

federal register

WEDNESDAY, MAY 30, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 103

Pages 14145-14232



PART I

(Part II begins on page 14217)

(Part III begins on page 14229)

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.

- PRAYER FOR PEACE, MEMORIAL DAY, MAY 28, 1973—**
Presidential proclamation..... 14151
- PHASE III REGULATIONS—**Cost of Living Council provisions for pay adjustments subsequent to reductions in wages and salaries; effective 1-11-73..... 14153
- COMMUNITY ACTION PROGRAMS—**
OEO guidelines for Legal Services to groups of indigents; effective 6-29-73..... 14170
OEO minimum qualifications for Legal Service Attorneys, effective 6-29-73..... 14171
- WASTE TREATMENT—**EPA proposes planning and management regulations for state and local officials; comments by 7-16-73..... 14229
- ALASKAN NATIVE LAND CLAIMS—**Interior Department rules for settlement; effective 7-2-73..... 14217
- MINE HEALTH AND SAFETY—**Interior Department interim hearing and appeal procedures, effective 5-30-73..... 14170
- FOOD STANDARDS—**FDA proposes change in label requirements for cold-pack cheese; comments by 7-30-73... 14174
- EMPLOYMENT OF FULL-TIME STUDENTS—**Labor Department issues certificates authorizing special minimum wages 14210
- PESTICIDES—**
EPA sets tolerances for chemicals used in or on crops and animal feed (5 documents)..... 14168, 14169
EPA proposes interim tolerance for BHC in or on imported dried lima beans; comments by 6-29-73..... 14175
EPA notice of petition to establish tolerance for propargite 14186
- FARM LOANS—**USDA rules for loans to rural youths (2 documents); effective 5-30-73..... 14154, 14155
- FOOD ADDITIVES—**FDA notice of petition for use of calcium isostearate and n-decanol in food-contact containers 14181

(Continued inside)

HIGHLIGHTS—Continued

NEW DRUGS—

FDA withdraws approval of certain drugs containing polyunsaturated fatty acids..... 14181

FDA proposes to withdraw approval of certain drugs containing phenaglycodol; comments by 6-29-73..... 14180

NEW ANIMAL DRUGS—FDA approves use of various drugs for dogs, cats, cattle, and horses, effective 5-30-73..... 14166

CHARTERED AIR TRAVEL—CAB revises general regulations and rate provisions for employees on overseas military flights (2 documents)..... 14157, 14164

COTTON TEXTILES—CITA notice of system to exempt certain items from bilateral agreement with Pakistan..... 14184

MEETINGS—

FPC: Conference concerning filing of electric service tariff changes, 6-5-73..... 14191

HEW: National Advisory Committee on Handicapped Children, 6-6 to 6-8-73..... 14181

VA: Cooperative Studies Evaluation Committee, 6-5 and 6-6-73..... 14209

Interior Department: O and C Advisory Board, 7-10 and 7-11-73..... 14178

Oregon State Multiple Use Advisory Board, 6-20 and 6-21-73..... 14178

Justice Department: Alarm Committee of the Private Security Advisory Council, 6-7-73..... 14178

Federal Prevailing Rate Advisory Committee, 6-6, 6-7, 6-21, 6-28-73..... 14202

federal register

Area Code 202 Phone 962-8626



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

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

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

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

Contents

THE PRESIDENT

- Proclamation
Prayer for Peace; Memorial Day... 14151

EXECUTIVE AGENCIES

AGENCY FOR INTERNATIONAL DEVELOPMENT

- Rules and Regulations
Per diem payments to participants in nonmilitary economic development training programs... 14167

AGRICULTURE DEPARTMENT

- See also Animal and Plant Health Inspection Service; Farmers Home Administration.
Rules and Regulations
Equal employment opportunity in State Cooperative Extension Services... 14154

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

- Rules and Regulations
Brucellosis; deletion of certain public stockyards... 14156
Scabies in cattle; areas released from quarantine... 14156

ATOMIC ENERGY COMMISSION

- Notices
Availability of initial decisions:
Long Island Lighting Co... 14183
South Carolina Electric and Gas Co... 14183
Consolidated Edison Co.; reconstitution of Atomic Safety and Licensing Appeal Board... 14182
Consumers Power Co.; issuance of amendments to construction permits... 14182
Omaha Public Power District; issuance of facility operating license... 14182
Pacific Gas and Electric Co.; availability of final environmental statement... 14183
Vermont Yankee Nuclear Power Corp., order convening conference... 14184

CIVIL AERONAUTICS BOARD

- Rules and Regulations
Charter trips and special services... 14157
Overseas military personnel charters; free or reduced-rate transportation for charter operators employees and others... 14164

CIVIL SERVICE COMMISSION

- Rules and Regulations
Excepted Service:
Department of Commerce... 14172
Department of Justice... 14173
Executive Office of the President... 14173

COMMERCE DEPARTMENT

- See Maritime Administration.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

- Notices
Entry or withdrawal from warehouse for consumption of certain cotton textile products produced or manufactured in:
Pakistan... 14184
Romania... 14185

COST OF LIVING COUNCIL

- Rules and Regulations
Pay adjustments subsequent to reductions in wages or salaries... 14153
Notices
Chairman, Oil Policy Committee; delegation of authority... 14186

CUSTOMS BUREAU

- Notices
Certain wooden fish boxes and barrels; instruments of international traffic... 14176

DEFENSE DEPARTMENT

- See also Navy Department.
Rules and Regulations
Alcoholic beverage control; establishment of sales outlets... 14167

ECONOMIC OPPORTUNITY OFFICE

- Rules and Regulations
Character and scope of specific community action programs:
Group representation... 14170
Maintenance of attorney's logs and record of authorized leave... 14171
Qualifications of Legal Services attorneys... 14171
Funding of community action programs; community action program grantee personnel management; miscellaneous amendments... 14172

EDUCATION OFFICE

- Notices
National Advisory Committee on Handicapped Children; public meeting... 14181

ENVIRONMENTAL PROTECTION AGENCY

- Rules and Regulations
National Pollutant Discharge Elimination System; correction... 14168
Tolerances and exemptions for pesticides in or on raw agricultural commodities:
Dimethyl phosphate... 14168
Isobutyric acid... 14169
Nuclear polyhedrosis virus of *Heliothis zea*... 14169
2-(p-tert-butylphenoxy) cyclohexyl 2-propynyl sulfite... 14169
Tricyclohexyltin hydroxide... 16168

Proposed Rules

- BHC; tolerances and exemptions for pesticide chemicals in or on raw agricultural commodities... 14175
Waste treatment management planning areas and responsible planning agencies... 14230

Notices

- Uniroyal Chemical; filing of petition for food additive... 14186

FARMERS HOME ADMINISTRATION

- Rules and Regulations
Operating loan policies and authorization... 14154
Operating loan processing... 14155

FEDERAL COMMUNICATIONS COMMISSION

- Notices
A. H. Belo Corp., and Wadeco, Inc.; order designating application for hearing... 14186
California Water and Telephone Co.; memorandum opinion and order regarding oral argument... 14188
FEDERAL MARITIME COMMISSION
Rules and Regulations
Interpretations of Federal Advisory Committee Act... 14172
Notices
Port of Seattle and Kerr Steamship Co.; agreement filed (2 documents)... 14190

FEDERAL POWER COMMISSION

- Notices
Filing of electric service tariff changes; rulemaking conference... 14191
Hearings, etc.:
Algonquin Gas Transmission Co... 14191
Central Vermont Public Service Corp... 14191
Consumers Power Co... 14191
General Crude Oil Co... 14197
Great Lakes Gas Transmission Co... 14191
Gulf Energy and Development Corp... 14191
Jones & Fellow Oil Co... 14192
Laclede Gas Co. et al... 14193
Natural Gas Pipeline Company of America... 14193
Norris Oil Co... 14194
Northern Michigan Exploration Co. et al... 14194
Northern Natural Gas Co... 14195
Pacific Gas and Electric Co. (2 documents)... 14195
Panhandle Eastern Pipe Line Co... 14195
Panhandle Eastern Pipe Line Co., and Colorado Interstate Gas Co... 14196
Pennsylvania Power and Light Co... 14196
Petroleum, Inc... 14197
Power Authority of the State of New York... 14197
South Carolina Electric & Gas Co... 14196
Tennessee Gas Pipeline Co... 14201
United Gas Pipe Line Co... 14201
United Gas Pipe Line Co., and Transcontinental Gas Pipe Line Corp... 14201
Washington Natural Gas Co... 14201

(Continued on next page)

14147

FEDERAL PREVAILING RATE ADVISORY COMMITTEE		HEALTH, EDUCATION, AND WELFARE DEPARTMENT		NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION	
Notices		<i>See Education Office; Food and Drug Administration.</i>		Proposed Rules	
Committee meetings.....	14202	INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)		Vehicle rollover resistance; applicability to passenger vehicles, multipurpose passenger vehicles, trucks, and buses..... 14174	
FEDERAL RESERVE SYSTEM		Notices		NAVY DEPARTMENT	
Notices		Island Creek Coal Co.; applications for renewal permits; opportunity for public hearing.... 14206		Notices	
American Fletcher Corp.; order approving acquisition of credit card operations.....	14202	INTERIOR DEPARTMENT		Dredging of Thames River, New London, Conn.; public hearing; availability of draft environmental impact statement..... 14176	
Federal Open Market Committee; rules of organization.....	14203	<i>See also Land Management Bureau.</i>		POSTAL SERVICE	
First Commerce Corp.; proposed acquisition of voting shares of certain companies.....	14203	Rules and Regulations		Editorial changes..... 14168	
First Piedmont Corp.; order approving acquisition of bank.....	14203	Withdrawal of pleading; department hearings and appeals procedures..... 14170		SECURITIES AND EXCHANGE COMMISSION	
Geneva Investment Co.; order approving formation of bank holding company.....	14204	INTERSTATE COMMERCE COMMISSION		Notices	
Northwest Bancorporation; order approving acquisition of Banco Credit Life Insurance Co.....	14205	Notices		<i>Hearings, etc.:</i>	
FOOD AND DRUG ADMINISTRATION		Assignment of hearings..... 14211		Arlan's Department Stores, Inc. 14207	
Rules and Regulations		Motor Carrier Board transfer proceedings..... 14212		Beneficial Laboratories, Inc. 14207	
Cottage cheese; standards of identity; labeling; confirmation of effective date.....	14165	JUSTICE DEPARTMENT		Delicias International, Inc. 14207	
Emergency permit control; manufacture and processing of thermally sealed containers; correction (2 documents).....	14165	<i>See Law Enforcement Assistance Administration; Narcotics and Dangerous Drugs Bureau.</i>		E. I. du Pont de Nemours and Co..... 14207	
Food additives; prior-sanctioned food ingredients; correction.....	14165	LABOR DEPARTMENT		Jerome Mackey's Judo, Inc. 14208	
New animal drugs:		<i>See Wage and Hour Division.</i>		Old Town Corp. 14208	
Chloral hydrate, pentobarbital, and magnesium sulfate.....	14166	LAND MANAGEMENT BUREAU		Pennsylvania Electric Co. 14208	
Dichlorvos.....	14166	Rules and Regulations		Proof Lock International Corp. 14208	
Prednisolone acetate.....	14166	Alaska Native selections..... 14218		Trilex International Corp. 14208	
Tricyclohexyltin hydroxide; food additives permitted in feed and drinking water of animals or for treatment of food-producing animals.....	14165	Notices		U.S. Financial Inc. 14209	
Proposed Rules		Meetings:		SMALL BUSINESS ADMINISTRATION	
Cold pack cheese; labeling provisions of standard of identity....	14174	O&C Advisory Board..... 14178		Notices	
Emergency permit control; correction.....	14174	Oregon State Multiple Use Advisory Board..... 14178		Cascade Capital Corp.; filing of application for exemption regarding conflict - of - interest transaction..... 14209	
Generally recognized as safe (GRAS) substances no longer in use; correction.....	14174	LAW ENFORCEMENT ASSISTANCE ADMINISTRATION		Oregon Small Business Investment Co.; filing of application for transfer of control..... 14209	
Prior-sanctioned polyvinyl chloride resin; correction.....	14174	Notices		STATE DEPARTMENT	
Notices		Alarm Committee of the Private Security Advisory Council; meeting..... 14178		<i>See Agency for International Development.</i>	
Certain drugs containing phenaglycodol; opportunity for hearing on proposal to withdraw approval of new drug applications.....	14180	MARITIME ADMINISTRATION		TRANSPORTATION DEPARTMENT	
Certain drugs containing polyunsaturated fatty acids with or without niacin; withdrawal of approval of new drug application.....	14181	Notices		<i>See National Highway Traffic Safety Administration.</i>	
Witco Chemical Corp.; filing of petition for food additives.....	14181	Applications for operating-differential subsidy:		TREASURY DEPARTMENT	
GENERAL SERVICES ADMINISTRATION		Overseas Bulk Tank Corp. (2 documents)..... 14178, 14179		<i>See Customs Bureau.</i>	
Notices		Pacific Tankers, Inc. 14179		VETERANS ADMINISTRATION	
Secretary of Defense; delegation of authority.....	14206	Tanker construction program; availability of final environmental impact statement..... 14180		Rules and Regulations	
		NARCOTICS AND DANGEROUS DRUGS BUREAU		Beneficiary travel expenses; conditions for withholding payment..... 14168	
		Notices		Notices	
		Table Rock Laboratories, Inc.; denial of application for registration..... 14177		Cooperative Studies Evaluation Committee; meeting..... 14209	
		<i>Hearings:</i>		WAGE AND HOUR DIVISION	
		J. P. Wholesale Drug Co., Inc. 14176		Notices	
		Parke-Davis & Co. 14176		Certificates authorizing employment of full-time students working outside of school hours at special minimum wages in retail or service establishments or in agriculture..... 14210	

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.

3 CFR		21 CFR		40 CFR	
Proclamation:		19.....	14165	125.....	14168
4218.....	14151	90 (2 documents).....	14165	180 (5 documents).....	14168, 14169
5 CFR		121 (2 documents).....	14165	PROPOSED RULES:	
213 (3 documents).....	14172, 14173	135b (2 documents).....	14166	126.....	14230
6 CFR		135c.....	14166	180.....	14175
130.....	14153	PROPOSED RULES:		43 CFR	
7 CFR		19.....	14174	4.....	14170
18.....	14154	90.....	14174	2650.....	14218
1831 (2 documents).....	14154, 14155	121 (2 documents).....	14174	45 CFR	
9 CFR		22 CFR		1061 (3 documents).....	14170, 14171
73.....	14156	205.....	14167	1067.....	14172
78.....	14156	32 CFR		1069.....	14172
14 CFR		261.....	14167	46 CFR	
207.....	14157	38 CFR		530.....	14172
372.....	14164	17.....	14168	49 CFR	
		39 CFR		PROPOSED RULES:	
		Subch. J.....	14168	571.....	14174
		Subch. K.....	14168		
		Subch. L.....	14168		
		Subch. M.....	14168		

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

- FAA—Airworthiness directive, McDonnell Douglas Model DC-9-10 Series airplanes 10253; 4-26-73
 GSA—Employment of disabled and Vietnam era veterans 9508; 4-17-73

Next Week's Hearings

JUNE 4

- FDA—Prescription drugs indicated for cough and allergy; interim guidelines for formulation and labeling. 12769; 5-15-73

JUNE 5

- HEW—Office of Education programs, proposed general provisions to be held at the U.S. Office of Education ROB-3, Seventh and D Streets SW., Washington, D.C. 20202 10386; 4-26-73

- TARIFF COMMISSION—Printed vinyl film from Brazil and Argentina, to be held in the Tariff Commission Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D.C. 10339; 4-26-73

Next Week's Deadlines for Comments on Proposed Rules

JUNE 4

- EPA—Isophorone; exemptions from the requirement of a tolerance 10939; 5-3-73
 FAA—British Aircraft Corp.; airworthiness directives (2 documents) 11112; 5-4-73
 —Designation of Federal Airway, area low routes, controlled airspace, and reporting points 10957-10960; 5-3-73

- FCC—FM Broadcast stations in Tupelo, Miss 9835; 4-20-73

- FDA—Biological products; temperatures during shipment of live measles, mumps, and rubella virus vaccines requirements 8600; 4-4-73
 —Hydrabamine phenoxymethyl penicillin; recodification, technical changes and updating 8520; 4-3-73

- Over-the-counter drugs; general conditions; listed as generally recognized as safe and effective and as not misbranded; establishment of a monograph for OTC antacid products (2 documents) 8714; 4-5-73

- Margarine; statement of optional ingredients; amendments to standards of identity 10952; 5-3-73

- F&D—Certain viral vaccines containing unavoidable bacteriophage 11080; 5-4-73

- Federal preemption of State and local labeling requirements of hazardous substances 11078; 5-4-73

- IRS—Income tax; arbitrage bonds. 10944; 5-3-73

- Limitation of tax attributable to certain total distributions from qualified plans 11087; 5-4-73

- NHTSA—Uniform tire quality grading; consumer information regulations. 6194; 3-7-73

- REA—Addendum to REA Forms 511 and 511a, telephone System Construction contract 10951; 5-3-73

JUNE 6

- FAA—Proposed designation of Federal airways from Bemidji, Minn., to Roseau, Minn., and from Grand Forks, N. Dak., to Roseau, Minn. 11354; 5-7-73

- FCC—FM broadcast stations in New Bern and Morehead City-Beaufort, N.C.; table of assignments 10968; 5-3-73

- HEW—OFFICE OF EDUCATION—Financial assistance for the improvement of educational opportunity for adult Indians 12931; 5-17-73

JUNE 7

- FPC—Monthly power statement. 10468; 4-27-73

- HEALTH, EDUCATION, AND WELFARE DEPARTMENT—Reimbursement of indirect costs on training contracts from nonprofit institutions 11471; 5-8-73

- FAA—Joint use restricted area of controlled airspace; designation and alteration 12934; 5-17-73

JUNE 8

- COAST GUARD—Columbia and Snake Rivers, Washington; drawbridge operations regulations 11472; 5-8-73

Weekly List of Public Laws

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

- S. 1379 Pub. L. 93-36
 Office of Environmental Quality, authorization of additional funds (May 18, 1973; 87 Stat. 72)

Presidential Documents

Title 3—The President

PROCLAMATION 4218

Prayer for Peace Memorial Day, May 28, 1973

By the President of the United States of America

A Proclamation

This day of memorial to those who have given their lives to preserve America's freedom over the centuries has special meaning for us in 1973. The longest and most difficult war in our history is over. The brave men who served so well in that conflict are home again; our valiant prisoners are free at last and reunited with their loved ones—all made possible by the firm resolve of the American people. Thus our prayers for peace this day are also prayers of thanksgiving.

Through our history we have seen despotisms and ideologies come and declare themselves the wave of the future, crushing freedom under foot—but each has passed, and freedom, sure as spring, has pushed up through the ruins again to reaffirm the essential dignity of man.

Americans have been on the side of that dignity in every war we have fought. Today, freedom survives in South Vietnam, and generations hence, the literature of liberty will tell that America demonstrated fully and finally its great commitment to its founding principles by fighting on behalf of just eighteen million people half a world away—and by achieving at last what we fought for.

Those who stood at Hue and Khe Sanh were the spiritual descendants of the heroes of Chosin, Bastogne, Gettysburg, and Lexington. The patriotic line continues unbroken. America called, and the answer came back yes.

Now those soldiers and sailors and airmen who have kept freedom's faith look to America—not for thanks, but to know if we have marked their deeds and if, in the way we live our freedom, we are determined to be worthy of those deeds.

Only by working to make war obsolete in the future can we truly redeem the sacrifices of patriots who fell in the wars of the past. The tensions which still exist among nations will yield to negotiation if we are steadfast in our purpose and patient in our endeavor. New relationships are already taking shape, pointing to the creation of a more stable

and open world, a world in which hatred and discrimination are replaced by brotherhood and understanding—above all, a world free forever of fear and want and war.

This is the dream for which generations of American fighting men have made the ultimate sacrifice, from the bridge at Concord to the jungles of Vietnam. It can be achieved. Their sacrifices have moved us ever closer to it.

The Congress, by a joint resolution approved May 11, 1950, has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace.

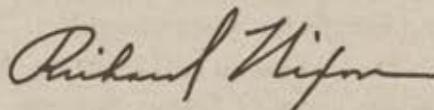
NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Memorial Day, Monday, May 28, 1973, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in prayer.

I urge the press, radio, television, and all other information media to cooperate in this observance.

As a special mark of respect for those Americans who have given their lives in the war in Vietnam, I direct that the flag of the United States be flown at half-staff all day on Memorial Day on all buildings, grounds, and naval vessels of the Federal Government throughout the United States and all areas under its jurisdiction and control.

I also request the Governors of the United States and of the Commonwealth of Puerto Rico and the appropriate officials of all local units of government to direct that the flag be flown at half-staff on all public buildings during that entire day, and request the people of the United States to display the flag at half-staff from their homes for the same period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of May, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-seventh.



[FR Doc.73-10809 Filed 5-25-73;2:55 pm]

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 6—Economic Stabilization CHAPTER I—COST OF LIVING COUNCIL PART 130—COST OF LIVING COUNCIL, PHASE 3 REGULATIONS

Pay Adjustments Subsequent to Reductions in Wages or Salaries

In many situations, contracts or pay practices provided for specified wage or salary rates to be in effect for certain periods of time, or specified wage or salary increases to be put into effect on certain dates, and these rates or increases were required to be reduced in a control year by reason of a Pay Board or Cost of Living Council decision and order or by agreement of the parties pursuant to the Phase II regulations. Section 130.6 is added in the amendment set forth below to incorporate rules relating to the determination of allowable increases during Phase III in a subsequent control year under the contract or pay practice which was in effect when the prior reduction occurred. The regulation applies, for example, to increases during the third year of a collective bargaining agreement where wages specified during the second year were reduced by Pay Board order.

Paragraph (a) of the regulation provides that it is unlawful for an employer to pay and for employees to receive, without the prior approval of the Council, the rates specified or the increases scheduled under a contract or pay practice for a period in Phase III without reducing the scheduled rates or increases by an amount sufficient to reflect the prior reductions required in a prior control year under the same contract or pay practice. Thus, a reduction in 1 year of a contract will have a lasting effect and the contract may not be implemented so as to require a prospective restoration of the amounts by which a prior year's increase was reduced. The regulation thus insures that only the increment originally scheduled for the subsequent contract year may be paid. The general rule, however, does not limit any wage and salary increase which is not in excess of the general wage and salary standard in effect prior to January 11, 1973, computed in accordance with the computation rules set forth in subpart E of part 201 of Economic Stabilization regulations.

It is recognized that under the circumstances of specific contracts and pay practices, payment of wage and salary increases which do not reflect prior reductions may be appropriate. Therefore, provision has also been made in paragraph (b) of § 130.6 that applications for approval of pay adjustments that do not reflect the prior reductions may be sub-

mitted to the Council on forms prescribed by and pursuant to instructions issued by the Council. The Pay Board's Phase II form PB-3 (or optional form PB-3A, for units of fewer than 1,000 employees) should be used until replacement forms are issued. Such approval may be granted only when it is demonstrated, by means of written documentation, that historical relationships have been distorted or gross inequities have been created by the action of the Pay Board or the Council or by operation of the Economic Stabilization regulation or ruling which caused the prior reduction. The regulation provides that approval will be considered as having been granted if the Council takes no action within 60 days after receiving a request for approval.

For purposes of this regulation, as with all other regulations in this part 130, a decision issued by the Internal Revenue Service pursuant to authority delegated by the Pay Board is considered to be a decision of the Pay Board.

In addition, paragraph (c) of § 130.6 provides that the payment or receipt of increases in wage rates, or wages or salaries, during Phase III prior to the date this amendment is published, without taking into account a prior reduction, will not be considered a violation of the Economic Stabilization Act of 1970, as amended: *Provided*, That a report of such increases is made to the Council not later than 30 days after publication of the regulation. Reports should be submitted using the Pay Board's Phase II form PB-3 (or optional form PB-3A for units of fewer than 1,000 employees). The Council will review such reports and may issue an appropriate order to reduce a wage or salary rate or increase to a level which reflects a prior reduction.

The regulation incorporates the rule that an employer making a submission under this regulation must serve a copy on the employees' collective bargaining agent, if any, while a collective bargaining agent of the employees making a submission must serve a copy on the employer.

This clarification is intended to carry out the policy of section 3 of Executive Order No. 11695 to preserve the effect of actions settled under the Phase II rules.

Because the purpose of this amendment is to provide immediate guidance for compliance with the economic stabilization program during Phase III, I find that publication in accordance with normal rulemaking procedures is impracticable and that good cause exists for making this amendment effective in less than 30 days. Interested persons may

submit comments regarding this amendment. Communications should be addressed to the Office of General Counsel, Cost of Living Council, Washington, D.C. 20508.

This amendment is effective as of January 11, 1973.

(Economic Stabilization Act of 1970, as amended, Public Law 92-210, 85 Stat. 743; Public Law 93-28, 87 Stat. 27; Executive Order 11695, 38 FR 1473; Cost of Living Council Order No. 14, 38 FR 1489.)

Issued in Washington, D.C., on May 25, 1973.

JAMES W. McLANE,
Deputy Director,
Cost of Living Council.

Subpart A of part 130 is amended by adding a new § 130.6 to read as follows:

§ 130.6 Pay adjustments subsequent to reduction in wages or salaries.

(a) *General.—If—*

- (1) A wage or salary rate for a job, or
- (2) An annual aggregate wage or salary increase with respect to an appropriate employee unit,

payable with respect to a control year pursuant to a contract or pay practice, was reduced as a result of a decision and order of the Pay Board or the Council or the operation of any regulation or ruling issued under the Economic Stabilization program, it shall be unlawful as unreasonably inconsistent with the standards and goals of such program to pay or receive in a succeeding control year, without prior approval of the Council, pursuant to such contract or pay practice, a wage or salary rate for the same job (if a rate for a job was reduced) or a wage or salary increase with respect to such unit (if an annual aggregate increase was reduced) that does not reflect such prior reduction. Notwithstanding the preceding sentence, this section shall not operate to prevent an annual aggregate wage and salary increase for a unit which is not in excess of the general wage and salary standard in effect prior to January 11, 1973.

(b) *Application for approval.—*In specific situations, payment of a wage or salary rate or a wage or salary increase which does not reflect a prior reduction, as required under paragraph (a) of this section, may be appropriate. An application for approval of such a rate or such an increase may be submitted to the Council on forms prescribed by and pursuant to instructions issued by the Council. Payment of such a rate or such an increase or a portion thereof may be approved only upon a demonstration by means of written documentation that

historical relationships have been distorted or gross inequities have been created by a decision and order of the Pay Board or the Council or by operation of any regulation or ruling issued under the Economic Stabilization program. Payment of such a rate or such an increase shall be considered to be approved by the Council if the Council takes no action with respect to such payment within 60 days after receipt of an application submitted under the provisions of this paragraph.

(c) *Increases paid prior to May 30, 1973.*—In the case of a wage or salary rate for a job, or a wage or salary increase with respect to an appropriate employee unit, referred to in paragraph (a) of this section, paid after January 10, 1973, and prior to May 30, 1973, without taking into account a prior reduction, the payment or receipt thereof prior to May 30, 1973, shall not be a violation under the act solely because of such failure to take into account a prior reduction. However, any such rate or increase put into effect after January 10, 1973, and prior to May 30, 1973, must be reported to the Council on forms prescribed by and pursuant to instructions issued by the Council not later than June 29, 1973. The failure to make such a report shall constitute a violation under the act. Upon review of such a report, the Council may by order direct the reduction of such rate or increase to an appropriate level consistent with the provisions of this section.

(d) *Service.*—An employer or employer association making any submission to the Council under the provisions of this section shall at the same time serve copies of each such submission on the collective bargaining agent, if any, for the affected employee unit. If such a submission is made by a collective bargaining agent for the employee unit, such collective bargaining agent shall at the same time serve copies of each such submission on the affected employer or employer association. A certification of service shall accompany all documents submitted to the Council under the provisions of this section.

[FR Doc.73-10863 Filed 5-25-73;5:01 pm]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 18—EQUAL EMPLOYMENT OPPORTUNITY IN THE STATE COOPERATIVE EXTENSION SERVICES

Coverage Provisions

Part 18 is amended to withdraw coverage as it applied to employees provided by county and other political subdivisions in support of Cooperative Extension Service programs and to eliminate review by the Secretary of Agriculture of final decisions by the President or chief executive of land-grant universities under this part.

Section 18.2(c) is revised to read as follows:

§ 18.2 Purpose, applicability, and coverage.

(c) *Coverage.*—This part applies to all positions in all units of the Cooperative Extension Service but does not apply to employees provided by county and other political subdivisions in support of Cooperative Extension Service programs.

