EDR-243A, SPDR-32A]

#### U.S. AND FOREIGN AIR CARRIERS

Prohibition on Entering Into Charter Contracts Except in Accordance With Effective Tariffs

MAY 23, 1973.

The Board, by circulation of notice of proposed rulemaking EDR-243/SPDR 32, dated April 27, 1973 (38 FR 10462), gave notice that it had under consideration the adoption of amendments to parts 207, 208, 212, and 214 of the Economic Regulations and parts 373 and 378 of the special regulations (14 CFR pts. 207, 208, 212, 214, 373, and 378) so as to prohibit both United States and foreign air carriers from entering into charter contracts except in accordance with currently effective tariffs on file with the Board, and to prohibit such carriers from subsequently filing tariffs which have the effect of increasing the charter rates and fares above those specified in such contracts. Interested persons were invited to participate by submission of 12 copies of written data, views, or arguments pertaining thereto to the docket section of the Board on or before May 30, 1973.



**NOTE.**—All future submissions in this proceeding should refer to the above docket No. 25563 rather than to dockets Nos. 25163 and 24978, which were inadvertently assigned to this proceeding when it was instituted by EDR-243/SPDR-32, dated April 24, 1973, 38 FR 10462, April 27, 1973.

Subsequent to the issuance of the notice, a letter was received from the counsel for the National Air Carriers Association (NACA), on behalf of its member carriers, requesting an extension of the time for filing comments until June 29, 1973. The request for extension, noting that the proposed rules would require fundamental changes in long-established marketing procedures, states that additional time will be necessary for the NACA carriers to examine the potential consequences of the proposal and to coordinate their views prior to the filing of comments. Also, the request states that since the NACA carriers concur in the Board's tentative finding of a need for action to eliminate uneconomic charter rates, additional time will be necessary for the NACA members to formulate possible alternatives to any of the proposed rules which they may oppose.

The undersigned finds that good cause has been shown for an extension of time for filing comments. However, an extension to the requested date is not warranted. Charters for the 1974 season will begin to be sold in the fall of this year, and it is therefore important for the Board to be in a position to act on this matter as early as reasonably possible. It is believed that an extension of time to June 18, 1973, should be sufficient to enable interested persons to study the proposal and submit comments and alternative proposals, while at the same time allowing the Board sufficient time to be in a position to act expeditiously herein, upon its consideration of such comments and alternative proposals.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting comments to June 18, 1973.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

[SEAL]

ARTHUR H. SIMMS,  
Associate General Counsel,  
Rules and Rates.

[FR Doc.73-10593 Filed 5-25-73; 8:45 am]

# FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 73 ]

[Docket No. 19737]

## FM BROADCAST STATIONS

### Proposed Table of Assignments; Correction

In the matter of amendment of § 73.202 (b), table of assignments, FM broadcast stations. (Lebanon, Mo.; Poteau, Okla.; and Gulfport, Miss.), docket No. 19737, RM-1937, RM-1952, RM-1957.

A notice of proposed rulemaking (FCC 73-491) in the above entitled matter, released May 14, 1973 (38 FR 13029) is corrected by changing the first sentence of paragraph 3 thereof to read as follows:

3. Lebanon (population, 8,616), the largest community and seat of Laclede County (population, 19,944) is located in south central Missouri, approximately 48 miles northeast of Springfield, Mo.

Released May 22, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.73-10587 Filed 5-25-73; 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 DEFENSE

### Department of the Air Force SCIENTIFIC ADVISORY BOARD

#### Notice of Meeting

MAY 25, 1973.

The USAF Scientific Advisory Board Science and Technology Advisory Group will hold a closed meeting on May 31, 1973, from 9 a.m. until 3 p.m., at Andrews Air Force Base, Washington, D.C., room A-106.

The group will receive briefings and discussions of 6.1 and 6.2 Air Force programs and plans which include classified and/or highly competition-sensitive information.

For additional information on this meeting, contact the Scientific Advisory Board Secretariat at 202-697-4648.

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

[FR Doc.73-10748 Filed 5-25-73; 10:09 am]

#### Office of the Secretary

### DEPARTMENT OF DEFENSE WAGE COMMITTEE

#### Notice of Closed Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Department of Defense Wage Committee will be held on:

Tuesday, June 5, 1973.  
Tuesday, June 12, 1973.  
Tuesday, June 19, 1973.  
Tuesday, June 26, 1973.

These meetings will convene at 9:30 a.m. and will be held in room 1E-801, the Pentagon, Washington, D.C.

The committee's primary responsibility is to consider and make recommendations to the Assistant Secretary of Defense (Manpower and Reserve Affairs) on all matters involved in the development and authorization of wage schedules for Federal prevailing rate employees pursuant to Public Law 92-392.

At these scheduled meetings, the committee will consider wage survey specifications, wage survey data, local reports, and recommendations, statistical analyses and proposed pay schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463 and 5 U.S.C. 552(b) (2) and (4), the Assistant Secretary of Defense (Manpower and Reserve Affairs) has determined that these meetings will be closed to the public.

However, members of the public who may wish to do so, are invited to submit

material in writing to the chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the chairman, Department of Defense Wage Committee, room 3D-281, the Pentagon, Washington, D.C.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives Division, OASD  
(Comptroller).

[FR Doc.73-10567 Filed 5-25-73; 8:45 am]

### SECRETARY OF DEFENSE NATURAL RE- SOURCE CONSERVATION ADVISORY COMMITTEE

#### Notice of Meeting

Pursuant to Public Law 92-463 and Executive Order 11686, notice is hereby given the Secretary of Defense Natural Resources Conservation Advisory Committee will meet ad hoc at the following military installations on the dates indicated:

Lexington-Blue Grass Army Depot, Lexington, Ky., June 11, 1973.  
U.S. Air Force Academy, Colorado Springs, Colo., June 12, 1973.  
Fort Hood, Killeen, Tex., June 12, 1973.  
Naval Air Station, Meridian, Miss., June 13, 1973.  
Tyndall Air Force Base, Panama City, Fla., June 14, 1973.  
Marine Corps Base, Camp Lejeune, N.C., June 15, 1973.

The purpose of these meetings is to review the natural resources conservation programs practiced at these installations, to formulate recommendations for improvements to the Secretary of Defense in the conservation area at these and other Defense installations and to recommend to the Secretary the installation which has made the most improvement in natural resources conservation and enhancement over the past three calendar years.

The public will be permitted to attend the entrance briefings and exit critiques at each installation within the space and time constraints established at each location. Specific information may be obtained after June 5, 1973, by inquiry to the Office of Information of the installations listed.

Dated May 23, 1973.

MAURICE W. ROCHE,  
Director, Correspondence and  
Directives Division, OASD  
(Comptroller).

[FR Doc.73-10566 Filed 5-25-73; 8:45 am]

## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

[Amdt. 1]

### GRAINS AND SIMILARLY HANDLED COMMODITIES

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

The final date for repayment of warehouse storage loans under 1972 CCC loan programs was published in the FEDERAL REGISTER on April 30, 1973, at 38 FR 10650. The final dates for repayment were shown in the table as being for 1972. All references to 1972 in the table published in the original notice are changed to 1973.

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

Effective on May 29, 1973.

Signed at Washington, D.C., on May 22, 1973.

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

[FR Doc.73-10560 Filed 5-25-73; 8:45 am]

### Commodity Credit Corporation

[Amdt. 10]

### SALES OF CERTAIN COMMODITIES

#### Monthly Sales List (Fiscal Year Ending June 30, 1973)

The CCC Monthly Sales List for the fiscal year ending June 30, 1973, published in 37 FR 13352 is amended as follows:

1. The provisions of section 36 entitled "Cotton, Upland—Unrestricted Use Sales" published in 37 FR 13354 as amended in 37 FR 15887 are deleted.
2. The provisions of section 43 entitled "Butter—Export Sales" published in 37 FR 13355 are deleted.
3. The last paragraph of section 2 entitled "Export Commodities"—published in 37 FR 13353 is revised to read as follows:

Although a commodity may not be specifically listed for export sale, CCC reserves the right to make emergency sales of its stocks for export if unexpected trade opportunities develop or when the flow of commodities to ports is disrupted or impeded and the maintenance of U.S. exports is temporarily jeopardized. Specific offering terms, including the applicable export announcement to be used, will be provided interested parties through special sales announcements by



the appropriate ASCS Commodity or Branch Office.

Effective date.—2:30 p.m., e.d.t., April 30, 1973.

Signed at Washington, D.C., on May 22, 1973.

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

[FR Doc.73-10561 Filed 5-25-73;8:45 am]

#### Soil Conservation Service

#### LITTLE RUNNING WATER DITCH, ARK.

#### Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a final environmental statement for the Little Running Water Ditch R.C. & D. Measure Plan, Randolph County, Ark., USDA-SCS-ES-RD-(ADM)-73-17-(F).

The environmental statement concerns a plan for watershed protection, flood prevention, and drainage. The planned works of improvement include conservation land treatment, supplemented by 41 miles of channel alteration with appurtenances including 245 water control structures, 6 grade control structures, and 5 low water weirs.

The final environmental statement was filed with CEQ on May 17, 1973.

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

Soil Conservation Service, USDA, South Agriculture Building, room 5105A, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, room 5409, Federal Office Building, Little Rock, Ark. 72201.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151 for \$3 each. Please use name and number of 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.

Catalog of Federal domestic assistance program No. 10.904, National Archives Reference Services.

KENNETH E. GRANT,  
Administrator,  
Soil Conservation Service.

MAY 11, 1973.

[FR Doc.73-10564 Filed 5-25-73;8:45 am]

#### DEPARTMENT OF COMMERCE

#### Maritime Administration

#### MELLON NATIONAL BANK AND TRUST CO.

#### Notice of Approval of Applicant as Trustee

Notice was given in the FEDERAL REGISTER that on October 25, 1966, the Mellon National Bank & Trust Co. was ap-

proved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

The Mellon National Bank & Trust Co. and Mellon National Corp. were consolidated effective November 28, 1972, under the charter and title of "Mellon Bank, N.A."

Notice is hereby given that the consolidated bank, Mellon Bank, N.A., with offices at Mellon Square, Pittsburgh, Pa. 15230, has been approved as a trustee pursuant to Public Law 89-346 and 46 CFR 221.21-221.30.

Dated May 21, 1973.

BURT KYLE,  
Chief,  
Office of Domestic Shipping.

[FR Doc.73-10572 Filed 5-25-73;8:45 am]

#### National Oceanic and Atmospheric Administration

#### DR. DONALD R. BUHLER AND DR. BRUCE R. MATE

#### Notice of Public Hearing Regarding Application for Exemption

Notice is hereby given that, as authorized by section 216.13(f) of the "Regulations Governing the Taking and Importing of Marine Mammals" (37 FR 28177, 28183, Dec. 21, 1972), there will be a public hearing on the application of the following named individuals for an exemption from the provisions of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361, 86 Stat. 1027 (1972)) on the grounds of undue economic hardship in order to take the marine mammals hereafter described for purposes of scientific research. Such hearing will be held on June 12, 1973, at 10 a.m. in the Northwest Fisheries Center Auditorium, 2725 Montlake Boulevard East, Seattle, Wash. 98112.

Dr. Donald R. Buhler and Dr. Bruce R. Mate, Environmental Health Science Center, Oregon State University, Corvallis, Ore. 97331: Six California sea lions (*Zalophus californianus*) and 10 harbor seals (*Phoca vitulina richardi*).

In support of the application, applicants have stated, inter alia, that:

(1) The California sea lions will be taken in waters off of northern California and southern Oregon. Four will be taken by shooting. Two will be taken by net, held for 3 weeks, and shot. The harbor seals will be taken by shooting in waters off of Oregon;

(2) The mammals will be used to study the effects of contaminants upon them as part of a study of how mammals resist the toxic effects of contaminants; and

(3) The enforcement of the provisions of the act against the applicants would result in a suspension of the funding for the research involved, and thereby cause them an undue economic hardship.

Individuals and organizations may appear at the hearing and express views orally or in writing. These will be made a part of the official record of the hearing. Individuals and organizations may also submit written views for inclusion in the official record to either the Director, Na-

tional Marine Fisheries Service, National Oceanic and Atmospheric Administration, Washington, D.C. 20235, or to the Regional Director, National Marine Fisheries Service, Lake Union Building, 1700 West Lake Avenue North, Seattle, Wash. 98109. Such views must be postmarked no later than midnight, June 29, 1973.

Documents submitted in connection with this application, except documents containing information exempt from public disclosure pursuant to the Freedom of Information Act (5 U.S.C. 552 (b)), are available for inspection at the above two offices.

All statements and opinions in support of the application contained in this notice are those of the applicants and do not reflect the views of the National Marine Fisheries Service.

ROBERT W. SCHONING,  
Acting Director.

MAY 24, 1973.

[FR Doc.73-10719 Filed 5-25-73;8:45 am]

#### Office of the Secretary ECONOMIC ADVISORY BOARD

#### Notice of Meeting

A meeting of the Department of Commerce Economic Advisory Board will be held on Friday, June 1, 1973, from 10 a.m. to 12 noon, in room 4832, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D.C.

The purpose of the Board is to advise the Secretary of Commerce on economic policy matters. The intended agenda for this meeting is as follows:

1. State of the economy.
2. Economic stabilization program.
3. U.S. balance of trade.

A limited number of seats will be available to the public and the press. Participation will be limited to requests for clarification of items under discussion; additional statements or inquiries may be submitted to the chairman before or after the meeting. Persons desiring to attend the meeting should contact Miss Anna Kinser, telephone 202-967-3656, by May 29, 1973.

For further information, inquiries should be directed to Mr. Basil R. Littin, Director of Public Affairs, room 5419, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, D.C. 20230, telephone 202-967-3263.

GUY W. CHAMBERLIN, Jr.,  
Deputy Assistant Secretary  
for Administration.

MAY 22, 1973.

[FR Doc.73-10547 Filed 5-25-73;8:45 am]

#### DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

#### Food and Drug Administration

#### ADVISORY COMMITTEES

#### Notice of Meetings

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776), the Food and Drug Administration announces the fol-



lowing public advisory committee meetings and other required information in accordance with provisions set forth in section 10(a) (1) and (2) of the act:

Committee name	Date, time, place	Type of meeting and contact person
1. Dental Drug Products Advisory Committee.	June 5, 9 a.m., Conference room C, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m. Clarence C. Glikos, D.D.S., room 12B-06, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3300.

**Purpose.**—Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs and related products employed in the practice of dentistry.

**Agenda.**—Status of topical fluoride solutions, pastes, and gels.

Committee name	Date, time, place	Type of meeting and contact person
2. Panel on Review of Antimicrobial Agents.	June 7-9, 9 a.m., conference room J, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md. 20852.	Open June 7, 9 a.m. to 10 a.m., closed June 7 after 10 a.m., closed June 8 and 9, Michael D. Kennedy, room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4900.

**Purpose.**—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drugs containing antimicrobial agents.

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

Committee name	Date, time, place	Type of meeting and contact person
3. Endocrinology and Metabolism Advisory Committee.	June 11, 9 a.m., Conference room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed 10 a.m. to noon, open 1 p.m. to 2 p.m., closed after 2 p.m. Martha Freeman, M.D., room 14B-19, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3320.

**Purpose.**—Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in the treatment of endocrine and metabolic disorders.

**Agenda.**—Topic 1 (9 a.m.) concerns diazoxide, oral, review of safety and efficacy; and topic 2 (1 p.m.) concerns concomitant use of sulfonylureas and biguanides.

Committee name	Date, time, place	Type of meeting and contact person
4. Panel on Review of Cardiovascular Devices.	June 11, 9:30 a.m., room 6B21, 200 C St. SW., Washington, D.C.	Open 9:30 a.m. to 10:30 a.m., closed after 10:30 a.m. Glenn A. Rahnoller, room 212, 1901 Chapman Ave., Rockville, Md. 20852, 301-443-2376

**Purpose.**—Reviews and evaluates available information concerning safety,

effectiveness, and reliability of cardiovascular devices currently in use.

**Agenda.**—Preparation of report on classification of cardiovascular devices and examination of specific problems and need for standards for devices classified in scientific review.

Committee name	Date, time, place	Type of meeting and contact person
5. Dermatology Advisory Committee.	June 11, 9 a.m., conference room F, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m. Wilson A. Powell, M.D., room 12B-45, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4250.

**Purpose.**—Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in dermatology.

**Agenda.**—Discussion of safety and efficacy of Azaribine in the treatment of psoriasis.

Committee name	Date, time, place	Type of meeting and contact person
6. Panel on Review of Internal Analgesics.	June 11 and 12, 11 a.m., Bel Air Sands Hotel, 11461 Sunset Blvd., Los Angeles, Calif.	Open June 11, 11 a.m. to noon, closed June 11 afternoon, closed June 12, Lee Geismar, room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4900.

**Purpose.**—Reviews and evaluates available information concerning safety and effectiveness of active ingredients of currently marketed nonprescription drugs containing internal analgesic agents.

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

Committee name	Date, time, place	Type of meeting and contact person
7. Respiratory and Anesthetic Drugs Advisory Committee.	June 18, 9 a.m., conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m. David L. Scally, M.D., room 10B-30, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3870.

**Purpose.**—Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in anesthesiology.

**Agenda.**—Topics include (1) pregnancy warnings of neuromuscular blocking agents, (2) the place of Innovar in clinical anesthesia, and (3) the place of the Penthrane (methoxyflurane) Analgesic in clinical anesthesia.

Committee name	Date, time, place	Type of meeting and contact person
8. Panel on Review of Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Agents.	June 19 and 20, 9 a.m., room 1409, 200 C St. SW., Washington, D.C.	Open June 19, 9 a.m. to 10 a.m. Closed June 19 after 10 a.m., closed June 20, Thomas DeCillis, room 10B-05, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4900.

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

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

Committee name	Date, time, place	Type of meeting and contact person
9. Panel on Review of Dental Devices.	June 26, 9 a.m., room 6B21, 200 C St. SW., Washington, D.C.	Open 9 a.m. to 10 a.m., closed after 10 a.m. Robert S. Kennedy, room 212, 1901 Chapman Ave., Rockville, Md. 20852, 301-443-2376.

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

**Agenda.**—Classification of prosthetic and surgical materials which come into physical contact with the patient and are used for dental treatment procedures.

Committee name	Date, time, place	Type of meeting and contact person
10. Surgical Drugs Advisory Committee.	June 28, 9 a.m., conference room M, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 10 a.m., closed after 10 a.m. Samuel J. Sammelbick, M.D., room 12B-25, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-3562.

**Purpose.**—Advises the Commissioner of Food and Drugs regarding safety and efficacy of drugs employed in surgery.

**Agenda.**—Disease (chymopapain).

Committee name	Date, time, place	Type of meeting and contact person
11. Diagnostic Products Advisory Committee.	June 28 and 29, 1:30 p.m., conference room A, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open June 28, 1:30 p.m. to 4:30 p.m., closed June 29, Eloise Eavenson, Ph.D., room 16B-33, 5600 Fishers Lane, Rockville, Md. 20852, 301-443-4900.

**Purpose.**—Reviews and evaluates information pertaining to performance standards for selected diagnostic products, evaluates and recommends appropriate reference methodologies and standards of precision and accuracy for measuring such products, and recommends priorities on presently marketed products for standard setting by FDA.

**Agenda.**—Open session: Report on in vitro diagnostic product compliance activities; report of pilot ASTM defect reporting system; reports from subcommittee chairmen on WHO meeting; status report from hematology and chemistry subcommittee meetings; and discussion of questions of referencing of standards from other sources. Closed session: Discussion of recommendations for medical basis of performance criteria; reference methods and materials, and formats for proposed product class standards.



Agenda items are subject to change as priorities dictate.

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

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

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

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

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

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

The Food and Drug Administration is relying heavily on the use of outside ex-

perts to assist in regulatory decisions. The Agency's regulatory actions uniquely affect the health and safety of every citizen, and it is imperative that the best advice be made available to it on a continuing basis in order that it may most effectively carry out its mission.

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

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

to trade secrets and confidential information or to committee deliberations.

Dated May 22, 1973.

SHERWIN GARDNER,  
Acting Commissioner  
of Food and Drugs.

[FR Doc.73-10550 Filed 5-25-73;8:45 am]

## Health Services and Mental Health Administration

### ADVISORY COMMITTEES

#### Notice of Meetings

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

Committee name	Date, time, place	Type of meeting and/or contact person
Health Services Research Training Committee.	June 5, 9:30 a.m., Parklawn Bldg., conference room B, 5600 Fishers Lane, Rockville, Md.	Closed. Contact Dr. Elliott Lesser, Parklawn Bldg., room 15-29, 5600 Fishers Lane, Rockville, Md. Code 301-443-2950.

**Purpose.**—The committee is charged with the initial review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development, relating to research training activities and makes recommendations to the national advisory councils in that program for final review.

**Agenda.**—The committee will be performing only a review of a grant application for Federal assistance and will not be open to the public, in accordance with the determination by the Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Coal Mine Health Research Advisory Committee.	June 11, 9 a.m., HEW-North Bldg., 330 Independence Ave. SW., Washington, D.C.	Partially open to the public. Closed for grants review. Contact Dr. Raymond T. Moore, Parklawn Bldg., room 10A-13, 5600 Fishers Lane, Rockville, Md. Code 301-443-2100.

**Purpose.**—To consult with, and make recommendations to, the Secretary of Health, Education, and Welfare on matters involving or relating to coal mine health research, including grants and contracts for such research.

**Agenda.**—Agenda items will cover prevalence study of incidence of coal worker's pneumoconiosis in surface coal miners; progress report on computer and



X-ray analysis; reports on the use of diesel power in underground coal mines; the research program at the Appalachian Laboratory for Occupational Respiratory Diseases; criteria for the diagnosis of disability and death from coal workers' pneumoconiosis, and the review of research grant applications. The portion of the meeting concerned with grant review will be closed to the public, in accordance with the determination by the Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
National Advisory Mental Health Council.	June 11 to 13, 9:30 a.m., Parklawn Bldg., conference room, 14-105, 5600 Fishers Lane, Rockville, Md.	Open June 11. Closed June 12 to 13. Contact Mr. K. Patrick Okura, Parklawn Bldg., room 17-89, 5600 Fishers Lane, Rockville, Md. Code 301-443-1828 or Mrs. Barbara O'Konek, Parklawn Bldg., room 9C-08, 5600 Fishers Lane, Rockville, Md. Code 301-443-4335.

**Purpose.**—Reviews applications for grants-in-aid relating to research, training, and instructions in the field of psychiatric disorders. Advises on matters of program planning and evaluation relevant to mental health programs.

**Agenda.**—June 11 will be devoted to discussion of National Institute of Mental Health policy issues. These will include current administrative, legislative, and program developments. On June 12-13 the council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public, in accordance with the determination by the Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
National Advisory Health Services Council.	June 12, 1 p.m., Parklawn Bldg., Conference room G, 5600 Fishers Lane, Rockville, Md.	Closed 1 to 4 p.m., contact Russell Z. Seidel, Parklawn Bldg., room 15-35, 5600 Fishers Lane, Rockville, Md. Code 301-443-2940.

**Purpose.**—The council is charged with advising on policies, needs, and requirements for research and development designed to increase effectiveness and efficiency of medical care and health services. Council is also charged with the final review of grant applications for Federal assistance in the program areas administered by the National Center for Health Services Research and Development.

**Agenda.**—The council will review grant applications which contain trade secrets, commercial or financial information ob-

tained from a person and privileged or confidential and will be closed to the public in accordance with the determination made by the administrator, Health Services and Mental Health Administration, pursuant to Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Joint Meeting of the National Advisory Health Services Council and the Federal Hospital Council.	June 13, 9 a.m., Parklawn Bldg., Conference room G-H, 5600 Fishers Lane, Rockville, Md.	Open 9 a.m. to 3 p.m. Contact Russell Z. Seidel, Parklawn Bldg., room 15-35, 5600 Fishers Lane, Rockville, Md., Code 301-443-2940.

**Purpose.**—The councils are charged with advising on policies and regulations under title III and title IV of the Public Health Service Act.

**Agenda.**—The councils will be receiving reports from the Director and staff members of the National Center for Health Services Research and Development relative to program plans and priorities and will be open to the public.

Committee name	Date, time, place	Type of meeting and/or contact person
Federal Hospital Council.	June 13 to 14, 3 p.m., Parklawn Bldg., Conference room G, 5600 Fishers Lane, Rockville, Md.	Closed, June 13; 3 to 5 p.m. Open, June 14; 9 a.m. to 4 p.m. Contact Russell Z. Seidel, Parklawn Bldg., room 15-35, 5600 Fishers Lane, Rockville, Md., Code 301-443-2940.

**Purpose.**—The council is charged with advising on policies and regulations under title VI of the Public Health Service Act and to provide final review of grant applications for Federal assistance in the program area administered by the National Center for Health Services Research and Development.

**Agenda.**—The council will review grant applications which contain trade secrets, commercial or financial information obtained from a person and privileged or confidential and will be closed to the public for that portion of the meeting in accordance with the determination made by the Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d). The meeting will be open to the public for that portion when the director, Health Care Facilities Service, submits his report.

Committee name	Date, time, place	Type of meeting and/or contact person
National Advisory Council on Alcohol Abuse and Alcoholism.	June 18 to 19, 9:30 a.m., Parklawn Bldg., conference room G, 5600 Fishers Lane, Rockville, Md.	Open June 18, closed June 19. Contact Mrs. D. del Metoyer Finister, Parklawn Bldg., room 16C-26, 5600 Fishers Lane, Rockville, Md., Code 301-443-2984.

**Purpose.**—The council advises the Secretary, Department of Health, Education, and Welfare, regarding policy direction and program issues of national significance in the area of alcohol abuse and alcoholism. It reviews all grant applications submitted and evaluates these in terms of scientific merit and coherence with Department policies.

**Agenda.**—June 18 will be devoted to a discussion of policy issues, a report on the status of the National Center for Alcohol Education; a report on decentralization, a report on the reorganization by the Director; and discussion with the Director, National Institute of Mental Health. On June 19, the council will conduct a final review of grant applications for Federal assistance and this session will not be open to the public in accordance with the determination by the administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Committee name	Date, time, place	Type of meeting and/or contact person
Emergency Medical Services Administrator's Advisory Committee.	June 18 to 19, 9:30 a.m., Parklawn Bldg., conference room M, 5600 Fishers Lane, Rockville, Md.	Open, contact Mr. John Beardon, Parklawn Bldg., room 17-64, 5600 Fishers Lane, Rockville, Md. Code 301-443-3038 or Mrs. Helen Crown, Parklawn Bldg., room 17-64, 5600 Fishers Lane, Rockville, Md., Code 301-443-4108.

**Purpose.**—Advises and makes recommendations to the Administrator, Health Services and Mental Health Administration, on the basic design and implementation of the initiative on emergency medical services and the evaluation of the results on new initiatives of emergency health services.

**Agenda.**—June 18 will be devoted to a discussion of the role and expectations of the Administrator's advisory committee. There will also be a staff presentation of various planning options for fiscal year 1974 activities. The committee will be requested to develop and identify EMS program priorities for the grant and contract portions of the total program. The committee will also be requested to provide recommendations on other portions of the total emergency medical service program not necessarily supported by contract activities. It is expected the discussion of these topics will extend to June 19.

Committee name	Date, time, place	Type of meeting and/or contact person
Mental Health Small Grant Committee.	June 28 to 29, 1 p.m., District and Press rooms, The Hotel Washington, Washington, D.C.	Open 4 to 5 p.m., on June 28. Closed remainder of meeting. Contact Stephanie B. Stok, Parklawn Bldg., room 16C-14, 5600 Fishers Lane, Rockville, Md., Code 301-443-4387.



**Purpose.**—The committee is charged with the initial review of small grant applications for Federal assistance in the program areas administered by the National Institute of Mental Health.

**Agenda.**—From 4 p.m. to 5 p.m., June 28, the meeting will be open for discussion of administrative announcements and legislative developments. Otherwise, the committee will be performing initial review of grant applications for Federal assistance and will not be open to the public, in accordance with the determination by the Administrator, Health Services and Mental Health Administration, pursuant to the provisions of Public Law 92-463, section 10(d).

Agenda items are subject to change as priorities dictate.

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

Dated May 22, 1973.

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

[FR Doc.73-10548 Filed 5-25-73;8:45 am]

#### WORKSHOP ON HIGH BLOOD PRESSURE RESOURCES

##### Notice of Meeting

The workshops on high blood pressure resources sponsored by the Health Services and Mental Health Administration are scheduled to assemble during the month of June 1973.

Name	Date, time, place	Types of meetings and/or contact persons
Workshop on High Blood Pressure Resources.	June 1, 8:30 a.m., Philadelphia Holiday Inn, Arch and 4th St., Philadelphia, Pa.	Open, contact Mr. Tom Leonard, 401 North Broad St., Philadelphia, Pa. Code 215-591-6651
	and June 5, 8:30 a.m., Sheraton-Chicago Hotel, 305 North Michigan Ave., Chicago, Ill.	Open, contact Mr. Russell Chu, 300 South Wacker St., Chicago, Ill. Code 312-353-7214

**Purpose.**—To study high blood pressure control resources in the Department of Health, Education, and Welfare in regions II and V, and to review program experiences and needs in order to report to the Department of Health, Education, and Welfare Hypertension Education and Information Advisory Committee.

**Agenda.**—Agenda items will cover resources related to the control of high blood pressure through early screening, diagnosis, treatment, and followup through professional education, patient education and community awareness efforts, and resources related to the planning and evaluation of such efforts.

Agenda items are subject to change as priorities dictate.

Relevant information regarding the workshops may be obtained from the contact persons listed above.

Dated May 22, 1973.

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

[FR Doc.73-10549 Filed 5-25-73;8:45 am]

#### DEPARTMENT OF TRANSPORTATION

Office of the Secretary

##### ASSISTANT SECRETARIES OF TRANSPORTATION

##### Notice of Reorganization

Notice is hereby given that the Office of the Secretary of Transportation is in the process of being reorganized. Although all details of the reorganization have not yet been resolved, certain important actions have been taken which affect the public.

The Office of the Assistant Secretary for Environment and Urban Systems has been disestablished, and functions formerly performed by that office are being reassigned to other secretarial offices. The incumbent Assistant Secretary for Environment and Urban Systems has been appointed Assistant to the Secretary.

As part of the reorganization, the functions and titles of some Assistant Secretaries have been changed. In addition, a new Assistant Secretaryship for Congressional and Intergovernmental Affairs has been created. As a result of the reorganization, the Assistant Secretaries of Transportation are—

1. General Counsel.
2. Assistant Secretary for Policy, Plans and International Affairs.
3. Assistant Secretary for Environment, Safety and Consumer Affairs.
4. Assistant Secretary for Administration.
5. Assistant Secretary for Systems Development and Technology.
6. Assistant Secretary for Congressional and Intergovernmental Affairs.

By a document published elsewhere in today's FEDERAL REGISTER, the order of secretarial succession appearing at 49 CFR 1.27 has been amended to reflect the reorganization. After the Under Secretary, the Assistant Secretaries succeed to Acting Secretary in the order listed above.

When the reorganization of the Office of the Secretary of Transportation has been completed, it will be published in the FEDERAL REGISTER and appropriately reflected in the Code of Federal Regulations.

Issued in Washington, D.C., on May 21, 1973.

CLAUDE S. BRINEGAR,  
Secretary of Transportation.

[FR Doc.73-10601 Filed 5-25-73;8:45 am]

#### ATOMIC ENERGY COMMISSION

##### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON SAFETY GUIDES

##### Notice of Meeting

MAY 24, 1973.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Safety Guides will hold a meeting on June 6, 1973, in room 1062, at 1717 H Street NW., Washington, D.C. The subjects scheduled for discussion are drafts of proposed regulatory guides.

The Subcommittee is meeting to formulate recommendations to the ACRS regarding the above subjects.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the purpose of the meeting will be to discuss draft documents which fall within exemption (5) of 5 U.S.C. 552(b) and will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close such meetings to protect the free interchange of internal views and to avoid undue interference with agency and Committee operation.

JOHN V. VINCIGUERRA,  
Advisory Committee  
Management Officer.

[FR Doc.73-10720 Filed 5-25-73;8:45 am]

[Docket No. 50-394]

#### CALIFORNIA POLYTECHNIC STATE UNIVERSITY

##### Notice of Issuance of Facility License

No request for a hearing or petition for leave to intervene having been filed following publication of the notice of proposed action in the FEDERAL REGISTER on April 10, 1973 (38 FR 9104), the Atomic Energy Commission (the Commission) has issued facility license No. R-121 to the California Polytechnic State University at San Luis Obispo, Calif., as proposed in that notice, except that the name of the licensee has been changed from California State Polytechnic College to California Polytechnic State University. The license authorizes the university to possess, use, and operate the AGN-201 (Serial No. 100) nuclear research reactor located on its campus in San Luis Obispo, Calif., at steady state power levels up to a maximum of 100 milliwatts (thermal) for educational training, in accordance with the provisions of the license and the technical specifications issued therewith.

The facility has been inspected by a representative of the Commission and found to have been constructed substantially in accordance with the application and the provisions of construction permit No. CFRR-114.

The Commission has found that the application (as supplemented) for the license complies with the requirements



of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations as published in 10 CFR chapter I. The Commission has made the remainder of the findings required by the Act and the Commission's regulations which are set forth in the license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. The university is being required to execute an amendment to the indemnity agreement as required by section 170 of the Act and 10 CFR part 140 of the Commission's regulations.

A copy of facility license No. R-121, including the technical specifications, and a copy of the safety evaluation dated March 30, 1973, are available for inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., or may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 16th day of May 1973.

For the Atomic Energy Commission.

DENNIS L. ZIEMANN,  
Chief, Operating Reactors Branch  
No. 2, Directorate of Licensing.

[FR Doc.73-10540 Filed 5-25-73;8:45 am]

[Docket No. 50-432]

#### MITSUBISHI INTERNATIONAL CORP.

##### Notice of Application for and Consideration of Issuance of Facility Export License

Please take notice that Mitsubishi International Corp. has submitted to the Atomic Energy Commission an application for a license to authorize the export of a pressurized water reactor with a thermal power level of 1,650 MW to the Shikoku Electric Power Co., Ltd., Kagawa-Ken, Japan, and that the issuance of such license is under consideration by the Atomic Energy Commission.

No license authorizing the proposed reactor export will be issued until the Atomic Energy Commission determines that such export is within the scope of and consistent with the terms of an applicable agreement for cooperation arranged pursuant to section 123 of the Atomic Energy Act of 1954, as amended (the Act), nor until the Atomic Energy Commission has found that:

(a) The application complies with the requirements of the Act, and the Atomic Energy Commission's regulations set forth in title 10, chapter 1, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Atomic Energy Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless on or before June 13, 1973, a request for a hearing is filed with the Atomic Energy Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation may, upon the determinations and findings noted above, cause to be issued to Mitsubishi International Corp., a facility export license and may cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Atomic Energy Commission will issue a notice of hearing or an appropriate order.

A copy of the application is on file in the Atomic Energy Commission's public document room located at 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 17th day of May 1973.

For the Atomic Energy Commission.

S. H. SMILEY,  
Deputy Director for Fuels and  
Materials, Directorate of  
Licensing.

[FR Doc.73-10541 Filed 5-25-73;8:45 am]

#### POWER REACTOR GUIDES

##### Notice of Issuance and Availability

The Atomic Energy Commission has issued six guides in its regulatory guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new guides are in Division 1, "Power Reactor Guides." Regulatory Guide 1.43, "Control of Stainless Steel Weld Cladding of Low Alloy Steel Components," describes acceptable methods of complying with the Commission's regulations with regard to the selection and control of welding processes used for cladding ferritic steel components with austenitic stainless steel to restrict practices that could result in underclad cracking. Regulatory Guide 1.44, "Control of the Use of Sensitized Stainless Steel," describes acceptable methods of complying with the Commission's regulations with regard to control of the application and processing of stainless steel to avoid severe sensitization that could lead to stress corrosion cracking. Regulatory Guide 1.45, "Reactor Coolant Pressure Boundary Leakage Detection Systems," describes acceptable methods of complying with the Commission's regulations with regard to the selection of leakage detection systems for the reactor coolant pressure boundary. Regulatory Guide 1.46, "Protection Against Pipe Whip In-

side Containment," describes an acceptable basis for complying with the Commission's regulations with regard to selecting the design locations and orientations of postulated breaks in fluid system piping within the reactor containment and for determining the measures that should be taken for restraint against pipe whipping that may result from such breaks. Regulatory Guide 1.47, "Bypassed and Inoperable Status Indication for Nuclear Power Plant Safety System," describes an acceptable method of complying with the Commission's regulations with regard to indicating the inoperable status of a portion of the protection system, systems actuated or controlled by the protection system, and auxiliary or supporting systems that must be operable for the protection system and the systems it actuates to perform their safety-related functions. Regulatory Guide 1.48, "Design Limits and Loading Combinations for Seismic Category I Fluid System Components," delineates acceptable design limits and appropriate combinations of loadings associated with normal operation, postulated accidents, and specified seismic events for the design of Seismic Category I fluid system components.

Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Chief, Public Proceedings Staff. Requests for single copies of issued guides or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 1 regulatory guides currently being developed include the following:

- Availability of Electric Power Sources.
- Requirements for Instrumentation to Assess Nuclear Power Plant Conditions During and Following an Accident for Water-Cooled Reactors.
- Shared Emergency and Shutdown Power Systems at Multi-Unit Sites.
- Physical Independence of Safety Related Electric Systems.
- Isolating Low Pressure Systems Connected to the Reactor Coolant Pressure Boundary.
- Assumptions for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors.
- Assumptions for Evaluating a Control Rod Drop Accident for Boiling Water Reactors.
- Requirements for Collection, Storage, and Maintenance of Quality Assurance Records for Nuclear Power Plants.
- Requirements for Assessing Ability of Material Underneath Nuclear Power Plant Foundations to Withstand Safe Shutdown Earthquake.
- Design Basis Floods for Nuclear Power Plants.
- Design Phase Quality Assurance Requirements for Nuclear Power Plants.
- Qualification Tests of Electric Valve Operators for Use in Nuclear Power Plants.