§ 18.5 [Amended]

1. In § 18.5(f) the words "or the Secretary" are deleted.

2. In § 18.5(h) the following words are deleted from the final sentence "and of his right to request in writing a review by the Secretary and the time limit in which such request for review must be made".

§ 18.6 [Revoked]

Section 18.6 is revoked.

§ 18.8 [Amended]

1. Section 18.8(c) is deleted.
2. Section 18.8(d) is redesignated § 18.8(c).

Dated May 24, 1973.

EARL L. BUTZ,
Secretary.

[FR Doc.73-10731 Filed 5-29-73;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FHA Instruction 441.1]

PART 1831—OPERATING LOANS

Subpart A—Operating Loan Policies and Authorization

MISCELLANEOUS AMENDMENTS

Various sections and paragraphs of subpart A, part 1831, title 7, Code of Federal Regulations (37 FR 14858) are amended. In accordance with 5 U.S.C. 553, these amendments are being published without prior rulemaking because a delay in making available assistance provided by these amendments would be contrary to the public interest. These amendments implement the Rural Development Act of 1972 and shall become effective on May 30, 1973. They are as follows:

1. Section 1831.1 authorizes loans to rural youths;

2. Section 1831.2 provides that loans may be made to rural youths for modest income-producing projects in connection with participation in 4-H or similar organizations;

3. Section 1831.3 is revised for clarity and to set forth the youth's project adviser's responsibilities;

4. Section 1831.4 (d), (e), and (f) are revised to provide that nonfarm enterprises may be located off the farm and a rural youth does not have to be a farmer to qualify for a nonfarm enterprise loan;

5. Section 1831.5(h) provides that youth loans may be made to rural youths who have not reached age 21. All projects must be recommended by a project adviser. Parental permission is required for youths who have not reached their majority.

6. Section 1831.9(r) is revised to enable a youth to initiate, develop, and carry on income producing farm or non-farm projects with operating loan funds;

7. Section 1831.10(c) (iii) is revised to provide that security is defined as the market value;

8. Section 1831.10(d) is revised to provide that the principal balance of an operating loan may not exceed \$50,000;

9. Section 1831.12(g) is added to provide that the security requirements for loans to rural youths are the same as required for other operating loans. In exceptional cases a cosigner may be required to assure the repayment of the loan.

The revised sections and paragraphs of subpart A of part 1831 read as follows:

Subpart A—Operating Loan Policies and Authorizations

§ 1831.1 General.

This subpart prescribes the policies and authorizations of the Farmers Home Administration (FHA) for making operating loans (OL) to farmers, ranchers, and rural youths.

§ 1831.2 Objectives.

The basic objectives are to assist borrowers through financial and supervisory assistance to make efficient use of land, labor, and capital and other resources, to conduct sound and successful operations, and afford borrower families an opportunity to have a reasonable level of living. Financial assistance may be provided to rural youths to enable them to operate modest, income producing, farm and nonfarm projects in connection with their participation in 4-H, Future Farmers of America, Future Homemakers of America, and similar organization activities.

§ 1831.3 Supervisory assistance.

Supervision will be provided borrowers to the extent necessary to achieve the objectives of the loan and to protect the interests of the FHA in accordance with subpart A of part 1802 of this chapter. Such assistance consists of farm, home, recreation, and nonfarm planning, recordkeeping, analysis, and providing management advice. The youth's project adviser will be expected to perform a major role in planning and supervising the youth's project.

§ 1831.4 Definitions.

(d) *Nonfarm enterprises.*—Loans may be made to farmers who will also continue farming operations to operate, improve, establish, or enlarge an enterprise(s) of a nonfarm nature needed to supplement farm income. Except for rural youths, loans will be made only for enterprises

which produce goods or services for which there is a need that is not being adequately supplied by others in the community and for which there is a reasonably reliable market.

(e) *Rural youths.*—Applicants who have not reached the age of 21 and who do not reside in any area in any city or town which has a population in excess of 10,000 inhabitants.

(f) *Project adviser.*—A 4-H club adviser, vocational agricultural teacher, home economics teacher, county extension agent, and other similar sponsors or advisers.

§ 1831.5 Eligibility requirements.

(h) Loans may be made to rural youths who have not reached age 21 and without regard to the requirements of paragraph (c) of this section. All youths who have not reached their majority, as set forth by State requirements, will obtain their parent's or guardian's favorable recommendation for the loan. All recommendations will be in writing and filed with the application in the county office case file.

§ 1831.9 Loan purposes.

(r) To initiate, develop and carry on a farm or nonfarm project in connection with rural youth's participation in 4-H; Future Farmers of America, Future Homemakers of America, and similar organization activities for purposes authorized by this subpart. The project must produce sufficient income to meet expenses and debt repayment.

§ 1831.10 Special requirements and loan limitations.

(c) *Limitations on loans for real estate improvements.*—(1)

(iii) The sum of the operating loan being made for real estate improvements and the unpaid indebtedness against the farm and other security which secures the FHA real estate loan will not exceed the total indebtedness or the market value limitations prescribed for real estate loans. The borrower's equity in the livestock and farm and other equipment to be taken as security for the operating loan may be added to the market value of the farm where this is necessary to comply with the market value limitations prescribed in subpart A of part 1821 of this chapter.

(d) *Limitations on amount of loan.*—The amount of each loan will be limited to the needs of the applicant and his ability to pay. In addition, consideration will be given to the value of the chattel property, including crops, which will be available as security. In no case may a loan be made which would result in the total principal balance outstanding to exceed \$50,000 for operating loans (including production and subsistence.)

§ 1831.12 Security policies.

(g) The security requirements for loans to rural youths will be the same as required for other operating loans. In exceptional cases the loan approval official may require a cosigner if he determines such action is necessary to assure repayment of the loan.

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; orders of Acting Secretary of Agriculture, 37 FR 22008.)

Dated May 16, 1973.

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

[FR Doc. 73-10645 Filed 5-29-73; 8:45 am]

[FHA Instruction 441.3]

PART 1831—OPERATING LOANS

Subpart B—Operating Loan Processing

MISCELLANEOUS AMENDMENTS

Various sections and paragraphs of subpart B, part 1831, title 7, Code of Federal Regulations (37 FR 14864), are amended. In accordance with 5 U.S.C. 553 these amendments are being published without prior rulemaking because a delay in making available assistance provided by these amendments would be contrary to the public interest. These amendments implement the Rural Development Act of 1972 and shall become effective on May 30, 1973. The major changes are:

1. Section 1831.32(b)(2) is amended for clarity and to delete reference to the recertification statement on form FHA 440-2, County Committee Certification or Recommendation.

2. Section 1831.32(d) is revised to provide instructions for the preparation of plans for youth projects.

3. Section 1831.32(h)(2) is added to set forth a youth's liability upon executing a promissory note.

4. Section 1831.32(l)(3)(ii) deletes reference to form FHA 441-1, Cancellation of Loan or Grant Check and/or Obligation.

5. Section 1831.32(v)(10)(i) is revised to delete reference to describing promissory notes on security agreements.

6. Section 1831.36(a) provides for the use of form FHA 451-2, Schedule of Remittances.

7. Section 1831.36(b)(1)(i) is added to provide an exception for obtaining a lien search for youth loans. Section 1831.36(b)(1)(i) is renumbered as § 1831.36(b)(1)(ii).

The revised sections and paragraphs of subpart B of part 1831 read as follows:

§ 1831.32 Loan forms and routines.

(b) *Form FHA 440-2, County Committee Certification or Recommendation.*—(1)

(2) When the county committee has agreed to increase the maximum amount of loan assistance certified for the crop

or operating year a new form FHA 440-2 will be prepared and executed with item 9 completed. The crop or operating year ending date will be the same as on the original certification for the year. In item 2 insert the sum of the latest certification for the year for any operating and emergency loans and the additional amount the county committee determines is necessary to meet the credit needs of the borrower for the remainder of the crop or operating year. All executed forms 440-2 are retained in the case file.

(d) *Form FHA 431-2, Farm and Home Plan.*—Form FHA 431-2 will be developed as prescribed in subpart B of part 1802 of this chapter, except when:

(1) A loan is made only for the acquisition of membership or the purchase of stock in a cooperative association and the applicant is not indebted for another FHA loan. In this case, the best estimates available will be used to complete table J of form FHA 431-2 in order to determine whether the loan requested can be paid and the period over which payments should be scheduled. The source of payment should be shown in table K. When the preparation of table J is inadequate to enable the loan approval official to make the required determinations, other portions of form FHA 431-2, as necessary, will be used.

(2) A loan is made to a youth. A farm and home plan, business analysis, non-agricultural enterprise, or other plan acceptable to the loan approval official will be developed ordinarily by the youth, project adviser, and the County Supervisor. The information contained in the plan, application, and running record must fully support and document the objectives of the loan. The plan must clearly set forth the following minimum information:

- (i) Description of the project;
- (ii) Type and amount of supervision to be provided by the project adviser, guardian, and the County Supervisor;
- (iii) Income;
- (iv) Expenses;
- (v) Net income;
- (vi) Debt repayment;

(h) *Form FHA 441-1, Promissory Note.*

(2) A youth executing the promissory note shall incur full personal liability for the indebtedness evidenced by such note.

(1) *Immediate and future disbursements.*

(3) When a future advance is to be canceled the following actions must be taken:

- (i) Complete form FHA 440-10, Cancellation of Loan or Grant Check and/or Obligation, in accordance with the FML.
- (ii) Prepare and execute a substitute note on form FHA 441-1 reflecting the revised total of the loan and the revised repayment schedule.

(v) *Taking security instruments.* * * *

(10) *Security requirements in relation to "Future Advance" and "After-Acquired Property" clauses and special State statutes.* * * *

(i) *Future advance provisions.*—A properly prepared, executed, and filed or recorded FHA financing statement and a properly prepared and executed FHA security agreement give FHA a security interest in the property described thereon to secure any operating or emergency loan indebtedness owed by the debtor, including any such future loans, advances, or expenditures, and any other FHA debts evidenced by notes and any advances or expenditures made in connection with the debts evidenced by such notes.

§ 1831.36 Loan closing.

(a) *Check delivery.*—Authorized county office employees will receive and deliver loan checks. Upon receipt of a loan check, the County Supervisor will notify the applicant promptly on form FHA 440-8, Notice of Check Delivery. Following loan closing, when a supervised bank account is required and the depository bank does not require the borrower's endorsement for deposit, the County Supervisor may deposit the loan check in the supervised bank account and furnish the borrower a copy of the deposit slip. Loan funds for the payment of interest-only installment(s) will be collected when the loan is closed. The notation "For deferred installment interest" will be entered on form FHA 451-2, Schedule of Remittances.

(b) *Form FHA 440-13, Report of Lien Search.*—(1) * * *

(i) A lien search is not required for youths who have not reached their majority as defined in State requirements unless the loan approval official determines a search is necessary to assure the Government obtains the required security.

(ii) Under the UCC it is necessary to obtain lien searches in connection with the making of subsequent loans only in those cases in which an additional financing statement is required. This is when crops or fixtures to be taken as security are or are to be located on land not described on the existing financing statement or property not otherwise covered by the financing statement is to be taken as security for the operating loan debt.

(Sec. 339, 75 Stat. 318, 7 U.S.C. 1989; orders of Acting Secretary of Agriculture, 37 FR 22008.)

Dated May 16, 1973.

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

[FR Doc. 73-10646 Filed 5-29-73; 8:45 am]

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Areas Released From Quarantine

This amendment releases Dallam, Hansford, Hutchinson, Moore, Oldham, and Sherman Counties in Texas from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR part 73, as amended, do not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 73.1a. Further, the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said part 73 apply to the excluded areas.

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, and the Act of July 2, 1962 (21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f), part 73, title 9, Code of Federal Regulations, restricting the interstate movement of cattle because of scabies, is hereby amended as follows:

In § 73.1a, paragraph (a) relating to the State of Texas is amended to read:

§ 73.1a Notice of quarantine.

(a) Notice is hereby given that cattle in certain portions of the State of Texas are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following areas in such State are hereby quarantined because of said disease:

- (1) Carson County.
- (2) Castro County.
- (3) Deaf Smith County.
- (4) Hartley County.
- (5) Ochiltree County.
- (6) Parmer County.
- (7) Potter County.
- (8) Randall County.

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

Effective date.—The foregoing amendment shall become effective May 24, 1973.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies, and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public par-

ticipation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 24th day of May 1973.

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

[FR Doc. 73-10733 Filed 5-29-73; 8:45 am]

PART 78—BRUCELLOSIS

Deletion of Certain Public Stockyards

This amendment deletes the Richmond Union Stockyards, Richmond, Va., and the Stockland Union Stockyards, Spokane, Wash., from the list of public stockyards set forth in 9 CFR § 78.14(a), as such stockyards are no longer operating as public stockyards where Federal inspection is maintained.

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

In § 78.14(a), all references to Virginia and Washington are deleted.

(Secs. 4, 5, 23 Stat. 32, as amended; secs. 1, 2, 32 Stat. 1265, as amended; sec. 2, 65 Stat. 693, 21 U.S.C. 111-113, 114a-1, 120, 121, 124, 37 FR 28464, 28477; 9 CFR 78.16(b).)

Effective date.—The foregoing amendment shall become effective June 1, 1973.

It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department and since interested persons should be informed promptly of such change, it is found upon good cause under the administrative procedure provisions in 5 U.S.C. 553, that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment should be made effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 23d day of May 1973.

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

[FR Doc. 73-10732 Filed 5-29-73; 8:45 am]

Title 14—Aeronautics and Space
 CHAPTER II—CIVIL AERONAUTICS
 BOARD
 SUBCHAPTER A—ECONOMIC REGULATIONS
 [Reg. ER-802]

PART 207—CHARTER TRIPS AND
 SPECIAL SERVICES

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 23d day of May 1973.

Pursuant to the authority delegated to the general counsel in § 385.19 of the Board's organization regulations, there follows a reissuance of part 207 incorporating all amendments which were in effect on May 23, 1973. The reissuance shall become effective on June 20, 1973. Procedure for review by the Board is set forth in subpart C of part 385.

By the Civil Aeronautics Board.

[SEAL] O. D. OZMENT,
 Acting General Counsel.

Subpart A—General Provisions

Sec. 207.1 Definitions.
 207.2 Applicability of part.
 207.3 Scope of authorization.
 207.4 Tariffs to be filed for charter trips and special services.
 207.4a Written contracts with charterers.
 207.5 Limitation on amount of charter trips which may be performed by combination carriers.
 207.6 All-cargo carriers: limitation on amount of charter trips which may be performed.
 207.7 Charter trips and other special services within the State of Alaska.
 207.7a Restriction on frequency and regularity of off-route charter trips and other special services.
 207.8 Notice of proposed special services.
 207.9 Records and record retention.
 207.10 Reports of emergency commercial charters for other direct carriers.
 207.11 Charter flight limitations.
 207.12 Unused space.
 207.13 Terms of service.
 207.14 Substitute transportation in emergencies.
 207.15 Payments, gratuities and donations.
 207.16 Waiver.

Subpart B—Provisions Relating to Pro Rata Charters

207.20 Applicability of subpart.

REQUIREMENTS RELATING TO AIR CARRIERS

207.21 Solicitation and formation of a chartering group.
 207.22 Pretrip notification and charter contract.
 207.23 Agent's commission.
 207.24 Statement of Supporting Information.
 207.25 Charter trips originating in the United States.
 207.26 Air carrier to identify enplanements.

REQUIREMENTS RELATING TO TRAVEL AGENTS

207.30 Prohibition against double compensation.
 207.31 Statement of Supporting Information.

REQUIREMENTS RELATING TO CHARTERING ORGANIZATION

207.40 Solicitation of charter participants.
 207.41 Passengers on charter flights.
 207.42 Participation of immediate families in charter flights.
 207.43 Charter costs.
 207.44 Statement of charges.

Sec. 207.45 Passenger lists.
 207.46 Application for a charter.
 207.47 Statement of Supporting Information.

Subpart C—Provisions Relating to Single Entity Charters

207.50 Applicability of subpart.
 207.51 Terms of service.
 207.52 Commissions paid to travel agents.
 207.53 Statement of Supporting Information.

Subpart D—Provisions Relating to Mixed Charters

207.60 Applicable rules.

AUTHORITY.—Secs. 204, 401, 403, 404(b), 407, 411, 416(b), 72 Stat. 743, 754 (as amended by 76 Stat. 143, 82 Stat. 867), 758 (as amended by 74 Stat. 445), 760, 766, 769, 771; 49 U.S.C. 1324, 1371, 1373, 1374, 1377, 1381, 1386.

§ 207.1 Definitions.
 As used in this part, unless the context otherwise requires:

"All-cargo carrier" means an air carrier holding a certificate of public convenience and necessity issued pursuant to section 401(d) (1) or (2), which authorizes the carriage of property only or property and mail only.

"Base Revenue Plane Miles" means revenue mileage operated by an air carrier in scheduled services, extra sections, and on-route charter trips or special services.

"Charter flight" means air transportation performed in accordance with § 207.11.

"Charter group" means that body of individuals who shall actually participate in the charter flight.

"Charter organization" means that organization, group, or other entity from whose members (and their immediate families) a charter group is derived.

"Charter trip" means air transportation performed in accordance with § 207.11.

"Combination carrier" means an air carrier holding a certificate of public convenience and necessity issued pursuant to section 401(d) (1) or (2) which authorizes the carriage of persons, property and mail or persons and property only.

"Hawaiian charter trip" means a charter trip between points within the 48 contiguous States of the United States, on the one hand, and points in the State of Hawaii, on the other hand.

"Islands of the Caribbean" means points in Jamaica, the Bahama Islands, Bermuda, Haiti, the Dominican Republic, Puerto Rico, the Virgin Islands, Trinidad and Tobago, the Cayman Islands, Aruba, the Leeward and Windward Islands, Barbados, and Curacao.

"Mixed charter" means a charter, the cost of which is borne, or pursuant to contract may be borne, partly by the charter participants and partly by the charterer.

"Off-route" shall refer to any charter which is not on-route, except (1) charters performed for the Department of Defense, and (2) charters performed in overseas or foreign air transportation on the reverse leg of a charter performed in the opposite direction under a con-

tract with the Department of Defense calling for one-way service.

"On-route" shall refer to service performed by an air carrier between points between which said carrier is authorized to provide service pursuant to either its certificate of public convenience and necessity or exemption authority: *Provided, however*, That passenger charter trips by any all-cargo carrier are not considered to be on-route whether or not they are performed between points designated to receive service by such carrier in its certificate of public convenience and necessity, except that in the event services are performed pursuant to a contract with the Department of Defense or an agency thereof, by an all-cargo carrier between points designated to receive service by such carrier in its certificate of public convenience and necessity which (1) involves cargo transportation in one direction and passenger transportation in the other direction or (2) involves a charter trip in which passengers and cargo are carried on the same flight, the passenger charter leg or the mileage operated in such charter, as the case may be, will be considered on-route.

NOTE: Charter services for the Department of Defense conducted between points between which the carrier is not otherwise authorized to provide service by its certificate of public convenience and necessity or exemption authority naming such points are not regarded as "on-route."

"Point" means any airport or place where an aircraft may be landed or taken off, including the area within a 50-mile radius of such airport or place.

"Pro rata charter" means a charter, the cost of which is divided among the passengers transported.

"Single entity charter" means a charter, the cost of which is borne by the charterer and not by individual passengers, directly or indirectly.

"Special services" are all services rendered in air transportation which are authorized by section 401(e) (6) of the Act by an air carrier holding a certificate of public convenience and necessity other than (1) services rendered in air transportation over the route or routes designated in its certificate(s), (2) charter services as defined in this section, and (3) services authorized by special exemption under section 416(b) of the Act.

"Transatlantic charter trip" means a charter trip between points within the 48 contiguous States of the United States, on the one hand, and points in Greenland, Iceland, the Azores, Europe, Africa, or Asia, as far east as (and including) India, on the other hand: *Provided, however*, That this definition shall not apply to off-route charter trips performed by a carrier between a point within the 48 contiguous States of the United States, on the one hand, and a point in a country in the above area with respect to which the carrier is authorized to perform air transportation of persons and property pursuant to a certificate of public convenience and necessity issued under section 401 of the Act, on the other hand.

"Transpacific charter trip" means a charter trip between points within any State of the United States, on the one hand, and points in Australasia (including Australia, New Zealand, Polynesia, Micronesia, and Melanesia), Indonesia, or Asia as far west as longitude 70° east, on the other hand: *Provided, however*, That this definition shall not apply to off-route charter trips performed by a carrier between a point within any State of the United States, on the one hand, and a point in a country in the above area with respect to which the carrier is authorized to perform air transportation of persons and property pursuant to a certificate of public convenience and necessity issued under section 401 of the Act, on the other hand.

"Travel agent" means any person engaged in the formation of groups for transportation or in the solicitation or sale of transportation services.

§ 207.2 Applicability of part.

This part shall apply to all air carriers (other than Alaskan air carriers and air carriers certificated for supplemental air service) who hold currently effective certificates of public convenience and necessity issued by the Board pursuant to section 401 of the act.

§ 207.3 Scope of authorization.

Off-route charter trips and other special services, and on-route charters, may be performed by air carriers, subject, however, to the limitations and regulations set forth in this part. The limitations and regulations herein specified as applicable to charter trips shall be applicable to all charter trips irrespective of whether the authority to conduct such trips derives from section 401(e)(6) of the act or the carrier's certificate of public convenience and necessity or from a special or general exemption issued by the Board.

§ 207.4 Tariffs to be filed for charter trips and special services.

(a) No air carrier shall perform any charter trips or other special services unless such air carrier shall have on file with the Board a currently effective tariff showing all rates, fares, and charges for such charter trips and other special services, and showing the rules, regulations, practices, and services in connection with such transportation including the eligibility requirements for charter groups not inconsistent with those established in this part.

(b) Every charter tariff shall contain the following provision: Payments for a charter flight made to any person to whom the carrier, directly or indirectly, has paid a commission or has agreed to pay a commission with respect to such flight, shall be considered payment to the carrier: *Provided, however*, That this requirement shall not be applicable to foreign-originated charters.

§ 207.4a Written contracts with charterers.

(a) Every agreement to perform a charter trip, except charters for the Department of Defense, shall be in writing

and signed by an authorized representative of the air carrier and the charterer prior to operation of a charter flight: *Provided*, That where execution of a contract prior to commencement of flight is impracticable because the charter has been arranged on short notice, compliance with the provision hereof shall be effected within seven (7) days after commencement of the flight. The written agreement shall include, without limitation:

(1) Date and place of execution of the contract or agreement;

(2) Signature, printed or typed name of each signatory, and official position of each;

(3) Dates of flights and points involved;

(4) Type and capacity of aircraft: Number of passenger seats available or pounds of cargo capacity; and

(5) Rates, fares, and charges applicable to the charter trip, including the charter price, live and ferry mileage charges, and layover and other nonflight charges.

(b) No term or condition of the charter contract shall, on its face, be inconsistent with any provision of the carrier's published tariff.

§ 207.5 Limitation on amount of charter trips which may be performed by combination carriers.

A combination carrier shall not during any calendar year perform off-route charter trips which in the aggregate, on a revenue plane-mile basis, exceed 2 percent of the base revenue plane-miles flown by it during the preceding calendar year.

§ 207.6 All-cargo carriers: limitation on amount of charter trips which may be performed.

(a) [Reserved].

(b) An all-cargo carrier shall not during any calendar year perform off-route charters which in the aggregate, on a revenue plane-mile basis, exceed 2 percent of the base revenue plane-miles flown by it during the preceding calendar year: *Provided, however*, That an all-cargo carrier shall be permitted to perform off-route cargo charters within its area of operations without any limitation as to volume of service.

(c) Within the meaning of paragraph (b) of this section, the areas of operations of the all-cargo carriers are the following:

(1) Within the 48 contiguous States—The Flying Tiger Line Inc.; Airlift International, Inc.; and Seaboard World Airlines, Inc.

(2) Between the 48 contiguous States and Europe—Seaboard World Airlines, Inc.

(3) Between the 48 contiguous States, on the one hand, and the islands of the Caribbean, on the other—Airlift International, Inc.

(4) Between the 48 contiguous States and Asia as far west as longitude 70° east, including Japan and the Philippines, but not including Indonesia—The Flying Tiger Line Inc.

§ 207.7 Charter trips and other special services within the State of Alaska.

An air carrier shall not perform any charter trip or other special service in interstate air commerce within the State of Alaska.

§ 207.7a Restriction on frequency and regularity of off-route charter trips and other special services.

No air carrier shall perform off-route Hawaiian, transatlantic or transpacific charter trips, or any other off-route charter trips between any pair of points, or special services between any pair of points:

(a) In excess of a total of eight (8) flights in the same direction during any period of four successive calendar weeks,

(b) In the same direction on the same day of two or more successive calendar weeks,

(c) In excess of a total of three (3) flights in the same direction during any period of two successive calendar weeks unless such period is followed by a break of at least one calendar week during which no flights are operated in such market or between such points,

(d) Which are so arranged as to result in the observance of breaks required by paragraph (c) of this section at regularly recurring intervals, or

(e) Which are so arranged as to result in any uniform pattern or normal consistency of operations:

Provided, That the restrictions imposed by this section shall not be applicable to off-route cargo charters performed by an all-cargo carrier within its area of operations as set forth in § 207.6.

§ 207.8 Notice of proposed special services.

No air carrier shall perform any special service in interstate, overseas or foreign air transportation unless at the time of filing of a tariff applicable to such special service or at the time of filing of an application for a special tariff permission, such air carrier shall have submitted to the Board a statement setting forth a full description of the proposed service and shall have mailed copies thereof to the air carriers authorized by certificates of public convenience and necessity to render service to any point designated to receive the proposed special service. The proposed special service shall not be inaugurated if prior to the effective date of the tariff applicable to such special service, or at the time of action on the application for special tariff permission, the Board shall have notified such air carrier that the performance of such special service does not appear to be consistent with the public interest.

§ 207.9 Records and record retention.

Each air carrier shall obtain and retain the following records in accordance with Part 249 of this subchapter:

(a) A record of the names, addresses, and telephone numbers of all passengers transported on each pro rata charter trip.

(b) A copy of every charter contract.
 (c) Every statement of supporting information and proof of the commission paid to any travel agent for each pro rata charter trip.

(d) The written confirmation, and accompanying passenger list, received from another carrier pursuant to § 207.25; and a copy of its written request, and accompanying passenger list, to such other carrier for such confirmation.

§ 207.10 Reports of emergency commercial charters for other direct carriers.

It shall be an express condition upon authority conferred by subparagraph (1) of paragraph (b) of § 207.11 that each air carrier which performs an emergency charter transporting commercial traffic for another direct carrier shall file a report with the Bureau of Operating Rights, within 30 days following each charter trip, containing the following information:

- (a) Name of direct carrier performing the charter and name of direct carrier for which the charter was performed;
- (b) Date of flight or flights;
- (c) Points of origin and destination, and intermediate points, in any;
- (d) Number of passengers and/or tons of cargo transported;
- (e) Description of circumstances creating the emergency;
- (f) Date of initial contact by the chartering carrier regarding the charter;
- (g) Reasons why the traffic in question was not or could not be carried by other carriers certificated to serve the particular market.

§ 207.11 Charter flight limitations.

Charter flights (trips) in air transportation shall be limited to the following:

- (a) Air transportation of persons and/or property pursuant to contracts with the Department of Defense where the entire capacity of one or more aircraft has been engaged by the Department;
- (b) Air transportation performed on a time, mileage, or trip basis where the entire capacity of one or more aircraft has been engaged for the movement of persons and their baggage and/or the movement of property;

(1) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel or company property, or in cases of emergency, of commercial traffic: *Provided*, That emergency charters for commercial traffic shall be reported in accordance with § 207.10);

(2) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services) for the transportation of a group of persons, as agent or representative of such group;

(3) By an air freight forwarder or international air freight forwarder holding a currently effective operating authorization under Part 296 or Part 297

of this subchapter for the carriage of property in air transportation;

(4) By a person authorized by the Board to transport by air used household goods of personnel of the Department of Defense;

(5) By a study group charterer or a foreign study group charterer as defined in Part 373 of this chapter; or

(6) By an overseas military personnel charter operator as defined in Part 372 of this chapter; or

(7) By a travel group charter organizer on behalf of a travel group pursuant to Part 372a of this chapter; or

(c) Air transportation performed on a time, mileage or trip basis where less than the entire capacity of an aircraft has been engaged for the movement of persons and their personal baggage by two or more of the following persons: *Provided*, That such persons in the aggregate engage the entire capacity of the aircraft:

(1) By a person for his own use (including a direct air carrier or a direct foreign air carrier when such aircraft is engaged solely for the transportation of company personnel and their personal baggage, or in cases of emergency, of commercial passenger traffic: *Provided*, That emergency charters for commercial traffic shall be reported in accordance with § 207.10);

(2) By a person (no part of whose business is the formation of groups or the consolidation of shipments for transportation or the solicitation or sale of transportation services), for the transportation of a group of persons as agent or representative of such group;

(3) By a study group charterer or foreign study group charterer as defined in Part 373 of this chapter;

(4) By an overseas military personnel charter operator as defined in Part 372 of this chapter;

(5) By a travel group charter organizer on behalf of a travel group pursuant to Part 372a of this chapter:

Provided, That with respect to paragraph (c) of this section each person engaging less than the entire capacity of an aircraft shall contract and pay for 40 or more seats: *And provided, further*, That paragraph (c) of this section shall not be construed to apply to movements of property.