Fire Protection Criteria for Nuclear Power Plants.  
 Protective Coatings for Nuclear Reactor Containment Facilities.  
 Quality Assurance Requirements for Protective Coatings Applied to Water-Cooled Nuclear Power Plants.  
 Application of the Single Failure Criterion to Nuclear Power Generating Station Protective Systems.  
 Additional Material Requirements for Bolt-Ing.  
 Inservice Surveillance of Grouted Prestressing Tendons.  
 Design Loading Combinations for Primary Metal Containment Systems.  
 Concrete Placement in Category I Structures.  
 Design Response Spectra for Seismic Design of Nuclear Power Plants.  
 Seismic Input Motion to Uncoupled Structural Model.  
 Control of Preheat Temperature for Low Alloy Steel Welding.  
 Rules for Inservice Inspection of Class 2 and Class 3 Nuclear Power Plant Components.  
 Primary Reactor Containment (Concrete) Design and Analysis.  
 Preservice Testing of In-Situ Components.  
 Installation of Over-Pressure Devices.  
 Nondestructive Examination of Tubular Products.  
 Category I Structural Foundations.  
 Maintenance of Water Purity in BWRs.  
 Manual Initiation of Protective Actions.  
 Electric Penetration Assemblies in Nuclear Power Plant Containment Structures.  
 Qualifications of Inspection, Examination, and Testing Personnel for Nuclear Power Plants.  
 Quality Assurance Requirements for Installation, Inspection, and Testing of Mechanical Equipment and Systems.  
 Quality Assurance Requirements for Installation, Inspection, and Testing of Structural Concrete and Structural Steel.  
 Design, Testing and Maintenance Criteria for Atmosphere Cleanup System Air Filtration and Adsorption Units of Light-Water-Cooled Nuclear Power Plants.  
 Damping Values for Seismic Design of Nuclear Power Plants.  
 Fracture Toughness Requirements for Vessels Under Overstress Conditions.  
 Applicability of Nickel-base Alloys and High Alloy Steels.  
 Material Limitations for Component Supports.  
 Protection Against Postulated Events and Accidents Outside of Containment.  
 (5 U.S.C. 552(a).)

Dated at Bethesda, Md., this 18th day of May 1973.

For the Atomic Energy Commission.

LESTER ROGERS,

Director of Regulatory Standards.

[FR Doc. 73-10542 Filed 5-25-73; 8:45 am]

[Docket No. 70-1257]

#### EXXON NUCLEAR CO., INC.

Notice of Availability of Draft Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the regulations of the Atomic Energy Commission (the Commission) in 10 CFR part 50, appendix D, notice is hereby given that a draft detailed statement on the environmental considerations related to the proposed issuance of a full-term li-

cense (5 years) for Exxon Nuclear Co.'s Uranium Oxide Fuel Plant at Richland, Washington, has been prepared and has been made available for public inspection in the Commission's public document room at 1717 H Street NW., Washington, D.C., and in the Richland Public Library, Swift & Northgate Streets, Richland, Washington. (Exxon Nuclear Co., Inc., was formerly known as the Jersey Nuclear Co.) The draft detailed statement is also being made available for public inspection at the Washington State Clearinghouse, Office of the Governor, State Planning and Community Affairs Agency, Olympia, Wash., and in the Regional Clearinghouse, Benton-Franklin Governmental Conference, 906 Jadwin Avenue, Richland, Wash.

A notice was published in the FEDERAL REGISTER on November 20, 1971 (36 FR 22194), concerning the availability of Exxon Nuclear Co.'s environmental report and supplement thereto for public inspection at the above designated locations. Additional information was supplied by the applicant's letter dated October 9, 1972. These reports have been analyzed by the Commission's Directorate of Licensing in the preparation of the draft detailed statement.

Copies of the Commission's draft detailed statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing.

Pursuant to appendix D to 10 CFR part 50, interested persons may, on or before July 13, 1973, submit comments on the draft detailed statement for the Commission's consideration. Federal agencies and State and local officials are being provided with copies of the draft detailed statement. Such comments as may be received from Federal agencies and State and local officials will be made available for public inspection at the above designated locations. Members of the public should address comments on the draft detailed statement to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Fuels and Materials, Directorate of Licensing.

Dated at Bethesda, Md., this 16th day of May 1973.

For the Atomic Energy Commission.

R. B. CHITWOOD,

Chief, Technical Support Branch,  
 Directorate of Licensing.

[FR Doc. 73-10589 Filed 5-25-73; 8:45 am]

#### OCCUPATIONAL HEALTH GUIDES

##### Notice of Issuance and Availability

The Atomic Energy Commission has issued two guides in its regulatory guide series. Regulatory guides are developed to describe and make available to the public methods acceptable to the regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used

by the staff in evaluating specific problems or postulated accidents. Some guides also provide guidance to applicants concerning information needed by the staff in the review of applications for permits and licenses.

The new guides are regulatory guide 8.6, "Standard Test Procedure for Geiger-Müller Counters," and regulatory guide 8.7, "Occupational Radiation Exposure Records Systems." They are in division 8, "Occupational Health Guides," of the regulatory guide series, and indicate acceptability, subject to conditions, of the use of American National Standards Institute standards N42.3-1969 (IEEE No. 309) and N13.6-1966 (R1972), respectively, in implementing certain parts of the Commission's regulations.

Comments and suggestions in connection with improvements in the guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated.

Other division 8 regulatory guides currently being developed include the following:

Bioassay for uranium.  
 As low as practicable occupational exposure to ionizing radiation from nuclear reactors.  
 Respiratory protection.  
 Dosimetry for criticality accidents.  
 Criticality accident alarm system.  
 Surface contamination.

(5 U.S.C. 522(a).)

Dated at Bethesda, Md., this 21st day of May 1973.

For the Atomic Energy Commission.

LESTER ROGERS,

Director of Regulatory Standards.

[FR Doc. 73-10590 Filed 5-25-73; 8:45 am]

#### ADVISORY COMMITTEE ON REACTOR SAFEGUARDS

Subcommittee on Seismic Activity; Notice of Meeting

MAY 24, 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 Seismic Activity will hold a meeting on June 6, 1973, in room 112, at 1717 H Street NW., Washington, D.C. The subject scheduled for discussion is a draft, dated May 15, 1973, of proposed appendix A to 10 CFR part 100, "Seismic and Geologic Siting Criteria," and a draft of a proposed regulatory guide entitled, "Design Response Spectra for Seismic Design of Nuclear Power Plants" (draft 3).

The Subcommittee is meeting with their consultants and members of the



regulatory staff to formulate recommendations to the full ACRS regarding these draft documents.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the purpose of the meeting is to discuss draft documents which fall within exemption (5) of 5 U.S.C. 552(b) and 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 this meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

JOHN V. VINCIGUERRA,  
Advisory Committee  
Management Officer.

[FR Doc. 73-10753 Filed 5-25-73; 10:27 am]

### CIVIL AERONAUTICS BOARD

#### SUMMA CORP. AND SALT LAKE AIRCRAFT PARTS, INC.

##### Notice of Proposed Approval of Exemption

Application of Summa Corp. and Salt Lake Aircraft Parts, Inc. for disclaimer of jurisdiction, approval, or exemption pursuant to the Federal Aviation Act of 1958, as amended, docket 25278.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded until June 6, 1973, within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C. May 23, 1973.

[SEAL] WILLIAM B. CALDWELL, Jr.,  
Director,  
Bureau of Operating Rights.

##### ORDER APPROVING TRANSACTION

Issued under delegated authority. Application of Summa Corp. and Salt Lake Aircraft Parts, Inc., docket 25278, for disclaimer of jurisdiction, approval or exemption pursuant to the Federal Aviation Act of 1958, as amended.

Summa Corp. and Salt Lake Aircraft Parts, Inc. (Slapco) jointly request disclaimer of jurisdiction, approval or exemption under section 408 of the Federal Aviation Act of 1958, as amended (the Act), with respect to the purchase by Summa of the assets of Slapco for \$425,000. According to the application Slapco is a Utah corporation engaged in the wholesale distribution of new and used aircraft parts to the general aviation industry. In addition to the facility at Salt Lake City, Slapco also conducts its business at Snohomish County Airport, Everett, Wash., and has a full-time representative in Denver, Colo. Sales are primarily to fixed base operators in Utah, Idaho, Washington, Colorado, Montana, Arizona, and Nevada, and amount to approximately \$1 million per year. During 1972 sales to air carriers were less than 1 percent of Slapco's total sales.<sup>1</sup> Slapco also has

an agreement with Goodyear Tire and Rubber Co. under which it warehouses and makes available Goodyear tires to scheduled airlines. It receives a handling fee for this service and the application states that Summa intends to continue this arrangement.

Summa, which now controls the system of affiliated companies formally controlled by the original Hughes Tool Co.,<sup>2</sup> owns 78 percent of Hughes Air Corp. which does business as Hughes Airwest, a certificated air carrier as well as operating various other aeronautical enterprises through its divisions. One of these is Hughes Aviation Services Division (Services)<sup>3</sup> which, according to the application, has operated as a fixed base operator at North Las Vegas Air Terminal since 1967 and at McCarran International Airport since 1968. Summa also holds, in its own name, a part 135 air taxi and charter certificate, with its main base of operations at McCarran International Airport.<sup>4</sup> The application states that, since the proposed acquisition of the assets of Slapco may involve the acquisition by Summa of a person engaged in a phase of aeronautics, Summa recognizes that Board procedures may require appropriate action by the Board under section 408 of the Act. No comments relative to the application have been received.

Notice of intent to dispose of this application without a hearing has been published in the *Federal Register* and a copy of such notice has been furnished by the Board to the Attorney General not later than 1 day following the date of such publication, both in accordance with the requirements of section 408(b) of the Act.

Upon consideration of the foregoing it is concluded that Summa is a person controlling an air carrier and that Slapco is a person engaged in a phase of aeronautics within the meaning of section 408 of the Act and that the transaction described herein is subject to section 408(a)(6). However the transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly and thereby tend to restrain competition nor does it appear to jeopardize another air carrier not a party thereto. Furthermore no person disclosing a substantial interest in this proceeding is currently requesting a hearing and it is found that the public interest does not require a hearing. The Board has previously approved the control by persons controlling an air carrier, of aircraft parts and equipment suppliers.<sup>5</sup> Under the circumstances it does not appear that the instant transaction will be inconsistent with the public interest or that the requirements of section 408 will be otherwise unfulfilled.

Pursuant to authority duly delegated by the Board in the Board's regulations 14 CFR 385.13 it is found that the foregoing acquisition should be approved without a hearing under the third proviso of section 408(b) of the Act.

Accordingly, it is ordered, That:  
The acquisition of the assets of Slapco by Summa be and it hereby is approved.

<sup>1</sup> On Dec. 14, 1972, Summa transferred the assets of its oil tool division to a corporation which has since changed its name to Hughes Tool Co., the stock of which is publicly held.

<sup>2</sup> Formerly known as Hughes Nevada Airport Operations.

<sup>3</sup> Summa has been exempted from the provisions of 14 CFR 298.3(a) to enable it to engage in air taxi operations while it controls Hughes Air Corp., order 70-7-6, July 1, 1970.

<sup>4</sup> Order 68-8-16, Aug. 5, 1968, docket 17296.

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. KATLOE,  
Acting Secretary.

[FR Doc. 73-10594 Filed 5-25-73; 8:45 am]

### COMMISSION ON CIVIL RIGHTS

#### CONNECTICUT STATE ADVISORY COMMITTEE

##### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Connecticut State Advisory Committee to this Commission will convene at 8 p.m., on May 30, 1973, at the Howard Johnson Motor Inn, 2260 Whitney Avenue, Hamden, Conn. 06514.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Northeastern Regional Office of the Commission in room 1639, 26 Federal Plaza, New York, N.Y. 10007.

The purpose of this meeting shall be to review data related to the Connecticut higher education project and to discuss State Advisory Committee involvement in a study of Connecticut prisons.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 18, 1973.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee Management  
Officer.

[FR Doc. 73-10612 Filed 5-25-73; 8:45 am]

#### DELAWARE STATE ADVISORY COMMITTEE

##### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the Delaware State Advisory Committee will convene at 2 p.m. on June 1 and at 9 a.m. on June 2, 1973, in Superior Court, room No. 1, Wilmington Public Building, 10th and King Streets, Wilmington, Del. 19801.

The purpose of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which affect persons residing in the State of Delaware with special emphasis on the Delaware Adult Corrections System and the civil rights of inmates of these institutions; to appraise denials of equal protection of the laws under the Constitution because of race, color, religion,

<sup>1</sup> Of this amount approximately \$9,500 was for the sale of igniter plugs to Frontier Airlines on a noncontractual basis and only \$47 was for sales to Hughes Airwest.



sex, or national origin as these pertain to the Delaware Adult Corrections System and the civil rights of inmates of these institutions; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, or national origin with respect to the Delaware Adult Corrections System and the civil rights of inmates of these institutions; and to related areas.

A planning meeting of the Delaware State Advisory Committee will convene at 8 p.m. on May 31, 1973, in the Hotel Dupont at 11th and Market Streets, Wilmington, Del. 19801. Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission in room 510, at 2120 L Street NW., Washington, D.C. 20425. The purpose of this meeting shall be to hold a final briefing session in preparation for the June 1-2, 1973, factfinding meeting on the Delaware Adult Corrections System.

A closed or executive session of the Delaware State Advisory Committee will convene at 12 noon on June 1, 1973, in the Judge's Chambers, Superior Court, room No. 1, Wilmington Public Building, 10th and King Streets, Wilmington, Del. 19801. At this session, Committee members will discuss matters which may tend to defame, degrade, or incriminate individuals and as such this session is not open to the public.

These meetings will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 23, 1973.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.73-10613 Filed 5-25-73;8:45 am]

#### NEW YORK STATE ADVISORY COMMITTEE

##### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee to this Commission will convene at 3:30 p.m. on May 31, 1973, at the Chinatown Planning Council, 45 East Broadway, New York, N.Y. 10007.

Persons wishing to attend this meeting should contact the committee chairman, or the northeastern regional office of the Commission in room 1639, 26 Federal Plaza, New York, N.Y. 10007.

The purpose of this meeting shall be to further define Asian-American proposals for possible study by the New York State Advisory Committee.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 21, 1973.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee Management  
Officer.

[FR Doc.73-10614 Filed 5-25-73;8:45 am]

#### NEW YORK STATE ADVISORY COMMITTEE

##### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the New York State Advisory Committee to this Commission will convene at 5:30 p.m. on June 4, 1973, at the New York regional office, room 1639, 26 Federal Plaza, New York, N.Y. 10007.

Persons wishing to attend this meeting should contact the committee chairman, or the northeastern regional office of the Commission in room 1639, 26 Federal Plaza, New York, N.Y. 10007.

The purpose of this meeting, generally, shall be to discuss the status of the New York committee's Puerto Rican project. The committee will direct its attention specifically to plans for updating and implementing its report, "The Puerto Rican and Public Employment in New York State."

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 22, 1973.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.73-10615 Filed 5-25-73;8:45 am]

#### NEW YORK STATE ADVISORY COMMITTEE

##### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a factfinding meeting of the New York State Advisory Committee will convene at 9 a.m. on June 6 and at 9 a.m. on June 7, 1973, in the conference room of the Internal Revenue Service, West Mall Building, 855 Central Avenue, Albany, N.Y. 12201.

The purposes of this meeting shall be to collect information concerning legal developments constituting a denial of the equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin which pertain to the status of progress toward equal employment opportunity in the State University of New York system; to appraise denials of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin as these pertain to the status of progress toward equal employment opportunity in the State University of New York system; and to disseminate information with respect to denials of the equal protection of the laws because of race, color, religion, sex, or national origin as these pertain to the status of progress toward equal employment opportunity in the State University of New York system; and to related areas.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 17, 1973.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.73-10616 Filed 5-25-73;8:45 am]

#### VERMONT STATE ADVISORY COMMITTEE

##### Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Vermont Advisory Committee to this Commission will convene at 7:30 p.m. on June 7, 1973, at the Tavern Motor Inn, Montpelier, Vt. 05602.

Persons wishing to attend this meeting should contact the committee chairman, or the northeastern regional office of the Commission in room 1639, 26 Federal Plaza, New York, N.Y. 10007.

The purpose of this meeting shall be to discuss the release and distribution of the Vermont Committee's report, "Closing the Ethnic Gap," and review progress of the Vermont State Advisory Committee's "Report on Higher Education."

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., May 22, 1973.

ISAIAH T. CRESWELL, Jr.,  
Advisory Committee  
Management Officer.

[FR Doc.73-10617 Filed 5-25-73;8:45 am]

#### CIVIL SERVICE COMMISSION DEPARTMENT OF DEFENSE

##### Notice of Title Change in Noncareer Executive Assignment

By notice of February 2, 1971, FR Doc. 71-1345 the Civil Service Commission authorized the Department of Defense to fill by noncareer executive assignment the position of Principal Deputy Assistant Secretary (Systems Analysis), Office of the Assistant Secretary of Defense (Systems Analysis), Office of the Secretary of Defense. This is notice that the title of this position is now being changed to Principal Deputy Director (Program Analysis and Evaluation), Office of the Director of Defense Program Analysis and Evaluation, Office of the Secretary of Defense.

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

[FR Doc.73-10555 Filed 5-25-73;8:45 am]



# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Notice of Grant of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Director, Fund for the Improvement of Post-Secondary Education, Office of the Assistant Secretary for Education.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.73-10551 Filed 5-25-73; 8:45 am]

# DEPARTMENT OF THE TREASURY

## Notice of Grant of Authority to Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of special consultant to the Secretary for Public Affairs, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.73-10554 Filed 5-25-73; 8:45 am]

# NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

## Notice of Grant of Authority to Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the National Foundation on the Arts and the Humanities to fill by noncareer executive assignment in the excepted service the position of deputy chairman, National Endowment for the Humanities.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.73-10552 Filed 5-25-73; 8:45 am]

# NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

## Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the National Foundation on the Arts and the Humanities to fill by noncareer executive assignment in the excepted service the position of Director, Division of Education

Programs, National Endowment for the Humanities.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,  
Executive Assistant to the Commissioners.

[FR Doc.73-10553 Filed 5-25-73; 8:45 am]

# FEDERAL COMMUNICATIONS COMMISSION

## ANSWERING DEVICES ADVISORY SUBCOMMITTEE

### Notice of Meeting

MAY 22, 1973.

In accordance with Public Law 92-463, announcement is made of a public meeting of the Answering Devices Advisory Subcommittee to be held June 18-20, 1973, 1919 M Street, NW., room 847, Washington, D.C., at 10 am.

1. *Purposes.*—The purpose of this subcommittee is to prepare recommended standards to permit the interconnection of customer provided and maintained answering equipment to the public switched network.

2. *Activities.*—As at prior meetings, subcommittee members and observers present their suggestions and recommendations regarding the various technical criteria and standards that should be considered with respect to the interconnection of answering devices to the public telephone network.

3. *Agenda.*—The agenda for the June 18-20 meeting will be as follows:

a. To prepare an enforcement procedure for the "one-on-one" configuration, making use of the previously prepared test standard and interface criteria. Adequacy of the technical documents as they relate to the proposed enforcement procedures will also be reviewed.

b. Any other subjects introduced by subcommittee members before the meeting will also be offered to the subcommittee for consideration at this meeting.

4. *Public participation.*—The public is invited to attend this meeting. Any member of the public wishing to file a written statement with the committee, may do so before or after the meeting.

It is suggested that those desiring more specific information, contact the Domestic Rates Division on 202-632-6457.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,  
Secretary.

[FR Doc.73-10588 Filed 5-25-73; 8:45 am]

[Docket No. 19743; FCC 73-540]

# RADIO BROADCAST STATIONS AND MUSICAL FORMAT SERVICE COMPANIES

## Notice of Inquiry Regarding Subscription Agreements

1. The Federal Communications Commission is undertaking a study of the subscription agreements between li-

censees of radio broadcast stations and musical programming format service companies such as Stereo Radio Productions, Ltd. (SRP), Bonneville Program Services, and TM Productions, Inc. This study is being conducted to determine whether the provisions of such subscription agreements impinge upon, hinder, or inhibit the exercise of licensee discretion and flexibility in matters of the selection and presentation of nonmusical programming to meet the continuing needs and interests of the station's service area. *Report and Statement of Policy Re: Commission En Banc Programming Inquiry* (F.C.C. 60-970 20 R.R. 1901, 1914).

2. We have reviewed certain subscription agreements between such musical format service companies and broadcast licensees and we find that some of them contain restrictive provisions concerning the nature and amounts of the news and other nonmusical programming which the subscribing station may carry. (To illustrate the types of restrictions which give rise to our concern, we have attached hereto the pertinent provisions of one such subscription agreement.) In view of the apparent widespread existence of such contracts and agreements (we are aware that one company has over 60 subscribing stations), the Commission does not deem it feasible or sound administrative policy to attempt resolution of the questions posed thereby on an ad hoc basis within the context of pending applications. Rather, we believe that a general inquiry proceeding is the best method of providing the Commission with the necessary information to determine the nature and scope of the problems (if any) which may be posed by these contracts and the proper methods for their resolution. Accordingly, by this Notice of Inquiry, we wish to elicit comments from the broadcast licensees, musical programming format companies and other interested parties on the following points:

(1) The extent to which subscription agreements of musical program format companies contain restrictive provisions regarding nonmusical programming (we would expect to receive copies of the standard contracts of companies providing these services);

(2) The particular industry practices under such agreements, including (but not necessarily limited to) the degree to which licensees have been allowed to deviate from the standard provisions without rescission or threatened rescission of the contract by the format service company (specific instances would be helpful); and

(3) The extent to which, if any, such restrictive programming provisions and practices thereunder impinge upon, inhibit or hinder the discretion and flexibility of the licensee in matters of the selection and presentation of nonmusical programming material.

3. We wish to make it clear that the fact that we invite comments upon the



above enumerated matters does not mean that we are limiting our inquiry to these specific aspects of these subscription agreements. On the contrary, we encourage interested parties to submit any material which they think will aid the Commission in resolving the questions presented by these subscription agreements.

4. Authority for the inquiry instituted herein is contained in sections 4(i) and (j), 303 and 403 of the Communications Act of 1934, as amended.

5. Interested parties may submit comments on or before June 28, 1973. Reply comments may be submitted on or before July 10, 1973. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

6. Although this is not a formal rule-making proceeding, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished to the Commission as provided in § 1.419 of the Commission's rules governing such proceedings. Filings shall also conform to the provisions of § 1.49 (47 CFR 1.49, 1.419 (1967)).

7. Responses will be available for public inspection during regular business hours in the Commission's broadcast and docket reference room at its headquarters in Washington, D.C.

Adopted May 17, 1973.

Released May 23, 1973.

FEDERAL COMMUNICATIONS  
COMMISSION,<sup>1</sup>

[SEAL] BEN F. WAPLE,  
Secretary.

EXAMPLE OF RESTRICTIVE PROVISIONS IN SUBSCRIPTION AGREEMENT BETWEEN BROADCAST LICENSEE AND MUSICAL FORMAT COMPANY

11. (a) Station represents that its present program and operating policies, based on surveys and investigations of community needs in accordance with the rules, regulations, and policies of the Federal Communications Commission include the following:

(1) Station plans to broadcast a minimum of 19 hours per day, including the period 6 a.m. to 1 a.m.

(2) Station does not intend to duplicate the programming of any AM facility, including news broadcasts.

(3) Subject to subparagraphs (6) and (7) below, station plans to broadcast at least 50 minutes of [Company] music during each hour station is on the air and does not plan the use of its own music or other music services in normal broadcast except as required for commercials or other announcements. Station does not plan to broadcast four-channel stereo.

(4) Station does not plan to announce the names of the musical selections played by the station on the air in order to avoid breaks in station's program continuity.

(5) Station plans to broadcast no more than six commercials per hour and no more

<sup>1</sup> Commissioners Johnson and Hooks absent; Commissioner H. Rex Lee concurring in the result.

than four commercial breaks in the continuous broadcast music per hour. Opening and closing billboards for sponsored programs or newscasts are considered commercials for the purposes of this subparagraph (5). Station does not plan to permit the triple-spotting of commercial announcements.

(6) All discussion, talk, sports or special events programs broadcast by station (whether sustaining or commercial) will be of a public affairs or religious nature.

(7) Station's regular news programs will originate from nonnetwork and nonoral sources which normally will exclude the use of "actuality" phone or tape reports. Station plans to devote 5 percent or less of the total time station is on the air to news programs. During the hours 8 a.m. to midnight, station plans to have one newscast each hour of 2 minutes duration or less.

(8) Station does not plan to use a subsidiary communications authorization (SCA) for any purpose, including both background music and remote transmitter readings.

(9) Station plans to broadcast [Company] music with full dynamic range and without the use of automatic gain control (agc) equipment.

(b) Nothing herein contained shall in any way be deemed to preclude Station at any time, from making any modifications, changes or alterations in the program and operating policies above enumerated if Station feels that the public interest, convenience and necessity, or the efficient operation of the Station so require. In the event station elects to modify, change or alter the program and operating policies set forth in this and in paragraph (a), [Company] shall have the right, on 15 days' written notice to Station, to terminate this agreement without penalty of any kind to Station. In the event of such termination, Station will promptly return to [Company] any [Company] tapes in its possession and [Company] will promptly refund to Station any portion of the prepaid subscription fee.

(c) It is understood that nothing contained in this agreement shall be construed to prevent or hinder Station from rejecting or refusing any program offered by [Company] which Station reasonably believes unsatisfactory or unsuitable for broadcast or contrary to the public interest, or from substituting a program of outstanding local or national importance.

[FR Doc.73-10586 Filed 5-25-73; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CP73-307]

BROCKTON TAUNTON GAS CO.

Notice of Application

MAY 22, 1973.

Take notice that on May 17, 1973, Brockton Taunton Gas Co. (Applicant), 125 High Street, Boston, Mass. 02110, filed in docket No. CP73-307 an application pursuant to section 3 of the Natural Gas Act for authorization to import into the United States from Canada liquefied natural gas (LNG) purchased from Gaz Metropolitain, Inc., Montreal, Province of Quebec, Canada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that between June 15, 1973, and September 15, 1973, it intends to purchase from Gaz Metropolitain, Inc., 4,583,440 U.S. gallons of LNG at 12.742 cents per U.S. gallon, equivalent

to approximately 400 billion Btu at a price of \$1.46 U.S. per million Btu. Deliveries will be made to Applicant on a monthly basis, with each monthly delivery equal to the total contracted quantity divided by the number of months in the delivery period and with the delivery period deemed to commence when LNG is first delivered but not later than June 15, 1973. The LNG will be transported by over-the-road tank trailers which each carries approximately 10,000 gallons of LNG. Transportation costs, to be borne by Applicant, from Montreal to Applicant's 800,000 M ft<sup>3</sup> vaporous gas equivalent, LNG storage facility at Easton, Mass., will range from \$344 per shipment for transportation in one of three trailers owned or leased by Applicant to \$449 per shipment for transportation in one of five trailers owned by Capitol Truck Lines, Inc.

Applicant states that it is required to import LNG as proposed in the instant application as a result of curtailments of deliveries by Texas Eastern Transmission Co. to Algonquin Gas Transmission Co., Applicant's supplier of vaporous gas, and a failure of adequate LNG deliveries by Distrigas Corp. Applicant states further that all three of its propane plants are operating at maximum capacity and are not capable of being expanded further.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 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.

MARY B. KIDD,  
Secretary.

[FR Doc.73-10641 Filed 5-25-73; 8:45 am]

[Project 2482-New York]

NIAGARA MOHAWK POWER CORP.

Availability of Final Environmental Statement

Notice is hereby given that on May 25, 1973, as required by the Commission rules and regulations under order 415-C, issued December 18, 1972, a final environmental statement prepared by the Commission's staff pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-100) was placed in the public files of the Federal Power Commission. This statement deals with the environmental impact of an application for amendment of the license issued in accordance with the Federal Power Act for Hudson River project No. 2482 for the removal of the



Fort Edward development of the project located in the counties of Saratoga and Washington, N.Y., on the Hudson River. This statement is available for public inspection in the Commission's Office of Public Information, 825 North Capitol Street NE., Washington, D.C., and its New York regional office. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The Fort Edward development currently consists of a 586 foot long rock filled timber crib dam and a powerhouse containing hydroelectric generating units with a total capacity of 2,850 kW operating at a gross head of 18.5 ft.

The action being considered is the removal of a dam which is in danger of failure.

The draft environmental statement was circulated on April 18, 1973. Because of the emergency nature of this action the time period to review the draft statement was shortened, by the Commission, to 30 days.

MARY B. KIDD,  
Acting Secretary.

[FR Doc. 73-10640 Filed 5-25-73; 8:45 am]

[Dockets Nos. RI73-291, etc.]

### PROPOSED RATE CHANGES

#### Order Providing for Hearing and Suspension, and Allowing Changes To Become Effective Subject to Refund<sup>1</sup>

MAY 16, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

#### The Commission finds

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

#### The Commission orders

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regula-

<sup>1</sup> Does not consolidate for hearing or dispose of the several matters herein.

#### APPENDIX "A"

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per thousand cubic feet <sup>1</sup>		Rate in effect subject to refund is docket No.
									Rate in effect	Proposed increased rate	
RI73-291..	Phillips Petroleum Co. ....	443	1	Pacific Lighting Service Co. (Federal Lease No. OCS-P-0166, Offshore Santa Barbara County, Calif.).	\$2,310	3-29-73	.....	6-11-73	27.0	27.5	
RI73-292..	Cities Service Oil Co. ....	223	1	.....	2,250	4- 9-73	.....	6-11-73	27.0	27.5	

<sup>1</sup> Unless otherwise stated, the pressure base is 14.73 lb/in<sup>2</sup>a.

Phillips Petroleum Co. and Cities Service Oil Co. propose periodic increases from 27 cents to 27.5 cents at 14.73 lb/in<sup>2</sup>a for sales of casinghead gas to Pacific Lighting Service Co. from offshore Santa Barbara County, Calif. The current 27 cent initial rates are subject to refund pursuant to conditioned temporary certificates issued April 22, 1968, in dockets Nos. CI68-915 and CI68-924, respectively.

Since the just and reasonable rate has not been determined nor a guideline ceiling established for the subject area, we believe it appropriate to suspend the instant filings for 1 day from the contractual effective date.

The rate increases granted in these cases have been reviewed in the light of and are consistent with the Economic Stabilization Act of 1970, as amended, Executive Order No. 11695, and the rules and regulations issued thereunder.

[FR Doc. 73-10444 Filed 5-25-73; 8:45 am]

[Docket No. RI73-293]

### PROPOSED RATE CHANGES

#### Order Providing for Hearing and Suspension, and Allowing Rate Change To Become Effective Subject to Refund

MAY 16, 1973.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

#### The Commission finds

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

#### The Commission orders

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regula-

tions pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL]

KENNETH F. PLUMB,  
Secretary.

tions pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL]

KENNETH F. PLUMB,  
Secretary.



## APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per thousand cubic feet <sup>1</sup>		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
R173-236	Shell Oil Co.	253	29	El Paso Natural Gas Co. (James Ranch Field, Eddy County, N. Mex., Permian Basin).		4-18-73	5-19-73	* Accepted.			
	do.		10	do.	\$12,692	4-18-73		6-19-73	17.0023	20.8	R173-181.

<sup>1</sup> Unless otherwise stated, the pressure base is 14.65 lb./in.<sup>2</sup>.  
<sup>2</sup> Amends pricing provisions.

<sup>3</sup> Correction filed on April 27, 1973.

<sup>4</sup> Accepted to be effective on the date shown in the "Effective Date" column.

The proposed increase of Shell Oil Co. exceeds the applicable area ceiling rate, but does not exceed the rate limit for 1-day suspension, and, therefore, it is suspended for 1 day from the expiration of the 60-day-notice period or from the contractually due date, whichever is later.

Shell's proposed increased rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR 2.56).

The rate increase granted in this case has been reviewed in the light of and is consistent with the Economic Stabilization Act of 1970, as amended, Executive Order No. 11695, and the rules and regulations issued thereunder.

[FR Doc.73-10443 Filed 5-25-73; 8:45 am]

## FEDERAL RESERVE SYSTEM

## D. H. BALDWIN CO.

## Acquisition of Bank

D. H. Baldwin Co., Cincinnati, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire a majority of the voting shares of First National Bank in Aspen, Aspen, Colo.

D. H. Baldwin Co., or one or more of its subsidiary companies are also engaged in the following nonbank activities: Manufacture and sale of pianos and other musical instruments and accessories; operation of music schools; research, development, manufacture and sale of electronic devices and photoelectric and photovoltaic equipment; operation of finance companies; operation of savings and loan associations; operation of a mortgage brokerage; operation of general life, property and casualty insurance companies; operation of insurance agency; ownership, management, development of an investment in real property; leasing real property, tools and machines; publication of sheet music; and installment sales of consumer durables and floor planning services. In addition to the consideration the proposal in the light of the act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the act (12 U.S.C. 1843).

By notice dated September 26, 1972 (37 FR 22414), the Board announced that it was conducting a review of the "grandfather" privileges of D. H. Baldwin Co. under section 4(a)(2) of the Bank Holding Company Act. A Board determination with respect to the grandfather privileges of D. H. Baldwin has not yet been issued.

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 14, 1973.

Board of Governors of the Federal Reserve System, May 18, 1973.

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

[FR Doc.73-10531 Filed 5-25-73; 8:45 am]

## D. H. BALDWIN CO.

## Acquisition of Bank

D. H. Baldwin Co., Cincinnati, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire a majority of the voting shares of First National Bank North in Grand Junction, Grand Junction, Colo.

D. H. Baldwin Co., or one or more of its subsidiary companies are also engaged in the following nonbank activities: Manufacture and sale of pianos and other musical instruments and accessories; operation of music schools; research, development, manufacture, and sale of electronic devices and photoelectric and photovoltaic equipment; operation of finance companies; operation of savings and loan associations; operation of a mortgage brokerage; operation of general life, property, and casualty insurance companies; operation of insurance agency; ownership, management, development of and investment in real property; leasing real property, tools and machines; publication of sheet music; and installment sales of consumer durables and floor planning services. In addition to the factors considered under section 3 of the act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the act (12 U.S.C. 1843).

By notice dated September 26, 1972 (37 FR 22414), the Board announced that it was conducting a review of the "grandfather" privileges of D. H. Baldwin Co. under section 4(a)(2) of the Bank Holding Company Act. A Board determination with respect to the grandfather privileges of D. H. Baldwin has not yet been issued.

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 14, 1973.

Board of Governors of the Federal Reserve System, May 18, 1973.

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

[FR Doc.73-10532 Filed 5-25-73; 8:45 am]

## D. H. BALDWIN CO.

## Acquisition of Bank

D. H. Baldwin Co., Cincinnati, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire a majority of the voting shares of First National Bank of Glenwood Springs ("Bank"), Glenwood Springs, Colo., and in connection therewith for the Board's approval under section 3(a)(5) of the act to acquire a majority of the voting shares of First McKinley Corp., Grand Junction, Colo., a registered bank holding company which owns 50.8 percent of the outstanding shares of Bank.

D. H. Baldwin Co. or one or more of its subsidiary companies are also engaged in the following nonbank activities: Manufacture and sale of pianos and other musical instruments and accessories; operation of music schools; research, development, manufacture and sale of electronic devices and photoelectric and photovoltaic equipment; operation of finance companies; operation of savings and loan associations; operation of a mortgage brokerage; operation of general life, property and casualty insurance companies; operation of insurance agency; ownership, management, development of and investment in real property; leasing real property, tools and machines; publication of sheet music; and installment sales of consumer durables and floor planning services. In addition to the factors considered under section 3 of the act (banking factors), the Board will consider the proposal in the light of the company's



nonbanking activities and the provisions and prohibitions in section 4 of the act (12 U.S.C. 1843).

By notice dated September 26, 1972 (37 FR 22414), the Board announced that it was conducting a review of the "grandfather" privileges of D. H. Baldwin Co. under section 4(a)(2) of the Bank Holding Company Act. A Board determination with respect to the grandfather privileges of D. H. Baldwin has not yet been issued.

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 14, 1973.

Board of Governors of the Federal Reserve System, May 18, 1973.

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

[FR Doc.73-10529 Filed 5-25-73;8:45 am]

#### D. H. BALDWIN CO.

##### Acquisition of Bank

D. H. Baldwin Co., Cincinnati, Ohio, has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire a majority of the voting shares of First National Bank in Grand Junction (Bank), Grand Junction, Colo., and in connection therewith for the Board's approval under section 3(a)(5) of the act of its merger with First Western Slope Corp., Grand Junction, Colo., a registered bank holding company which owns approximately 56 percent of the outstanding stock of Bank.

D. H. Baldwin Co., or one or more of its subsidiary companies are also engaged in the following nonbank activities: Manufacture and sale of pianos and other musical instruments and accessories; operation of music schools; research, development, manufacture, and sale of electronic devices and photoelectric and photovoltaic equipment; operation of finance companies; operation of savings and loan associations; operation of a mortgage brokerage; operation of general life, property, and casualty insurance companies; operation of insurance agency; ownership, management, development of, and investment in real property; leasing real property, tools, and machines; publication of sheet music; and installment sales of consumer durables and floor planning services. In addition to the factors considered under section 3 of the act (banking factors), the Board will consider the proposal in the light of the company's nonbanking activities and the provisions and prohibitions in section 4 of the act (12 U.S.C. 1843).

By notice dated September 26, 1972 (37 FR 22414), the Board announced that it was conducting a review of the "grandfather" privileges of D. H. Baldwin Co. under section 4(a)(2), of the Bank Holding Company Act. A Board

determination with respect to the grandfather privileges of D. H. Baldwin has not yet been issued.

The application may be inspected at the office of the Board of Governors, or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than June 14, 1973.

Board of Governors of the Federal Reserve System, May 18, 1973.

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

[FR Doc.73-10530 Filed 5-25-73;8:45 am]

#### INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

##### HAMPSHIRE MINING CORP., ET AL.

##### Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for renewal permits for noncompliance with the interim mandatory dust standard (2.0 mg/m<sup>3</sup>) have been received as follows:

- (1) ICP Docket No. 20258, Hampshire Mining Corp., Lynnwood No. 4 Mine, USBM ID No. 46 01878 0, Keyser, W. Va.: Section ID No. 001 (first north west panel).
- (2) ICP Docket No. 20544, The Oneida Mining Co., Oneida No. 4 Mine, USBM ID No. 36 00927 0, Seward, Pa.:  
Section ID No. 006 (north mains, right side).  
Section ID No. 007 (north mains, left side).  
Section ID No. 008 (northeast mains, right side).  
Section ID No. 009 (northeast mains, left side).  
Section ID No. 012 (first west).  
Section ID No. 013 (first left off first west).
- (3) ICP Docket No. 20418, Martin County Coal Corp., No. 1-C Mine, USBM ID No. 15 03752 0, Inez, Ky.
- (4) ICP Docket No. 20704, Martin County Coal Corp., No. 1-S Mine, USBM ID No. 15 04194 0, Inez, Ky.