§ 207.12 Unused space.

An air carrier may, with the written consent of the charterer(s), utilize any unused space for the transportation of (a) the carrier's own personnel and property and/or (b) the directors, officers, and employees of a foreign air carrier or another air carrier traveling pursuant to a pass interchange arrangement.

§ 207.13 Terms of service.

(a) The total charter price and other terms of service rendered pursuant to this part shall conform to those set forth in the applicable tariff on file with the Board and in force at the time of the respective charter flight and the contract must be for the entire capacity, or

for less than the entire capacity (see § 207.11(c)) of one or more aircraft. Where a carrier's charter charge computed according to a mileage tariff includes a charge for ferry mileage, the carrier shall refund to the charterer any sum charged for ferry mileage which is not in fact flown in the performance of the charter: *Provided*, That the carrier shall not charge the charterer for ferry mileage flown in addition to that stated in the contract unless such mileage is flown for the convenience of and at the express direction of the charterer.

(b) The carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, or the posting of a satisfactory bond for full payment, prior to the commencement of any portion of the air transportation: *Provided, however*, That in the case of a charter for less than the entire capacity of an aircraft pursuant to § 207.11(c), the carrier shall require full payment of the total charter price, including payment for the return portion of a round trip, not less than 30 days prior to the commencement of any portion of the transportation, and such payment shall not be refundable unless the charter is canceled by the carrier or unless the carrier accepts a substitute charterer for one which has canceled a charter, in which case the amount paid by the latter shall be refunded.

(c) Where four or more round trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, one-way passengers shall not be carried except that up to 5 percent of the charter group may be transported one way in each direction, there shall be no intermingling of passengers and each planeload group, or less than planeload group (see § 207.11(c)), shall move as a unit in both directions, except as provided in § 207.14. This provision shall not be construed as permitting knowing participation in any plan whereby each leg of a round trip is chartered separately in order to avoid the 5-percent limitation aforesaid.

§ 207.14 Substitute transportation in emergencies.

(a) A carrier shall be permitted to transport a passenger on a charter flight with a group other than his own or on a ferry flight (as defined in § 241.03 of this subchapter) under the following circumstances:

(1) The passenger was transported by the carrier on an outbound charter flight;

(2) The transportation is for return passage only;

(3) When the passenger is required to return at a different time than his own charter flight due to emergency circumstances beyond the passenger's control; and

(4) The charter group with which the passenger is to travel expresses no objection to his participation in the charter flight.

For the purposes of this paragraph, "emergency circumstances beyond the

passenger's control" shall mean illness or injury to the passenger or a member of his immediate family; death of a member of the passenger's immediate family; or weather conditions or unforeseeable and unavoidable delays in ground transportation or connecting air transportation.

(b) In cases where such substitute transportation is furnished, the carrier shall file a report with the Director, Bureau of Operating Rights, within 30 days after the substitute transportation is provided setting forth the circumstances of the carriage. Such report shall include the name of the passenger; the name of his chartering organization; the name of the chartering organization with whom he traveled in substitute transportation; the date he was originally scheduled to return and the date on which he actually returned; a description of the circumstances which made the substitute transportation necessary; and the evidence which the carrier obtained to substantiate the need for substitute transportation (e.g., a doctor's certificate).

§ 207.15 Payments, gratuities, and donations.

(a) Neither a carrier nor a travel agent shall make any payments or extend gratuities of any kind, directly or indirectly, to any member of a chartering organization in relation either to air transportation or land tours or otherwise.

(b) Neither a carrier nor a travel agent shall make any donation to a chartering organization or an individual charter participant.

(c) Nothing in this section shall preclude a carrier from paying a commission (within the limits of §§ 207.23 and 207.52) to a member of a chartering organization if such member is its agent, or restrict a carrier or a travel agent from offering to each member of the charter group such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., canvas traveling bag or a money exchange computer).

§ 207.16 Waiver.

(a) A waiver of any of the provisions of this part may be granted by the Board upon the submission by an air carrier of a written request therefor not less than 30 days prior to the flight to which it relates provided such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein. Notwithstanding the foregoing, waiver applications filed less than 30 days prior to a flight may be accepted by the Board in emergency situations in which the circumstances warranting a waiver did not exist 30 days before the flight.

(b) A request for a waiver of any of the provisions of § 207.25 shall be accompanied by a list of the names, addresses, and telephone numbers of all

the passengers on the flight to which the request relates.

Subpart B—Provisions Relating to Pro Rata Charters

§ 207.20 Applicability of subpart.

This subpart sets forth the special rules applicable to pro rata charters, both on-route and off-route.

REQUIREMENTS RELATING TO AIR CARRIERS

§ 207.21 Solicitation and formation of a chartering group.

(a) A carrier shall not engage, directly or indirectly, in any solicitation of individuals (through personal contact, advertising, or otherwise) as distinguished from the solicitation of an organization for a charter trip, except after a charter contract has been signed.

(b) A carrier shall not employ, directly or indirectly, any person for the purpose of organizing and assembling members of any organization, club, or other entity into a group to make the charter flight, except after a charter contract has been signed.

§ 207.22 Pretrip notification and charter contract.

(a) Upon a charter flight date being reserved by the carrier or its agent, the carrier shall provide the prospective charterer with a copy of this Part 207.¹ The charter contract shall include a provision that the charterer, and any agent thereof, shall only act with regard to the charter in a manner consistent with this part and that the charterer shall within due time submit to the carrier such information as specified in § 207.45. The carrier shall also require that the charterer and any travel agent involved shall furnish it at least 30 days prior to departure of the first flight the statements of supporting information required in §§ 207.47 and 207.31, respectively, unless the charter has been contracted for within 30 days before the date of departure, in which event the statement and attachments shall be filed with the carrier on the date the charter contract is executed. In the event of a substitution of carriers, the carrier with whom the statements and attachments have been filed may forward them to the substitute carrier, in which case new statements need not be executed.

(b) The carrier shall attach to its copy of the charter contract a certification by an officer of the chartering organization, or other qualified person, authorizing the person who executes the contract to do so on behalf of the chartering organization.² If the carrier executes a charter

¹ Copies of this part are available by purchase from the Superintendent of Documents, Washington, D.C. 20402. Single copies will be furnished without charge on written requests to the Publications Services Section, Civil Aeronautics Board, Washington, D.C. 20428.

² Not applicable where the charter is based on employment in one entity or employee or student status at a school.

contract within 15 days of the flight date, the carrier shall require the person who executes the contract on behalf of the charterer to certify as to whether or not a contract for the flight has been canceled by another carrier because the chartering organization was found to be ineligible under the regulations. The carrier shall also notify the Board within 5 days after the contract has been executed, that its execution took place within 15 days of flight date. Where the certification discloses, or the carrier has reason to believe, that a contract for the flight has been canceled by another carrier, the notification to the Board shall also state that the carrier has made an independent inquiry and has satisfied itself that such cancellation was not caused by the ineligibility of the chartering organization. If a charter contract is for the return flight of a one-way charter by the same charter organization, a copy of the passenger list (§ 207.45) of the outbound charter shall be attached to the charter contract.

§ 207.23 Agent's commission.

The carrier shall not pay its agent a commission or any other benefits, directly or indirectly, in excess of 5 percent of the total charter price as set forth in the carrier's charter tariff on file with the Board, or more than the commission related to charter flights paid to an agent by a carrier certificated to render regular service on the same route, whichever is greater. The carrier shall not pay any commission whatsoever to an agent if the agent receives a commission from the charterer for the same service.

§ 207.24 Statement of Supporting Information.

Prior to performing a charter flight, the carrier shall execute, and require the travel agent (if any) and the charterer to execute, the Statement of Supporting Information attached hereto and made a part hereof. If a charter contract covers more than one charter flight, only one statement need be filed: *Provided, however*, That separate financial data (see item 13 of statement) shall be filed for each one-way or round-trip flight. The carrier shall require the charterer to annex to the statement copies of all announcements of the charterer in connection with the charter issued after the contract is signed.

§ 207.25 Charter trips originating in the United States.

(a) In the case of a charter trip originating in the United States which includes foreign air transportation, and where separate charter contracts cover the flight departing from the United States and the flight returning to the United States, the time by which the carrier to perform the returning flight, as well as the carrier to perform the departing flight, must receive full payment of its charter price (or a satisfactory bond for such payment), in compliance

with the requirements of § 207.13(b), shall be not less than 15 days prior to the departing flight, for a planeload charter, or not less than 30 days prior to the departing flight, if the charter is for less than the entire capacity of an aircraft, pursuant to § 207.11(c).

(b) In addition to requiring timely payment of its charter price (or the posting of a bond), pursuant to paragraph (a) of this section, the carrier performing the departing flight from the United States shall request in writing from the carrier performing the returning flight for the same chartering group, and the carrier performing the returning flight shall furnish, not later than 15 days prior to the scheduled departure of a planeload charter, or not later than 30 days prior to the scheduled departure of a less-than-planeload charter, written confirmation that the latter carrier has also received timely payment of its charter price (or the posting of a bond), pursuant to paragraph (a) of this section. Both the request and the confirmation shall contain particulars sufficient to identify the charter trip, including such details as the date and point of origin of the departing flight, the date and point of origin of the returning flight, and the name of the chartering group; and both shall be accompanied by a passenger list. The confirmation shall also contain a statement to the effect that the carrier has not previously furnished such confirmation to any other carrier with respect to the same charter trip.

(c) The requirements of this section shall apply to all charter flights scheduled to depart after the effective date hereof: *Provided, however*, That with respect to planeload charter flights scheduled to depart less than 15 days after the effective date hereof, and with respect to less-than-planeload charter flights scheduled to depart less than 30 days after the effective date hereof, requirements hereunder as to advance payments and receipt of written confirmation thereof by the departing carrier, need not be met within the time specified in this section but may be met at any time before flight departure.

(d) Every carrier which has entered into a charter contract covering one-way foreign air transportation from the United States, to be performed in connection with a pro rata charter trip originating in the United States, must obtain, before performing such departing flight, either written confirmation from the returning carrier (as provided in paragraph (b) or (c) of this section, as the case may be), or a waiver granted by the Board pursuant to § 207.16, such waiver to be based either on the grounds set forth in said § 207.16, or on a showing that the arrangements between the chartering organization and the charter participants do not involve the provision of return transportation to the United States.

§ 207.26 Air carrier to identify enplanements.

The air carrier shall make reasonable efforts to verify the identity of all en-

planing charter participants, and the documentary source of such verification shall be noted on the passenger list: *Provided however*, That in the case of international flights the identity of each enplaning charter participant shall be verified by means of his passport or, if there be none, by means of any other travel identity document, and the passport number or travel identity document number shall be entered on the passenger list.

REQUIREMENTS RELATING TO TRAVEL AGENTS

§ 207.30 Prohibition against double compensation.

A travel agent may not receive a commission from both the direct air carrier and the charterer for the same service.

§ 207.31 Statement of Supporting Information.

Travel agents shall execute, and furnish to air carriers, section A of part II of the Statement of Supporting Information attached hereto and made a part hereof, at such time as required by the carrier to afford it due time for review thereof.

REQUIREMENTS RELATING TO CHARTERING ORGANIZATION

§ 207.40 Solicitation of charter participants.

(a) As used in the section, "solicitation of the general public" means:

(1) A solicitation going beyond the bona fide members of an organization (and their immediate families). This includes air transportation services offered by an air carrier under circumstances in which the services are advertised in mass media, whether or not the advertisement is addressed to members of a specific organization, and regardless of who places or pays for the advertising. Mass media shall be deemed to include radio and television, and newspapers and magazines. Advertising in such media as newsletters or periodicals of membership organizations, industrial plant newsletters, college radio stations, and college newspapers shall not be considered advertising in mass media to the extent that;

(i) The advertising is placed in a medium of communication circulated mainly to members of an organization that would be eligible to obtain charter service, and

(ii) The advertising states that the charter is open only to members of the organization referred to in subdivision (1) of this subparagraph, or only to members of a subgroup thereof. In this context, a subgroup shall be any group with membership drawn primarily from members of the organization referred to in subdivision (1) of this subparagraph: *Provided*, That this paragraph shall not be construed as prohibiting air carrier advertising which offers charter services to bona fide organizations, without reference to a particular organization or flight.

(2) The solicitation, without limitation, of the members of an organization so constituted as to ease of admission to membership, and nature of membership, as to be in substance more in the nature

of a segment of the public than a private entity.

(b) Members of the charter group may be solicited only from among the bona fide members of an organization, club, or other entity, and their immediate families, and may not be brought together by means of a solicitation of the general public. "Bona fide members" means those members of a charter organization who (1) have not joined the organization merely to participate in the charter as the result of solicitation of the general public; and (2) are members for a minimum of 6 months prior to the starting flight date. The requirement in subparagraph (2) of this paragraph is not applicable to—

(i) Students and employees of a single school, and immediate families thereof; or

(ii) Employees of a single Government agency, industrial plant, or mercantile establishment, and immediate families thereof.

(c) Solicitation of, as well as participation by, members of an organization with respect to charter flights shall extend only to the organization, or the particular chapter or unit thereof, which signs the charter agreement with the air carrier as the charterer.

(d) A charterer shall not advertise or otherwise solicit its members for any charter until a charter contract has been signed: *Provided, however*, That this prohibition shall not extend to oral inquiries or internal mailings directed to members to determine interest in a charter flight or charter program so long as no fixed price for air transportation is held out. After a charter contract is signed, copies of solicitation material shall be furnished the carrier at the same time it is distributed to members.

§ 207.41 Passengers on charter flights.

Only bona fide members of the charterer, and their immediate families, may participate as passengers on a charter flight, and the participants must be members of the specific organization or chapter which authorized the charter. The charterer must maintain a central membership list, available for inspection by the carrier or Board representative, which shows the date each person became a member.* Where four or more round-trip flights per calendar year are conducted on behalf of a chartering organization by a carrier or carriers, intermingling between flights or reforming of planeload groups, or less than planeload groups (see § 207.11(c)), shall not be permitted, and each group must move as a unit in both directions, except as provided in § 207.14.

§ 207.42 Participation of immediate families in charter flights.

(a) The immediate family of any bona fide member of a charter organization may participate in a charter flight.

* Where the charter is based on employment in one entity or student or employee status at a school, records of the corporation, agency or school will suffice to meet the requirements.

(b) "Immediate family" means only the following persons who are living in the household of a member of a charter organization, namely, the spouse, dependent children, and parents, or such member.

§ 207.43 Charter costs.

(a) The costs of charter flights shall be prorated equally among all charter passengers, and no charter passenger shall be allowed free transportation; except that (1) children under 12 years of age may be transported at a charge less than the equally prorated charge; and (2) children under 2 years of age may be transported free of charge.

(b) The charterer shall not make charges to the charter participants which exceed the actual costs incurred in consummating the charter arrangements, nor include as a part of the assessment for the charter flight any charge for purposes of charitable donations. All charges related to the charter flight arrangements collected from the charter participants which exceed the actual costs thereof shall be refunded to the participants in the same ratio as the charges were collected.

(c) Reasonable administrative costs of organizing the charter may be divided among the charter participants. Such costs may include a reasonable charge for compensation to members of the charter organization for actual labor and personal expenses incurred by them. Such charge shall not exceed \$300 (or \$500 where the charter participants number more than 80) per round-trip flight. Neither the organizers of the charter, nor any member of the chartering organization, may receive any gratuities or compensation, direct or indirect from the carrier, the travel agent, or any organization which provides any service to the chartering organization whether of an air transportation nature or otherwise. Nothing in this section shall preclude a member of a chartering organization who is the carrier's agent from receiving a commission from the carrier (within the limits of § 207.23), or prevent any member of the charter group from accepting such advertising and goodwill items as are customarily extended to individually ticketed passengers (e.g., a canvas traveling bag or a money exchange computer).

(d) If the total expenditures, including among other items compensation to members of the chartering organization, referred to in paragraph (c) of this section, but exclusive of expenses for air transportation or land tours, exceed \$750 per round-trip flight, such expenditures shall be supported by properly authenticated vouchers.

§ 207.44 Statement of charges.

The chartering organization, in any announcements or statements to prospective charter participants giving price per seat, shall state that the seat price is a pro rata share of total charter cost and

is subject to increase or decrease depending on the number of participants. All announcements shall separately state the cost of ground arrangements, if any, the cost of air transportation, the administrative expenses of the charterer, and the total cost of the entire trip. All announcements shall also identify the carrier, the number of seats available and the type of aircraft to be used for the charter.

§ 207.45 Passenger lists.

(a) Prior to each one-way or round-trip flight, a list shall be filed by the charterer with the air carrier showing the names, addresses, and telephone numbers of the persons to be transported, including standbys who may be transported, specifying the relationship of each such person to the charterer (by designating opposite his name one of the three relationship categories hereinafter described), the date the person joined or last renewed a lapsed membership in the charter organization, and the designation "one-way" in the case of one-way passengers. The list shall be amended if passengers are added or dropped before flight.

(b) The relationship of a prospective passenger shall be classified under one of the following categories and specified on the passenger list as follows:

(1) A bona fide member of the chartering organization who will have been a bona fide member of the chartering organization for at least 6 months prior to the starting flight date. Specify on the passenger list as "(1) member."

(2) The spouse, dependent child or parent of a bona fide member who lives in such member's household. Specify on the passenger list as "(2) spouse" or "(2) dependent child" or "(2) parent." Also give name and address of member relative where such member is not a prospective passenger.

(3) Bona fide members of entities consisting only of persons employed by a single Government agency, industrial plant, or mercantile company or students and employees of a school or persons whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver. Specify on the passenger lists as "(3) special" or "(3) member" (where participants are from a school group or from a Government agency, industrial plant or mercantile company).

(c) In the case of a round-trip flight, the above information must be shown for each leg of the flight and any variations between the outbound and inbound trips must be explained on the list.

(d) Attached to such list must be a certification, signed by a duly authorized representative of the charterer, reading:

The attached list of persons includes every individual who may participate in the charter flight. Every person as identified on the attached list (1) was a bona fide member of the chartering organization, and will have been a member for at least 6 months prior to the starting flight date, or (2) is a bona

fide member of an entity consisting of (a) students and employees of a single school, or (b) employees of a single Government agency, industrial plant, or mercantile establishment, or (3) is a person whose participation has been specifically permitted by the Civil Aeronautics Board, or (4) is the spouse, dependent child, or parent of a person described hereinbefore and lives in such person's household.*

(Signature)

§ 207.46 Application for a charter.

A chartering organization shall make written application to the air carrier, setting forth the number of seats desired, points to be included in the proposed flight or flights, and the dates of departure for each one-way or round-trip flight, and the number of round-trip flights which have been conducted for the organization by any carrier or carriers during the calendar year.

§ 207.47 Statement of Supporting Information.

Charterers shall execute and file with the air carrier section B of part II of the Statement of Supporting Information attached hereto and made a part hereof at such time as required by the carrier to afford it due time for review thereof.

Subpart C—Provisions Relating to Single Entity Charters

§ 207.50 Applicability of subpart.

This subpart sets forth the special rules applicable to single entity charters.

§ 207.51 Terms of service.

The provisions of § 207.13 shall apply to charters under this subpart except that paragraphs (b) and (c) of such section shall not be applicable and the second sentence of paragraph (a) of such section shall not be applicable.

§ 207.52 Commissions paid to travel agents.

No direct air carrier shall pay a travel agent any commission in excess of 5 percent of the total charter price or more than the commission related to charter flights paid to an agent by a carrier certificated to fly the same route, whichever is greater.

§ 207.53 Statement of Supporting Information.

Part I of the statement of supporting information attached hereto shall be applicable in the case of single entity charters.

*Whoever, in any matter within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., section 1001.

Subpart D—Provisions Relating to Mixed Charters

§ 207.60 Applicable rules.

The rules set forth in Subpart B of this part shall apply in the case of mixed charters.

STATEMENT OF SUPPORTING INFORMATION¹

Part I—To be completed by air carrier for each single entity, mixed, or pro rata charter. (Where more than one round-trip flight is to be performed under the charter contract, clearly indicate applicability of answers.)

1. Name of transporting carrier: _____
2. Commencement date(s) of proposed flight(s): _____
(a) Going _____
(b) Returning _____
3. Points to be included in proposed flight(s) _____
(a) From _____ to _____
(b) Returning from _____ to _____
(c) Other stops required by charterer: _____
4. (a) Type of aircraft to be used: _____
(b) Seating capacity: _____
(c) Number of persons to be transported: _____
5. (a) Total charter price: _____
(b) Does the charter price conform to tariff on file with the Board? _____
(c) If pro rata or mixed charter, explain construction of charter price in relation to tariff on file with the Board. (In case of mileage tariff, show mileage for each segment involved and indicate whether segment is live or ferry.) _____
6. (a) Has the carrier paid, or does it contemplate payment of any commissions, direct or indirect, in connection with the proposed flight? Yes [] No []
(b) If "yes" give names and addresses of such recipients and indicate the amount paid or payable to each recipient. If any commission to a travel agent exceeds 5 percent of the total charter price, attach a statement justifying the higher amount under this regulation. _____
7. (a) Will the carrier or any affiliate provide any services or perform any functions in addition to the actual air transportation? Yes [] No []
(b) If "yes" describe services or functions: _____

8. Name and address of charterer: _____
9. If charter is single entity, indicate purpose of flight: _____
10. On what date was the charter contract executed? _____
11. If the charter is pro rata, has a copy of Part 207 of the Civil Aeronautics Board's Economic Regulations been mailed to or delivered to the prospective charterer? Yes [] No []

Part II—To be completed for pro rata or mixed charters only.

Section A—To be supplied by travel agent, or where none, by the air carrier or an affiliate under its control where either of the latter performs or provides any travel agency function or service (excluding air transportation sales but including land tour arrangements).

1. What specific services have been or will be provided by agent to charterer on a group basis? _____
2. What specific services have been or will be provided by agent to individual participants in the proposed charter? _____
3. Has the agent or, to his knowledge, have any of his principals, officers, directors, associates or employees compensated any members of the chartering organization in relation either to the proposed charter flight or any land tour? Yes [] No []
4. Does the agent have any financial interest in any organization rendering services to the chartering organization? Yes [] No [] If answer is "yes" explain: _____

¹ This must be retained by the air carrier for 2 years pursuant to the requirements of Part 249, but open to Board inspection, and to be filed with the Board on demand.

the latter performs or provides any travel agency function or service (excluding air transportation sales but including land tour arrangements).

1. What specific services have been or will be provided by agent to charterer on a group basis? _____
2. What specific services have been or will be provided by agent to individual participants in the proposed charter? _____
3. Has the agent or, to his knowledge, have any of his principals, officers, directors, associates or employees compensated any members of the chartering organization in relation either to the proposed charter flight or any land tour? Yes [] No []
4. Does the agent have any financial interest in any organization rendering services to the chartering organization? Yes [] No [] If answer is "yes" explain: _____

WARRANTY²

I, _____ represent and (Name) warrant that I have acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section A) and will act with regard to such operation in a manner consistent with Part 207 of the Board's economic regulations.

(Date) (Signature and address of travel agent or, if none, of authorized official of air carrier where such carrier or an affiliate under its control performs any travel agency function or service (excluding air transportation sales but including land tour arrangements).)

- Section B—To be supplied by charterer:
1. Description of chartering organization, including its objectives and purposes: _____
 2. What activities are sponsored by the chartering organization? _____
 3. When was the organization founded? _____
 4. Qualification or requirements for membership in organization and membership fee, if any: _____

² Any air carrier, or any officer, agent, employee, or representative thereof, who shall knowingly and willfully, fail or refuse * * * to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the Board * * *, or shall, knowingly and willfully, falsify, mutilate, or alter any such report, account, record, or memorandum * * * shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject for each offense to a fine of not less than \$100 and not more than \$5,000. Title 49 U.S.C. § 1472(e).

Whoever, in any manner within the jurisdiction of any department or agency of the United States, knowingly and willfully falsifies, conceals, or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C., § 1001.

5. Has there been any reference to prospective charter flights in soliciting new members for the charter organization? Yes [] No []

6. State where a list of members is available for inspection. _____

7. Attach list of prospective passengers (including "standbys" and one-way passengers designated as such), showing for each: (a) Name and address; (b) relationship of such person to chartering organization, i.e., member, spouse, dependent child, parent or "special" (a person whose proposed participation in the charter flight was permitted by the Board pursuant to request for waiver); (c) if such person is related to a member who is not a prospective passenger, the member's name and address; and (d) date member joined or last renewed a lapsed membership.

(NOTE: This is a list of prospective passengers and does not necessarily have to represent the passengers actually to be carried. The list is to be amended, if passengers are dropped or added before flights and the certification required by § 207.45 must be attached to the list.)

8. What are requirements for participation in charter? _____

9. How were prospective participants for charter solicited (attach any solicitation material)? _____

10. Will there be any participants in the charter flight other than (1) members of the chartering organization or (2) spouse, dependent children, and parents of a member of the chartering group residing in the same household with the member? Yes [] No []

11. Will there be any members of the chartering organization participating in the charter who will have been members of the organization for a period of less than 6 months prior to flight date? Yes [] No [] If answer is "yes", give names of participants who will not have been members for 6 months: _____

12. If there is any intermediary involved in the charter, other than the travel agent whose participation is described in Part II, Section A, submit name, address, remuneration, and scope of activity: _____

13. Estimated receipts:
(Pro rata charge) × (Number of passengers) = _____
\$ (Estimated receipts from charter)
Estimated receipts from other sources, if any: _____
Explain: _____

(a) Total receipts: \$ _____
Estimated expenditures, including aircraft charter (separately itemize air transportation, land tour, and administrative expenses): _____

² Not applicable to school charters, nor to charters limited to employees of a single Government agency, industrial plant, or mercantile company.

Item	Amount	Payable to
-----	-----	-----
-----	-----	-----
-----	-----	-----

(b) Total expenditures: \$-----
 Explain any difference between (a) and (b): -----

14. Are any of the expenses included in Item 13 above, to be paid to any members of the chartering organization? Yes [] No [] If "yes" state how much, to whom and for what services: -----

15. Is any member of the chartering organization to receive any compensation or benefit directly or indirectly from the air carrier, the travel agent, or any organization providing services in relation to the air or land portion of the trip? Yes [] No [] If "yes" explain fully: -----

16. Will any person in the group (except children under 2 years) be transported without charge? Yes [] No []

17. Will charter costs be divided equally among charter participants, except to the extent that a lesser charge is made for children under 12 years old? Yes [] No []

18. Separately state for the outbound and inbound flights the number of one-way passengers anticipated to be transported in each direction: -----

19. If four or more round trips are contracted for, will each group move as a unit in both directions? Yes [] No []

20. If charters have been performed for organization during past 5 years, give dates and name of carrier performing charters: -----

21. Has a copy of Part 207 "Charter Trips and Special Services" of the Economic Regulations of the Civil Aeronautics Board been received by the charterer? Yes [] No []

22. Attach copies of all announcements of the chartering organization in connection with the charter issued after the charter contract is signed.

WARRANTY OF CHARTERER *

I, ----- and -----
 (Name)

 represent and warrant that
 (Name)

the charterer has acted with regard to this charter operation (except to the extent fully and specifically explained in Part II, Section B), and will act with regard to such operations, in a manner consistent with Part 207 of the Board's economic regulations. I (we) further represent and warrant that the charterer has not offered charter flights simul-

* Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years, or both. Title 18 U.S.C., 1001.

aneously with the solicitation of membership in the chartering organization in any mass media advertising or notice or through direct mailing or public posters. I (we) further represent and warrant that all charter participants have been informed of eligibility and cost requirements of Part 207 and that a flight may be canceled if ineligible participants are included.

(Date)

(Signature—person with
 in organization in
 charge of charter arrangements)

(Signature and title of officer. This should be the chief officer of the chartering organization except in the case of a school charter, in which case the warranty must be by school official not directly involved in charter.)

WARRANTY OF AIR CARRIER *

To the best of my knowledge and belief all the information presented in this statement, including but not limited to, those parts warranted by the charterer and the travel agent, is true and correct. I represent and warrant that the carrier has acted with regard to this charter operation (except to the extent fully and specifically explained in this statement or any attachment thereto) and will act with regard to such operation in a manner consistent with Part 207 of the Board's economic regulations.