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 13, 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 Office, Interim Compliance Panel, room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,  
Chairman,  
Interim Compliance Panel.

MAY 22, 1973.

[FR Doc.73-10544 Filed 5-25-73;8:45 am]

#### MONTEREY COAL CO.

##### Application for Renewal Permit; Amended Notice of Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Interim Mandatory Dust Standard (2.0 mg/m<sup>3</sup>) has been received as follows:

ICP Docket No. 20159, Monterey Coal Co., Monterey No. 1 Mine, USBM ID No. 11 00726 0, Carlinville, Ill.:

- Section ID No. 008 (2d north, 1st main east).
- Section ID No. 009 (3d north, 1st main east).
- Section ID No. 010 (4th north, 1st main east).
- Section ID No. 001-0 (main east entries).
- Section ID No. 011 (5th north, main east).
- Section ID No. 012 (6th north, main east).
- Section ID No. 013 (5th north, 1st main east).
- Section ID No. 014 (7th north, main east).

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 13, 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 22, 1973.

[FR Doc.73-10545 Filed 5-25-73;8:45 am]

#### OFFICE OF EMERGENCY PREPAREDNESS

##### LOUISIANA

##### Amendment to Notice of Major Disaster

Notice of major disaster for the State of Louisiana, dated April 27, 1973, and published May 3, 1973 (38 FR 11014), and amended May 8, 1973, and published May 14, 1973 (38 FR 12636), is hereby further amended to include the following parishes among those parishes determined to have been adversely affected by the catastrophe declared a major disaster:



ter by the President in his declaration of April 27, 1973:

The parishes of:

Cameron.	Ouachita.
East Baton Rouge.	Plaquemines.
Iberia (wards 3, 4,	Richland.
and 8).	St. Bernard.
Orleans.	West Baton Rouge.

Dated May 23, 1973.

DARRELL M. TRENT,  
Acting Director, Office of  
Emergency Preparedness.

[FR Doc.73-10565 Filed 5-25-73; 8:45 am]

## SECURITIES AND EXCHANGE COMMISSION

[812-3457]

E. I. DU PONT DE NEMOURS AND CO.

Notice of Filing of Application for Order  
Exempting Proposed Transaction

MAY 22, 1973.

Notice is hereby given that E. I. du Pont de Nemours and Co. (Applicant), Wilmington, Del. 19898, a Delaware corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from the provisions of section 17(a) of the Act the proposed sale to Applicant by Holotron Corp. (Holotron), a Delaware corporation, of certain real estate and improvements thereon and related furniture and fixtures and equipment located in Newark, Del., at a price of \$353,000. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein, which are summarized below.

Christiana Securities Co. (Christiana), a registered closed-end investment company, owns approximately 28.1 percent of the outstanding common stock of Applicant, which in turn owns 50 percent of the outstanding voting common stock of Holotron. Under section 2(a)(9) of the Act, both Applicant and Holotron are presumed to be controlled by Christiana and under section 2(a)(3) of the Act, both Applicant and Holotron are also affiliated persons of Christiana. The remaining 50 percent of Holotron's outstanding common stock is owned by Scientific Advances, Inc., a wholly owned subsidiary of Battelle Memorial Institute, a nonprofit research organization located in Columbus, Ohio.

Holotron proposes to sell to Du Pont a 2-acre parcel of land improved by a one-story structure containing 14,385 square feet of space, 78 percent of which is office space. Also included in the proposed sale is personal property consisting of furniture, fixtures, and laboratory equipment. The total purchase price of \$353,000 to which Applicant and Holotron have agreed allocates \$325,000 for the real estate and improvements, and \$28,000 for the fixtures, furniture, and equipment.

The land included in the property was purchased by Holotron in September 1968, and the total cost to Holotron of the real and personal property to be sold was \$440,644. The application contains an appraisal of the property dated Novem-

ber 12, 1971, which estimated the fair market value of the property (excluding personal property) at \$300,000 as of October 28, 1971. Negotiations leading to an agreement of sale between Holotron and Applicant dated June 1, 1972, were conducted in light of that appraisal.

Applicant submits that the proposed transaction was negotiated on an arms-length basis and that the terms of the proposed transaction, including the consideration to be paid and received, are reasonable and fair and do not involve overreaching on the part of any person concerned; and further that the transaction is consistent with the general purposes of the Act.

Section 17(a) of the Act prohibits an affiliated person of a registered investment company from selling to such company or any company controlled by such registered investment company any security or other property, with certain exceptions, unless the Commission finds, upon application under section 17(b) of the Act, that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Notice is further given that any interested person may, no later than June 13, 1973 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of 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.73-10533 Filed 5-25-73; 8:45 am]

[812-3460]

GOLDMAN, SACHS & CO.

Notice of Filing of Application for  
Exemption

MAY 17, 1973.

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 counterwriters 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 overallocations 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 purpose 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 underwriters 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 (air mail if the person being served is located more than 500 miles from the point of mailing), upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of 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. 73-10534 Filed 5-25-73; 8:45 am]

[File No. 500-1]

#### GOODWAY INC.

##### Order Suspending Trading

MAY 17, 1973.

The common stock, \$0.10 par value, of Goodway Inc. being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway Inc. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 18, 1973, through May 27, 1973.

By the Commission.  
[SEAL] RONALD F. HUNT,  
Secretary.  
[FR Doc. 73-10535 Filed 5-25-73; 8:45 am]

[File No. 500-1]

#### STAR-GLO INDUSTRIES INC.

##### Order Suspending Trading

MAY 18, 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 Star-Glo Industries 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 19, 1973, through May 28, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,  
Secretary.  
[FR Doc. 73-10536 Filed 5-25-73; 8:45 am]

[Release No. 34-10161]

#### NEW YORK, AMERICAN, MIDWEST, PACIFIC AND PBW STOCK EXCHANGES AND NASD

##### Amendments to Plan

The Commission announced receipt of two amendments to the plan jointly filed by the New York, American, Midwest, Pacific, and PBW Stock Exchanges and the NASD on March 2, 1973 (the Plan)<sup>1</sup>, pursuant to rule 17a-15 (17 CFR 240.17a-15) under the Securities Exchange Act of 1934, providing for reporting of prices and volume of completed transactions with respect to securities registered on exchanges. One amendment relates to section VI of the Plan and establishes eligibility criteria for reporting last sale data as to preferred stocks and other types of securities. The other amendment relates to section XI of the Plan and deals with the allocation of costs and revenues in connection with reporting pursuant to the Plan. Copies of the amendments will be available for public inspection in the Commission's public reference room, and all interested persons may submit written comments on them. Any communication should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, should be received on or before June 22, 1973, and should refer to File No. S7-433.

(Secs. 10(b), 15(c), 17(a), 23(a), 48 Stat. 891, 895, 897, 901, 49 Stat. 1377, 1379, 52 Stat. 1075, 1076, 78 Stat. 570, 84 Stat. 1653, 15 U.S.C. 78j(b), 78o(c), 78q, 78w.)

[SEAL] RONALD F. HUNT,  
Secretary.  
MAY 21, 1973.  
[FR Doc. 73-10537 Filed 5-25-73; 8:45 am]

#### TARIFF COMMISSION

[AA1921-121]

##### ALUMINUM INGOTS

##### Notice of Investigation and Hearing

Having received advice from the Treasury Department on May 15, 1973,

<sup>1</sup> The Plan was originally published in the FEDERAL REGISTER at 38 FR 6443, Mar. 9, 1973.



that aluminum ingots from Canada are being, or are likely to be, sold at less than fair value, the U.S. Tariff Commission on May 23, 1973, instituted investigation No. AA1921-121 under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

**Hearing.**—A public hearing in connection with the investigation will be held in the Tariff Commission's hearing room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. 20436, beginning at 10 a.m., e.d.s.t., on Tuesday, June 26, 1973. All parties will be given an opportunity to be present, to produce evidence, and to be heard at such hearing. Requests to appear at the public hearing should be received by the Secretary of the Tariff Commission, in writing, at its office in Washington, D.C., not later than noon, Thursday, June 21, 1973.

Issued May 23, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.73-10602 Filed 5-25-73; 8:45 am]

[TEA-W-200]

#### ERVING SHOE CO., INC.

#### Workers' Petition for Determination; Notice of Investigation

On the basis of a petition filed under section 301(a) (2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Erving Shoe Co., Inc., Lowell, Mass., the U.S. Tariff Commission, on May 23, 1973, instituted an investigation under section 301(c) (2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in items 700.20, 700.43, 700.45, and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such investigation under section 301(c) (2) of threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before June 8, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Street NW., Washington, D.C., and at the New York City office of

the Tariff Commission located in room 437 of the Customhouse.

Issued May 23, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,  
Secretary.

[FR Doc.73-10603 Filed 5-25-73; 8:45 am]

#### DEPARTMENT OF LABOR

##### Office of the Secretary

#### HARRY WISE SHOE CO., INC., EXETER, N.H.

#### Notice of Revised Certification of Eligibility of Workers To Apply for Adjustment Assistance

Following a Tariff Commission report under section 301(c) (2) of the Trade Expansion Act of 1962 (76 Stat. 884), and subsequent investigation as authorized under 29 CFR part 90 and notice in 34 FR 18342; 37 FR 2472; 38 FR 1240, a certification under section 302(c) of the Trade Expansion Act was made on January 26, 1973 certifying that:

All workers, hourly, piecework, and salaried of Wise Shoe Co., Inc., Exeter, N.H., who became unemployed or underemployed after June 27, 1970, and before October 6, 1972 are eligible to apply for adjustment assistance under title III, chapter 3, of the Trade Expansion Act of 1962 (38 FR 3124).

On the basis of a further showing and further investigation by the Director of the Office of Foreign Economic Policy, and pursuant to the provisions of section 302(d) of such act, the certification issued by the Department on January 26, 1973, is hereby revised to change the termination date shown therein and accordingly to include within the coverage of the certification additional workers who became unemployed or underemployed.

Such revised certification is hereby made as follows:

All workers, hourly, piecework, and salaried of Wise Shoe Co., Inc., Exeter, N.H., who became unemployed or underemployed after June 27, 1970, and before October 14, 1972 are eligible to apply for adjustment assistance under title III, chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 21st day of May 1973.

JOEL SEGALL,  
Deputy Under Secretary,  
International Affairs.

[FR Doc.73-10539 Filed 5-25-73; 8:45 am]

#### INTERSTATE COMMERCE COMMISSION

[Notice No. 261]

#### ASSIGNMENT OF HEARINGS

MAY 23, 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 61592 sub 292, Jenkins Truck Line, Inc., now being assigned hearing June 18, 1973 (2 weeks), at the Benson Hotel, 309 SW Broadway, Portland, Ore.

MC 114273 sub 110, Cedar Rapids Steel Transportation, Inc., now being assigned continued hearing July 9, 1973, at the Offices of the Interstate Commerce Commission, Washington, D.C.

AB-68, Lake Superior & Ishpeming Railroad Co. abandonment between Munising and Marquette, and Lawson and Little Lake, in Alger and Marquette Counties, Mich., and FD 27267, Michigan Corporation Trans Northern, Inc., acquisition and operation—between Munising and Eben Junction, Alger County, Mich., now assigned June 25, 1973, at Marquette, Mich., will be held in the U.S. District Courtroom, Federal Building and U.S. Post Office 3d and Washington Street.

MC-133748 sub 3, Lile Moving & Storage Co., now assigned June 4, 1973, at Olympia, Wash., is canceled and the application is dismissed.

MC-C-7840, the Millenbourg Tours, Inc. V Lillian Hofmeister, now assigned June 5, 1973, at Baltimore, Md., postponed to July 9, 1973, in room G-30A, Federal Building, Charles Center, 31 Hopkins Plaza, Baltimore, Md.

MC 96925-4, Jacksonville Transfer & Storage, Inc., now assigned June 11, 1973, at Tallahassee, Fla., canceled and reassigned to June 11, 1973 (3 days), at the Florida Public Service Commission, 2255 Phyllis St., Voyager Building, Jacksonville, Fla., and June 14, 1973 (2 days), at the Florida Public Service Commission, 660 South Orlando Avenue, Winter Park, Fla.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[FR Doc.73-10583 Filed 5-25-73; 8:45 am]

[ICC 98; Rev. S.O. 994]

#### ANN ARBOR RAILROAD CO.

#### Rerouting or Diversion of Traffic

In the opinion of Lewis R. Teeple, agent, the Ann Arbor Railroad Co., is unable to transport traffic over its car ferry between Frankfort, Mich., and Manitowoc, and Kewaunee, Wis., because of required repairs to its boat Arthur K. Atkinson.

It is ordered, That:

(a) The Ann Arbor Railroad Co., being unable to transport traffic over its car ferry between Frankfort, Mich., and Manitowoc, and Kewaunee, Wis., because of required repairs to its boat Arthur K. Atkinson, that line is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.



(b) *Concurrence of receiving roads to be obtained.*—The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.*—Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic. Divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.*—This order shall become effective at 9 a.m., May 17, 1973.

(g) *Expiration date.*—This order shall expire at 11:59 p.m., May 31, 1973, unless otherwise modified, changed, or suspended.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 17, 1973.

INTERSTATE COMMERCE  
COMMISSION,  
LEWIS R. TEEPLE,  
Agent.

[FR Doc.73-10579 Filed 5-25-73;8:45 am]

[ICC 93, Amdt. 2; Rev. S.O. No. 994]

#### BURLINGTON NORTHERN, INC.

##### Rerouting and Diversion of Traffic

Upon further consideration of ICC order No. 93 (Burlington Northern, Inc.) and good cause appearing therefor:

*It is ordered, That:*

ICC order No. 93 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.*—This order shall expire at 11:59 p.m., May 31, 1973, unless

otherwise modified, changed, or suspended.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., May 18, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 18, 1973.

INTERSTATE COMMERCE  
COMMISSION,  
LEWIS R. TEEPLE,  
Agent.

[FR Doc.73-10582 Filed 5-25-73;8:45 am]

[I.C.C.O. 92, Amdt. No. 1; Rev. S.O. No. 994]

#### CHESAPEAKE & OHIO RAILWAY CO.

##### Rerouting and Diversion of Traffic

Upon further consideration of ICC order No. 92 (The Chesapeake & Ohio Railway Co.) and good cause appearing therefor:

*It is ordered, That:*

ICC order No. 92 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.*—This order shall expire at 11:59 p.m., May 31, 1973, unless otherwise modified, changed, or suspended.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., May 19, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 17, 1973.

INTERSTATE COMMERCE  
COMMISSION,  
LEWIS R. TEEPLE,  
Agent.

[FR Doc.73-10581 Filed 5-25-73;8:45 am]

#### FOURTH SECTION APPLICATION FOR RELIEF

MAY 23, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the general rules

of practice (49 CFR 1100.40) and filed on or before June 13, 1973.

*FSA No. 42688.*—Lime between points in various States. Filed by Southwestern Freight Bureau, agent (No. B-404), for interested rail carriers. Rates on lime (calcium), viz: Common lime, in carloads, as described in the application, from points in Arkansas, Colorado, Illinois, Iowa, Missouri, Louisiana, Ohio, Oklahoma, Texas, and Wisconsin, to points in Arkansas, Louisiana, New Mexico, Oklahoma, and Texas; also returned shipments in the reverse direction.

*Grounds for relief.*—Rate relationship, returned shipments.

*Tariff.*—Supplement 7 to Southwestern Freight Bureau, agent, tariff 227-K, ICC No. 5058. Rates are published to become effective on June 22, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,  
Secretary.

[FR Doc. 73-10578 Filed 5-25-73;8:45 am]

[ICC O. 96; Amdt. No. 1; Rev. S.O. 994]

#### ILLINOIS CENTRAL GULF RAILROAD CO.

##### Rerouting or Diversion of Traffic

Upon further consideration of ICC order No. 96 (the Illinois Central Gulf Railroad Co.) and good cause appearing therefor:

*It is ordered, That:*

ICC order No. 96 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date.*—This order shall expire at 11:59 p.m., June 9, 1973, unless otherwise modified, changed, or suspended.

*It is further ordered,* That this amendment shall become effective at 11:59 p.m., May 19, 1973, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., May 17, 1973.

INTERSTATE COMMERCE  
COMMISSION,  
LEWIS R. TEEPLE,  
Agent.

[FR Doc.73-10580 Filed 5-25-73;8:45 am]

[S.O. 1112; Exception 5, Amdt. 1]

#### ILLINOIS CENTRAL GULF RAILROAD CO.

##### Rerouting or Diversion of Traffic

Upon further consideration of exception No. 5 (Illinois Central Gulf Railroad Co.) and good cause appearing therefor:

*It is ordered, That:*

Exception No. 5 to Service Order No.



1112 be, and it is hereby, amended to:  
Expires May 26, 1973.

Issued at Washington, D.C., May 21, 1973.

RAILROAD SERVICE BOARD,  
[SEAL] R. D. PFAHLER,  
Agent.

[PR Doc.73-10584 Filed 5-25-73;8:45 am]

[Notice No. 284]

#### MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission, pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR pt. 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice, any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before June 18, 1973, pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74365. By order of May 18, 1973, the Motor Carrier Board approved the transfer to Stellmont Express, Inc., Camden, N.J., of certificate No. MC-112838 issued February 18, 1969, to Instant Transportation Service, Inc., Philadelphia, Pa., authorizing the transportation of general commodities, with exceptions, between points in the Philadelphia, Pa., commercial zone as defined, on the one hand, and, on the other, points in that part of New Jersey on and south of a line beginning at Trenton and extending in an easterly direction to Red Bank, and north of U.S. Highway 30, not including points on said highway, and not including points within 10 miles of Atlantic City, G. N. Nager, 518 Market Street, Camden, N.J., and Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, Pa. 19102, attorneys for applicants.

No. MC-FC-74308. By order of May 18, 1973, the Motor Carrier Board approved the transfer to McGill's Taxi and Bus Lines, Inc., doing business as Asheboro Coach Co., Asheboro, N.C., of the operating rights in certificate No. MC-134058 issued November 19, 1971, to City Transit Co. of High Point, Inc., High Point, N.C., authorizing the transportation of passengers in round trip charter operations, beginning and ending at High Point, N.C., and points in its commercial zone and extending to points in Florida, Georgia, South Carolina, Tennessee, Virginia, Maryland, and the District of

Columbia. Wilmer B. Hill, suite 805, 666 11th Street NW., Washington, D.C., 20001, attorney for applicants.

No. MC-FC-74432. By order of May 22, 1973, the Motor Carrier Board approved the transfer to Callahan Bros., Inc., Cos Cob, Conn., of that portion of the operating rights in certificate No. MC-7903 issued February 21, 1973, to Jack's Delivery Service, Inc., Greenwich, Conn., authorizing the transportation of household goods (a) between Greenwich, Conn., on the one hand, and, on the other, points in Fairfield County, Conn., (b) between Greenwich, Conn., and points in Connecticut and New York within 30 miles of Greenwich, Conn., on the one hand, and, on the other, points in Maine, Massachusetts, Vermont, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, Maryland, Delaware, Virginia, and the District of Columbia; (c) from New York, N.Y., and Greenwich, Conn., and points in New York and Connecticut within 15 miles of Greenwich, to points in the destination States indicated in (b) above, and (d) from points in the said destination States and the District of Columbia, to points in Connecticut. John E. Fay, 630 Oakwood Avenue, West Hartford, Conn. 06110, attorney for applicants.

No. MC-FC-74433. By order of May 22, 1973, the Motor Carrier Board approved the transfer to Jack's Delivery Service, Inc., Greenwich, Conn., of the operating rights in certificate No. MC-109946 issued November 14, 1972, to Callahan Bros., Inc., Cos Cob, Conn., authorizing the transportation of household goods between Stamford, Conn., and points in Connecticut and New York within 15 miles of Stamford, on the one hand, and, on the other, points in New York, New Jersey, and Pennsylvania. John E. Fay, 630 Oakwood Avenue, West Hartford, Conn. 06110, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,  
Acting Secretary.

[PR Doc.73-10577 Filed 5-25-73;8:45 am]

[Notice No. 68]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 23, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of ex parte No. MC-67 (49 CFR pt. 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of

such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, DC, and also in field office to which protests are to be transmitted.

No. MC 1328 (sub-No. 12 TA), filed April 11, 1973. Applicant: MGS TRANSPORTATION, INC., P.O. Box 270, Alexandria, Ind. 46001. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Expandable polystyrene plastic parts*, from the plantsite of Ducor Products Corp., Portland, Ind., to points in Indiana, Ohio, Michigan, Illinois, Maryland, Massachusetts, Connecticut, New York, Pennsylvania, New Jersey, Delaware, West Virginia, North Carolina, South Carolina, Georgia, Tennessee, Kentucky, Virginia, Wisconsin, Alabama, Mississippi, Louisiana, Arkansas, Missouri, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Florida, and Iowa, for 180 days. Supporting shipper: Ducor Products Corp., Highway 27 North, Portland, Ind., 47371. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, room 204, Fort Wayne, Ind. 46802.

No. MC-26396 (sub-No. 75 TA), filed May 10, 1973. Applicant: Popelka Trucking Co., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Wayne Waggoner (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Particle board*, from the plantsite of Evans Products Co. at Missoula, Mont., to Illinois, California, Wyoming, Wisconsin, Utah, North Dakota, South Dakota, Nebraska, Minnesota, Iowa, Idaho, and Colorado, for 180 days. Supporting shipper: Evans Products Co., P.O. Drawer No. 12, Missoula, Mont. 59801. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, Bureau of Operations, room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC-26396 (sub-No. 76 TA), filed May 10, 1973. Applicant: Popelka Trucking Co., doing business as THE WAGGONERS, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Wayne Waggoner (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Feed ingredients and additives*, in bulk, in bags, and containerized, from Trenton, Mich., Lawrence, Kans., Chicago Heights, Chicago, and Joliet, Ill., Southgate, Calif.,



and Rockwell railyards at Manitowoc, Wis., to Yellowstone and Big Horn Counties, Mont., for 180 days. Supporting shipper: Dyce Sales & Engineering Service Co., P.O. Box 1766, Billings, Mont. 59103. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, Bureau of Operations, room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC-26396 (sub-No. 77 TA), filed May 10, 1973. Applicant: POPELKA TRUCKING CO., doing business as The Waggoners, P.O. Box 990, Livingston, Mont. 59047. Applicant's representative: Wayne Waggoner (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal briquettes, fireplace logs and related items*, such as lighter fluid, wood chips, and barbeque grill base, from Husky Industries plants located at or near Dickinson, N. Dak., to the States of Colorado, Idaho, Montana, Washington, and Wyoming, for 180 days. Supporting shippers: Husky Industries, 62 Perimeter Center East, Atlanta, Ga. 30346. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC-26739 (sub-No. 74 TA), filed May 11, 1973. Applicant: CROUCH BROS., INC., P.O. Box 1059, St. Joseph, Mo. 64502. Applicant's representative: R. A. Dombrowski (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool, mineral wool products, insulating material and insulated air duct*, from Kansas City, Kans., to North Dakota, South Dakota, Wisconsin, and Minnesota, for 180 days. Applicant intends to tack the authority here applied for to authority held by it in docket No. MC-26739 (sub-No. 59), and possibly interline with other carriers at Kansas City, Mo. Supporting shipper: C.S.G. Group of Certain-teed Products Corp., Valley Forge, Pa. 19481. Send protests to: District Supervisor Thomas P. O'Hara, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC-28067 (sub-No. 18 TA), filed May 9, 1973. Applicant: WILLIAMS MOTOR TRANSFER, INC., South Vine Street, Barre, Vt. 05641. Applicant's representative: John P. Monte, 61 Summer Street, Barre, Vt. 05641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stone* (except in dump and hopper-type vehicles) and *stone finishing and setting equipment, materials and supplies* when moving with shipments of stone, from Cleveland, Ohio, to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, New Jersey, Maryland, Delaware, Virginia, Washington, D.C., Pennsylvania, and Ohio, for 90 days. Supporting shipper: Kotecki Monuments, Inc., 3636 West 25th Street, Cleveland, Ohio

44109. Send protests to: District Supervisor Martin P. Monaghan, Jr., Interstate Commerce Commission, 52 State Street, room 5, Montpelier, Vt. 05602.

No. MC 51004 (sub-No. 6 TA) (correction), filed March 23, 1973, published in the *FEDERAL REGISTER* issue of April 9, 1973, and republished as corrected this issue. Applicant: PAUL H. LISKEY, R.F.D. No. 1, Kearneysville, W. Va. 25430. Applicant's representative: Charles E. Creager, Suite 523, 816 Easley Street, Silver Spring, Md. 20910.

**NOTE.**—The purpose of this partial republication is to correct the origin point between Ranson, W. Va. in lieu of Charles Town, W. Va., which was published in error. The rest of the application remains the same.

No. MC 59583 (sub-No. 137 TA), filed May 9, 1973. Applicant: THE MASON AND DIXON LINES, INC., P.O. Box 969, Kingsport, Tenn. 37662. Applicant's representative: D. W. Penland (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, and those injurious or contaminating to other lading) between Chattanooga and Rockwood, Tenn., serving the Tennessee Valley Authority facilities at Watts Bar Nuclear Plant Site and off-route points within 5 miles thereof, and serving Chattanooga and Rockwood for purposes of joinder only, from Chattanooga over U.S. Highway 27 to intersection with Tennessee Highway 68, thence over Tennessee Highway 68 to Watts Bar Nuclear Plant Site, thence over Tennessee Highway 68 to intersection with U.S. Highway 27, thence over U.S. Highway to Rockwood, and return over the same route, for 180 days. Applicant does intend to tack authority here applied for to other authority held by it in No. MC 59583. Supporting shipper: Tennessee Valley Authority, Chattanooga, Tenn. Send protests to: District Supervisor Joe J. Tate, Interstate Commerce Commission, Bureau of Operations, 803 1808 West End Building, Nashville, Tenn. 37203.

No. MC 106839 (sub-No. 4 TA), filed May 10, 1973. Applicant: LARSEN MOTOR LINES, INC., 440 Erato Street, P.O. Box 1673, New Orleans, La. 70130. Applicant's representative: Henry J. O'Connor, Jr., Oil & Gas Building, 1100 Tulane Avenue, New Orleans, La. 70112. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *Refrigerants and such merchandise as is dealt in by retail hardware and appliance stores*, from New Orleans, La., and its commercial zone to Pascagoula, Miss., and return, serving all intermediate points, over U.S. Highway 90, Interstate Highway 10, and connecting highways, for 180 days. Supporting shippers: John E. Koerner & Co., Inc., 218 Airline Highway,

Metairie, La. 70001, Douglas Public Service Corp., P.O. Box 53066, New Orleans, La. 70150, NAPKO Paint Co., 5900 Jefferson Highway, P.O. Box 23158, New Orleans, La. 70123, and A. J. Warehouse, Inc., 2740 Arts Street, New Orleans, La. 70122. Send protests to: Paul D. Collins, District Supervisor, Interstate Commerce Commission, T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC-107496 (sub-No. 891 TA), filed May 14, 1973. Applicant: RUAN TRANSPORT CORP., Third and Keosauqua Way, Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, in bulk, in tank vehicles, from Koppers Co., Inc.'s plant site at Savage, Minn., to Sioux Falls, S. Dak., for 150 days. Supporting shipper: Koppers Co., Inc., Koppers Building, 436 Seventh Avenue, Pittsburgh, Pa. 15219. Send protests to: Herbert W. Allen, Interstate Commerce Commission, Bureau of Operations, 875 Federal Building, Des Moines, Ia. 50309.

No. MC-107882 (sub-No. 29 TA), filed May 14, 1973. Applicant: Armored Motor Service Corp., 160 Ewingville Road, Trenton, N.J. 08638. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food coupons*, between points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: General Services Administration, Federal Supply Service, Washington, D.C. 20406. Send protests to: District Supervisor Richard M. Regan, Interstate Commerce Commission, 428 East State Street, room 204, Trenton, N.J. 08608.

No. MC-112582 (sub-No. 41 TA), filed May 9, 1973. Applicant: T. M. ZIMMERMAN CO., P.O. Box 380, Chambersburg, Pa. 17201. Applicant's representative: John M. Musselman, 410 North Third Street, Harrisburg, Pa. 17108.

Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wellston, Ohio, to points in Pennsylvania, New Jersey, New York, and Virginia, for 180 days. Supporting shipper: Banquet Foods Corp., 515 Olive Street, St. Louis, Mo. 63101. Send protests to: District Supervisor Robert W. Ritenour, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC-113024 (sub-No. 126 TA), filed May 9, 1973. Applicant: ARLINGTON J. WILLIAMS, INC., R.D. No. 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005.

Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Garden and industrial hose* from Wilmington, Del., to Lithonia, Ga., and yarn from Mansfield,



Ga., to Wilmington, Del., for the account of Electric Hose & Rubber Co., Wilmington, Del., for 180 days. Supporting shipper: Electric Hose & Rubber Co., P.O. Box 910, Wilmington, Del. 19899. Send protests to: District Supervisor William L. Hughes, Interstate Commerce Commission, 814-B Federal Building, Baltimore, Md. 21201.

No. MC-113651 (sub-No. 156 TA), filed May 11, 1973. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. 47303. Applicant's representative: Henry A. Dillon (same as applicant).

Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk), and dressed rabbits when shipped in mixed shipments with meat, meat products, meat byproducts and articles distributed by meat packinghouses, from Denver, Colo., to Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, District of Columbia, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Kentucky, Ohio, Michigan, Indiana, Illinois, Louisiana, Mississippi, Iowa, Texas, Arkansas, Oklahoma, and Missouri, for 180 days. Supporting shippers: A & B Rabbit Processors, 6161 Colorado Boulevard, Denver, Colo.; Litvak Meat Co., Inc., 5900 York Street, Denver, Colo. 80216; Roth Boneless Beef, Inc., 4955 Jackson Street, Denver, Colo. 80216; and Wilhelm Foods, Inc., 5590 High Street, Box 16427, Denver, Colo. 80216. Send protests to: District Supervisor J. H. Gray, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, room 204, Fort Wayne, Ind. 46802.

No. MC-114457 (sub-No. 147 TA), filed May 9, 1973. Applicant: DART TRANSIT CO., 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Mineral wool, mineral wool products, insulating material, and insulated air duct*, from Kansas City, Kans., to points in Minnesota, Wisconsin, North Dakota, and South Dakota, for 180 days. Supporting shipper: C.S.G. Group of Certain-teed Products Corp., Valley Forge, Pa. 19481. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC-116077 (sub-No. 341 TA), filed May 8, 1973. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop S., suite 1800, Houston, Tex. 77027. Applicant's representative: James C. Browder (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes,

transporting: *Nitric acid*, in bulk, in tank vehicles, from Westlake, La., to Pasadena, Tex., for 180 days. Supporting shipper: Industrial Chemicals Division, Olin Corp., 120 Long Ridge Road, Stamford, Conn. 06904. Send protests to: John C. Redus, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 61212, Houston, Tex. 77061.

No. MC-119493 (sub-No. 101 TA), filed May 8, 1973. Applicant: MON KEM CO., INC., P.O. Box 1196, West 20th Street Road, Joplin, Mo. 64801. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer materials, and fertilizer compounds*, in bags or in packages, from Chanute, Kans., to points in Arkansas, Missouri, and Oklahoma, for 150 days. Supporting shipper: Swift Agricultural Chemicals Corp., 111 West Jackson Boulevard, Chicago, Ill. Send protests to: District Supervisor John V. Barry, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC-120859 (sub-No. 2 TA), filed May 14, 1973. Applicant: SHANE TRUCK LINE, INC., 707 Jefferson Avenue, Clovis, Calif. 93612. Applicant's representative: William H. Kessler, 638 Divisadero Street, Fresno, Calif. 93721. Authority sought to operate as a contract carrier, by motor vehicle, over irregular routes, transporting: *Plaster*, in bags, from Arden, Nev., to Fresno, Calif., for 180 days. Supporting shipper: Duncan Ceramic Products, Inc., 5673 East Shields Avenue, Fresno, Calif. 93727. Send protests to: District Supervisor Claude W. Reeves, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC-123048 (sub-No. 258 TA), filed May 14, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. 53403. Applicant's representative: Paul C. Gartzke, 121 West Doty Street, Madison, Wis. 53703. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *Metal buildings*, knocked down; (2) *iron or steel conduit*; (3) *iron or steel conduit fittings*; and (4) *materials, equipment, and supplies* used in the manufacture, sale, or distribution of the commodities named in (1), (2), and (3) above, from Parkersburg, W. Va., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Maryland, Delaware, District of Columbia, Virginia, Kentucky, Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas, for 180 days. Supporting shipper: Walker-Parkersburg, Division of Tectron, Inc., Parkersburg, W. Va. Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Oper-

ations, 135 West Wells Street, room 807, Milwaukee, Wis. 53203.

No. MC-123982 (sub-No. 7 TA), filed May 10, 1973. Applicant: W & L MOTOR LINES, INC., P.O. Drawer 1226, 75 10th Street SE., Hickory, N.C. 28601. Applicant's representative: Theodore Polydoroff, 1250 Connecticut Avenue NW., Washington, D.C. 20036. Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *New furniture*, from points in Alexander, Caldwell, Cleveland, Iredell, Lincoln, McDowell, and Wilkes County, N.C., to points in Wisconsin, for 180 days. Supporting shippers: Numerous support statements have been filed with the application and can be examined in Washington, D.C. or the field office named below. Send protests to: Mr. Terrell Price, Interstate Commerce Commission, Bureau of Operations, room CC516, Mart Office Building, 800 Briar Creek Road, Charlotte, N.C. 28205.

No. MC-124692 (sub-No. 111 TA), filed May 14, 1973. Applicant: SAMMONS TRUCKING, P.O. Box 1447, Missoula, Mont. 59801. Applicant's representative: J. David Douglas (same as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from Sheridan, Wyo., to points in Iowa, Illinois, Wisconsin, Indiana, and Michigan, for 180 days. Supporting shipper: Wyoming Sawmills, Inc., P.O. Box 6088, Sheridan, Wyo. 82801. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, Bureau of Operations, room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC-125994 (sub-No. 4 TA), filed May 11, 1973. Applicant: BILL WOCKNER TRUCKING, INC., 4004 Northeast 178th Street, Seattle, Wash. 98155. Applicant's representative: Bill Wockner (same as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas and other fruit and produce*, from Long Beach, Calif., to Portland, Oreg., Seattle, Wash., and Vancouver, B.C., and Seattle, Wash., to Vancouver, B.C., for 180 days. Supporting shippers: Consolidated Fruit & Produce Co., Inc., 1916 Occidental Avenue South, Seattle, Wash. 98134; Rosella's Fruit & Produce, Inc., 1540 Occidental Avenue, South, Seattle, Wash. 98134; Standard Fruit & Steamship Co., 1450 Panorama Drive, Long Beach, Calif. 90802; United Fruit & Produce Co., Inc., 1500 Occidental Avenue, Seattle, Wash. 98134; Standard Fruit & Steamship Co., Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 126102 (sub-No. 17 TA), filed May 10, 1973. Applicant: ANDERSON MOTOR LINES, INC., 86 Washington Street, Plainville, Mass. 02762. Applicant's representative: Robert G. Parks, 306 Dartmouth Street, Boston, Mass. 02116. Authority sought to operate as a contract carrier, by motor vehicle, over



irregular routes, transporting: *Toys and games*, from Pawtucket, R.I. to points in the United States, for 180 days. Supporting shipper: Hasbro Industries, Inc., 1027 Newport Avenue, Pawtucket, R.I. 02861. Send protests to: Gerald H. Curry, District Supervisor, 187 Westminster Street, Providence, R.I. 02903.

No. MC 127651 (sub-No. 12 TA), filed May 14, 1973. Applicant: EVERETT G. ROEHL, INC., 201 West Upham Street, Marshfield, Wis. 54449. Applicant's representative: Nancy J. Johnson, 4506 Regent Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood doors, accessories*, from Marshfield, Wis., to points in Illinois on and north of U.S. Highway 6, and points in Indiana and Iowa, for 180 days. Supporting shipper: Graham Manufacturing Corp., 1920 East 26th Street, Marshfield, Wis. 54449. Send protests to: Barney L. Hardin, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, room 202, Madison, Wis. 53703.

No. MC-128375 (sub-No. 96 TA), filed May 11, 1973. Applicant: CRETE CARRIER CORP., P.O. Box 249, 1444 Maine, Crete, Nebr. 68333. Applicant's representative: Duane W. Ackle (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle friction material, parts, accessories, and related items* used in the manufacture, production, and packaging of those items (except in bulk, and those commodities which, because of size and weight, require special equipment), between the plant site and facilities of the Maremont Corp. at or near Paulding, Ohio, on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, Idaho, Kentucky, Montana, Nevada, New Mexico, North Dakota, Ohio, South Dakota, and Nashville, Tenn.) under continuing contract with the Maremont Corp., for 180 days. Supporting shipper: The Maremont Corp., 168 North Michigan Avenue, Chicago, Ill. 60601. Send protests to: District Supervisor Carroll Russell, Interstate Commerce Commission, Bureau of Operations, 711 Federal Building, 106 South 15th Street, Omaha, Nebr. 68102.

No. MC-128375 (sub-No. 97 TA), filed May 11, 1973. Applicant: CRETE CARRIER CORP., P.O. Box 249, 1444 Maine, Crete, Nebr. 68333. Applicant's representative: Duane W. Ackle (same as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts and accessories and those commodities used in the manufacture, production, and distribution of motor vehicle parts and accessories* (except in bulk and except those commodities which because of their size and weight require the use of special equipment) between Ripley, Tenn., on the one hand, and, on the other, Arizona, Arkansas, Cali-

fornia, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Kansas (except Kansas City), Kentucky (except Louisville), Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Montana, Nebraska (except Omaha), Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Oregon, Rhode Island, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, under continuing contract with the Maremont Corp., for 180 days. Restricted to traffic originating or terminating at the plant or facilities of the Maremont Corp. near Ripley, Tenn. Supporting shipper: The Maremont Corp., 168 North Michigan Avenue, Chicago, Ill. 60601. Send protests to: District Supervisor Carroll Russell, 711 Federal Building, 106 South 15th Street, Omaha, Nebr. 68102.