(Date)

(Signature and title of authorized official of air carrier)

Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than 5 years or both. Title 18 U.S.C. 1001.

[FR Doc.73-10718 Filed 5-29-73;8:45 am]

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-69; Amdt. 372-4]

PART 372—OVERSEAS MILITARY PERSONNEL CHARTERS

Free or Reduced-Rate Transportation for Charter Operators' Employees and Certain Other Persons

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on May 23, 1973.

* Any air carrier, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, fail or refuse . . . to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the Board . . . or shall, knowingly and willfully, falsify, mutilate, or alter any such report, account, record, or memorandum . . . shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject for each offense to a fine of not less than \$100 and not more than \$5,000. Title 49 U.S.C. § 1472(e).

* SPR-54, dated May 18, 1972, 37 FR 11159.

Part 372¹ of the Board's special regulations sets forth rules governing overseas military personnel charters, and authorizes licensed charter operators to act as indirect air carriers with respect to this class of charter. The technical aspects of the overseas military personnel charter regulations are patterned largely after those which govern study group charters (14 CFR pt. 373) and inclusive tour charters (14 CFR pt. 378). The operators of these charters are indirect air carriers who hire all or part of an aircraft from direct air carriers and sell individual seats, subject to various conditions and restrictions, and bear the entrepreneurial risks of unsold seats.

Parts 373 and 378 provide that the indirect air carriers (i.e., study group charterers or tour operators) may utilize any of their unused charter space for the transportation, on a free or reduced-rate basis, of their employees, directors, and officers, and the parents and immediate families of such persons, subject to the provisions of part 223 of the Board's economic regulations (14 CFR Pt. 223).² However, it has recently come to our attention that part 372 does not include a provision granting to overseas military personnel charter operators the same right to provide such free or reduced-rate transportation. We believe that there is not reason why overseas military personnel charter operators should not have the same right as study group charterers and tour operators, in this respect, since all three bear the same risks if they do not resell all of their chartered seats. We have therefore determined to cure the apparently inadvertent omission in part 372 of a provision granting this right.

Accordingly, the rule being adopted herein amends the definition of "overseas military personnel charter" in § 372.2 by adding thereto the same proviso which is set forth in the counterpart definitions of parts 373 and 378.

Since this amendment, which corrects a technical oversight, relieves a restriction and imposes no burden upon any person, the Board finds that notice and public procedure hereon are unnecessary and the rule may become effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends part 372 of its special regulations (14 CFR pt. 372), effective May 23, 1973, as follows:

Amend the definition of "overseas military personnel charter" in § 372.2 by adding a proviso at the end thereof, the definition as amended to read as follows:

§ 372.2 Definitions.

"Overseas military personnel charter" means a charter, either one-way or round-trip, limited to military personnel on active duty with the U.S. Armed

² The pertinent provisions are set forth in the form of provisos to the definitions of "study group" and "inclusive tour group" in §§ 373.2 and 378.2, respectively.

Forces (including the Coast Guard), stationed outside the 48 contiguous States of the United States and the District of Columbia, and/or civilian employees of the Department of Defense who are citizens of the United States and are stationed in a foreign country, or in a U.S. territory or possession, where such U.S. military personnel are stationed, and/or the immediate families of the foregoing persons, where the following conditions are met: (a) All military personnel and civilian employees of the Department of Defense participating in the charter are on official furlough, leave, pass, or other authorized absence from duty, and (b) the transportation is between a place in the 48 contiguous States of the United States or the District of Columbia and a place in Alaska, Hawaii, or a territory or possession of the United States, or a foreign country in which military personnel of the United States are stationed: *Provided, however,* That nothing contained herein shall preclude an overseas military personnel charter operator from utilizing any unused space on an aircraft chartered by it pursuant to this part for the transportation, on a free or reduced-rate basis, of such charter operator's employees, directors, and officers, and the parents and immediate families of such persons, subject to the provisions of part 223 of this chapter.

(Secs. 101(3), 204(a), and 403(b) of the Federal Aviation Act of 1958, as amended, 72 Stat. 737, 743, 758, as amended by 74 Stat. 445; 49 U.S.C. 1301, 1324, and 1373.)

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.73-10717 Filed 5-29-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart E—Prior-Sanctioned Food Ingredients

Correction

In FR Doc. 73-9621 appearing at page 12737 in the issue of Tuesday, May 15, 1973, the fifth line of the paragraph numbered 1, reading "such ingredients are poisonous or del-", should read "such ingredients are excluded from the".

PART 19—CHEESES, PROCESSED CHEESES, CHEESE FOODS, CHEESE SPREADS, AND RELATED FOODS

Cottage Cheese; Standards of Identity; Direct Acidification by Vat Method With Appropriate Product Labeling; Confirmation of Effective Date

In the matter of amending the standards of identity for cottage cheese dry

curd, cottage cheese, and lowfat cottage cheese (21 CFR 19.525, 19.530, and 19.531, respectively) to permit the manufacturing procedure of direct acidification by the vat method utilizing Gluconolactone with appropriate product labeling:

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 701, 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed in response to the order in the above-identified matter published in the FEDERAL REGISTER of March 14, 1973 (38 FR 6886). Accordingly, compliance with the order of March 14, 1973 (38 FR 6886), including any labeling changes required, may begin immediately, and all labeling ordered after December 31, 1973, and all labeling used for products shipped in interstate commerce after December 31, 1974, shall comply with that order.

Dated May 22, 1973.

SAM D. FINE,
*Associate Commissioner
for Compliance.*

[FR Doc.73-10628 Filed 5-29-73;8:45 am]

PART 90—EMERGENCY PERMIT CONTROL

Manufacture and Processing of Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers; Correction

In FR Doc. 73-9425, appearing at page 12716 in the issue of Monday, May 14, 1973, the following corrections concerning (1) applicability to States, and (2) effective date of the order, in part, should be made:

1. In § 90.20(g) on page 12718, the 16th line should read "States listed in paragraph (j) of this sec-".
2. In § 90.20 on page 12719 under "Effective date," the second line should read "sions of § 90.20(g), which relates to per-".

Dated May 23, 1973.

SAM D. FINE,
*Associate Commissioner
for Compliance.*

[FR Doc.73-10630 Filed 5-29-73;8:45 am]

PART 90—EMERGENCY PERMIT CONTROL

Manufacture and Processing of Thermally Processed Low-Acid Foods Packaged in Hermetically Sealed Containers

Correction

In FR Doc. 73-9425 appearing at page 12715 in the issue of Monday, May 14, 1973, make the following changes:

1. In the 14th line of § 90.20(c)(2), insert a comma between "ing", and "sterilizing".
2. In the third column on page 12719, in the last line of the authority citation,

the figures reading "244, 371", should read "344, 371".

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

TRICYCLOHEXYLTIN HYDROXIDE

A petition (FAP 3H5021), was filed jointly by Dow Chemical, U.S.A., P.O. Box 1706, Midland, Mich. 48640, and M. & T. Chemicals, Inc., P.O. Box 1104, Rahway, N.J. 07065, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 348), proposing establishment of a food additive tolerance (21 CFR pt. 121), for residues of the insecticide tricyclohexyltin hydroxide including its organotin metabolites (calculated as tricyclohexyltin hydroxide), in citrus pulp at 8 p/m resulting from application of the insecticide to growing citrus fruit. (For a related document, see this issue of the FEDERAL REGISTER, page 14168).

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

Having evaluated the data in the petition and other relevant material, it is concluded that the tolerance should be established.

Therefore pursuant to provisions of the act (sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for pesticide programs (36 FR 9038), § 121.341 is revised to read as follows:

§ 121.341 Tricyclohexyltin hydroxide.

Tolerances of 8 p/m are established for combined residues of tricyclohexyltin hydroxide and its organotin metabolites (calculated as tricyclohexyltin hydroxide), in dried apple pomace when present therein as a result of the application of the insecticide to growing apples and in dried citrus pulp when present therein as a result of the application of the insecticide to growing citrus fruit.

Any person who will be adversely affected by the foregoing order may at any time on or before June 29, 1973, file with the hearing clerk, Environmental Protection Agency, room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and spec-

ify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

(Sec. 409(c)(1), (4), 72 Stat. 1786; 21 U.S.C. 348(c)(1), (4).)

Dated May 22, 1973.

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

[FR Doc.73-10674 Filed 5-29-73; 8:45 am]

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Chloral Hydrate, Pentobarbital, and Magnesium Sulfate

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (5-909V) filed by Jensen-Salsbery Laboratories, division of Richardson-Merrell, Inc., Kansas City, Mo. 64141, proposing revised labeling for the safe and effective use of chloral hydrate, pentobarbital, and magnesium sulfate in a sterile aqueous solution for intravenous use in cattle and horses as a general anesthetic. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), part 135b is amended by adding a new section as follows:

§ 135b.57 Chloral hydrate, pentobarbital, and magnesium sulfate injection.

(a) **Specifications.**—Chloral hydrate, pentobarbital, and magnesium sulfate injection contains 42.51 mg of chloral hydrate, 9.72 mg of pentobarbital, and 21.25 mg of magnesium sulfate in each milliliter of sterile aqueous solution containing water, 44.34 percent propylene glycol, and 11.5 percent alcohol.

(b) **Sponsor.**—See code No. 062 in § 135.501(c) of this chapter.

(c) **Conditions of use.**—(1) It is used for general anesthesia, and as a sedative-relaxant in cattle and horses.

(2) For intravenous use only. The drug is administered at a dosage level of 20–50 ml/100 lb of body weight for general anesthesia. It is administered intravenously via gravity flow until the desired effect is produced as indicated by rate and depth of respirations, muscle tone, and corneal reflex. Due to the weight of the rumen contents, cattle usually require a lower dosage on the basis of body weight. When used as a sedative-relaxant, it is administered at

a level of one-fourth to one-half of the anesthetic dosage level.

(3) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date.—This order shall be effective on May 30, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated May 22, 1973.

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

[FR Doc.73-10627 Filed 5-29-73; 8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Prednisolone Acetate

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (10-312V) filed by Schering Corp., 86 Orange Street, Bloomfield, N.J. 07003, proposing revised labeling for the safe and effective use of sterile prednisolone acetate aqueous suspension for the treatment of dogs, cats, and horses. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), part 135b is amended by adding a new section as follows:

§ 135b.82 Sterile prednisolone acetate aqueous suspension, veterinary.

(a) **Specifications.**—Each milliliter of sterile aqueous suspension contains 25 mg of prednisolone acetate.

(b) **Sponsor.**—See code No. 032 in § 135.501(c) of this chapter.

(c) **Conditions of use.**—(1) The drug is indicated in the treatment of dogs, cats, and horses for conditions requiring an anti-inflammatory agent. The drug is indicated for the treatment of acute musculoskeletal inflammations such as bursitis, carpalitis, and spondylitis. The drug is indicated as supportive therapy in nonspecific dermatosis such as summer eczema and atopy. The drug may be used as supportive therapy pre- and post-operatively and for various stress conditions when corticosteroids are required while the animal is being treated for a specific condition.

(2) The drug is administered to horses intra-articularly at a dosage level of 50–100 mg. The dose may be repeated when necessary. If no response is noted after 3 or 4 days, the possibility must be considered that the condition is unresponsive to prednisolone therapy. The drug is administered to dogs and cats intramuscularly at a dosage level of 10–50 mg. The dosage may be repeated when necessary. If the condition is of a chronic nature, an oral corticosteroid may be given as a maintenance dosage. The drug may be given intra-articularly to dogs and cats at a dosage level of 5–25 mg. The dose may be repeated when neces-

sary after 7 days for two or three doses.

(3) Corticosteroids administered orally or parenterally to animals may induce the first stage of parturition when administered during the last trimester of pregnancy and may precipitate premature parturition followed by dystocia, fetal death, retained placenta, and metritis.

(4) Not for use in horses intended for food.

(5) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date.—This order shall be effective May 30, 1973.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i).)

Dated May 23, 1973.

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

[FR Doc.73-10634 Filed 5-29-73; 8:45 am]

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Dichlorvos

The Commissioner of Food and Drugs has evaluated a new animal drug application (48-271V) filed by Shell Chemical Co., a division of Shell Oil Co., Agricultural Division, 2401 Crow Canyon Road, San Ramon, Calif. 94583, proposing use of dichlorvos as an anthelmintic in tablet form for oral administration to cats and puppies. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), part 135c is amended in § 135c.50 by adding a new paragraph (i) as follows:

§ 135c.50 Dichlorvos.

(i) **Conditions of use, in cats and puppies.**—(1) It is indicated for the removal and control of roundworms (*Toxocara canis*, *Toxocara cati*, *Toxascaris leonina*) and hookworms (*Ancylostoma caninum*, *Ancylostoma tubaeforme*, *Uncinaria stenocephala*) occurring in the intestinal tracts of cats and puppies.

(2) The drug is in tablet form and is administered orally at a dosage level of 5 mg of the active ingredient per pound of body weight.

(3) Do not administer to puppies or cats showing signs of constipation, mechanical blockage of the intestinal tract, impaired liver function, or to animals recently exposed to or showing signs of infectious disease. The drug is a cholinesterase inhibitor and should not be used simultaneously or within a few days before or after treatment with or exposure to cholinesterase-inhibiting drugs, pesticides, or chemicals.

(4) Do not use in animals under 10 days of age or under 1 pound of body weight.

(5) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date.—This order shall be effective May 30, 1973.

(Sec. 512(1), 82 Stat. 347; 21 U.S.C. 360b(1).)

Dated May 23, 1973.

C. D. VAN HOUWELING,
Director,

Bureau of Veterinary Medicine.

[FR Doc.73-10635 Filed 5-29-73; 8:45 am]

Title 22—Foreign Relations

CHAPTER II—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

[AID Reg. 5]

PART 205—PER DIEM PAYMENTS TO PARTICIPANTS IN NONMILITARY ECONOMIC DEVELOPMENT TRAINING PROGRAMS

Per Diem Rates

Part 205 of Chapter II of Title 22 of the Code of Federal Regulations (AID Regulation 5) is revised to read as follows:

§ 205.1 Per diem rates.

Participants in any training program under the Foreign Assistance Act of 1961, other than part II, may receive a per diem allowance in accordance with the following rates:

(a) For participants in programs of training in the United States, a per diem allowance not to exceed \$30, or, in exceptional circumstances such other rate not to exceed \$40, as the administrator of the Agency for International Development, or his designee may prescribe and such designee may be authorized to redelegate such authority.

(b) For participants in programs of training in countries other than the United States, a per diem allowance not to exceed those prescribed by the standardized regulations (Government Civilian, Foreign Areas).

This revision shall become effective on May 30, 1973.

JAMES F. CAMPBELL,
Assistant Administrator, Bureau for Program and Management Services.

MAY 11, 1973.

[FR Doc.73-10625 Filed 5-29-73; 8:45 am]

Title 32—National Defense

CHAPTER I—OFFICE OF THE SECRETARY OF DEFENSE

SUBCHAPTER M—MISCELLANEOUS

PART 261—ALCOHOLIC BEVERAGE CONTROL

The following revision to part 261 has been approved. Part 261 establishes uniform Department of Defense policy governing the sale of alcoholic beverages. It assigns responsibilities for the implementation of the policy, provides guidance as to the establishment of sales outlets, and prescribes controls on the sale of alcoholic beverages.

Sec.

261.1 Authority and purpose.

261.2 Applicability and scope.

261.3 Responsibility.

261.4 General policy statement.

261.5 Authorized sales.

AUTHORITY.—50 U.S.C. App. 473.

§ 261.1 Authority and purpose.

Under the authority contained in section 6, 1951 Amendments to the Universal Military Training and Service Act, 50 U.S.C. App. 473, this part assigns responsibility and establishes uniform Department of Defense policy governing the sale of alcoholic beverages.

§ 261.2 Applicability and scope.

The provisions of this part apply to all DOD components and to all persons eligible to patronize on-base outlets selling alcoholic beverages in the United States and the District of Columbia.

§ 261.3 Responsibility.

(a) *Office of the Secretary of Defense.*—The Assistant Secretary of Defense (Manpower and Reserve Affairs) (ASD(M&RA)) shall be responsible for the administration of this part throughout the DOD.

(b) *Military Departments.*—The Secretaries of the Military Departments shall be responsible for effectively carrying out the policies of this part and for publishing implementing regulations in accordance with existing applicable laws.

§ 261.4 General policy statements.

(a) *Use of alcoholic beverages.*—The established policy of the Department of Defense with respect to controlling the use of alcoholic beverages by members of the Armed Forces is expressed in part 105 of this chapter.

(b) *Restrictive controls.*—Restrictive controls shall be established by Secretaries of the Military Departments which recognize (as the primary consideration) the varying conditions and requirements of military service, yet do not discriminate against individuals in the Armed Forces by denying them the rights and privileges of other citizens.

(c) *Cooperation.*—(1) DOD will cooperate with all duly constituted regulatory officials (local, State and Federal) to the degree that the duties of such officials are related to the furtherance of the terms of this part. However, the purchase of all alcoholic beverages for resale at any camp, post, station, base, or other place primarily occupied by members of the Armed Forces within the United States shall be in such a manner and under such conditions as shall obtain for the Government the most advantageous contract, price, and other factors considered.

(2) This policy of cooperation is not to be construed or represented as an admission of any legal obligation to submit to State control.

§ 261.5 Authorized sales.

(a) *Other than packaged alcoholic beverages.*—Appropriate regulations controlling the sale of alcoholic beverages

dispensed by the drink, or beer sold in other than sales outlets for packaged alcoholic beverages, may be promulgated by the Secretaries of the Military Departments.

(b) *Sales outlets for packaged alcoholic beverages.*—The sale of packaged alcoholic beverages, other than beer, may be authorized on military installations when the Secretary of a Military Department approves the establishment of such sales outlets after determining that the authorization will be beneficial to the morale of the military community.

(1) In arriving at such determinations, the Secretary of a Military Department will take cognizance of all pertinent factors including the following criteria as applicable:

(i) Estimated number of authorized patrons per outlet if granted.

(ii) Importance of estimated contributions of package store profits to providing, maintaining, and operating (iii) Availability of wholesome family clubs, messes, and other recreational activities.

social clubs to military personnel in the local civilian community.

(iv) Geographical inconveniences.

(v) Limitations of nonmilitary sources.

(vi) Disciplinary and control problems due to restrictions imposed by local law and regulation.

(vii) Highway safety.

(viii) A digest of the attitudes of community authorities or civic organizations toward establishment of a package sales outlet.

(2) An information copy will be dispatched to the ASD(M&RA) of each action approving the establishment of sales outlets for packaged alcoholic beverages, including the determinations and findings made in accordance with the criteria as stated above.

(3) *Controls.*—(i) *Purchase and consumption.*—Although individual rationing will not be required, installation commanders will maintain a continuing review of the amount of alcoholic beverages purchased in the sales outlets and the number of authorized purchasers. If such review indicates that the purchases equated to the number of authorized individuals results in an excessive per capita amount, appropriate control measures will be instituted to assure compliance with § 261.4(a) or subdivision (iii) of this subparagraph, as applicable.

(ii) *Pricing.*—Prices in authorized sales outlets for packaged alcoholic beverages shall be within 10 percent of the lowest prevailing rates of civilian outlets in the area. Exceptions will be granted only upon approval by the Secretary of the cognizant Military Department upon a substantiated showing, to be made in each case, that special factors warrant an exception thereto.

(iii) *Diversion.*—Diversion, to unauthorized persons of packaged alcoholic beverages purchased by members of the Armed Forces in authorized sales outlets, is a serious offense and where substantiated will be punished.

(4) *Eligibility for patronage of sales outlets.*—Eligibility for patronage of sales outlets for alcoholic beverages on military installations will be restricted to authorized personnel prescribed by the Secretaries of the Military Departments.

MAURICE W. ROCHE,
Director, Correspondence and
Directives Division, OASD
(Comptroller).

[FR Doc. 73-10682 Filed 5-29-73; 8:45 am]

**Title 38—Pensions, Bonuses, and
Veterans' Relief**

**CHAPTER I—VETERANS
ADMINISTRATION**

PART 17—MEDICAL

**Beneficiary Travel Expenses; Conditions
for Withholding Payment**

On page 9316 of the FEDERAL REGISTER of April 13, 1973, there was published a notice of proposed regulatory development to amend § 17.100 to permit the withholding of transportation at Government expense when a medical determination has been made that the furnishing of transportation would be counterproductive to the medical care being provided. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

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

Effective date.—This VA regulation is effective May 22, 1973.

Approved May 22, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

In § 17.100, paragraphs (a)(2), (c), (g), and (h), are amended to read as follows:

**§ 17.100 Transportation of claimants
and beneficiaries.**

Transportation at Government expense will be authorized eligible claimants and beneficiaries of the Veterans' Administration for these purposes:

(a) *Admission.* * * *

(2) Hospital admission of applicants under § 17.47 (c), (d), or (f), for treatment of non-service-connected conditions, provided such applicants, except those whose admission is arranged to avoid interruption of training authorized under 38 U.S.C. chapter 31, have made sworn statement upon application—VA Form 10-10—that they are unable to defray expense of transportation.

(c) *Preparatory and posthospital care.*—When necessary to the provision of medical services furnished veterans under § 17.60 (e) and (f), provided veterans who are eligible for hospital care under the provisions of § 17.47 (c), (d), or (f), indicate that transportation is

required and they have made sworn statement that they are unable to defray such expense. The authority under this paragraph is subject to the exceptions stated in paragraph (h) of this section.

(g) *Outpatient services.*—(1) * Outpatient physical examination, subject to exception defined in paragraph (h) (1) of this section.

(2) Outpatient treatment for service-connected conditions, including adjunct treatment thereof; for veterans under § 17.60 (h) and (i); and for non-service-connected conditions to avoid interruption of training authorized under 38 U.S.C. chapter 31, subject to exceptions defined in paragraph (h) of this section.

(h) *Limitation.*—(1) No return transportation will be supplied a claimant or beneficiary under paragraph (g) of this section who has not completed an outpatient service, unless he executes an affidavit that he is unable to defray the expense of such travel.

(2) The transportation at Government expense otherwise authorized by paragraphs (c) and (g) (2) of this section will not be furnished when a determination has been made by a physician that it would be counterproductive to the treatment provided such patient and an entry supporting such a conclusion, signed by such physician, is made in the patient's medical records.

[FR Doc. 73-10713 Filed 5-29-73; 8:45 am]

Title 39—Postal Service

**CHAPTER I—U.S. POSTAL SERVICE
MISCELLANEOUS AMENDMENTS TO
CHAPTER**

In order to correct an error in the sequence of subchapter designations, Title 39 is amended, effective May 30, 1973, as follows:

1. Subchapter J—Special Regulations, which contains part 775, is redesignated as "Subchapter K—Special Regulations."

2. Subchapter M—Postal Service Debt Obligations, which contains parts 760 and 761, is redesignated as "Subchapter J—Postal Service Debt Obligations."

3. Subchapters L and M are reserved. (39 U.S.C. 401(2).)

ROGER P. CRAIG,
Deputy General Counsel.

MAY 22, 1973.

[FR Doc. 73-10706 Filed 5-29-73; 8:45 am]

**Title 40—Protection of Environment
CHAPTER I—ENVIRONMENTAL
PROTECTION AGENCY**

**SUBCHAPTER D—WATER PROGRAMS
PART 125—NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM**

Correction

In FR Doc. 73-10062 appearing on page 13527 of the issue of Tuesday, May 22, 1973, in the second column on page 13532, the section designated as "§ 125.4 *Distrib-*

ution of application and permit.", should be "§ 125.14 *Distribution of application and permit.*"

SUBCHAPTER E—PESTICIDES PROGRAMS

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

Dimethyl Phosphate of 3-Hydroxy-N-Methyl-Cis-Crotonamide

Correction

In FR Doc. 73-9333 appearing on page 12215 of the issue for Thursday, May 10, 1973, in the three tolerance limits at the end of § 180.296, the abbreviations "p/m" should in each instance read "parts per million".

The third line of the paragraph immediately following § 180.296, reading "time on or before May 10, 1973, file with", should read "time on or before June 10, 1973, file with".

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

Tricyclohexyltin Hydroxide

A petition (PP 3F1312) was filed jointly by Dow Chemical, U.S.A. P.O. Box 1706, Midland, Mich. 48640, and M&T Chemicals, Inc., P.O. Box 1104, Rahway, N.J. 07065, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for combined residues of the insecticide tricyclohexyltin hydroxide and its organotin metabolites (calculated as tricyclohexyltin hydroxide) in or on the raw agricultural commodity citrus at 2 parts per million. (For a related document, see this issue of the FEDERAL REGISTER, page 14165).

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

1. The insecticide is useful for the purpose for which the tolerance is being established.

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

3. Established tolerances for residues in meat and milk are adequate to cover residues resulting from the proposed and established uses. The uses are in the category specified in § 180.6(a)(2).

4. The tolerances established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (36 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.144 is

amended by revising the paragraph "2 parts per million * * *" to read as follows:

§ 180.144 Tricyclohexyltin hydroxide; tolerances for residues.

2 parts per million in or on apples, citrus, and pears.

Any person who will be adversely affected by the foregoing order may at any time on or before June 29, 1973, file with the hearing clerk, Environmental Protection Agency, room 3902A, 4th and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated May 22, 1973.

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

[FR Doc.73-10675 Filed 5-29-73; 8:45 am]

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

2-(p-tert-butylphenoxy)cyclohexyl 2-propynyl sulfite

A petition (PP 2F1288) was filed by Uniroyal Chemical, Division of Uniroyal Inc., Bethany, Conn. 06525, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for negligible residues of the insecticide 2-(p-tert-butylphenoxy)cyclohexyl 2-propynyl sulfite in or on the raw agricultural commodity cottonseed at 0.1 p/m.

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

1. The insecticide is useful for the purpose for which the tolerance is being established.

2. The established tolerances for residues in eggs, meat, milk, and poultry are adequate to cover any additional residues resulting from the proposed use.

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority trans-

ferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.259 is amended by revising the paragraph "0.1 p/m (negligible residue) in or on almonds * * *" to read as follows:

§ 180.259 2-(p-tert-Butylphenoxy)cyclohexyl 2-propynyl sulfite; tolerances for residues.

0.1 part per million (negligible residue) in or on almonds, cottonseed, and walnuts.

Any person who will be adversely affected by the foregoing order may at any time on or before June 29, 1973, file with the Hearing Clerk, Environmental Protection Agency, room 3902A, 4th and M Street SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated May 22, 1973.

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

[FR Doc.73-10680 Filed 5-29-73; 8:45 am]

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

Isobutyric Acid

A petition (PP 3F1329) was filed by W. R. Grace & Co., Washington Research Center, Clarksville, Md. 21029, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for residues of the fungicide ammonium isobutyrate in or on the raw agricultural commodities alfalfa, Bermuda grass, brome grass, clover, fescue, lespedeza, orchard grass, and timothy at 20,000 p/m.

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

1. The fungicide is useful for the purposes for which the tolerances are proposed.

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

3. The tolerances established by this order will protect the public health.

4. Since ammonium isobutyrate is converted to, and determined as, isobutyric acid under the proposed and established uses (§ 180.320), it would be more appropriate to express tolerances for residues of ammonium isobutyrate in terms of isobutyric acid.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.320 is revised to read as follows:

§ 180.320 Isobutyric acid; tolerances for residues.

Tolerances of 17,000 p/m are established for residues of isobutyric acid in or on the raw agricultural commodities alfalfa, Bermuda grass, brome grass, clover, corn grain, fescue, lespedeza, orchard grass, and timothy from postharvest application of the fungicide ammonium isobutyrate. The treated raw agricultural commodities are for use only as animal feed.

Any person who will be adversely affected by the foregoing order may at any time on or before June 29, 1973, file with the Hearing Clerk, Environmental Protection Agency, room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated May 22, 1973.

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

[FR Doc.73-10679 Filed 5-29-73; 8:45 am]

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

Subpart D—Exemptions From Tolerances

NUCLEAR POLYHEDROSIS VIRUS OF "HELIOTHIS ZEA"

A petition (PP 3F1304) was filed by International Minerals & Chemical Corp., Libertyville, Ill. 60048, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of an exemption

from the requirement of a tolerance for residues of the microbial insecticide nuclear polyhedrosis virus of *Heliothis zea* in or on the raw agricultural commodity cottonseed.

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

1. The microbial insecticide is useful for the purpose for which the exemption is being established.

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

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (35 FR 9038), part 180, subpart D, is amended by adding a new section as follows:

§ 180.1027 Nuclear polyhedrosis virus of *Heliothis zea*; exemption from the requirement of a tolerance.