No. MC-135052 (sub-No. 5 TA), filed May 9, 1973. Applicant: ASHCRAFT TRUCKING, INC., 875 Webster Street, Shelbyville, Ind. 46176. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mineral wool (glasswool), rock, slag or glass (fiberglass), batts, batting, or blankets*, in packages or boxes, plain or saturated, with or without vapor barriers (cloth, paper, plastic, film or foil), from Cleveland, Ohio to points and places in Illinois, Indiana, Kentucky, Missouri and Michigan, for 180 days. Supporting shipper: Glecon, Inc., 2909 East 79th Street, Cleveland, Ohio, and Cleveland Glass Insulations, Inc., 1410 Chardon Road, Cleveland, Ohio. Send protests to: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 135142 (sub-No. 3 TA), filed April 10, 1973. Applicant: K & R TRANSPORTATION, INC., 253 East 21st South, Salt Lake City, Utah 84115. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from points in New York, New Jersey, Pennsylvania, Massachusetts, Maine, Maryland, Illinois, Virginia, and Ohio to New Orleans, Louisiana; between New Orleans, Louisiana, and Salt Lake County, Utah, San Francisco, and Los Angeles, Calif., for 180 days. Supporting shipper: Holly World Foods, Inc., 310 Townsend Street, San Francisco, Calif. 94107. Send protests to: Lyle D. Helfer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5239 Federal Building, 125 South State Street, Salt Lake City, Utah 84111.

No. MC-136211 (sub-No. 14 TA), filed May 14, 1973. Applicant: MERCHANTS HOME DELIVERY SERVICE, INC., 210 St. Mary's Drive, suite G (P.O. Box 5067),

Oxnard, Calif. 93030. Applicant's representative: Joseph E. Rebman, suite 1230, Boatmen's Bank Building, St. Louis, Mo. 53102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, crated and uncrated, from the facilities of Wickes Furniture Division of the Wickes Corp. in Maryland Heights, St. Louis County, Mo., to points in that part of Illinois on, south and west of a line beginning at the Illinois-Missouri State line at Quincy, Ill., and extending easterly along U.S. Highway 24 to junction U.S. Highway 136, thence east along U.S. Highway 136 to junction U.S. Highway 51, thence south along U.S. Highway 51 to junction Illinois Highway 146, thence west and south along Illinois Highway 146 to the Illinois-Missouri State line, under a continuing contract or contracts with Wickes Furniture Division of the Wickes Furniture Corp. Return movements of the above specified commodities (returned or rejected at the time of delivery or subsequently) from the above specified destinations to the specified origin, for 180 days. Supporting shipper: Wickes Furniture Division, The Wickes Corp., 2332 Millpark Drive, St. Louis, Mo. 63043. Send protests to: District Supervisor Walter W. Strakosch, Interstate Commerce Commission, Bureau of Operations, room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC-138059 (sub-No. 2 TA), filed May 11, 1973. Applicant: NORTHWEST TRANSPORT, 5165 G Street, Chino, Calif. 91710. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, Calif. 90621. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bead bags*, weighing not over 1 lb/ft<sup>3</sup>, from City of Industry, Calif., to points in Arizona, Colorado, Idaho, Kansas, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming; (2) *cushioning and packaging material*, weighing less than 4 lb/ft<sup>3</sup>, from LaVerne, Calif., to destination States named in paragraph (1); (3) *scrap paper*, from destination States named in paragraph (1), to LaVerne, Calif.; (4) *tissue paper*, from St. Helena, Oreg., to LaVerne, Calif., for 180 days. Supporting shippers: Plymouth Enterprises, Inc., 537 Hofgaarden Street, City of Industry, Calif. 91744; Paper-Pak Products, Inc., 1941 White Avenue, P.O. Box 398, LaVerne, Calif. 91750. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 138143 (sub-No. 1 TA), filed May 14, 1973. Applicant: SPECIALIZED CARTAGE, INC., 1400 East Anaheim Street, Wilmington, Calif. 90744. Applicant's representative: Donald Murchison, suite 400, Glendale Federal Building, 9454 Wilshire Boulevard, Beverly Hills,



Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel beams and accessory parts* incidental thereto, from Los Angeles County, Calif. to Ada Canyon, Payette, and Washington Counties, Idaho, for 180 days. Supporting shipper: Crest Steel Corp./Marcrest Pacific Co., Inc., 24724 Wilmington Avenue, Wilmington, Calif. 90744. Send protests to: District Supervisor John E. Nance, Interstate Commerce Commission, Bureau of Operations, room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 138313 (sub-No. 3 TA), filed May 10, 1973. Applicant: MACK E. BURGESS, doing business as Builders' Transport, 409 15th Street SW., Great Falls, Mont. 59404. Applicant's representative: Irene Warr, Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pumice*, in bulk, from Malad, Idaho to Great Falls, Mont., for 180 days. Supporting shipper: Montana Block Co., P.O. Box 2750, Great Falls, Mont. 59403. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 138429 (sub-No. 3 TA), filed May 11, 1973. Applicant: ASI, INC., P.O. Box 10444, Jacksonville, Fla. 32207. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is marketed by home products distributors for the account of Amway Corp.*, between points in North Carolina, restricted to traffic originating in Atlanta, Ga., and destined to home deliveries, for 180 days. Supporting shipper: Amway Corp., 100 Wheaton Drive, Atlanta, Ga. 30336. Send protests to: District Supervisor G. H. Fauss, Jr., Interstate Commerce Commission, Bureau of Operations, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 138604 TA (correction), filed April 10, 1973, published in the *FEDERAL REGISTER* issue of April 27, 1973, and republished as corrected this issue. Applicant: WILLIAM THOMAS WHITE, doing business as Quick Delivery Service, 251 West 39th Street, New York, N.Y. Applicant's representative: Arthur J. Piken, 1 Lefrak City Plaza, Flushing, N.Y. 11368.

Note.—The purpose of this partial republication is to correct the origin point between Westbury, Long Island, N.Y., in lieu of Westbury, and Long Island, N.Y., which was published in error. The rest of the application remains the same.

No. MC 138607 TA (amendment), filed April 12, 1973, published in the *FEDERAL REGISTER* issue of April 27, 1973, and republished as amended this issue. Applicant: P. & N. Truck Service, Inc., 2821 Orindale Road, Klamath Falls, Ore.

97691. Applicant's representative: Paul L. Neal, Klamath Falls, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer, wine, empty bottles, cases, pallets, and kegs* in related industry, between points in Oregon (except points in Clatsop, Columbia, Washington, Multnomah, and Clackamas Counties), and points in that part of California, beginning at Orland, thence east on California Highway 32 to Chico, thence south on California Highway 99 to Marysville, thence south on California Highway 65 to Roseville, thence east on Interstate Highway 80 to Auburn, thence south on California Highway 49 to Oakhurst, thence along a line in a southerly direction on the west side of the Sierra Nevada Mountains to Mojave, thence east on California Highway 58 to Four Corners, thence south on U.S. Highway 395 to Escondido, thence west on California Highway 78 to Oceanside, thence north on California Highway 1 to Fort Bragg, thence east on California Highway 20 to Williams, thence north on Interstate Highway 5 to point of beginning at Orland, for 180 days. Supporting shippers: Numerous shippers, may be examined in ICC offices. Send protests to: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, Ore. 97204.

Note.—The purpose of this republication is to show that applicant intends to perform a between operation, rather than a from and to operation, and also to clarify the territory proposed to be served.

No. MC 138694 TA, filed May 8, 1973. Applicant: RALPH ADAMS, doing business as BLUE LINE TRUCKING, Cherry Valley, Calif. 92223. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, Calif. 90621. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Steel grinding balls*, having prior movement by rail, in bulk in shipper-owned buckets, from Indio, Calif., to Eagle Mountain, Calif., for the account of Kaiser Steel Corp., for 180 days. Supporting shipper: Kaiser Steel Corp., 300 Lakeside Drive, Oakland, Calif. 94612. Send protests to: John E. Nance, Officer-in-charge, Interstate Commerce Commission, Bureau of Operations, room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC-138697 (sub-No. 1 TA), filed May 10, 1973. Applicant: COURTESY MOBILE HOME TRANSPORTATION, INC., Route 4, Kallispell, Mont. 59901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, with or without personal property, new or used, to be jointed with same similar buildings and sections of buildings on site, between points and places in Montana and points and places in North Dakota, South Dakota, Wyoming, Idaho, Washington, Oregon, Nebraska, and Colorado, for 180 days. Supporting shippers: Numerous statements of support

were filed with the application which can be examined in Washington, D.C. Send protests to: District Supervisor Paul J. Labane, Interstate Commerce Commission, Bureau of Operations, room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 138706 TA, filed May 10, 1973. Applicant: Anthony Mule and Joseph Palazzolo, doing business as ITALIAN COURIERS OF AMERICA, 6101 Catalpa Avenue, Ridgewood, N.Y. 11227. Applicant's representative: Larsh B. Mewhinney, 235 Mamaroneck Avenue, White Plains, N.Y. 10605. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed securities quotation reports and bond offering reports*, from New York, N.Y., to Philadelphia, Pa., Wilmington, Del., and points in places in New Jersey, and (2) *Cash letters* from New York, N.Y., to points and places in New Jersey, for 180 days. Supporting shippers: First National City Bank, 399 Park Avenue, New York, N.Y. 10022; The Blue List Publishing Company, 345 Hudson Street, New York, N.Y.; and National Quotations Bureau, Inc., 116 Nassau Street, New York, N.Y. Send protests to: District Supervisor Paul W. Assenze, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc.73-10575 Filed 5-25-73;8:45 am]

[Notice No. 67]

#### MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 22, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of *Ex parte No. MC-67* (49 CFR Part 1131), published in the *FEDERAL REGISTER*, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the *FEDERAL REGISTER* publication, within 15 calendar days after the date of notice of the filing of the application is published in the *FEDERAL REGISTER*. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and 6 copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in



field office to which protests are to be transmitted.

No. MC 76 (sub-No. 2 TA), filed May 3, 1973. Applicant: MAWSON & MAWSON, INC., P.O. Box 125, Old Lincoln Highway, Langhorne, Pa. 19047. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Wheel and axle assemblies and parts and accessories therefor*, moving in straight or mixed loads, from Pine Grove, Schuylkill County, Pa., to points in New York and Ohio; and (b) *articles used in the manufacture of the commodities named in (a) above* from points in Ohio to Pine Grove, Schuylkill County, Pa., for 180 days. Supporting shipper: Foreman Manufacturing Co., division of Motor Wheel Corp., Rural Route No. 1, Pine Grove, Pa. 17963. Send protests to: F. W. Doyle, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, room 1600, Philadelphia, Pa. 19102.

No. MC 1783 (sub-No. 15 TA), filed May 9, 1973. Applicant: BLUE LINE EXPRESS, INC., 260 D. W. Highway, Nashua, N.H. 03060. Applicant's representative: Earl McCutcheon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Boots and shoes and machinery, except that requiring special equipment, and materials and supplies used in the manufacture thereof*, serving Plainview, N.Y., as an off-route point in connection with carrier's regular route operations, between Lawrence, Mass., and New York, N.Y., and serving Brewer, Maine, and Bangor, Maine, as off-route points in connection with carrier's regular route operations, between Boston, Mass., and Madison, Maine, for 180 days.

**NOTE.**—Applicant states that it does intend to tack with the authority in No. MC 1783 sub and sub 14.

Supporting shipper: Amfesco Industries, Inc., 2 Amfesco Drive, Plainview, N.Y. 11803. Send protests to: District Supervisor Ross J. Seymour, Interstate Commerce Commission, Bureau of Operations, 424 Federal Building, Concord, N.H. 03301.

No. MC 3854 (sub-No. 22 TA), filed May 10, 1973. Applicant: BURTON LINES, INC., P.O. Box 11306, East Durham Station, Durham, N.C. 27703. Applicant's representative: Edward G. Villalon, 425 13th Street NW., suite 103, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reconstituted, reconstructed, or homogenized tobacco*, from Danville, Va., to Louisville, Ky., for 180 days. Supporting shipper: Lorillard, a division of Loew's Theatres, Inc., 2525 East Market Street, Greensboro, N.C. 27401. Send protests to: Archie W. Andrews, District Supervisor, Interstate

Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 30513 (sub-No. 13 TA), filed May 10, 1973. Applicant: NORTH STATE MOTOR LINES, INC., Mail: P.O. Box 4108, U.S. Highway 301, Bypass South, Rocky Mount, N.C. 27801. Applicant's representative: Edward G. Villalon, 425 13th Street NW., suite 1032, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reconstituted, reconstructed, or homogenized tobacco*, from Danville, Va., to Louisville, Ky., for 180 days. Supporting shipper: Lorillard, a division of Loew's Theatres, Inc., 2525 East Market Street, Greensboro, N.C. 27401. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 31600 (sub-No. 664 TA), filed May 8, 1973. Applicant: P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. 02154. Applicant's representative: David McAllister (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from Winstead, Conn., to points in Massachusetts on and west of Highway 5, for 180 days. Supporting shipper: Keratene Co., Box 560, Winstead, Conn. Send protests to: Darrell W. Hammons, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway Street, fifth floor, Boston, Mass. 02114.

No. MC 35807 (sub-No. 36 TA), filed May 11, 1973. Applicant: WELLS FARGO ARMORED SERVICE CORP., Mailing: P.O. Box 4313, 210 Baker Street NW. 30313, Atlanta, Ga. 30302. Applicant's representative: Melvin E. Baillet (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from West Point and New York, N.Y., to points within the Chicago, Ill., commercial zone, for 180 days. Supporting shipper: General Services Administration, Federal Supply Service, Washington, D.C. 20406. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, 1252 West Peachtree Street NW., room 309, Atlanta, Ga. 30309.

No. MC 94265 (sub-No. 241 TA), filed May 10, 1973. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 305, Windsor, Va. 23487. Applicant's representative: Harry G. Buckwalter, P.O. Box 305, Windsor, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Wellston, Ohio to points in Pennsylvania, New Jersey, New York, and Virginia, for 180 days. Supporting shipper: Banquet Foods Corp., 515 Olive Street, St. Louis, Mo.

63101. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, 400 North Eighth Street, Richmond, Va. 23240.

No. MC 99427 (sub-No. 20 TA), filed May 10, 1973. Applicant: ARIZONA TANK LINES, INC., P.O. Box 6918, Phoenix, Ariz. 85005. Applicant's representative: William Dimorrow (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste solvents*, in bulk, in tank vehicles, from Phoenix, Ariz., to Chicago, Ill., for 180 days. Supporting shipper: Motorola, Inc., P.O. Box 20921, Phoenix, Ariz. 85036. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, room 3427, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 110563 (sub-No. 108 TA), filed May 8, 1973. Applicant: COLDWAY FOOD EXPRESS, INC., Box 747, Sidney, Ohio 45365. Applicant's representative: John L. Maurer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates*, 61 MCC 308 and 766 (except animal fats, greases and blends thereof, commodities in bulk, and hides), from Mankato, Kans., to points in New York, Pennsylvania, New Jersey, Maryland, Massachusetts, Connecticut, Rhode Island, and Washington, D.C., for 180 days. Supporting shipper: Dubuque Packing Co., 1410 East 21st Street, Wichita, Kans. Send protests to: District Supervisor Keith D. Warner, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 111545 (sub-No. 183 TA), filed May 11, 1973. Applicant: HOME TRANSPORTATION CO., INC., 1425 Franklin Road SE., P.O. Box 6424, Station A, Marietta, Ga. 30060. Applicant's representative: Robert E. Born, P.O. Box 6426, A Station, Marietta, Ga. 30060. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors (except truck tractors) and parts, implements, attachments, accessories, and supplies for tractors*, from Jacksonville, Fla., and Savannah, Ga., to points in Louisiana, Missouri, Illinois, Iowa, Wisconsin, Kentucky, Indiana, Ohio, the Lower Peninsula of Michigan, Virginia, West Virginia, Maryland, Delaware, New Jersey, and Pennsylvania, for 180 days. Supporting shipper: J. I. Case Co., 700 State Street, Racine, Wis. 53404. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., room 309, Atlanta, Ga. 30309.



No. MC 113024 (sub-No. 125 TA), filed May 9, 1973. Applicant: ARLINGTON J. WILLIAMS, INC., Rural Delivery No. 2, South Du Pont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Garden and industrial hose and materials and supplies* used in the production thereof, between Elmhurst, Ill., and Wilmington, Del., and Box Butte and Red Willow Counties, Nebr., for the account of Electric Hose & Rubber Co., Wilmington, Del., for 180 days. Supporting shipper: Fred H. Evick, director of distribution, Electric Hose & Rubber Co., P.O. Box 910, Wilmington, Del. 19899. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814-B Federal Building, Baltimore, Md. 21201.

No. MC 114004 (sub-No. 129 TA), filed April 30, 1973. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, P.O. Box 1715, 72203, Little Rock, Ark. 72209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings* in section mounted on wheeled undercarriages, from origins which are points of manufacture, from Greenwood, Miss., to points in Alabama, Arkansas, Louisiana, Tennessee, Florida, Michigan, Missouri, Ohio, and Texas, for 180 days. Supporting shipper: Leflore Homes, a division of Guerdon Industries, P.O. Box 1756, Greenwood, Miss. 38930. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 114312 (sub-No. 26 TA), filed May 7, 1973. Applicant: ABBOTT TRUCKING, INC., Route 3, Box 74, Delta, Ohio 43515. Applicant's representative: John P. McMahon, Columbus Center, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed*, from Chicago, Ill., to points in Michigan for 180 days. Supporting shipper: Falstaff Brewing Corp., 5050 Oakland Avenue, St. Louis, Mo. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 115944 (sub-No. 9 TA), filed May 10, 1973. Applicant: THE BRISSON TRUCKING CO., INC., 4415 McIntyre, Golden, Colo. 80401. Applicant's representative: Leslie R. Kehl, 1600 Lincoln Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Malt beverages and related advertising material, bottle and can openers and can and keg tappers*, when transported in mixed shipments with

malt beverages, from Golden, Colo., to Parker, Ariz., for 180 days. Supporting shippers: Pearce Distributing Co., 5032 West Colter Street, Glendale, Ariz. 85301; Adolph Coors Co., Golden, Colo. 80401. Send protests to: District Supervisor Roger L. Buchanan, 2022 Federal Building, 1961 Stout Street, Denver, Colo. 80202.

No. MC 128988 (sub-No. 23 TA), filed May 8, 1973. Applicant: JO/KEL, INC., 15055 East Salt Lake Avenue, P.O. Box 1249, City of Industry, Calif. 91749. Applicant's representative: Ernest D. Salm, 8179 Havasu Circle, Buena Park, Calif. 90621. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Air-conditioning, camping, heating, recreational and mobile home equipment, and equipment, material, and supplies* utilized in the manufacture, distribution, and sale of air-conditioning, camping, heating, mobile home, and recreational equipment for the account of the Coleman Co., from Santa Fe Springs, Calif., to Forest City, Iowa, and points within 10 miles thereof, for 180 days. Supporting shipper: The Coleman Co., Inc., 250 North Saint Francis, Wichita, Kans. 67202. C. G. Dolloff, corporate traffic manager. Send protests to: John E. Nance, Officer-in-Charge, Interstate Commerce Commission, Bureau of Operations, room 7708, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134872 (sub-No. 6 TA), filed May 9, 1973. Applicant: GOSSELIN EXPRESS LTD., 141 Smith Boulevard, Thetford Mines, P.Q., Canada. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, N.Y. 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos*, in bags, from ports of entry on the international boundary lines between the United States and Canada located at Champlain, N.Y., and Derby Line, Vt., to New York City, N.Y., Cleveland and Boydsville, Ohio, Hartford, Meriden, New Haven, and Stratford, Conn., Providence, R.I., Meredith, N.H., Boston, East Walpole, Fall River, South Braintree, Walpole, and North Brookfield, Mass., Secaucus, Berlin, Boundbrook, Linden, Newark, Camden, Garwood, Bayonne, East Rutherford, Hoboken, Jersey City, New Brunswick, Trenton, and Passaic, N.J., Philadelphia, Norristown, North Wales, Lancaster, Lansdale, Harrisburg, Manheim, and Ridgway, Pa., and Lowell, Vt., for 180 days. Supporting shippers: Bell Asbestos Mines, Ltd., P.O. Box 99, Thetford Mines, Que.; Gold Bond Building Products, 325 Delaware Avenue, Buffalo, N.Y. 14202. Send protests to: District Supervisor Ross J. Seymour, Bureau of Operations, Interstate Commerce Commission, 424 Federal Building, Concord, N.H. 03301.

No. MC 136318 (sub-No. 7 TA), filed May 10, 1973. Applicant: COYOTE TRUCK LINE, INC., 395 1/2-B Fleming Drive, Morganton, N.C. 28655. Applicant's representative: William C. Snelson

(same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture* from Lenoir and Thomasville, N.C., to points in California, for 180 days. Supporting shipper: Thomasville Furniture Industries, Inc., Thomasville, N.C. Send protests to: Terrell Price, Bureau of Operations, Interstate Commerce Commission, 800 Briar Creek Road, room CC516, Charlotte, N.C. 28205.

No. MC 136602 (sub-No. 3 TA), filed May 10, 1973. Applicant: ARIZONA WESTERN TRANSPORT INC., P.O. Box F, Chandler, Ariz. 85224. Applicant's representative: A Michael Bernstein, 1327 United Bank Building, Phoenix, Ariz. 85012. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Water*, in bulk, in tank vehicles and fire extinguishing compounds, between points in Arizona, and points in New Mexico, for 180 days.

NOTE.—Occasionally the commodities will be transported in shippers trailers pulled by carrier's power unit.

Supporting shipper: Monsanto Co., P.O. Box 120, Santa Clara, Calif. 95052. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 3427, Federal Building, 230 North First Avenue, Phoenix, Ariz. 85025.

No. MC 138438 (sub-No. 2 TA), filed May 10, 1973. Applicant: DONALD M. BOWMAN, JR., Route 3, Box 26, office, 15 East Oak Ridge, residence, 5 North Clifton Drive, Williamsport, Md. 21795, Hagerstown, Md. 21740. Applicant's representative: Charles E. Creager, suite 523, 816 Easley Street, Silver Spring, Md. 20910. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe, conduit, couplings, fittings, and accessories* necessary for the installation thereof, in vehicle equipped with mechanical unloading devices (except commodities in bulk), from the plantsite and storage facilities of Certain-Teed Products Corp., Williamsport, Md., to destinations in Connecticut, Delaware, District of Columbia, Indiana, Kentucky, Maine, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, and West Virginia; and (2) *vinyl siding and accessories* necessary for the installation thereof, from the plantsite and storage facilities of Certain-Teed Products Corp. at Williamsport, Md., to destinations in Connecticut, Delaware, District of Columbia, Maine, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, and Virginia, for 180 days. Supporting shipper: Certain-Teed Products Corp., Valley Forge, Pa. 19481. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.



No. MC 138635 (sub-No. 1 TA), filed May 9, 1973. Applicant: CAROLINA WESTERN EXPRESS, INC., 650 Eastwood Drive, Gastonia, N.C. 28052. Applicant's representative: David L. Bayne (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textile machinery*, *textile machinery parts*, from points in Gaston County, N.C., to points in California, for 180 days. Supporting shippers: Belmont Textile Machinery, Co., Inc., Belmont, N.C.; Gaston County Dyeing Machine Co., Stanley, N.C. Send protests to: Terrell Price, 800 Briar Creek Road, room CC516, Charlotte, N.C. 28205.

No. MC 138695 TA, filed May 9, 1973. Applicant: GREGORY TRANSPORTS, INC., 9930 Webb Chapel Road, Dallas, Tex. 75220. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between Dallas Love Field, Dallas, Tex., and San Antonio International Airport, San Antonio, Tex., restricted to traffic having a prior or subsequent movement by aircraft, for 180 days.

NOTE.—Carrier states that it does not intend to tack authority.

Supporting shipper: American Airlines Freight System, Love Field, Dallas, Tex. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, room 13C12, Dallas, Tex. 75202.

No. MC 138704 TA, filed May 10, 1973. Applicant: GARY L. DUNPHY, Embden, Maine 04958. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water*, from Poland Spring, Maine to points in the United States in and east of the States of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and *materials, supplies, and equipment* used in the bottling and distribution of water (except in bulk), from the destination territory aforesaid to Poland Spring, Maine, for 180 days. Restriction: Restricted to the transportation of shipments under a continuing contract or contracts with Poland Spring Bottling Corp., for 180 days. Supporting shipper: Poland Spring Bottling Corp., 2185 Lemoine Avenue, Fort Lee, N.J. 07024. Send protests to: Donald G. Weller, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 307, 76 Pearl Street, P.O. Box 167, PSS, Portland, Maine 04112.

No. MC 138705 TA, filed May 10, 1973. Applicant: DANIEL L. HASKELL, doing business as Casco Bay Transportation Co., 185 Commercial Street, Portland, Maine 04111. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Water*, from Poland Spring, Maine to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma,

and Texas; and *materials, supplies, and equipment* used in the bottling and distributing of water (except in bulk), from the destination territory aforesaid to Poland Spring, Maine, for 180 days. Supporting shipper: Poland Spring Bottling Corp., 2185 Lemoine Avenue, Fort Lee, N.J. 07024. Send protests to: Donald G. Weller, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 307, 76 Pearl Street, P.O. Box 167, PSS, Portland, Maine 04112.

#### MOTOR CARRIERS OF PASSENGERS

No. MC 138707 TA, filed May 10, 1973. Applicant: W. L. WILLCOXON, doing business as Yellow Cab Co. of Junction, Box 2065, Grand Junction, Colo. 81501. Applicant's representative: John H. Lewis, the 1650 Grant Street Building, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, between Grand Junction, Colo., on the one hand, and, on the other, points on the Colorado River in Grand County, Utah and Mesa County, Colo., west of Grand Junction, Colo., for 180 days. Supporting shipper: Adventure Bound, Inc., 6179 South Adams Drive, Littleton, Colo. 80121. Send protests to: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

By the Commission.

[SEAL]

ROBERT L. OSWALD,  
Secretary.

[FR Doc. 73-10576 Filed 5-25-73; 8:45 am]



## CUMULATIVE LISTS OF PARTS AFFECTED—MAY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May.

1 CFR	Page	7 CFR—Continued	Page	9 CFR	Page
Ch. I	10705	301	10795, 12320	12	10797
3 CFR		331	12320	73	12801
PROCLAMATIONS:		381	12321	76	12201
4214	11433	401	12810, 12811	78	12902
4215	11435	411	12811	82	12325
4216	12313	510	12091	92	10723
4217	12601	717	12891	112	12093, 13476
EXECUTIVE ORDERS:		718	12891	114	12093
11073 (superseded by EO 11721)	13717	729	10705	317	13476
11173 (superseded by EO 11721)	13717	730	10706, 11338, 14087	331	10724
11227 (revoked by E.O. 11718)		811	10915	381	10725
11277 (revoked by E.O. 11718)		864	13009	445	13706
11541 superseded in part by EO 11717	12315	905	12201, 13547	446	13708
11717	12315	906	14087	447	13708
11718	12797	908	11062, 12092, 12321, 12899, 13365, 13650	PROPOSED RULES:	
11719	13315	910	11063, 12321, 13010, 13726	94	12926
11720	13317	911	12322-12324	301	11090
11721	13717	916	12811, 13011	316	11090, 11092
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:		917	11064, 12899	317	11090, 11092
Memorandum of November 8, 1968 (amended by memorandum of May 14, 1973)	13319	918	13011, 14083	319	11090, 11093
Memorandum of April 26, 1973	12799	930	11065, 12092	10 CFR	
Memorandum of May 14, 1973	13319	944	12603, 13650	25	10803
4 CFR		953	12900, 13366	36	12733
351	13321	981	13475	50	11445
404	12319	989	13012, 13476	140	11066
PROPOSED RULES:		1030	11339	PROPOSED RULES:	
351	13385	1121	11340	20	13033
5 CFR		1207	14088	50	10815
213	11059, 11337, 11437, 12404, 12801, 13009, 13321, 13475, 13633, 13726, 14087	1421	11441, 13651, 14088	12 CFR	
511	11337	1427	13651	201	12733, 14092
534	11337	1822	12901	204	13726, 13727
591	13726	1832	14089	207	13548
771	13009	1865	14091	213	13727
870	12404	PROPOSED RULES:		217	13728
871	12891, 13547	26	12814	220	11066, 12097, 13548
900	11059	52	11348, 11353	221	13549
PROPOSED RULES:		180	13751	226	12202
2410	13390	206	13490	250	13728
6 CFR		Ch. VI	11094	265	10917
130	11062, 11413, 12201, 12319, 12607, 12608, 12746, 12923	725	13653	329	13549
PROPOSED RULES:		Ch. IX	10730, 11465	523	12202, 12801
102	12413, 13490	906	12232	526	13477
7 CFR		911	13385	545	10918, 14092
2	10795, 12809, 12810	915	12611	582a	10919
51	10795	916	13752	722	11347, 12098
82	13321	917	13028, 14110	PROPOSED RULES:	
201	12729, 13321	918	11470, 12232	204	13750
220	12729	930	13565	220	13571
225	13547	944	12612	225	13572
271	11437	953	11353	226	12240
	11338	987	14110	506	10969
		989	12814	506a	10969
		1006	11354	702	10743
		1030	13753	13 CFR	
		1050	12926	121	13366
		1079	10736	124	13729
		1096	12232	302	12903
		1121	13754	402	10920
		1139	11024, 12405	PROPOSED RULES:	
		1140	12986	121	13751
		1201	12749	123	12421
		1207	10738	14 CFR	
		1427	12927	39	10920, 11340, 12325, 12326, 12734, 13013, 13367, 13477, 13549, 13550, 13730
		1701	10951, 12233, 13565		
		1822	12815		
		8 CFR			
		245	11340		



## 14 CFR—Continued

Page

71	10921-10923, 11067, 12203, 12327, 12604, 12734, 12802, 12903, 13367, 13368, 13478, 13633, 13635, 13730, 13731	10707
73	10923, 12735	
75	12734, 12904, 13368	
91	12203, 12904	
95	12327	
97	12203, 12329, 12905, 13635	
121	12203	
135	12906	
141	12203	
154	12204	
183	12203	
221	12802	
241	10924	
252	12207	
287	10926	
298	11067	
385	13731	

## PROPOSED RULES:

39	11111-11113	
71	10956-10958, 11113, 11354, 12216, 12818, 12934, 13566, 13657, 13748	
73	12216, 12818, 12934	
75	12216	
101	11354	
207	10816, 14112	
208	10816, 14112	
212	10816, 14112	
214	14112	
234	12413	
244	10817	
249	10817	
250	12413	
296	10817	
297	10817	
373	14112	
378	14112	

## 15 CFR

Ch. III	12736
302	11068
377	13488, 13746
1000	12906

## PROPOSED RULES:

1000	12928
------	-------

## 16 CFR

13	10707, 1107, 10805, 11072, 11075, 11076, 11446-11448, 12330-12334, 12802, 13731-13733
300	13636

## 17 CFR

200	12913
239	12100
240	11448, 11449, 12103
249	12100

## PROPOSED RULES:

1	11089
240	11472, 12937

## 18 CFR

2	11449, 13478
35	12114
101	12115
141	12116, 13480
154	12116
157	13478
201	12117
260	12117

## 18 CFR—Continued

Page

## PROPOSED RULES:

2	12416
141	13491
154	12416
157	12416, 12819
260	13491

## 19 CFR

1	10806
4	10807, 11077
8	13369
9	13369
10	12736, 13480, 13636
11	13369
12	10807, 13369
18	13369, 13550
21	13550
24	13551
54	13369
112	13551
125	13554
134	13369
145	13369
171	13556
172	13556

## PROPOSED RULES:

1	10814, 13027
---	--------------

## 20 CFR

405	13637, 14092
410	13639
422	11450
726	12494

## 21 CFR

2	11452
3	11077
8	12803
10	12396
90	12716
121	10713, 12397, 12398, 12737, 12738, 12802, 12913, 13556, 13557, 13733

128a	13481
130	11077, 12211
132	13558
135	12399
135a	10714, 10808
135b	10808, 10926, 12399, 12914
135c	12211, 12399, 13558, 13734
135e	10714, 11078
135g	10808, 10926
146c	13558
146e	12399
148i	13559
167	13558
191	11078
273	11080
278	11452
295	12738

## PROPOSED RULES:

8	11095
9	11095
27	12234
45	10952
90	12720
121	11096, 12931
130	
146e	12129
191	10956, 12300, 12880
191c	12300
191d	12880
278	12129
308	12119-12121, 12123, 12124, 12126, 12127, 12230

## 22 CFR

Page

11	13640
201	13640

## 23 CFR

1	11080
204	10810
305	11341
720	11341
790	12103
1204	10810, 12399

## 24 CFR

1700	13481
1914	10828
	11081-11084, 12107, 12317-12319, 12603, 12739, 12740, 12914, 12915, 13015, 13374, 13560, 13644, 13645, 13647, 13736, 14094
1915	11084, 12109, 12916, 13646

## PROPOSED RULES:

1700	11096
1710	11096, 13029
1720	11096
1730	11096

## 25 CFR

11	10827
41	11085, 13737
52	11085
162	13014

## PROPOSED RULES:

141	11348
221	10814

## 26 CFR

1	11344, 12740, 12917, 12918, 13482
13	10827
31	11345, 12740
53	11454, 12604
301	11345

## PROPOSED RULES:

1	10944, 11087, 12405
---	---------------------

## 28 CFR

0	12110, 12917, 12918, 12919, 13561
---	-----------------------------------

## 29 CFR

55	12803
70	10714
100	14095
204	10714
Ch. IV	10715
541	11389
1602	12604
1902	12605
1910	10715, 10929, 10930
1952	10717, 13482

## PROPOSED RULES:

29	13694
1910	12405

## 30 CFR

Ch. I	10927
Ch. V	10927

## PROPOSED RULES:

90	13027
211	11348
216	11348

## 31 CFR

332	10806
-----	-------



32 CFR	Page	40 CFR—Continued	Page	46 CFR—Continued	Page
202	11454	PROPOSED RULES—Continued		294	13016
809	10934, 13485	203	10821	309	13721
860	13561	Ch. V	10856	310	14106
881	10720				
Ch. XVI	12134, 12135	41 CFR		PROPOSED RULES:	
1604	12742	3-1	13647	35	12749
1631	13485	3-7	13647	56	12749
1710	12919	7-1	12804	74	12749
PROPOSED RULES:		7-2	12806	78	12749
1611	12620	7-3	12806	93	12749
1612	12759	7-4	12806	97	12749
1623	12620	7-7	12807	191	12749
		7-8	12807	196	12749
32A CFR		7-10	12807	310	11471
Ch. X:		7-12	12807	512	13664
OI Reg. 1	10725, 10811, 12746	7-16	12807	536	12134
Ch. XI:		15-3	12214		
OIAB	12118	60-60	13376	47 CFR	
Ch. XII:		101-6	10812	0	10810, 12743, 12921
OPC Reg. 1	10811, 12401	101-7	10812	2	11086, 12743, 14106
		101-8	10813	5	12744
33 CFR		114-60	12401, 12402, 13737, 13738	15	12744
1	12396	PROPOSED RULES:		73	12921, 13648
110	12804	3-3	11471	87	14106
117	10720, 12396, 13560, 14095			PROPOSED RULES:	
201	12804	42 CFR		2	12750
PROPOSED RULES:		74	10721	21	12750, 13749
117	14111	84	11458	61	13657, 13661, 13663
209	12217	PROPOSED RULES:		73	10743,
		50	13418		10968, 12757, 12935, 12937, 13029,
35 CFR		57	12614, 13654		13386, 13387, 13389, 13491, 13658,
111	11346	43 CFR			13660, 14113
36 CFR		Subtitle A	10939	89	12619, 13749
4	12211	Ch. II	10940	91	13749
7	12212	1821	12110	93	13749
221	13561	PUBLIC LAND ORDERS:			
PROPOSED RULES:		5344	11347	49 CFR	
7	13028, 13490	44 CFR		1	14109
221	12749	401	11086, 12743	71	13725
292	13754	45 CFR		171	12807
38 CFR		121	13739	172	12807
1	12213	125	13739	173	10960, 14111
3	12213	170	14095	174	12807
17	11085	185	13563	175	12807
21	12110, 12213	208	12112	177	12807
PROPOSED RULES:		220	10782	393	12133
21	12135	221	10782, 13563	571	10940,
39 CFR		222	10782		12808, 12922, 13017, 13384, 13485
761	12919	226	10782	575	11347
40 CFR		233	10940	1033	10941,
40	12784	249	12112		10942, 12606, 12808, 12809, 13486
52	12696, 12702, 12711, 12920, 13561	252	12112	1123	12744
60	13562	1061	13746	1207	12335
125	13528	1068	10809	PROPOSED RULES:	
130	13375	1501	13486	172	10960
227	12872	PROPOSED RULES:		173	10960, 14111
180	10720,	180	12407	174	10960
	10939, 12214, 12215, 12216, 13375,	186	10738	178	10960
	13376	187	12130	179	10960, 14111, 14112
PROPOSED RULES:		188	12931	217	12617
35	13524	46 CFR		571	12818, 12934, 13490
50	11355	3	12403	575	13748
52	11113, 12238, 12819	10	11463, 12403	1002	13032
60	10820	12	12403	Ch. X	12759, 12822
113	12239	14	12403, 13648	1056	12758, 12820
124	10960, 12416	16	12404	1100	12822
125	10960, 12416	42	12289	50 CFR	
131	13567	44	12290	17	10943
133	10968	45	12290	28	10723, 12922, 13563, 13649
165	13622	56	10722	32	10810, 11464
180	12818	151	10722	33	10943, 11464, 12923, 13649
				260	12334
				PROPOSED RULES:	
				10	12926
				28	12232



## FEDERAL REGISTER PAGES AND DATES—MAY

<i>Pages</i>	<i>Date</i>	<i>Pages</i>	<i>Date</i>
10699-10788-----	May 1	12723-12789-----	May 15
10789-10908-----	2	12791-12884-----	16
10909-11052-----	3	12885-13002-----	17
11053-11329-----	4	13003-13307-----	18
11331-11426-----	7	13309-13467-----	21
11427-12084-----	8	13469-13540-----	22
12085-12194-----	9	13541-13626-----	23
12195-12306-----	10	13627-13709-----	24
12307-12594-----	11	13711-14079-----	25
12595-12721-----	14	14081-14144-----	29