(a) For the purposes of this section, the viral insecticide must be produced with an unaltered and unadulterated inoculum of *Heliothis zea* nuclear polyhedrosis virus. The integrity of the seed virus must be assured by periodic checks.

(b) Each lot of active ingredient of the viral insecticide shall have the following specifications:

(1) The level of extraneous bacterial contamination of the final unformulated viral insecticide will not exceed 10⁷ colonies per gram as determined by an aerobic plate count on trypticase soy agar.

(2) Pathogens, e.g., *Salmonella*, *Shigella*, or *Vibrio* must be absent.

(3) Safety to mice as determined by standardized intraperitoneal injections and a standardized 21-day feeding study must be demonstrated.

(4) Integrity of the viral product as determined by the most sensitive and standardized serological test must be demonstrated.

(c) Exemption from the requirement of a tolerance is established for residues of the microbial insecticide nuclear polyhedrosis virus of *Heliothis zea*, as specified in paragraphs (a) and (b) of this section, in or on the raw agricultural commodity cottonseed.

Any person who will be adversely affected by the foregoing order may at any time on or before June 29, 1973, file with the Hearing Clerk, Environmental Protection Agency, room 3902A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient

to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

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

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

Dated May 23, 1973.

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

[FR Doc.73-10676 Filed 5-29-73; 8:45 am]

Title 43—Public Lands: Interior
SUBTITLE A—OFFICE OF THE SECRETARY
OF THE INTERIOR

PART 4—DEPARTMENT HEARINGS AND
APPEALS PROCEDURES

Subpart F—Special Rules Applicable to
Mine Health and Safety Hearings and
Appeals

WITHDRAWAL OF PLEADING

On March 15, 1973, the U.S. District Court for the District of Columbia issued an order declaring Bureau of Mines procedures for assessing civil penalties unlawful. While the Department seeks to appeal this decision, it has suspended part 100 of title 30, Code of Federal Regulations and issued new procedures in part 4 of title 43 (38 FR 1085-1087, published on Apr. 24, 1973).

Prior to the new procedures, hearings were initiated by private parties. Under the regulations in effect from September 1, 1971, to June 15, 1972 (appearing at 36 FR 17337-17343), an operator or miner requested a hearing and upon that request the Bureau filed a petition for assessment of civil penalty. After June 15, 1972, until April 24, 1973 (appearing at 37 FR 11461 published June 8, 1972), the operator or miner charged filed his petition for hearing and formal adjudication.

Section 4.512 of the procedural rules applicable to hearings under the Federal Coal Mine Health and Safety Act permits a party to withdraw a pleading at any time. The Board of Mine Operations Appeals decision in *Jewell Ridge Coal Corp.*, 1 IBMA 170 (Aug. 14, 1972), indicated that where an operator desires to withdraw his request, the Bureau's petition to assess civil penalties may properly be dismissed. Under the procedures then in effect, the case would be remanded to the Assessment Office to reinstate the proposed order of assessment as the final order of the Secretary in both of these instances.

However, with the suspension of Bureau of Mines procedures in part 100, the Assessment Office no longer has authority to dispose of these cases. Moreover, under the new procedures all civil penalty assessments, rather than only those which request hearing, are filed with the Office of Hearings and Appeals. Thus, any civil penalty cases which would be withdrawn would only have to be refiled by the Bureau. Moreover, under existing § 4.512 parties could wait

until the hearing is scheduled before withdrawing, causing considerable wasted effort. Because it would create exceptional administrative burdens and would only serve to delay matters already in line for hearing, the Department has determined that it is in the public interest to amend § 4.512 to permit withdrawal of these petitions under section 109(a) of the act, only upon the motion of or with the concurrence of the Bureau of Mines. Thus, those petitions which have been or may be filed by the Bureau may be withdrawn only upon the motion of the Bureau regardless of an operator's request for hearing and those filed by operators only upon Bureau concurrence. This policy will remain in effect so long as part 100 of title 30 remains suspended.

In consideration of the above, § 4.512 of part 4, title 43 is hereby amended by inserting the words "(a) Except as provided in paragraph b" at the beginning of the existing regulation, redesignating the existing regulation as paragraph (a), and adding a paragraph (b) to read as set forth below.

As amended, § 4.512 reads as follows:

§ 4.512 Withdrawal of pleading.

(a) Except as provided in paragraph (b) of this section, a party may withdraw a pleading at any stage of a proceeding without prejudice.

(b) A petition for civil penalty assessment filed by the Bureau under section 109(a) of the act may be withdrawn only upon the motion of Bureau or in the case of an operator-filed petition for hearing and formal adjudication with the Bureau's concurrence.

(Sec. 508 of Public Law 91-173; 83 Stat. 742; 30 U.S.C. 957.)

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. However, because this amendment is procedural in nature and designed only to eliminate duplicate efforts and unnecessary delay, further notice and comments under 5 U.S.C. 553 are impracticable, and good cause exists for making the procedural amendment effective in less than 30 days. Accordingly, this amendment shall become effective on May 30, 1973.

Dated May 24, 1973.

JOHN C. WHITTAKER,
Acting Secretary of the Interior.

[FR Doc.73-10851 Filed 5-29-73; 8:45 am]

Title 45—Public Welfare
CHAPTER X—OFFICE OF ECONOMIC
OPPORTUNITY
PART 1061—CHARACTER AND SCOPE
OF SPECIFIC COMMUNITY ACTION
PROGRAMS

Subpart—Group Representation

Chapter X, part 1061 of title 45 of the Code of Federal Regulations is amended

by adding five new sections, reading as follows:

- Sec.
- 1061.6-1 Applicability.
- 1061.6-2 References.
- 1061.6-3 Purpose.
- 1061.6-4 Definitions.
- 1061.6-5 Policy.

AUTHORITY: Secs. 222, 602, 78 Stat. 528, 81 Stat. 698; 42 U.S.C. 2809, 2942.

§ 1061.6-1 Applicability.

All programs affording legal assistance which are funded under title II of the Economic Opportunity Act, as amended, if assistance is administered by OEO.

§ 1061.6-2 References.

Economic Opportunity Act of 1964, as amended, section 222(a)(3), OEO Instruction 6140-4, 6140-02, and 6803-5, and the Law Office Administrative Manual of the Office of Legal Services, published by the National Clearinghouse for Legal Services.

§ 1061.6-3 Purpose.

The purpose of this instruction is to outline the conditions under which legal services attorneys may serve a group of indigent persons as a group distinguished from the individuals comprising it. Those portions of OEO Instruction 6140-02 (p. 21, guidelines for legal services programs) and of the Office of Legal Services Law Office Administrative Manual (section 5201c) which deal with group representation are hereby rescinded, as are all parallel statements on group representation found in grant conditions, policy memoranda, evaluation handbooks, etc.

§ 1061.6-4 Definitions.

For the purpose of this instruction, group representation is defined as legal counseling, education and advocacy including litigation, provided by Legal Services line attorneys and backup attorneys to any association, organization, cooperative, or group, incorporated or unincorporated, profit or nonprofit. Group representation is not synonymous with class action litigation. Class actions will be treated in a separate instruction.

§ 1061.6-5 Policy.

(a) *Eligibility requirements.*—Legal services projects or programs funded in whole or in part by OEO grants may furnish legal representation to groups provided:

(1) All the individual members of the group or organization meet the standards of income eligibility established for individuals receiving assistance from the legal services project in question.

NOTE.—Such eligibility will be determined in the manner in which it is determined for an individual who seeks assistance as an individual rather than as a member of a group.

(2) The group as an entity lacks resources or assets or expected income to pay for representation by a private lawyer, and cannot practicably raise from among its members, by contributions or otherwise, funds sufficient to defray the costs of representation.

NOTE.—The burden of establishing eligibility rests with the group seeking representation. Procedures, type of evidence required, etc., will be determined by the project's board of directors. The fact that a group pays any staff members will create a presumption that the group can hire its own attorney.

(3) A majority of members of the group seeking assistance reside in the area served by the legal services project providing the assistance.

(4) The group is either (i) a religious, charitable, scientific, or educational organization as defined in section 501 (c)(3) of the Internal Revenue Code, in which case it must be able to meet the organizational and operational tests for tax exempt status contained in the Code, or (ii) a group whose sole purpose is economic development (see OEO Instruction 6140-4) or (iii) a group which fits into neither of the categories described in paragraph (a)(4)(i) and (ii) of this section but which does not engage in lobbying or political activities.

(5) The activity for which the group seeks legal representation does not fall into any of the following categories: Political action, lobbying, violent or disorderly protests or demonstrations, civil disobedience, or other unlawful or improper conduct.

(b) *House counsel.*—The practice of permitting legal services attorneys to be used by various groups on a continuing basis as general counsel or "house counsel" is prohibited. Assistance to eligible groups will be furnished only on an ad hoc basis and will be addressed to specific grievances.

(c) *Group organizing.*—Legal assistance furnished to groups will not include assistance in organizing groups except as specified in OEO Instruction 6140-4.

(d) *Other assistance.*—Project funds, supplies, equipment, space, or staff personnel shall not be made available to or be utilized by any groups ineligible for legal services.

This subpart shall become effective on June 29, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc.73-10814 Filed 5-29-73; 8:45 am]

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

Subpart—Maintenance of Attorneys Logs and Record of Authorized Leave

Chapter X, part 1061 of title 45 of the Code of Federal Regulations is amended by adding new sections, reading as follows:

- Sec.
- 1061.7-1 Applicability.
- 1061.7-2 Purpose.
- 1061.7-3 Policy.
- 1061.7-4 Forms supply.

AUTHORITY: Secs. 222, 602, 78 Stat. 528 81 Stat. 698; 42 U.S.C. 2809, 2942.

§ 1061.7-1 Applicability.

All programs affording legal assistance which are funded under title II of the

Economic Opportunity Act, as amended, if the assistance is administered by OEO.

§ 1061.7-2 Purpose.

To establish requirements for the maintenance of attorney logs and record of authorized leave.

§ 1061.7-3 Policy.

Every legal services project attorney shall be required to maintain a log of his working activities and of all leave taken. Every legal services project shall provide each attorney with a standardized form which shall be set up on a day to day basis (including Saturdays and Sundays) and which shall be broken down into sections designated "morning," "afternoon," and "evening." The following information shall be entered by each attorney in his log on a daily basis:

(a) Day and date.

(b) A notation for all work activities for each section of the day showing the matter worked on and the approximate time spent.

(c) A notation of the type of leave taken for each section of the day (such as, annual, administrative, compensatory, leave without pay).

It shall not be necessary to break down work activities but only to indicate in general the area of work done. It shall not be necessary, in recording leave records, to note the specific purpose for the leave beyond its general classification. All records and logs shall be maintained on file by each project for a minimum period of 2 years.

§ 1061.7-4 Forms Supply.

OEO form 463 may be obtained from the OEO Distribution Center.

This subpart shall become effective June 29, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc.73-10813 Filed 5-29-73; 8:45 am]

PART 1061—CHARACTER AND SCOPE OF SPECIFIC COMMUNITY ACTION PROGRAMS

Subpart—Qualifications of Legal Services Attorneys

Chapter X, part 1061 of title 45 of the Code of Federal Regulations is amended by adding 3 new sections, reading as follows:

- Sec.
- 1061.8-1 Applicability.
- 1061.8-2 Purpose.
- 1061.8-3 Policy.

AUTHORITY:—Secs. 222, 602, 78 Stat. 528, 81 Stat. 698; 42 U.S.C. 2809, 2942.

§ 1061.8-1 Applicability.

All programs affording legal assistance which are funded under title II of the Economic Opportunity Act as amended, if assistance is administered by OEO.

§ 1061.8-2 Purpose.

To establish minimum qualifications for legal service attorneys.

§ 1061.3-3 Policy.

(a) The attorneys engaged in the legal services program must be admitted to practice in the State in which they are employed. They are encouraged to become members of the State and local bar associations of the State and local community in which they are employed. The Office of Legal Services views State and local bar membership as very important since contact between lawyers working in the same community is considered an essential element of effective representation of persons residing in that community.

(b) OEO has not established national salary standards for attorneys. However, salaries should be competitive for the level of experience of other attorneys in the community. To this end, salaries earned by private attorneys and salaries of the county attorney, city attorney, district attorney, or States attorney may be used as guidelines and as representative of the local salary structure for attorneys of comparable experience.

(c) A legal services attorney on a full-time salaried basis shall not maintain an outside practice of any kind, nor shall he be associated for the practice of law in any way with an attorney engaged in the private practice of law.

Effective date.—This subpart shall become effective June 29, 1973.

HOWARD PHILLIPS,
Acting Director.

[FR Doc.73-10812 Filed 5-29-73;8:45 am]

PART 1067—FUNDING OF COMMUNITY ACTION PROGRAMS

PART 1069—COMMUNITY ACTION PROGRAM GRANTEE PERSONNEL MANAGEMENT

Miscellaneous Amendments

Chapter X of title 45 of the Code of Federal Regulations is amended as follows:

1. The following sections are revoked:

(a) Section 1067.4, Grant Processing Instructions during OEO Phaseout Period, published March 14, 1973.

(b) Section 1067.5, Additional Funding Instructions, published March 14, 1973.

(c) Section 1067.6, Funding Periods for Grant Actions, published March 14, 1973.

(d) Section 1067.6, Final Regional Grant Processing Instructions during the OEO Phaseout Period, published April 16, 1973.

2. The effective date statement of § 1061.4 is revised as follows:

Effective date.—This section shall become effective May 2, 1973.

3. The second sentence of § 1068.7-4 of § 1068.7 is revised as follows:

This section shall become effective on April 27, 1973.

4. Section 1069.5, Policy Guidance on Lobbying Activities, published March 14, 1973 (38 FR 6896), is redesignated as § 1069.6.

5. The first sentence of redesignated § 1069.6-3 of § 1069.6 is revised as follows:

Section 1069.6-2(a)(5) is effective on April 13, 1973.

6. The effective date statement of the amendment to § 1069.3, published March 16, 1973 (38 FR 7117), is revised as follows:

Effective date.—The sections of this subpart are effective on April 15, 1973.

7. The effective date statement of § 1070.4 is revised as follows:

Effective date.—This subpart shall become effective April 27, 1973.

J. ALAN MACKEY,
Acting General Counsel.

[FR Doc.73-10815 Filed 5-29-73;8:45 am]

Title 46—Shipping

CHAPTER IV—FEDERAL MARITIME COMMISSION

PART 530—INTERPRETATIONS AND STATEMENTS OF POLICY

Agency Proceeding

Pursuant to section 43 of the Shipping Act, 1916 (46 U.S.C. 841a) and section 4 of the Administrative Procedure Act as codified in 5 U.S.C. 553, part 530 of 46 CFR is hereby amended by adding a new interpretive rule reading as follows:

§ 530.8 Interpretation of section 11 of the Federal Advisory Committee Act, Public Law 92-463.

(a) Section 11 of the Federal Advisory Committee Act provides:

(a) Except where prohibited by contractual agreements entered into prior to the effective date of this Act, agencies and advisory committees shall make available to any person, at actual cost of duplication, copies of transcripts of agency proceedings or advisory committee meetings.

(b) As used in this section, "agency proceeding" means any proceeding as defined in * * * (5 U.S.C. 551(12), the Administrative Procedure Act).

(b) The Office of Management and Budget has interpreted this provision as being applicable to proceedings before the Commission and its Administrative Law Judges. (Guidelines, 38 FR 12851, May 16, 1973.)

(c) The Commission interprets section 11 and the OMB guidelines as follows:

(1) Future contracts between the Commission and the successfully bidding recording firm will provide that any party to a Commission proceeding or other interested person (hereinafter included within the meaning of "party"), shall be able to obtain a copy of the transcript of the proceeding in which it is involved at the actual cost of duplication of the original transcript, which includes a reasonable amount for overhead and profit, except where it requests delivery of copies in a shorter period of time than is required for delivery by the Commission.

(2) Beginning July 1, 1973, the Commission will bear the full expense of transcribing all of its administrative proceedings where it requests regular delivery service (as set forth in the Contract). In cases where the Commission requests daily delivery of transcript copies (as set forth in the Contract),

any party may receive daily delivery service at the actual cost of duplication.

(3) Where the Commission does not request daily copy service, any party requesting such service must bear the incremental cost of transcription above the regular copy transcription cost borne by the Commission, in addition to the actual cost of duplication; except that where the party applies for and properly shows that the furnishing of daily copy is indispensable to the protection of a vital right or interest in achieving a fair hearing, the presiding officer in the proceeding in which the application is made shall order that daily copy service be provided the applying party at the actual cost of duplication, with the full cost of transcription being borne by the Commission. In the event a request for daily copy is denied by the presiding officer, the requesting party, in order to obtain daily copy, must pay the cost of transcription over and above that borne by the Commission; i.e. the incremental cost between that paid by the Commission when it requests regular copy and when it requests daily copy. The decision of the presiding officer in this situation is interpreted as falling within the scope of the functions and powers of the presiding officer, as defined in rule 10(g), rules of practice and procedure (46 CFR 502.147 (a)).

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-10724 Filed 5-29-73;8:45 am]

Title 5—Administrative Personnel CHAPTER I—CIVIL SERVICE COMMISSION PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that one position of Confidential Assistant to the Administrator, Social and Economic Statistics Administration, is excepted under schedule C. This section is further amended to show that until December 31, 1975, one position of Confidential Assistant to the Director, Bureau of the Census, is excepted under schedule C.

Effective on May 30, 1973, paragraphs (d)(6) and (t) are added under § 213.3314 as set out below.

§ 213.3314 Department of Commerce.

* * * * *

(d) *Bureau of the Census.* * * *

(6) Until December 31, 1975, one Confidential Assistant to the Director.

* * * * *

(t) *Social and Economic Statistics Administration.*—(1) One Confidential Assistant to the Administrator.

(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 Commissioner.

[FR Doc.73-10735 Filed 5-29-73;8:45 am]

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that the positions of Associate Director for National Security and International Affairs; Associate Director for Human and Community Affairs; Associate Director for Economics and Government; Associate Director for Natural Resources, Energy and Science are excepted under schedule C.

Effective on May 30, 1973, § 213.3303 (a) (10) through (a) (13) are added as set out below.

§ 213.3303 Executive Office of the President.

(a) *Office of Management and Budget.* * * *

(10) Associate Director for National Security and International Affairs.

(11) Associate Director for Human and Community Affairs.

(12) Associate Director for Economics and Government.

(13) Associate Director for Natural Resources, Energy and Science.

(5 U.S.C. 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.73-10818 Filed 5-29-73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one additional position of Confiden-

tial Assistant to the Attorney General is excepted under schedule C.

Effective on May 30, 1973, § 213.3310 (a) (4) is amended as set out below.

§ 213.3310 Department of Justice.

(a) *Office of the Attorney General.* * * *

(4) Two Confidential Assistants to the Attorney General.

(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.73-10876 Filed 5-29-73;10:43 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 HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 19]

COLD-PACK CHEESE

Proposed Labeling Provisions of Standard of Identity

Notice is given that a petition has been filed by the American Blue Cheese Association, Inc., 110 North Franklin Street, Chicago, Ill. 60606, proposing amendment to the standard of identity for cold-pack cheese (21 CFR 19.785). The proposed amendment would provide for a change in the labeling provisions of the standard to specify the ways in which the name of the food may appear on the label.

Grounds set forth by the petitioner in support of the proposal are as follows: (1) The current standard of identity § 19.785 states in paragraph (d) (1) that the name of a cold-pack cheese for which a definition and standard of identity is prescribed by this section is "Cold-pack cheese" or "----- club cheese" or "Comminuted ----- cheese," the blanks being filled in with the name or names of the varieties of cheese used, in order of predominance by weight. (2) An order amending this standard was published in the July 7, 1972, FEDERAL REGISTER (37 FR 13339) which would require the full name of the food to appear on the principal display panel of the label in type of uniform size, style, and color, and further wherever any word or statement emphasizing the name of any ingredient appears on the label (other than in an ingredient statement as specified by the standard) so conspicuously as to be easily seen under customary conditions of purchase, the full name of the food shall immediately and conspicuously precede or follow such word or statement in type of at least the same size as the type used in such word or statement. (3) Due to the two above-mentioned items, it is the contention of the petitioner that the name of the variety of cheese used in cold-pack cheese would be buried in the name of the food, become less informative to the consumer, and certain of the above-prescribed applications would be redundant.

Furthermore, of the three name options now provided for in the standard, two of them "----- club cheese" and "Comminuted ----- cheese," have never been used to any great extent and currently are considered by the American Blue Cheese Association as being inappropriate for use in marketing their cold-pack product made from blue cheese. The proposed amendment would allow use of the phrase "----- cold-pack cheese" as a name for this

food. Considering the phrase "----- club cheese" is permissible under the standard and that there is no apparent logical or factual reason to deny the use of the phrase "----- cold-pack cheese," it is therefore appropriate to provide for its use in the standard as it would assist in readily identifying the variety of cheese used to produce the cold-pack cheese.

Since there has been no request to delete the presently provided names "----- club cheese" and "Comminuted ----- cheese," the Commissioner of Food and Drugs proposes on his own initiative that these alternative names be deleted. This will provide for use of uniform terminology, in the interests of consumers.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055 as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner (21 CFR 2.120), it is proposed that § 19.785 be amended by revising the section heading and paragraph (d) (1) to read as follows:

§ 19.785 Cold-pack cheese; label statement of optional ingredients.

(d) (1) The name of a cold-pack cheese for which a definition and standard of identity is prescribed by this section is "----- cold-pack cheese" or "Cold-pack ----- cheese," the blanks being filled in with the name or names of the varieties of cheese used, in order of predominance by weight.

Interested persons may, on or before July 30, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated May 18, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc. 73-10636 Filed 5-29-73; 8:45 am]

[21 CFR Part 90]

EMERGENCY PERMIT CONTROL

Proposed Definitions and Procedures; Correction

In FR Doc. 73-9424 appearing at page 12720 in the issue of Monday, May 14, 1973, in § 90.3(a) (1), the second sentence

should be corrected to read "If such objections are filed, the determination is stayed pending a hearing to be held within 5 working days after the filing of objections on the issues involved unless the Commissioner determines that insufficient grounds are provided for such a hearing."

Dated May 23, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 73-10629 Filed 5-29-73; 8:45 am]

[21 CFR Part 121]

GENERALLY RECOGNIZED AS SAFE (GRAS) SUBSTANCES NO LONGER IN USE

Proposal for Removal From GRAS List Correction

In FR Doc. 73-7157 appearing on page 9310 in the issue of Friday, April 13, 1973, in the list of substances in the sixth paragraph of the document, the fifth item in the right-hand column reading "potassium bisulfate", should read "potassium bisulfite".

[21 CFR Part 121]

PRIOR-SANCTIONED POLYVINYL CHLORIDE RESIN

Notice of Proposed Rulemaking Correction

In FR Doc. 73-9981 appearing on page 12931 in the issue of Thursday, May 17, 1973, the last line of § 121.2009(b) should be deleted and replaced with "D 1243-66".

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 73-10; Notice 2]

VEHICLE ROLLOVER RESISTANCE

Passenger Vehicles, Multipurpose Passenger Vehicles, Trucks, and Buses

The purpose of this notice is to supplement the "Advance Notice of Proposed Rulemaking on Rollover Resistance," published on April 18, 1973 (docket No. 73-10, notice 1, 38 FR 9598), with respect to its intended applicability, which was not clearly stated in that notice.

The standard as presently projected may apply to passenger cars, multipurpose passenger vehicles, trucks, and

buses, and comments are requested with respect to all of these vehicle types.

(Secs. 103, 119, Public Law 89-563, 80 Stat. 718, 15 U.S.C. 1392, 1407; delegation of authority at 38 FR 12147.)

Issued on May 22, 1973.

JAMES E. WILSON,
Associate Administrator,
Traffic Safety Programs.

[FR Doc.73-10739 Filed 5-29-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 180]

BENZENE HEXACHLORIDE

Proposed Interim Tolerance

Klein Bros., Inc., 1305 West Fremont Street, Stockton, Calif. 95201, submitted a petition (PP 3F1374) proposing establishment of an interim tolerance of 1 p/m for residues of the insecticide BHC (benzene hexachloride) in or on dried lima beans from postharvest application in the Malagasy Republic.

The tolerance is requested specifically to cover residues of BHC in or on imported dried lima beans being detained

by the Food and Drug Administration.

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

1. The proposed interim tolerance is safe and will protect the public health.

2. The interim tolerance should be applicable only to lima beans imported from the Malagasy Republic and should expire 6 months from the date of establishment.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), it is proposed that part 180 be amended by adding the following new section to subpart C:

§ 180.319a BHC; interim tolerance for residues.

An interim tolerance of 1 part per million is established for residues of the insecticide BHC (benzene hexachloride) in or on the raw agricultural commodity dried lima beans imported from the

Malagasy Republic. This interim tolerance expires 6 months after the date of establishment.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, on or before June 29, 1973, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, on or before June 29, 1973, file with the Hearing Clerk, Environmental Protection Agency, room 3902-A, Fourth and M Streets SW., Waterside Mall, Washington, D.C. 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. All written submissions made pursuant to this proposal will be made available for public inspection at the Office of the Hearing Clerk.

Dated May 22, 1973.

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

[FR Doc.73-10677 Filed 5-29-73;8:45 am]

Notices

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

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-145]

CERTAIN WOODEN FISH BOXES AND BARRELS

Instruments of International Traffic

MAY 21, 1973.

It has been established to the satisfaction of the Bureau of Customs that wooden boxes, 24 inches by 17 inches by 6 inches, and wooden barrels, 32 inches in diameter at the top, 34 inches in diameter at the base, and having a circumference of 111 inches around the middle, used for the transportation of fish, are substantial, suitable for and capable of repeated use, and are used in significant numbers in international traffic.

Under the authority of § 10.41a(a) (1), Customs regulations, I hereby designate the above-described wooden boxes and barrels and similar boxes and barrels of approximately the same size as "instruments of international traffic" within the meaning of section 322(a), Tariff Act of 1930, as amended. These articles may be released under the procedures provided for in § 10.41a, Customs regulations.

[SEAL] G. R. DICKERSON,
Acting Commissioner of Customs.

[FR Doc.73-10684 Filed 5-29-73; 8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

DREDGING OF THAMES RIVER, NEW LONDON, CONN.

Notice of Public Hearing and Availability of Draft Environmental Impact Statement

Announcement.—A public hearing will be held for the purpose of soliciting comments from the public regarding proposed dredging by the Navy of the Thames River between the U.S. Naval Submarine Base, New London, Conn., and Long Island Sound. The hearing will be conducted by a senior naval officer, and will include a presentation of the Navy's plan for such dredging.

Date, Friday, June 15, 1973.

Time, 7:30 p.m.—11:30 p.m.

Place, auditorium, Fitch Jr. High School, U.S. Route 1, Poquonock Bridge, Groton, Conn.

Title, Draft Environmental Impact Statement, Dredge River Channel, Naval Submarine Base, New London, Conn.

Description.—The proposal is to deepen and selectively widen an existing navigation channel from the U.S. Naval Submarine Base, New London, Conn., to

Long Island Sound, a distance of approximately 7.5 miles. The channel will be deepened from an existing depth of 33 feet to 36 feet with a 1-foot allowance for overdrudge. In addition, the approaches to the State pier and the Naval Underwater System Center, both at New London, will be widened and dredged to a depth of 38 feet with a 1-foot allowance for overdrudge. The dredge spoil is estimated at 2.7 million yd³ and is proposed to be disposed of in the Providence, Rhode Island, dump site.

WHERE COPIES OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT CAN BE OBTAINED

Northern Division, Naval Facilities Engineering Command, Naval Base, Philadelphia, Pa. 19112, attention: Code 09BE

Cost of copies.—Eight dollars. Stock is limited. Make checks payable to the Treasurer of the United States.

LOCATION OF LOCAL COPIES AVAILABLE FOR PUBLIC REFERENCE

Public Library of Groton, Fort Hill Road, Groton, Conn. 06340; Public Library of New London, 63 Huntington Street, New London, Conn. 06320; Stonington Library, Wadawuck Square, Stonington, Conn. 06340; Waterford Public Library, 49 Rope Ferry Road, Waterford, Conn. 06320; Palmer Library, Connecticut College, New London, Conn. 06320; Mitchell College Library, 437 Pequot Avenue, New London, Conn. 06320; University Library, University of Connecticut, Southeastern Branch, Avery Point, Groton, Conn. 06340; Otis Library, 261 Main Street, Norwich, Conn. 06360; Westerly Public Library, Broad Street, Westerly, R.I. 02891; Hartford Public Library, 500 Main Street, Hartford, Conn. 06103; Newport Public Library, Aquidneck Park, Newport, R.I. 02840; Public Library of Providence, 150 Empire Street, Providence, R.I. 02904; Warwick Public Library, 600 Sandy Land, Warwick, R.I. 02886; University Library, University of Rhode Island, Kingston, R.I. 02881; Fall River Main Library, 104 North Main Street, Fall River, Mass. 02720.

NAME, ADDRESS, AND TELEPHONE NUMBER OF GOVERNMENT CONTACT

Lt. C. T. Way, CEC, USN, Northern Division, Naval Facilities Engineering Command, U.S. Naval Base, building 77-L, Philadelphia, Pa. 19112; telephone 215-755-4821.

Time limit for oral presentations.—The following procedures will be followed during the public hearing. Individual speakers will be limited to 5 minutes, with 10 minutes for a group spokesman. There will be no relinquishing of time by one speaker to another. Written statements, in addition to or in lieu of oral presentations, will be accepted. The submission of written documentation and text material pertaining to the technical aspects of the proposal is encouraged. The closing date for including written

communications in the hearing record is June 21, 1973.

Dated May 24, 1973.

K. A. KONOPISOS,
Captain, JAGC, U.S. Navy,
Acting Judge Advocate General.
[FR Doc.73-10742 Filed 5-29-73; 8:45 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[Docket No. 73-8]

J.P. WHOLESALE DRUG CO., INC.

Notice of Hearing

Notice is hereby given that on April 6, 1973, the Bureau of Narcotics and Dangerous Drugs, Department of Justice, issued to J.P. Wholesale Drug Co., Inc., Westwego, La., an order to show cause as to why the Bureau of Narcotics and Dangerous Drugs should not deny the applications for registration under the Controlled Substances Act of 1970, of the respondent, as a manufacturer executed on October 4, 1972, and as a distributor, executed on March 27, 1973, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since said order was received by J.P. Wholesale Drug Co., Inc., and written request for a hearing having been filed with the Director of the Bureau of Narcotics and Dangerous Drugs, notice is hereby given that a hearing in this matter will be held on June 11, 1973, at 10 a.m., in room 1211 of the Bureau of Narcotics and Dangerous Drugs, 1405 I Street NW., Washington, D.C. 20537.

Dated May 23, 1973.

JOHN E. INGERSOLL,
Director, Bureau of
Narcotics and Dangerous Drugs.
[FR Doc.73-10741 Filed 5-29-73; 8:45 am]

[Docket No. 73-7]

PARKE-DAVIS AND CO.

Notice of Hearing

Notice is hereby given that on March 26, 1973, the Bureau of Narcotics and Dangerous Drugs, Department of Justice, issued to Parke-Davis and Co., Teterboro, N.J., an order to show cause as to why the Bureau of Narcotics and Dangerous Drugs should not deny the application for registration under the Controlled Substances Act of 1970, of the respondent, executed on February 12, 1973, pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823).

Thirty days having elapsed since said Order was received by Parke-Davis and

Co., and written request for a hearing having been filed with the Director of the Bureau of Narcotics and Dangerous Drugs, notice is hereby given that a pre-hearing conference in this matter will be held commencing at 10 a.m. on May 31, 1973, in room 1211 of the Bureau of Narcotics and Dangerous Drugs, 1405 I Street NW., Washington, D.C. 20537.

Dated May 17, 1973.

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

[FR Doc. 73-10687 Filed 5-29-73; 8:45 am]

[Docket No. 73-3]

TABLE ROCK LABORATORIES, INC.

Denial of Application for Registration

On November 21, 1972, the Acting Director of the Bureau of Narcotics and Dangerous Drugs issued an order to show cause to Table Rock Laboratories, Inc., Greenville, S.C., as to why its applications for registration, as a manufacturer and distributor of controlled substances, executed on October 4, 1972, should not be denied for the reason that such registration would be inconsistent with the public interest, as evidenced by, but not limited to, the following:

A. The failure to establish and maintain adequate controls against the diversion of controlled substances into other than legitimate medical, scientific, and industrial channels:

(1) On two separate occasions, more than 6 million dosage units of controlled substances were stolen from the controlled premises, many of which were subsequently found in the illicit market;

(2) For a long period of time, the respondent manufactured, distributed, stored and accepted a delivery of controlled substances at a location which was not registered under the Controlled Substances Act of 1970;

(3) The respondent evidenced a continuous and consistent failure to comply with the recordkeeping, the inventory, and report-making requirements of manufacturers and distributors of controlled substances;

(4) The respondent had not established and maintained effective controls and procedures to guard against theft and diversion of controlled substances in that its physical and nonphysical security controls are not in compliance with the minimum security standards promulgated by the Bureau of Narcotics and Dangerous Drugs; and

(5) The respondent had continuously manufactured, distributed, and otherwise transferred controlled substances in direct violation of the Controlled Substances Act, and administrative regulations promulgated thereunder, and other related Federal laws.

B. The respondent's past experience in the manufacture and distribution of controlled substances, and drugs controlled under the Federal Food, Drug, and Cosmetic Act:

(1) The controlled substances and/or other drugs which it has manufactured and distributed have been deemed to be adulterated, misbranded, or subpotent, thereby resulting in the Food and Drug Administration, for a long period of time, checking each quantity of drugs manufactured before they were stocked or were introduced into interstate commerce, to insure such drugs were in compliance with the requirements of the Food, Drug, and Cosmetic Act; and

(2) The respondent has evidenced a continuous failure to comply with the recordkeeping and security requirements of the Drug Abuse Control Amendments of 1965, as amended.

Thereafter, Table Rock Laboratories, Inc., on December 12, 1972, submitted a notice of appearance, and requested a prehearing conference, the latter being held on January 8, 1973, in Washington, D.C., before Frederick W. Denniston, administrative law judge. On February 26, 1973, the hearing was held in this matter, at which time a stipulation was entered into between counsel for the Bureau and the applicant. In view of the nature of the stipulation, it was unnecessary for proposed findings of fact and conclusions of law to be filed pursuant to § 316.64, Title 21, Code of Federal Regulations.

On May 8, 1973, Mr. Denniston filed the following stipulation and recommended decision with the Bureau:

1. Table Rock has agreed to surrender registration certificate BNDD registration No. PT0082759 issued July 6, 1972, to Table Rock Laboratories as a manufacturer of controlled substances listed in schedules II through V and BNDD registration No. PT0082773 issued to Table Rock Laboratories on July 6, 1972, as a distributor of controlled substances in schedules III through V. The foregoing two certificates are those subject to the renewal applications herein which are being denied by this order.

2. In addition to the foregoing, Table Rock Laboratories and/or Bell Pharmaceutical Corp. undertakes to surrender the following registration certificates: Registration certificates issued to Cambridge Pharmaceutical, Inc. of Greenville, S.C. on July 6, 1972, No. PC0082797, as a distributor of controlled substances listed in schedules III through V, and certificate No. PC0001672 issued May 1, 1971, as a distributor of controlled substances listed in schedules III through V.

Registration certificates issued to Modern Pharmaceutical, Inc., on July 6, 1972, No. PM0001660, as a manufacturer of controlled substances in schedule III, and PM0082761, as a distributor of controlled substances listed in schedule III.

3. Table Rock has agreed to surrender any unused BNDD official order forms which were issued to Cambridge Pharmaceutical, Inc., or Modern Pharmaceutical, Inc., under the foregoing certificates of registration.

4. Table Rock, in conceding the foregoing, has withdrawn its request for hearing and its opposition to the denial of its registration certificates.

5. Two certificates of registration have been issued and delivered to Bell Pharmaceutical Corp., No. PB0096316, as a distributor of controlled substances in schedules II through V.

6. The Bureau will place an administrative code 6 in Bell Pharmaceutical's file so that the next two renewal certificates will not be automatically issued and accordingly the Bureau will be reviewing its manufacturing and distribution practices during the next 18 months.

7. The past record of Table Rock is not erased by the foregoing actions and will not be until Table Rock/Bell Pharmaceutical Corp. evidences over a period of time that it conducts its business in compliance with the Controlled Substances Act of 1970 and the implementing administrative regulations.

8. There has been a complete revision of ownership of Table Rock Laboratories, Inc., which is now 96 percent owned by Bell Pharmaceutical Corp. The latter, Bell, in turn is 95 percent owned by Kroger Co. Table Rock Laboratories owns over 93 percent of Cambridge Pharmaceutical. All former officials of Table Rock have been removed except Robert Ballinger, vice president of sales, and Thomas Sullivan, its treasurer. The president of Bell, Table Rock, and Cambridge is now Alex Kononchuk.

9. The Bureau has stipulated that on any future applications for registration which Bell Pharmaceutical Corp. may file, the latter may answer in the negative question 9(d) of the application form dealing with surrender, revocation, suspension or denial of any previous registration.

10. By letter dated March 28, 1973, counsel for the Bureau has advised that the Government is satisfied that the surrender of all the documents referred to above has been accomplished with the exception of two embraced in an affidavit of Alex Kononchuk indicating that those two have been misplaced or lost. That letter and accompanying affidavit are identified as ALJ exhibit No. 7.

RECOMMENDED DECISION

11. In view of the foregoing, the presiding officer recommends that the Director of the Bureau deny the renewal applications which are the subject of this proceeding, and that the procedures relating to Bell Pharmaceutical and to which respondent has stipulated, be put in force. This proceeding should be terminated.

12. The record herein, consisting of transcripts of proceedings on January 8, 1973, and February 26, 1973, and of ALJ exhibits Nos. 1 through 7, are certified to the Director pursuant to 21 CFR 316.65(b).

After reviewing the transcript of testimony of the prehearing conference and the hearing, the exhibits introduced, and the stipulation entered into between counsel for the Government and the applicant, the Director adopts the recommended decision of the administrative

law judge. In accordance with the provisions of § 316.66, title 21, Code of Federal Regulations, and in view of the nature of the applicant's past experience in the manufacture and distribution of controlled substances, it is the Director's opinion that to permit Table Rock Laboratories, Inc., to continue doing business with controlled substances would not be consistent with the public health and safety.

Therefore, under the authority vested in the Attorney General by section 304 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 824) and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100, as amended, Title 28, Code of Federal Regulations, the Director hereby orders that the applications for registration of Table Rock Laboratories, Inc. (both of which were executed on October 4, 1972), as a manufacturer and distributor of controlled substances listed in schedules II, III, IV, and V, be denied, effective on May 30, 1973.

Dated May 21, 1973.

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

[FR Doc.73-10688 Filed 5-29-73; 8:45 am]

**Law Enforcement Assistance
Administration**

**ALARM COMMITTEE
Notice of Meeting**

Notice is hereby given that the Alarm Committee of the Private Security Advisory Council to the Law Enforcement Assistance Administration will meet on Thursday, June 7, at 9 a.m. in the 13th floor conference room of the Law Enforcement Assistance Administration at 633 Indiana Avenue NW., Washington, D.C.

The meeting will be open to the public. Any interested person may file a written statement with the council for its consideration.

Statements may be sent to or information requested from Robert Macy, Law Enforcement Assistance Administration, U.S. Department of Justice, 633 Indiana Avenue NW., Washington, D.C. 20530.

JACK A. NADOL,
Advisory Committee Management
Officer, Office of General Counsel.

[FR Doc.73-10740 Filed 5-29-73; 8:45 am]

DEPARTMENT OF THE INTERIOR

**Bureau of Land Management
O. & C. ADVISORY BOARD
Notice of Meeting**

Notice is hereby given that the O. & C. Advisory Board will meet on July 10 and 11, 1973 in Roseburg, Oregon. On July 10, commencing at 8:30 a.m., the group will tour national resource lands in the North Umpqua River watershed to observe and discuss the management of forest and recreational resources, with special refer-

ence to plans for road construction and environmental quality.

On July 11, commencing at 8 a.m. in the Roseburg district conference room, 1928 Airport Road, Roseburg, Oregon, the Advisory Board will meet to elect a chairman and vice chairman for the term ending March 31, 1974, to consider the following topics, and then advise the Bureau of Land Management about them: recreation management, law enforcement, reorganization of western Oregon BLM districts, SBA-BLM timber set-aside procedures, automated resource information systems, road management, and advisory board procedures.

The tour and meeting will be open to the public, although persons wishing to accompany the tour must provide their own transportation. During the meeting there will be time for brief statements by persons who are not members of the Board. Persons wishing to make oral statements on agenda topics should so advise the chairman or cochairman prior to the meeting, to aid in scheduling the time available. Any interested person may file a written statement for consideration by the Board by sending it to the chairman, in care of the cochairman: Oregon State Director, Bureau of Land Management, U.S. Department of the Interior, P.O. Box 2965, Portland, Oregon, 97208.

ARCHIE D. CRAFT,
State Director, Oregon.

MAY 21, 1973.

[FR Doc.73-10715 Filed 5-29-73; 8:45 am]

**OREGON STATE MULTIPLE USE ADVISORY
BOARD**

Notice of Meeting

Notice is hereby given that the Oregon State Multiple Use Advisory Board will meet on June 20 and 21, 1973, in Baker, Oregon. On June 20, commencing at 9 a.m., the Board will tour national resource lands in the southeastern part of the Bureau of Land Management's Baker district to observe and discuss management of forage, wildlife habitat, water, mineral, forest, and recreational resources.

On June 21, commencing at 8 a.m., the Board will meet in the conference room in the Federal building, Baker. The agenda includes morning meetings of three committees, with recommendations to the Board to be made in the afternoon. Committees and topics are: Intergovernmental cooperation—solid waste disposal, land exchanges, and law enforcement; public land users and information—effective public involvement in RLM resource management, with special reference to off-road vehicles; and resource and environment—criteria for mineral leasing, permittee's investments in range improvements, and implementation of wild horse regulations. Other topics on the afternoon agenda are (1) road control, standards, and maintenance, and (2) trends in BLM organization, funding, and legislation.

The meeting will be open to the public. In addition to discussion of topics by board members, there will be time for brief statements by nonmembers. Persons wishing to make oral statements relating to agenda items should so advise the chairman or cochairman prior to the meeting, to aid in scheduling the time available. Any person may file a written statement about any item on the agenda for consideration by the Board by sending it to the chairman, in care of the cochairman: Oregon State Director, Bureau of Land Management, P.O. Box 2965, Portland, Oregon, 97208.

ARCHIE D. CRAFT,
State Director, Oregon.

MAY 21, 1973.

[FR Doc.73-10714 Filed 5-29-73; 8:45 am]

DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

[Docket No. S-353]

**OVERSEAS BULK TANK CORP. AND
PACIFIC TANKERS, INC.**

Notice of Multiple Applications

Notice is hereby given that Overseas Bulk Tank Corp. has applied for operating-differential subsidy under title VI of the Merchant Marine Act, 1936, as amended (the Act), on one new tanker of approximately 120,000 deadweight tons now under construction by Bethlehem Steel Corp.; and Pacific Tankers, Inc., has applied for operating-differential subsidy under title VI of the Act on four new tankers of approximately 89,700 deadweight tons each to be constructed by National Steel and Shipbuilding Co. All of these tankers are to be operated in worldwide service in the foreign commerce of the United States in the carriage of liquid bulk cargoes and dry bulk cargoes not subject to the cargo preference statutes including 10 U.S.C. 2631, 46 U.S.C. 1241, and 15 U.S.C. 616a.

Both Overseas Bulk Tank Corp. and Pacific Tankers, Inc., are subsidiaries of Overseas Shipholding Group, Inc.

The foregoing applications may be inspected in the Office of the Secretary, Maritime Subsidy Board, Maritime Administration, U.S. Department of Commerce, Washington, D.C., during regular business hours.

Any person having an interest in the granting of one or both of such applications and who would contest a finding by the Maritime Subsidy Board that the service now provided by vessels of U.S. registry for the worldwide carriage of liquid and dry bulk cargoes, not subject to the cargo preference statutes, moving in the foreign commerce of the United States or in any particular trade in the foreign commerce of the United States is inadequate, must, on or before June 13, 1973, notify the Board's Secretary, in writing, of his interest and of his position, and file a petition for leave to intervene in accordance with the Board's rules of practice and procedure (46 CFR

Part 201). Each such statement of interest and petition to intervene shall state whether a hearing is requested under section 605(c) of the Merchant Marine Act, 1936, as amended, and with as much specificity as possible the facts that the intervenor would undertake to prove at such hearing. Further, each such statement shall identify the applicant or applicants against which the intervention is lodged.

In the event that a section 605(c) hearing is ordered to be held with respect to either or both of the applications identified hereinabove the purpose of such hearing will be to receive evidence relevant to whether the service already provided by vessels of U.S. registry for the worldwide movement of liquid and dry bulk cargoes in the foreign ocean-borne commerce of the United States is inadequate and whether in the accomplishment of the purposes and policy of the act additional vessels should be operated.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated May 24, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-10743 Filed 5-29-73; 8:45 am]

[Docket No. S-354]

OVERSEAS BULK TANK CORP.

Notice of Application

Notice is hereby given that Overseas Bulk Tank Corp. has filed an application dated April 24, 1973, under the Merchant Marine Act, 1936, as amended for operating-differential subsidy on a tanker vessel to be employed in U.S. foreign trade. Since Overseas Bulk Tank Corp. is a subsidiary of Overseas Shipholding Group, Inc., whose subsidiaries employ or may employ vessels in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required by Overseas Bulk Tank Corp. if its application for operating-differential subsidy is approved.

Applicant requests written permission, under section 805 of the act, that any holding company, subsidiary, affiliate, or associate of applicant, and any officer, director, agent, or executive of applicant or of such holding company, subsidiary affiliate, or associate be allowed to continue to own, operate, or charter these American-flag vessels or any other American-flag vessels subsequently owned, acquired, chartered, or operated by the above-mentioned com-

panies or persons (and to own a pecuniary interest, directly or indirectly, in any person or concern that owns, charters, or operates such vessels) interchangeably, in all domestic trades, including, but not limited to, the Atlantic coastwise trade, the Gulf/Atlantic coastwise trade, the Gulf/Atlantic Puerto Rican trade, the Atlantic/Gulf intercoastal trade (including Alaska and Hawaii) and the Pacific coastwise trade (including Alaska and Hawaii).

The following vessels are owned by the applicant and other subsidiaries of Overseas Shipholding Group:

Ship:

Overseas	Owner
Anchorage ---	Globe Seaways, Inc.
Overseas Alaska---	Intercontinental Bulk-tank Corp.
Overseas Alice---	Intercontinental Bulk-tank Corp.
Overseas Carrier-----	Intercontinental Carriers, Inc.
Overseas Bulker---	Interseas Bulk Carriers, Inc.
Overseas Traveler -----	Ocean Clippers Inc.
Overseas Vivian-----	Ocean Tankships Corp.
Overseas Aleutian-----	Ocean Transportation Co., Inc.
Overseas Ulla-----	Ocean Transportation Co., Inc.
Overseas Arctic-----	Overseas Bulk Tank Corp.
Overseas Valdez-----	Overseas Bulk Tank Corp.
Overseas Joyce---	Overseas Oil Carriers, Inc.
Overseas Progress-----	Overseas Oil Carriers, Inc.
(ex Alpha Reserve) -----	Sea Tankers, Inc.
Beta Reserve-----	Sea Tankers, Inc.
Overseas Evelyn (ex Gamma Reserve) -----	Sea Tankers, Inc.

Interested parties may inspect the application under consideration in the Office of Subsidy Administration, Maritime Administration, room No. 4888, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Any person, firm, or corporation having interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on June 13, 1973, file same with the Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m. on June 15, 1973, in room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the act relative to domestic trade operations.

By order of the Maritime Subsidy Board/Maritime Administration.

Dated May 24, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-10745 Filed 5-29-73; 8:45 am]

[Docket No. S-355]

PACIFIC TANKERS, INC.

Notice of Application

Notice is hereby given that Pacific Tankers, Inc., has filed an application dated April 24, 1973, under the Merchant Marine Act, 1936, as amended, for operating-differential subsidy on four tanker vessels to be constructed for employment in U.S. foreign trade. Since Pacific Tankers, Inc., is a subsidiary of Overseas Shipholding Group, Inc., whose subsidiaries employ or may employ vessels in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required by Pacific Tankers, Inc., if its application for operating-differential subsidy is approved.

Applicant requests written permission, under section 805 of the act, that any holding company, subsidiary, affiliate, or associate of applicant, and any officer, director, agent, or executive of applicant or of such holding company, subsidiary, affiliate, or associate be allowed to continue to own, operate, or charter these American-flag vessels or any other American-flag vessels subsequently owned, acquired, chartered, or operated by the above-mentioned companies or persons (and to own a pecuniary interest, directly or indirectly, in any person or concern that owns, charters, or operates such vessels) interchangeably, in all domestic trades, including, but not limited to, the Atlantic coastwise trade, the Gulf/Atlantic coastwise trade, the Gulf/Atlantic Puerto Rican trade, the Atlantic/Gulf intercoastal trade (including Alaska and Hawaii) and the Pacific coastwise trade (including Alaska and Hawaii).

The following vessels are owned by subsidiaries of Overseas Shipholding Group:

Ship:	Owner
Overseas Anchorage.	Globe Seaways, Inc.
Overseas Alaska...	Intercontinental Bulk-tank Corp.
Overseas Alice....	Intercontinental Bulk-tank Corp.
Overseas Carrier..	Intercontinental Carriers, Inc.
Overseas Bulker..	Interseas Bulk Carriers, Inc.
Overseas Traveler	Ocean Clippers Inc.
Overseas Vivian...	Ocean Tankships Corp.
Overseas Aleutian	Ocean Transportation Co., Inc.
Overseas Ulla....	Ocean Transportation Co., Inc.
Overseas Artic....	Overseas Bulktank Corp.
Overseas Valdez..	Overseas Bulktank Corp.
Overseas Joyce....	Overseas Oil Carriers, Inc.
Overseas Progress	Overseas Oil Carriers, Inc.
Overseas Rose (ex Alpha Reserve).	Sea Tankers, Inc.
Beta Reserve.....	Sea Tankers, Inc.
Overseas Evelyn (ex Gamma Reserve).	Sea Tankers, Inc.

Interested parties may inspect the application under consideration in the Office of Subsidiary Administration, Maritime Administration, room No. 4888, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Any person, firm or corporation having interest (within the meaning of section 805(a)) in such application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on June 14, 1973, file same with the Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m. on June 18, 1973, in room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (b) would be prejudicial to the objects and policy of the act relative to domestic trade operations.

By order of the Maritime Subsidy Board/Maritime Administration.

Dated May 24, 1973.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-10744 Filed 5-29-73;8:45 am]

TANKER CONSTRUCTION PROGRAM Availability of Final Environmental Impact Statement

I. Notice.—Pursuant to the provisions of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332 (2)(C)) and the implementing guidelines of the Council on Environmental Quality, copies of the final environmental impact statement on the Maritime Administration tanker construction-differential subsidy program have been furnished to the Council on Environmental Quality and are available to the public.

II. The tanker construction program.—The final environmental impact statement refers to proposed and existing Government assistance to private industry to aid in the construction in the United States of modern tankers and other oil carrying vessels during the decade of the 1970's. Vessel classes included range from 35,000 to 400,000 dwt.

III. Availability of statement.—Copies of the statement are available for public inspection at no charge at the following locations:

Maritime Administration, Office of Public Affairs, room 4889, Department of Commerce (Building), Washington, D.C. 20230.
Maritime Administration, Eastern Regional Office, 26 Federal Plaza, New York, N.Y. 10007.

Maritime Administration, Central Regional Office, 701 Loyola Avenue, New Orleans, La. 70152.

Maritime Administration, Western Regional Office, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

A limited number of copies are available to the public at no charge and may be obtained by writing the Director, Office of Environmental Affairs, Department of Commerce, Washington, D.C. 20230. These copies will be made available on a first-in-time request basis while supplies last.

Copies may also be purchased from either the National Technical Information Service, Ordering Department, 5285 Port Royal Road, Springfield, Va. 22151, or at the Environmental Law Institute, Document Service, 1346 Connecticut Avenue NW., Washington, D.C. 20036 (approximately 500 pages, including appendices) (NTIS order No. EIS 730725-F) (ELR order No. 00725).

Dated May 25, 1973.

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

ROBERT J. PATTEN, Jr.,
Assistant Secretary.

[FR Doc.73-10853 Filed 5-29-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5731; Docket No. FDC-D-555; NDA No. 10-750 etc.]

CERTAIN DRUGS CONTAINING PHENAGLYCODOL

Notice of Opportunity for Hearing Proposal To Withdraw Approval of New-Drug Applications

In a notice (DESI 5731) published in the FEDERAL REGISTER of May 13, 1970 (35 FR 7462), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluations of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drugs described below stating that the drugs were regarded as possibly effective for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of the drugs has been submitted pursuant to the notice.

NDA 10-750; Ultram capsules containing phenaglycodol; Eli Lilly & Co., Box 618, Indianapolis, Ind. 46206.

NDA 11-439; Ultram tablets containing phenaglycodol; Eli Lilly & Co.

NDA 12-032; Darvo-Tran pulvules containing propoxyphene hydrochloride, aspirin, and phenaglycodol; Eli Lilly & Co.

Therefore, notice is given to the holder(s) of the new-drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of the listed new-drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new-drug application, are covered by the new-drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new-drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR pt. 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new-drug application(s) should not be withdrawn.

On or before July 2, 1973, within 30 days after publication hereof in the FEDERAL REGISTER the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6-38, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before July 2, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new-drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of July 2, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new-drug application(s) will be afforded an opportunity to appear at the

hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the office of the hearing clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated May 22, 1973.

SAM D. FINE,
Associate Commissioner for
Compliance.

[FR Doc. 73-10631 Filed 5-29-73; 8:45 am]

[DESI 12373; Docket No. FDC-D-536;
NDA 12-373]

CERTAIN DRUGS CONTAINING POLYUNSATURATED FATTY ACIDS WITH OR WITHOUT NIACIN

Notice of Withdrawal of Approval of New Drug Application

On December 23, 1972, there was published in the FEDERAL REGISTER (37 FR 28434) a notice (DESI 12373) in which the Commissioner of Food and Drugs proposed to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of NDA 12-373 providing for the following products:

1. Lenic capsules containing a total of 100 mg tetraenoic, pentaenoic, and hexaenoic acids and 500 mg linoleic acid;
2. Lenic H.P. capsules containing a total of 350 mg tetraenoic, pentaenoic, and hexaenoic acids and 300 mg linoleic acid;
3. Lenic with niacin capsules containing a total of 90 mg, of tetraenoic, pentaenoic, and hexaenoic acids, 450 mg, linoleic acid and 100 mg niacin; all previously marketed by Cooper Laboratories, 2900 North 17th Street, Philadelphia, Pa. 19132.

The basis of the proposed withdrawal of approval was the lack of substantial evidence that these drugs are effective for use in lowering blood cholesterol levels at the recommended dosages.

Cooper Laboratories had previously discontinued the products and waived their opportunity for a hearing. There has been no response pursuant to the notice of December 23, 1972.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who

wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1053, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to the drugs, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drugs will have the effect purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing findings, approval of new drug application No. 12-373 and all amendments and supplements applying thereto is withdrawn effective on May 30, 1973. Shipment in interstate commerce of the above-listed drug products or of any identical, related, or similar product, not the subject of an approved new drug application, is henceforth unlawful.

Dated May 22, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 73-10632 Filed 5-29-73; 8:45 am]

[FAP 3B2895]

WITCO CHEMICAL CORP.

Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 3B2895) has been filed by Witco Chemical Corp., Organics Division, 400 North Michigan Ave., Chicago, Ill. 60611, proposing that § 121.2526, Components of paper and paperboard in contact with aqueous and fatty foods (21 CFR 121.2526) be amended to provide for the safe use of calcium isostearate and *n*-decanol as adjuvants or modifiers of aqueous calcium stearate dispersions intended for use as components of coatings for paper and paperboard in contact with food.

Dated May 16, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc. 73-10637 Filed 5-29-73; 8:45 am]

Office of Education

NATIONAL ADVISORY COMMITTEE ON HANDICAPPED CHILDREN

Notice of Meeting

Notice is hereby given, pursuant to Public Law 92-463, that the next meeting of the National Advisory Committee on Handicapped Children will be held on

June 6-8, 1973, at 9 a.m., local time, in conference room 3652, regional office building 3, Seventh and D Streets SW., Washington, D.C.

The National Advisory Committee on Handicapped Children was established to review the administration and operation of programs for the handicapped in the Office of Education, and make recommendations for their improvement.

The meeting of the committee will be open to the public. The proposed agenda includes the status of legislation and the handicapped, new federalism—what it means to the handicapped, development of a business industry conference on career education for handicapped workers, guidelines for reporting of handicapped people in the news media. Records will be kept of all committee proceedings (and shall be available for public inspection at the Office of the Associate Commissioner, Bureau of Education for the Handicapped, located in room 2100, regional office building 3, Seventh and D Streets SW., Washington, D.C. 20202).

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

FRANK B. WITHROW,
Executive Secretary, National
Advisory Committee on Edu-
cation of the Deaf.

[FR Doc. 73-10707 Filed 5-29-73; 8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-247]

CONSOLIDATED EDISON CO.

Reconstitution of Atomic Safety and Licensing Appeal Board

Notice is hereby given that, in accordance with the authority in 10 CFR 2.787(a), the Chairman of the Atomic Safety and Licensing Appeal Panel has reconstituted the Atomic Safety and Licensing Appeal Board for this proceeding to consist of the following members:

William C. Parler, chairman.
Dr. John H. Buck, member.
Dr. Lawrence R. Quarles, member.

Dated May 23, 1973.

MARGARET E. DU FLO,
Secretary to the
Appeal Board.

[FR Doc. 73-10622 Filed 5-29-73; 8:45 am]

[Dockets Nos. 50-329 and 50-330]

CONSUMERS POWER CO.

Issuance of Amendments to Construction Permits

Notice is hereby given that, pursuant to the memorandum and order of the Atomic Safety and Licensing Appeal Board, dated March 26, 1973 (ALAB-106), the Deputy Director for Reactor Projects, Directorate of Licensing, has issued amendment No. 1 to construction permit No. CPPR-81 and amendment No. 1 to construction permit No. CPPR-82. Construction permits Nos. CPPR-81 and CPPR-82 authorize Consumers Power Co. to construct the Midland plant, units

1 and 2, at a site adjacent to the Tita-bawassee River in Midland County, Mich. The amendments issued by the Deputy Director for Reactor Projects incorporate in the construction permits certain additional reporting requirements, relating to quality assurance, which were specified in, and imposed by ALAB-106.

Copies of ALAB-106 and the amendments referred to herein are on file in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and at the Grace Dow Memorial Library, 1710 West St. Andrews Road, Midland, Mich. Single copies of these documents may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 23d day of May 1973.

A. SCHWENCER,
Chief, Pressurized Water Reactors
Branch No. 4, Directorate
of Licensing.

[FR Doc. 73-10710 Filed 5-29-73; 8:45 am]

[Docket No. 50-285]

OMAHA PUBLIC POWER DISTRICT Issuance of Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued facility operating license No. DPR-40 to the Omaha Public Power District for the Fort Calhoun Station, Unit 1 (the facility). The facility is a pressurized water nuclear reactor located at Omaha Public Power District's site in Washington County, Nebr. The facility is designed for operation at 1420 megawatts thermal.

The license authorizes operation of the Fort Calhoun facility at core power levels not to exceed 284 thml MW (20 percent of rated power); however, activities under the license are temporarily being limited to fuel loading and subcritical testing until certain matters identified by the Directorate of Regulatory Operations have been satisfactorily resolved, at which time it is expected that Omaha Public Power District will be authorized to perform further testing operations at core power levels not to exceed 71 thml MW (5 percent of rated power). Further operations at core power levels up to 284 thml MW (20 percent of rated power) will be authorized upon completion of certain procedural changes and design modifications which relate to assuring protection of essential structures and equipment required for safe shutdown which conceivably could be damaged by a rupture of a pipe outside containment that contains high energy fluid.

A notice of consideration of issuance of a facility operating license for the facility was published in the FEDERAL REGISTER on May 12, 1972 (37 FR 9576). The notice provided that within 30 days from the date of publication, any person whose interest might be affected by the issuance of the license could file a petition for leave to intervene in accordance with

the Commission's regulations, 10 CFR part 2, rules of practice. By Commission memorandum and order dated September 15, 1972, Citizens for Survival, Inc., was admitted as a party.

On September 23, 1972, a notice of hearing was published in the FEDERAL REGISTER (37 FR 20088), which designated an Atomic Safety and Licensing Board to preside over the hearing.

A notice of availability of the final environmental statement was published in the FEDERAL REGISTER on August 30, 1972 (37 FR 17576).

Public hearings were held intermittently from December 11 to December 28, 1972, and May 15 to May 17, 1973, in Omaha, Nebr., to consider radiological health and safety and environmental matters.

On February 27, 1973, Omaha Public Power District filed a motion, pursuant to 10 CFR part 50.57(c), with the Atomic Safety and Licensing Board for an order permitting fuel loading and subcritical testing of the Fort Calhoun Station, Unit 1. There was no objection by the parties to the motion.

On March 21, 1973, the Atomic Safety and Licensing Board issued an order authorizing the Director of Regulation to make the appropriate findings on the issues set forth in 10 CFR part 50.57(a), to make the appropriate environmental findings pursuant to 10 CFR part 50, appendix D, and to issue a license permitting Omaha Public Power District to load fuel and perform subcritical testing of the Fort Calhoun Station, Unit 1.

Subsequently, on April 2, 1973, Omaha Public Power District filed a second motion, pursuant to 10 CFR part 50.57(c), with the Atomic Safety and Licensing Board for an order authorizing the Director of Regulation to make the appropriate findings and to issue a license authorizing steady-state power operation not to exceed 20 percent of the rated power. There was no objection by the parties to the motion.

On April 5, 1973, the Atomic Safety and Licensing Board issued an order authorizing the Director of Regulation to make the appropriate findings on the issues set forth in 10 CFR part 50.57(a), to make the appropriate environmental findings pursuant to 10 CFR part 50, appendix D, and to issue a license for steady-state power operation not to exceed 20 percent of the rated power.

The Commission's Director of Regulation has made the appropriate findings which are set forth in the license, and the application complies with the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR chapter 1.

The license is effective as of the date of issuance, and shall expire 18 months from said date, unless extended for good cause shown, or upon earlier issuance of a superseding licensing action.

Copies of (1) Omaha Public Power District's motion dated April 2, 1973, (2) the Board's order dated April 5, 1973, (3) facility operating license No. DPR-40, complete with technical specifications,

(4) the Commission's safety evaluation, (5) the report of the Advisory Committee on Reactor Safeguards, and (6) the Commission's final environmental statement related to the operation of the Fort Calhoun Station are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., and in the Blair Public Library, 1665 Lincoln Street, Blair, Nebr. Copies of the license and items (4), (5), and (6) may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 24th day of May 1973.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Pressurized Water Reactors Branch No. 3, Directorate of Licensing.

[FR Doc.73-10709 Filed 5-29-73; 8:45 am]

[Dockets Nos. 50-275 and 50-323]

PACIFIC GAS & ELECTRIC CO.

Availability of Final Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in appendix D to 10 CFR part 50, notice is hereby given that the final environmental statement prepared by the Commission's Directorate of Licensing, related to the proposed Diablo Canyon Reactor Units 1 and 2, currently under construction by Pacific Gas & Electric Co., in San Luis Obispo County is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the San Luis Obispo County Free Library, 1354 Bishop Street, San Luis Obispo, Calif. The final environmental statement is also being made available at the Office of the Lieutenant Governor, Office of Intergovernmental Management, 1400 10th Street, room 108, Sacramento, Calif.

The notice of availability of the draft environmental statement for the Diablo Canyon Reactor Units 1 and 2, and requests for comments from interested persons was published in the FEDERAL REGISTER on December 12, 1972 (37 FR 26459). The comments received from Federal, State, and local officials and interested members of the public have been included as appendices to the final environmental statement.

Single copies of the final environmental statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 24th day of May 1973.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch No. 2, Directorate of Licensing.

[FR Doc.73-10708 Filed 5-29-73; 8:45 am]

[Docket No. 50-395]

SOUTH CAROLINA ELECTRIC & GAS CO.

Availability of Initial Decision

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulation in appendix D, section A.9 and A.11, to 10 CFR part 50, notice is hereby given that an initial decision dated March 19, 1973, by the Atomic Safety and Licensing Board and a decision dated April 13, 1973, by the Atomic Safety and Licensing Appeal Board, in the above captioned proceeding authorizing issuance of the construction permit to South Carolina Electric & Gas Co. for construction of the Virgil C. Summer Nuclear Station located in Fairfield County, S.C., are available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Fairfield County Library, Vanderhorst Street, Winnsboro, S.C. 29180.

The initial decision by the Atomic Safety and Licensing Board and the decision by the Atomic Safety and Licensing Appeal Board are also being made available at the Office of the Governor, Division of Administration, Wade Hampton Office Building, Columbia, S.C. 29201, and at the Central Midlands Regional Planning Council, 1125 Blandling Street, Columbia, S.C. 29201.

The decision of the Atomic Safety and Licensing Appeal Board modified in certain respects the initial decision of the Atomic Safety and Licensing Board as well as the contents of the final environmental statement prepared by the Commission's Directorate of Licensing relating to the construction of the Virgil C. Summer Nuclear Station. A copy of this final environmental statement is also available for public inspection at the above designated locations.

Pursuant to the provisions of 10 CFR part 50, appendix D, section A.11, the initial decision by the Atomic Safety and Licensing Board and the final environmental statement are deemed different to the extent that the findings and conclusions of the initial decision relating to environmental matters and the summary and conclusions of the final environmental statement are modified by the decision of the Atomic Safety and Licensing Appeal Board. As required by section A.11 of appendix D, a copy of the decision by the Atomic

Safety and Licensing Appeal Board and copies of the initial decision by the Atomic Safety and Licensing Board and the final environmental statement have been transmitted to the Council on Environmental Quality and made available to the public as noted herein.

Single copies of the initial decision by the Atomic Safety and Licensing Board, the decision by the Atomic Safety and Licensing Appeal Board, and the final environmental statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md. this 22d day of May 1973.

For the Atomic Energy Commission.

RICHARD S. CLEVELAND,
Acting Chief, Environmental Projects Branch No. 1, Directorate of Licensing.

[FR Doc.73-10711 Filed 5-29-73; 8:45 am]

[Docket No. 50-322]

SHOREHAM NUCLEAR POWER STATION

Notice of Availability of Initial Decision of the Atomic Safety and Licensing Board for the Shoreham Nuclear Power Station

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in appendix D, section A.9 and A.11, to 10 CFR part 50, notice is hereby given that an initial decision dated April 12, 1973, by the Atomic Safety and Licensing Board in the above-captioned proceeding authorizing issuance of a construction permit to Long Island Lighting Co. for construction of Shoreham Nuclear Power Station located in the town of Brookhaven, Suffolk County, N.Y., is available for inspection by the public in the Commission's public document room at 1717 H Street NW., Washington, D.C., and in the Comsewogue Public Library, 170 Terryville Road, Port Jefferson, N.Y. 11776.

The initial decision is also being made available at the New York State Office of Planning Services, 488 Broadway, Albany, N.Y. 12207, and at the Tri-State Regional Planning Commission, 100 Church Street, New York, N.Y. 10007.

The initial decision modified in certain respects the contents of the final environmental statement relating to the construction of the Shoreham Nuclear Power Station prepared by the Commission's Directorate of Licensing. A copy of this final environmental statement is also available for public inspection at the above-designated locations.

Pursuant to the provisions of 10 CFR part 50, appendix D, section A.11, the final environmental statement is deemed modified to the extent that the findings

and conclusions relating to environmental matters contained in the initial decision are different from those contained in the final environmental statement. As required by section A.11 of appendix D, a copy of the initial decision, which modifies the final environmental statement, has been transmitted to the Council on Environmental Quality and made available to the public as noted herein.

Single copies of the initial decision and of the final environmental statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 23d day of May 1973.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects
Branch 2, Directorate of Licensing.

[FR Doc.73-10621 Filed 5-29-73;8:45 am]

[Docket No. 50-271]

VERMONT YANKEE NUCLEAR POWER CO.
Order Convening Conference

The Atomic Safety and Licensing Appeal Board (Appeal Board) has issued a memorandum and order (ALAB-124) dated May 23, 1973, remanding this proceeding to the Atomic Safety and Licensing Board (Board) to consider several aspects enumerated in the memorandum and order, including whether the proceeding should be reopened to receive further evidence, and if so, the scope and specificity of the evidence to be introduced, and also, whether the Vermont Yankee Nuclear Power Plant now authorized to operate, should be permitted to continue to be operated. The Appeal Board has determined in reference to the quality assurance program for this powerplant that:

" * * * there is no record evidence that a satisfactory program even exists. What appears in the record is that, at least as late as January 10, 1973, when the staff filed its proposed findings, the program was believed to be unsatisfactory in a number of significant respects.

The Appeal Board further held:

" * * * we are deeply concerned over the fact that the facility operated under the temporary operating license for a protracted period without a satisfactory quality assurance program.

The Appeal Board directed in addition:

The Board should examine the October 25 letter and any other documents bearing on the quality assurance issue. It should then proceed to determine whether those documents demonstrate that the applicant's quality assurance program is, as has been represented, satisfactory. If that determination cannot be made, formal reopening of the record on the matter of quality assurance will be required.

The Atomic Safety and Licensing Board will proceed from the determina-

tion made by the Appeal Board that, based upon the present state of the record pertaining to a quality assurance program, " * * * there is no record evidence that a satisfactory program even exists." The Board will also proceed in accordance with the Administrative Procedure Act that determinations must be made upon the basis of evidence in the record as developed by all of the parties participating in the development of the record.

The Board desires to confer with the parties respecting the matters that should be considered in reference to a determination whether the hearing record should be reopened to receive further evidence, and if so, the nature, scope, and specificity of the evidence which would be introduced, the time needed for a preparation of the evidence, and a date for convening a reopened proceeding. Importantly also, the Board desires to have comments and recommendations from the parties whether the Vermont Yankee Nuclear Power Plant should be authorized to continue operations upon the basis of the determination that there is no satisfactory quality assurance program for such operations.¹ The Board requests the applicant to submit a list of transcript and documentary references to the evidence where the quality assurance program was considered. All parties are requested to submit to the Board, exchange with the parties and file with the Secretary of the Commission, briefs or comments on or before June 6, 1973, respecting the matters that should be considered within the scope of the May 23, 1973, remand order of the Appeal Board.

The Board has had telephonic communication with the attorneys available for the consideration and has determined that June 11, 1973 is a convenient date to have a conference respecting these several matters.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, a conference with the parties and/or their attorneys shall convene at 10 a.m. on Monday, June 11, 1973 at the U.S. Court of Claims, 717 Madison Place NW., Washington, D.C.

Issued May 24, 1973, Germantown, Md.

ATOMIC SAFETY AND LICENSING BOARD,
SAMUEL W. JENSCH,
Chairman.

[FR Doc.73-10783 Filed 5-29-73;8:45 am]

¹The Appeal Board emphasized the necessity of an adequate quality assurance program by its inclusion of evidence submitted by the Regulatory Staff in the EOCs rule-making proceeding, in part, as follows:

"Extensive and systematic quality assurance practices are required and applied at every step to achieve this primary assurance of safety."

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN PAKISTAN

Entry or Withdrawal From Warehouse for Consumption

Under the Bilateral Cotton Textile Agreement of May 6, 1970, as amended, between the Governments of the United States and Pakistan, the Government of Pakistan has undertaken to limit its exports of cotton textiles and cotton textile products to the United States to certain designated levels. On April 11, 1973, the Governments of the United States and Pakistan established an administrative mechanism to exempt from the limitations of the aforementioned bilateral agreement certain traditional Pakistan items, produced or manufactured in Pakistan and exported to the United States, which have been certified for exemption by the Government of Pakistan. The purpose of this notice is to announce the implementation of this administrative mechanism.

Accordingly, there is published below a letter of May 16, 1973, from the chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs directing that certain traditional Pakistan items, certified exempt by the Government of Pakistan, shall henceforth and until further notice not be subject to the levels of restraint established by the Bilateral Cotton Textile Agreement of May 6, 1970, as amended.

SETH M. BOBNER,
Chairman, Committee for the
Implementation of Textile
Agreements, and Deputy Assistant Secretary for
Resources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229

May 16, 1973.

DEAR MR. COMMISSIONER: This directive amends but does not cancel the directive issued to you on June 29, 1972, by the chairman of the Committee for the implementation of Textile Agreements which designated levels of restraint for certain cotton textiles and cotton textile products produced or manufactured in Pakistan which may be entered or withdrawn from warehouse for consumption in the United States during the 12-month period beginning July 1, 1972. It also amends but does not cancel the directive of June 28, 1972, which established an export visa requirement for entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products produced or manufactured in Pakistan.

Pursuant to paragraph 12 of the Bilateral Cotton Textile Agreement of May 6, 1970, as amended, between the Governments of the United States and Pakistan, and in accordance with the procedures of Executive Order 11651 of March 3, 1972; effective as soon as possible and until further notice, the tradi-

tional Pakistan items listed below, produced or manufactured in Pakistan and entered into the United States in accordance with the provisions of this directive, shall neither be subject to nor counted in any level of restraint now or hereafter put into effect:

1. *Shisha embroidered dresses*.—Traditional mirror embroidery on plain, printed, or striped material, worn by the people of Sind and Baluchistan. Short, medium, or long in length according to the areas from which they come.

2. *Dastkari kurta and/or gharara*.—A "kurta" is a type of halter blouse worn with the gharara. A "gharara" is a traditional form of the pajama worn by ladies of the Moghul courts. Each leg of the gharara measures about 1 yd across the bottom opening. Both made of cotton material with multicolored embroidery and with drawstrings at the top and waist, in the tradition of the Moghul kings.

3. *Mullani kurta*.—Crochet worked short or long tunic worn by the peasants in Punjab. Crocheted work located at the neck and front and has triangular inserts at the armpits.

4. *Embroidered kurta*.—Type of shirt or loose tunic worn throughout Pakistan over loose trousers. Is embroidered in different colors. Adapted from Angarkha by King Ahmad Shah Abdali. Worn short or long and has triangular inserts at the armpits.

5. *Mullani Choli*.—(If in part of set) fitted blouse worn with either a lungi (i.e., a scarf) or sari in Punjab and Sind. Choli is embroidered in different colors or hand printed, tied either in front or back.

6. *Billi kurta*.—Kurta of heavy fabric with patchworked decorations applied by hand, worn by the women of Sind.

7. *Burga*.—Loose tunic or dress with hood attached worn by ladies when going out of the house. Worn as an outer covering and often gaily embroidered or hand printed.

8. *Quetta jackets*.—Loose vest worn over kurta by men and women. Made either of printed material or of embroidered material with mirrors on plain colors.

9. *Ghegra*.—Ankle length, loose fitting skirt with drawstrings around the waist or hooks worn with either a fitted or loose choli, with traditional colors embroidered or hand printed. Work in the Tharparkar area of Sind.

10. *Bafra*.—(Drawstring pouches, bags, purses, and string bags.) Accessories for all Pakistani dresses for carrying betel nuts and other personal things. Gaily printed or hand embroidered or with mirrors, or made with colored strings.

11. *Shindhi julaba*.—Very loose ankle length garment in hand-loom or hand-blocked material with a hood attached, with tiestring at V opening in neck and side slits at lower part extending to lower hem. Worn with or without hood in the villages of Sind and can also be embroidered.

12. *Isarban*.—Cotton belt in multicolored continuous lengths of unwoven threads.

13. *Baluchi kameez*.—Embroidered top worn by the women of Baluchistan over Shalwar or Turkish trousers. Flared tunic with extra wide sleeves tapering to a buttoned cuff.

14. *Cotton embroidered kaftan*.—Kaftan in the traditional embroidery of Multan, Makran, Dera Ghazi Khan, and Nuchki. Long, loose fitting dress with embroidery around top and bottom with side slits of about 18 inches to the lower hem.

15. *Cholistan kurta*.—Colorful striped heavy, unbleached fabric worn by the camel drivers of the Cholistan Desert with stand up collar band and sleeves made into the body of the garment.

16. *Chūlaf*.—Embroidered decorative tubular case open at both ends with drawstring enclosures.

17. *Dupatta*.—(If in part of a set) long scarf about 4 ft or more long and 3 ft or more wide of thin cotton fabric with colorful design worn by women to cover the head.

18. *Kamraband*.—Antique and embroidered wide belts worn around the waist, with heavy mirrored embroidery.

To qualify for exemption from the levels of restraint, each shipment of the Pakistan items listed above shall be accompanied by a certification issued by the Government of Pakistan. The certification shall be a stamped marking in blue ink on the front of the invoice (special customs invoice form 5515, successor document or other commercial invoice when such form is used). Each certification will consist of the authorized signature and title of the official issuing the certification; identify the items exempted; indicate the date the certification was signed and certified; and carry the certificate number. A facsimile of the stamp, along with the signatures of the officials authorized to issue the exempt certification is enclosed.

All merchandise covered by an invoice which has an exempt certification but contains both exempt and nonexempt textile items will be denied entry.

In addition to the certification stamp, each shipment of Pakistan items will be accompanied by a visa in accordance with the visa arrangement signed by the Governments of the United States and Pakistan on June 13, 1972.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textiles and cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

SETH M. BODNER,
Chairman, Committee for the Implementation of Textile Agreements, and Deputy Assistant Secretary for Resources and Trade Assistance.

Name and Designation of Government of Pakistan Certifying Officers with Specimen Signatures

Official	Signature
Humayun Shafiq Assistant Director Karachi Regional Office Karachi	
M. Aslam Research Officer Export Promotion Bureau Lahore	
Abdul Qayyum Assistant Director Export Promotion Bureau Lahore	
Riaz Ahmad Field Inspector Export Promotion Bureau Multan	
Mohammad Said Administrative Officer Export Promotion Bureau Multan	
Taj Mohammad Khan Deputy Director Export Promotion Bureau Peshawar	
Mohammad Aslam Khan Research Officer Export Promotion Bureau Rawalpindi	
Ch-Israr-Ul-Haque Investigator for Deputy Director Export Promotion Bureau Sialkot	

Government of Pakistan

EXPORT PROMOTION BUREAU

Serial No.

EXEMPTED ITEMS.

Description:

Certified on 19.....

Authorised Signature.

[FR Doc.73-10721 Filed 5-29-73; 8:45 am]

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN ROMANIA

Entry or Withdrawal From Warehouse for Consumption

MAY 21, 1973.

On January 3, 1973, there was published in the FEDERAL REGISTER (38 FR 75), a letter dated December 21, 1972, from the chairman, Committee for the Implementation of Textile Agreements, to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile products produced or manufactured in Romania and exported to the United States during the 12-month period beginning January 1, 1973. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraphs 4 and 7 of the bilateral cotton textile agreement of December 31, 1970, between the Governments of the United States and Romania, which provides that within the aggregate limit, limits on certain categories may be exceeded by not more than 5 percent, and for limited carryover of shortfalls in certain categories to the next agreement year.

The bilateral agreement also contains provisions establishing levels of restraint for those categories not having specific levels of restraint. The Government of Romania has requested an increase in two such categories, i.e., categories 42 and 43, and a corresponding decrease in a category having a specific level of restraint, i.e., category 63.

Accordingly, at the request of the Government of Romania and pursuant to the provisions of the bilateral agreements referred to above, there is published below a letter of May 21, 1973, from the chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs amending the levels of restraint applicable to cotton textile products in categories 26, 42,

43, 49, 55, 60, and 63 for the 12-month period which began on January 1, 1973.

SETH M. BODNER,
Chairman, Committee for the
Implementation of Textile
Agreements, and Deputy As-
sistant Secretary for Re-
sources and Trade Assistance.

COMMITTEE FOR THE IMPLEMENTATION OF
TEXTILE AGREEMENTS

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

MAY 21, 1973.

DEAR MR. COMMISSIONER: On December 21, 1972, the chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the 12-month period beginning January 1, 1973, of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Romania, in excess of designated levels of restraint. The chairman further advised you that the levels of restraint are subject to adjustment.¹

Under the terms of the "Long-Term Arrangement Regarding International Trade in Cotton Textiles" done at Geneva on February 9, 1962, pursuant to paragraphs 4 and 7 of the bilateral cotton textile agreement of December 31, 1970, between the Governments of the United States and Romania, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to amend, effective as soon as possible and for the 12-month period beginning January 1, 1973, the levels of restraint established in the aforesaid directive of December 21, 1972, for cotton textile products in categories 26, 49, 55, 60, and 63 to the following:

Category:	Amended 12-month levels of restraint ²
26.....	square yards... 2,629,775
49.....	dozen... 30,769
55.....	do... 15,853
60.....	do... 22,279
63.....	pounds... 156,062

²These levels have not been adjusted to reflect any entries made on or after Jan. 1, 1973.

In addition, pursuant to the provisions of the bilateral agreement referred to above, the following levels of restraint have been established for categories 42 and 43 produced or manufactured in Romania and exported to the United States during the 12-month period beginning January 1, 1973:

Category:	12-month levels of restraint ²
42.....	dozen... 114,045
43.....	do... 114,045

Entries of cotton textile products in categories 42 and 43, produced or manufactured in Romania and which have been exported to the United States from Romania prior to January 1, 1973, shall not be subject to this directive.

Cotton textile products in categories 42 and 43 which have been released from the custody

¹The term "adjustment" refers to those provisions of the bilateral cotton textile agreement of Dec. 31, 1970, between the Governments of the United States and Romania which provide in part that within the aggregate, limits on certain categories may be exceeded by not more than 5 percent; for limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

of the Bureau of Customs under the provisions of 19 U.S.C. 1448(b) prior to the effective date of this directive shall not be denied entry under this directive.

The actions taken with respect to the Government of Romania and with respect to imports of cotton textiles and cotton textile products from Romania have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore the directions to the Commissioner of Customs, being necessary to the implementation of such actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

SETH M. BODNER,
Chairman, Committee for the Imple-
mentation of Textile Agreements,
and Deputy Assistant Secretary for
Resources and Trade Assistance.

[FR Doc.73-10802 Filed 5-29-73;8:45 am]

COST OF LIVING COUNCIL

[Order No. 27]

CHAIRMAN, OIL POLICY COMMITTEE

Delegation of Authority

Pursuant to the authority vested in me by Executive Order No. 11695, it is hereby ordered as follows:

1. The authority with respect to petroleum products under section 203(a) (3) of the Economic Stabilization Act of 1970, as added by section 2(b) of the Economic Stabilization Act Amendments of 1973 is delegated to the Chairman of the Oil Policy Committee established by proclamation 4210, including, without limitation, the power and duty to make the determinations and take the actions required or permitted by the act and the power to redelegate any of the authority thereunder.

2. Nothing herein shall be deemed to delegate any authority with respect to the stabilization of prices under section 203(a) (1) of the act.

3. This order shall be effective immediately.

GEORGE P. SHULTZ,
Chairman, Cost of Living Council.

MAY 23, 1973.

[FR Doc.73-10643 Filed 5-29-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

UNIROYAL CHEMICAL

Filing of Petition for Food Additive

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b) (5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 3H5028) has been filed by Uniroyal Chemical, Division of Uniroyal, Inc., Bethany, Conn. 06525, proposing establishment of a tolerance (21 CFR pt. 121) of 80 parts per million for residues of the insecticide propargite (2-(p-tert-butylphenoxy) cyclohexyl 2-propynyl

²These levels have not been adjusted to reflect any entries made on or after Jan. 1, 1973.

sulfite) in dried apple pomace from application of the insecticide to the growing raw agricultural commodity apples.

Dated May 23, 1973.

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

[FR Doc.73-10678 Filed 5-29-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19744, 19745; FCC 73-542]

A. H. BELO CORP. AND WADECO, INC. Order Designating Application for Hearing on Stated Issues

In re applications of: A. H. Belo Corp. (WFAA-TV), Dallas, Tex., docket No. 19744, file No. BRCT-33, for renewal of broadcast license; Wadeco, Inc., Dallas, Tex., docket No. 19745, file No. BPCT-4453, for construction permit for new television broadcast station.

1. The Commission has before it for consideration the above-captioned applications, one requesting a renewal of license to operate on channel 8, Dallas, Tex., and the other requesting a construction permit for a new television broadcast station to operate on channel 8, Dallas, Tex.

2. Based on the information contained in the application of Wadeco, Inc., cash in the amount of \$2,799,000 will be needed for the construction and first 3-months cost of operation of the proposed station, consisting of down payment on equipment—\$625,000; 2 months principal and interest payments on equipment—\$93,750; other items—\$417,000; 3 months cost of operation—\$1,618,250;¹ and grant fee—\$45,000. To meet its cash needed requirement, the applicant relies upon paid-in stock subscriptions, stock subscription agreements and a \$2,500,000 bank loan from the Castle Trust Co. Ltd. In an amendment filed November 2, 1972, the applicant indicated in section II, paragraph 11, FCC Form 301, that 118,940 shares has been subscribed and 78,060 shares had been issued, for a total of 197,000 shares. The information contained in the application demonstrates that the stock subscribers can meet their respective stock subscription commitments to the applicant. However, on May 8, 1973, the applicant submitted a balance sheet dated February 28, 1973, which conflicts with the information contained in section II, paragraph 11 in that different amounts of stock issued

¹As in similar cases in the past, we will not apply the standard set forth in *Ultravision Broadcasting Co.*, 1 FCC 2d 544 (1965). Rather we will apply our former standard which required an applicant to demonstrate that it has sufficient funds to construct and operate the proposed station for 3 months without revenues. *Orange Nine, Inc.*, 7 FCC 2d 788 (1967). In this connection, it is noted that the Commission's TV Broadcast Financial Data Report for 1972 reveals that the Dallas-Fort Worth television broadcast stations generated revenues on an average in excess of the applicant's anticipated first year operating costs (\$6,473,000).

and subscribed are specified. Moreover, the balance sheet appears to be internally inconsistent since on the asset side, stock subscriptions receivable of 116,055 are listed whereas, on the liabilities side, capital stock subscribed, but not issued, is shown as 116,250. With respect to the stock subscriptions already paid in, the applicant's balance sheet shows \$2,783.51 in cash and \$78,541.47 in prepaid expenses. Since the prepaid expenses have not been itemized in order to show that they relate to the total construction costs set forth in section III, paragraph 1(a), it cannot be determined whether the applicant can receive credit for these prepaid expenses.

3. With respect to the proposed \$2,500,000 bank loan, since the Castle Trust Co. Ltd., has stated that it is willing to arrange for a loan, this does not constitute a commitment by the bank to provide the funds.³ In the event that the applicant is able to satisfactorily demonstrate the availability of all of the funds upon which it relies, the applicant will still need additional funds in order to be considered financially qualified. Consequently, appropriate financial issues have been specified.

4. Except as indicated by the issues set forth below, Wadeco, Inc., is qualified to construct, own, and operate the proposed new television broadcast station. Except for the matters discussed in paragraph 5 below, A. H. Belo Corp. is qualified to own and operate television broadcast station WFAA-TV. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory findings that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

5. It should be noted that on September 9, 1970, UHF, Inc., instituted a civil suit in the United States District Court for the Northern District of Texas, Dallas Division (civil action No. 3-4156-A), charging, among others, the A. H. Belo Corp., the licensee of WFAA-TV, and the Times Herald Printing Co., the licensee of station KDFW-TV, Dallas, Tex., with violations of the Sherman Antitrust Act by entering into a contract, combination or conspiracy in restraint of trade, by attempting to and monopolizing the television broadcast industry in the Dallas-Fort Worth metropolitan area, and by seeking to and precluding the plaintiff from competing in such market. The complainant further charges that in furtherance of the alleged restraint of trade the above defendants have: (1) Opposed the granting of cable television (CATV) rights to their parties, attempted to delay CATV development in the Dallas metropolitan area and, at the same time,

sought to maintain the exclusive right to provide CATV services at a date of their choosing, if ever; and (2) discriminated against UHF television broadcast station KMEC, Dallas, Tex., by failing to provide in their respective newspapers of general circulation program listings equivalent to those accorded VHF television broadcast stations in the Dallas-Fort Worth metropolitan area. On July 1, 1971, the principals of UHF, Inc., acting through Civic Telecasting Corp., formally petitioned to deny the license renewal applications of A. H. Belo Corp. (BR-395, BRH-1192, BRCT-33), Beaumont Television Corp. (BRCT-556), the Times Herald Printing Co. (BRCT-85), and Carter Publications, Inc. (BR-404, BRH-539, BRCT-27), essentially on the same grounds raised in their civil antitrust complaint (CA-3-4156-A). Action on the aforementioned license renewal applications has been deferred pending the Commission's consideration of the allegations set forth in the petition to deny. See FCC 73-543 adopted this date. Depending upon our disposition of the petition to deny, however, further orders in this proceeding may be appropriate.⁴

6. A dispute also arose in this case concerning possible changes in the integration of ownership and management picture of station WFAA-TV. This dispute has caused us to focus on the relationship between past record and integration of ownership and management in the evaluation of the renewal applicant. See letter to Mr. Thomas M. P. Christensen, FCC 73-545. As we made clear, WFAA-TV as a renewal applicant is judged solely on its past record—not its integration. Whether that record warrants a "plus of major significance" (*Citizens Communications Center v. FCC*, 145 U.S. App. D.C. 32, 447 F.2d 1201, decided June 11, 1971) is of crucial importance in the judgmental process. As the court there noted, the incumbent licensee with such a "plus" can normally expect renewal in any comparative challenge. In short, in the case of the renewal applicant there is no need to rely upon presumptions (e.g., integration, local residence) as to how the applicant will perform in this critical area of serving the needs and interests of his area—that whether his integration is zero or 100 percent, the actual past performance speaks for itself and is the factor to be considered in the evaluation of the renewal applicant in this respect.

7. Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine with respect to the application of Wadeco, Inc.:

(a) The number of shares of the applicant corporation which have been issued and the number of shares which have been subscribed.

(b) The extent to which the applicant's prepaid expenses are attributable to construction costs set forth in section III, paragraph 1(a), FCC Form 301.

(c) Whether the applicant will have available a \$2,500,000 bank loan from the Castle Trust Co. Ltd., Nassau, Bahamas.

(d) Assuming that all of the funds upon which the applicant relies will be available to it, how the applicant will obtain sufficient additional funds to be used for the construction and first 3 months, operation of the station.

(e) Whether, in view of the evidence adduced under the preceding issues, the applicant is financially qualified.

2. To determine which of the proposals would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

8. It is further ordered, That, in the event of a grant of the renewal application of A. H. Belo Corp., its application will be subject to the following condition:

That the grant of this application is without prejudice to whatever action, if any, the Commission may deem appropriate as a result of final action in the civil antitrust proceeding entitled *UHF, Inc. v. The Times Herald Publishing Company, T. H. Liquidating Company and The A. H. Belo Corporation*, civil action No. 3-4156-A, filed September 9, 1970, in the United States District Court for the Northern District of Texas, Dallas Division.

9. It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. It is further ordered, That, the applicants herein shall pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted May 23, 1973.

Released May 24, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,⁴

[SEAL] BEN F. WAPLE,
Secretary.

[PR Doc.73-10723 Filed 5-29-73;8:45 am]

³ Moreover, when action is taken on the petition to deny, we will also consider the allegations raised by Mr. James T. Maxwell, president of Civic Telecasting Corp., that A. H. Belo Corp. has engaged in prohibited *ex parte* presentations.

⁴ In this connection, it should be noted that the proposed bank loan adequately sets forth the terms of principal repayment, the security required and the rate of interest to be charged.

⁴ Commissioner Johnson concurring in part and issuing a statement, filed as part of the original; Commissioner H. Rex Lee concurring and issuing a statement, filed as part of the original document; Commissioner Hooks absent.

[Dockets Nos. 16928, etc.; FCC 73-541]

**CALIFORNIA WATER & TELEPHONE CO.
ET AL.****Memorandum Opinion and Order Regarding Oral Argument**

In the matter of California Water & Telephone Co., Tariff FCC No. 1 and Tariff FCC No. 2, Applicable to channel service for use by Community Antenna Television Systems, docket No. 16928. In the matter of The Associated Bell System Cos., tariffs for channel service for use by Community Antenna Television Systems, docket No. 16943. In the matter of the General Telephone System and United Utilities, Inc. Cos., tariffs for channel service for use by Community Antenna Television Systems, docket No. 17098.

1. The Commission has before it for consideration a formal petition filed by the California Community Television Association (CCTA) on April 26, 1973. CCTA therein requested us to immediately issue an order prohibiting General Telephone Co. of California, Inc. (General Telephone) from implementing an announced increase of its rental charges to cable television companies for use of its telephone poles and further prohibiting any new and additional charges to cable television operators in connection with their use of General Telephone's public utility poles.¹ In support of its request for an immediate restraining order, CCTA alleges: (1) that there is no cost justification for the proposed increase (from \$3 to \$6 per pole per year) and that none has been furnished despite repeated requests therefor; (2) that the increase was instituted without notice to the Commission, is contrary to prior representations of General Telephone to us, and reflects a complete disregard of our concern with pole attachment rates, practices and policies; (3) that the increase is an attempt to create a fait accompli prior to our decision in this proceeding; (4) that General Telephone's actions threaten the economic viability of the California cable operators and the ability of their industry to meet the service requirements of our regulatory program for cable television; and (5) that if General Telephone succeeds, other pole owning utilities will follow its example and our investment into this inquiry will have been diffused. In sum, CCTA would have us find that General Telephone's proposed increased pole rental charges constitute a major breach of an alleged

commitment to this Commission that such charges would not be increased pending the outcome of our inquiry in this proceeding into what regulatory controls, if any, may be appropriate and that General Telephone has flouted our processes and the antitrust laws and abused its natural monopoly power over utility poles. CCTA contends that General Telephone's action, if allowed to stand, would inflict serious damage on the broadband communications and cable television industries.

2. On April 30, 1973, prior to the announced May 1, 1973, effective date of General Telephone's proposed increase for pole attachment rates for cable television operators, we requested the telephone company to defer any and all such proposed increases and to maintain the status quo until we took further action on the petitions of CCTA and the National Cable Television Association, Inc. (NCTA). We stated that the petitions raised substantial questions with respect to the impact and propriety of the proposed increases which warranted our prompt and careful consideration. However, before taking definitive action on the petitions, we invited General Telephone to respond to the allegations and contentions made therein.

3. Pursuant to our request for its views, General Telephone's response noted that the question of the nature and extent of our jurisdiction over CATV pole attachments is before us in this proceeding which has been pending since 1966. General Telephone further noted our letters of January 1970 which requested the major telephone companies to defer any increase in pole attachment rates pending the outcome of this proceeding and our assurance therein that we would make every effort to resolve the jurisdictional question at an early date. General Telephone also stated that, contrary to CCTA's assertions, neither General Telephone nor its parent, General Telephone & Electronics Corp. (GTE), ever made a commitment to the Commission to abide by our request for such deferral. General Telephone further stated that it did determine to temporarily withhold the increase in light of the above-mentioned assurance. It contends that the CCTA and NCTA petitions fail to state an adequate factual or legal basis for the relief sought, even if it is assumed that we have jurisdiction to grant such relief and that grant of such relief would not be fair to the telephone subscribers in California who would be required to subsidize CATV operations. Nevertheless, General Telephone stated that, at our request, it would voluntarily defer the effective date of its proposed increase for 3 months without prejudice to GTE's position on the merits of the issues in this proceeding. In addition, General Telephone, contrary to CCTA's assertions, contends that it has furnished cost data in support of its pole rental charges in proceedings before both this Commission and the California Public Utilities Commission. It also disputes NCTA's allega-

tion that the proposed increase would contravene the economic stabilization regulations of the Cost of Living Council. Finally, General Telephone contends that the anticompetitive claims against it were considered by the California Commission and that, after extensive hearings, that Commission found no Federal or State antitrust implications on the record before it. General Telephone notes that the California Supreme Court denied review of that decision.²

4. The question raised by these pleadings is whether we have jurisdiction over the charges made by General Telephone to cable television operators for pole attachments and, if so, what action we should take with respect to General Telephone's proposed increase in such charges from \$3 to \$6 per pole per year. This same issue is encompassed within the broader jurisdictional issues which we have undertaken to resolve in the present phase of this consolidated proceeding, namely, the questions of (a) "What are the policies and practices of telephone companies, electric utilities, and others with respect to pole line attachment or conduit agreements or arrangements with CATV operators; (b) Whether the Commission has jurisdiction over the aforesaid agreements or arrangements beyond that exercised in its decision in docket No. 18509 and, if so, the extent and nature of such jurisdiction and what action, if any, the Commission should take with respect thereto", 22 FCC 2d 10, 12 (1970). Thus, in our memorandum opinion and order of April 22, 1970, we emphasized that the purpose of the present phase of the rulemaking proceeding herein is to obtain reliable factual data concerning pole attachment policies and practices in order to assist us in determining "the nature and extent of (our) jurisdiction in this area and the need to exercise such jurisdiction." We did not concur in the presiding officer's ruling that the jurisdictional issue must be considered first on briefs prior to the reception of any evidence. At that time, we discharged him from further responsibility for consideration of such issue. We also expressed our concern that the proceeding should be expedited and conducted, within the bounds of fairness, so as to avoid undue delay.³

5. Unfortunately, a number of circumstances have combined to delay the early conclusion of the present evidentiary phase of this rulemaking proceeding. In this connection, we take note particularly of the initially promising but ultimately prolonged and unsuccessful attempts of the principal parties to reach a nationwide negotiated settlement of their differences. Also unforeseen was the death of the presiding officer and the need to designate a substitute therefor well into the hearings. Further contributing to uncertainty and delay was the filing of a

¹ Also before us are a letter to Chairman Burch filed by CCTA on Apr. 20, 1973, seeking the same relief, a letter to the Chairman filed by National Cable Television Association on Apr. 26, 1973, in support of CCTA's request, a letter filed May 4, 1973, by General Telephone in opposition to grant of the requested stay order; and an interlocutory appeal filed by NCTA on Apr. 28, 1973, and pleadings attendant thereto, and responses by NCTA and CCTA to General Telephone's May 4, 1973, letter filed on May 14 and May 16, 1973, respectively.

² Order S.F. No. 22954, filed Dec. 29, 1973.

³ *California Water and Telephone Company, et al.*, 22 FCC 2d 586, 588.

⁴ 22 FCC 2d at p. 587.

number of interlocutory pleadings requesting reconsideration or clarification of our orders, or reversal of various rulings of the presiding officer, and our recognition of the increasing importance of the role of cable television in the United States, e.g., *Cable Television Report and Order* 36 FCC 2d 143 (1972).

6. We do not concur with CCTA that General Telephone necessarily committed itself to defer all increases in its pole rental charges indefinitely pending our decision in this proceeding. Although we were disappointed with the manner in which General Telephone chose, on or about March 30, 1973, to announce and implement its proposed increase, we were pleased with the company's response to our request to defer any such increase until we took further action on the petitions of CCTA and NCTA. While we had indicated a maximum of 30 days as the period within which we might be prepared to act upon the petitions, General Telephone stated that it would, at our request, voluntarily suspend the effective date of its proposed increase an additional 2 months beyond such 30 days. We, hereby, do so request. This request is not intended, and should not be construed, as a finding that we have determined that the present \$3 rate or the announced \$8 rate is reasonable or unreasonable.

7. We must be concerned that the increased annual charges proposed by General Telephone will not impair our regulatory efforts and overall objectives for the development of broadband communications and cable television.⁵ We have previously expressed our concern that pole rental practices by telephone companies could inhibit growth of the cable television industry to the extent that it would be unable to carry out its part of our national communications policy.⁶ We have also required that pole attachment rental charges per se shall be reasonable as a condition to obtaining certificates under section 214 of the act. (See footnote 8, below.)

8. As indicated in our letter of April 30, 1973, to General Telephone, we are of the opinion that we should take prompt

⁵ We have heretofore on a number of occasions expressed our concern over actual or potential anticompetitive practices of telephone companies directed against or which could be directed against cable television operators. See, e.g., *TeleCable Corporation*, 19 FCC 2d 574 (1969); *Dimension Cable TV, Inc. et al.*, 25 FCC 2d 520 (1970); *Sterling Manhattan Cable Television, Inc. et al.*, 38 FCC 2d 1149 (1973); *Section 214 Certificates*, 22 FCC 2d 746 (1970); affirmed *General Telephone Company of the Southwest v. United States*, 499 F. 2d 846 (1971); and *National Community Television Assoc., Inc. (NCTA) et al.*, 6 FCC 2d 860 (1967). We also have taken cognizance of the United States Department of Justice's expressed concern that the existing local monopoly position of telephone companies as communications common carriers might prevent the development of an independent cable television industry. (*Section 214 Certificates*, 21 FCC 2d 307, 314, 324.)

⁶ See footnote 81 to *Cable Television Report and Order*, 36 FCC 2d 141, 209 (1972).

action on this matter and proceed expeditiously to resolve the broader issues herein as to our regulatory authority with respect to pole attachment agreements and arrangements between telephone companies, electric utilities and others on the one hand, and cable television operators, on the other hand. After resolving such issues, we will then take such action with regard to the specific rental charges of General Telephone as we shall decide to be necessary or desirable. Moreover, in view of the aforementioned delays in the completion of the current evidentiary phase of our proceeding herein, we are of the opinion that we should re-structure the procedures to be hereafter followed and terminate the current phase of this proceeding and spin off the jurisdictional issues for immediate comments, briefing, and oral argument en banc. We believe that the evidence of record to date in this proceeding, coupled with comments, briefs, oral argument and such facts and matters as we may officially notice, will provide us with an adequate basis upon which to decide the jurisdictional issues. We shall also direct the presiding officer to immediately certify the present evidentiary record to us without issuing proposed findings of fact. Such action, in our judgment, will best conduce to the proper discharge of our business and our responsibilities under the Communications Act and to the ends of justice. This will leave for further evidentiary proceedings before the presiding officer questions concerning the lawfulness of tariffs of the telephone companies (22 FCC 2d 10).

9. Before specifying areas in which we will welcome briefs and comments, we wish to address NCTA's interlocutory appeal which seeks to reverse certain rulings of the presiding officer. The rulings objected to excluded evidence and testimony of past practices of telephone companies concerning pole attachment practices and development of fees for pole attachment and lease of conduit space. The issue raised by NCTA's appeal is whether evidence of past practices and policies is relevant and admissible to show the character and purpose of present pole attachment practices and policies. Since we have decided that the present phase of the evidentiary hearings should be immediately terminated, and since NCTA's interlocutory appeal is not addressed to the tariff issues that are to be the subject of further evidentiary proceedings herein, that appeal is now moot and will be dismissed. Our dismissal of the appeal should not be construed as foreclosing parties from addressing past practices and policies bearing directly on the jurisdictional issues herein.⁷

10. Accordingly, we invite the parties herein and any other person or entity wishing to submit views to file briefs or

⁷ We stress, however, that we are principally concerned with deciding the legal issues of our jurisdiction and not with resolving disputed questions of fact.

other written comments for our consideration upon the jurisdictional questions we must decide, viz, whether the Commission has jurisdiction over the agreements or arrangements of telephone companies, electric utilities, and others with respect to pole line attachment or conduit agreements or arrangements with CATV operators beyond that exercised in its decision in docket No. 18509 and, if so, the extent and nature of such jurisdiction and what action, if any, the Commission should take with respect thereto.⁸ We particularly request comment upon the following:

(a) Are utility poles "wire communication" and/or "radio communication" within the meaning of subsections (a) and (b), respectively, of section 3 of the Communications Act when such poles are leased to cable television operators?

(b) Are any pole rental charges or practices of public utilities applicable to cable television operators a "charge" or "practice" within the meaning of section 201(b) of the Communications Act?

(c) Are the pole rental charges or practices of public utilities to cable television operators "charges, practices, classifications, regulations, facilities, or services for or in connection with * * * communication service" within the meaning of section 202(a) of the Communications Act?

(d) What jurisdiction under the Communications Act does the Commission possess to regulate pole rental charges and practices of (1) telephone common carriers (2) public utilities other than telephone common carriers and (3) other persons or entities to cable television operators?

(e) Should the Commission promulgate general guidelines governing the charges and practices with respect to pole rental arrangements?

(f) If the Commission has authority to assert jurisdiction over pole rental charges and practices by telephone common carriers or other public utilities, should it do so in any case where such charges and practices are subject to regulation by a State commission or by local governmental authority, whether or not

⁸ Our rules presently require a showing in applications of telephone common carriers for authority to construct or operate distribution facilities for channel service to CATV systems that, among other things, the CATV system proposed to be served had available, at its option, and within the limitations of technical feasibility, pole attachment rights (or conduit space, as the case may be), at reasonable charges and without undue restrictions on the uses that may be made by the CATV operator of its own facilities. Such requirement (i.e., sec. 63.57 of our rules) and our policy decisions accompanying its adoption in docket No. 18509 were judicially affirmed. See *Section 214 Certificates*, 22 FCC 2d 746, 754 (1970); affirmed, *General Telephone Company of the Southwest v. United States*, 449 F. 2d 847 (1971).

⁹ The term "pole" shall also include the term "conduit" as used herein unless the context otherwise requires.

such State or local governmental authority has asserted its regulatory jurisdiction? If jurisdiction is asserted, in whole or in part by this Commission, should we promulgate broad guidelines and leave to the discretion of the State and/or local governmental authorities the manner in which such guidelines are to be implemented where such authorities have regulatory jurisdiction?

(g) If the Commission has authority to assert jurisdiction over pole rental charges and practices of public utilities, does such authority include the power to (1) order the suspension of the effective date of any such new or revised charge or practice *pendente lite*, (2) require appropriate refunds of charges found to be excessive, and (3) require appropriate additional payments to the utility for charges found to have been unreasonably low?

(h) If CATV pole attachment activities are not found to be a common carrier communications service subject to tariff regulation, how may the Commission protect telephone ratepayers from burdensome contracts for such activities and ensure that such activities do not result in technical or economic impairment of a carrier's primary public services?

(i) Should the Commission require carriers and other utilities to file, for information purposes, a copy of their respective CATV pole attachment agreement forms currently in use, and if such forms be amended, a copy of each such amended form showing the effective date of any such amendment?

11. In view of the foregoing, *It is hereby ordered*, Pursuant to sections 4(i), 4(j), 208 and 403 of the Communications Act of 1934, as amended, That the issue of the nature and extent of the Commission's jurisdiction over the policies and practices of pole rental charges to cable television operators by telephone common carriers and by other public utilities is, hereby, Designated for oral argument before the Commission en banc in Washington, D.C. commencing on July 24, 1973, at a time to be specified by subsequent order.

12. *It is further ordered*, That the parties herein and any other person or entity may file briefs or other written comments addressed to this issue on or before July 2, 1973, and replies on or before July 16, 1973.

13. *It is further ordered*, That each person or entity intending to participate in the oral argument shall file a brief in accordance with the preceding paragraph, and a statement of intention to appear, specifying the amount of time requested, by no later than 10 days from the release of this document. The Commission reserves the right to select appropriate spokesmen to participate in the oral argument, and it is not to be presumed that all parties who file a statement of intention to participate will be allowed to so participate.

14. *It is further ordered*, That the presiding officer is directed to terminate the present phase of the evidentiary hear-

ings forthwith and to promptly certify the record to the Commission without issuing proposed findings of fact.

15. *It is further ordered*, That NCTA's interlocutory appeal is dismissed as moot.

16. *It is further ordered*, That the petitions of CCTA and NCTA are granted and denied to the extent reflected herein and otherwise shall be held in abeyance pending our decision on the jurisdictional issues here before us, or our further order.

Adopted May 22, 1973.

Released May 23, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,²

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-10723 Filed 5-29-73; 8:45 am]

FEDERAL MARITIME COMMISSION
PORT OF SEATTLE AND KERR STEAMSHIP CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 19, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the Acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mrs. E. Odell, Department of Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Wash. 98111.

Agreement No. T-2785, between the Port of Seattle (Port) and Kerr Steamship Co. (Kerr), provides for the 5-year lease (with renewal options) of a build-

² Commissioners Robert E. Lee, Wiley and Hooks absent; Commissioners Johnson and Reid concurring in the result.

ing which Kerr will utilize as a shop for general equipment repair. As compensation, Kerr will pay Port the sum of \$740 per month, which is in lieu of all applicable Port tariff charges.

Dated May 23, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-10725 Filed 5-29-73; 8:45 am]

PORT OF SEATTLE AND KERR STEAMSHIP CO.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before June 19, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mrs. E. Odell, Department of Real Estate, Port of Seattle, P.O. Box 1209, Seattle, Wash. 98111.

Agreement No. T-2784, between the Port of Seattle (Port) and Kerr Steamship Co. (Kerr), provides for the 5-year lease of a single-story building which Kerr will utilize for offices. Kerr in turn will pay Port \$185 per month for rental of the office building. This rental will be in lieu of all applicable Port tariff charges.

Dated May 23, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-10726 Filed 5-29-73; 8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RP73-74]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Further Postponement of Prehearing Conference and Hearing

MAY 21, 1973.

On May 21, 1973, Algonquin Gas Transmission Co., filed a motion for further change in the procedural dates fixed by notice issued April 5, 1973 in the above-designated matter. The motion states that no party has any objection to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are further modified as follows:

Prehearing conference, June 11, 1973 (10 a.m., e.d.t.).

Hearing, June 19, 1973 (10 a.m., e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-10648 Filed 5-29-73;8:45 am]

[Docket No. E-7798]

CENTRAL VERMONT PUBLIC SERVICE CORP.

Notice of Extension of Time and Postponement of Prehearing Conference and Hearing

MAY 17, 1973.

On May 2, 1973, the villages of Hyde Park et al. filed a motion for a 2-day postponement of the prehearing conference. On May 4, 1973, staff counsel filed a motion for an extension of the procedural dates as established by order issued December 29, 1972. The motions state that there was no opposition to the requests.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are modified as follows:

Staff evidence, June 15, 1973.

Prehearing conference, June 22, 1973 (10 a.m. e.d.t.).

Intervener evidence, July 5, 1973.

Company rebuttal, July 26, 1973.

Cross-examination, August 10, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-10649 Filed 5-29-73;8:45 am]

[Docket No. E-7803]

CONSUMERS POWER CO.

Order Denying Request for Separate Hearing on Limited Issue and Restoring Original Procedural Dates

MAY 22, 1973.

Consumers Power Co. (Consumers), on April 25, 1973, filed a motion for revision of procedural dates fixed by Commission order issued January 5, 1973, in this proceeding. The Cities/Coops Group,¹ interveners herein, on April 27,

¹ New address of the Federal Power Commission will be: 825 North Capitol Street NE., Washington, D.C.

1973, filed a response to Consumers' motion in which it stated that it did not object to the proposed extension of time requested by Consumers but requested that the issue of anticompetitive rates, as alleged by Cities/Coops, be tried in accordance with the procedural dates contained in the January 5, 1973, order on the grounds that Cities/Coops may lose customers during the time Consumers proposed increased rates remain in effect. On May 3, 1973, Consumers filed an answer in opposition to Cities/Coops request in which it contends and argues that antitrust issues are so interrelated with other issues in a rate proceeding that they cannot properly be considered separately.

By notice of the Secretary, issued May 4, 1973, the procedural dates were extended and the prehearing conference and hearing were postponed as requested in Consumers' motion, subject to further order with regard to Cities/Coops request as to the aforementioned issue. Upon consideration of Cities/Coops' response and Consumers' answer it is our view that the anticompetitive issue be tried in accordance with the procedural dates as contained in our January 5, 1973, order. However, we do not believe it is proper that this issue be the subject of a separate initial phase decision by the administrative law judge but that he should decide all the issues in this proceeding in a single initial decision based upon the entire evidentiary record.

The Commission orders

(A) The anticompetitive issue raised by Cities/Coops in this proceeding shall be tried in accordance with the procedural schedule set forth in the Commission's order issued herein on January 5, 1973.

(B) The administrative law judge shall issue a single initial decision in this proceeding based upon the entire evidentiary record.

By the Commission.

[SEAL]

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-10650 Filed 5-29-73;8:45 am]

[Docket No. R-463]

FILING OF ELECTRIC SERVICE TARIFF CHANGES

Notice of Rulemaking Conference

MAY 22, 1973.

Take notice that at 10 a.m., June 5, 1973, a conference concerning the above docket will be held in a conference room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. At this conference, interested parties will have the opportunity to

¹ The cities of Bay City, Charlevoix, Coldwater, Harbor Springs, Hillsdale, Marshall, Petoskey, St. Louis, and Union City, the village of Chelsea and the Northern Michigan Electric Cooperative, Inc., the Southeastern Michigan Rural Electric Cooperative, Inc., and the Wolverine Electric Cooperative, Inc.

make comments or suggestions, on the record, which will be taken into consideration by the Commission in determining the appropriate action to be taken.

In light of the number of written comments that have been received it is requested that spokesmen for groups with common interests be selected wherever possible.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-10647 Filed 5-29-73;8:45 am]

[Docket Nos. CP71-222; CP71-223]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Extension of Time and Postponement of Hearing

MAY 18, 1973.

On May 9, 1973, Great Lakes Gas Transmission Co. requested a postponement of the procedural dates established by the order issued April 23, 1973, in the above designated matter. The request states that the other parties to this proceeding, Union Gas Co. of Canada, Ltd., Northern and Central Gas Co., Ltd., and TransCanada Pipelines Ltd., all concur in this request.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Great Lakes' case-in-chief, Aug. 21, 1973. Commencement of hearing, Sept. 11, 1973 (10 a.m., e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-10651 Filed 5-29-73;8:45 am]

[Docket No. RP73-79]

GULF ENERGY & DEVELOPMENT CORP.

Order Accepting for Filing and Allowing Proposed Rate Schedule To Become Effective

MAY 17, 1973.

On January 31, 1973, Gulf Energy & Development Corp. (Gulf Energy) tendered for filing an increase in its gathering rate¹ applicable to Tennessee Gas Pipeline Co. (Tennessee). The increase would have increased jurisdictional revenues by \$357,640 annually, based on the year ending September 30, 1972, as adjusted, and would have increased the rate from 2.85c/M ft² to 6.35c/M ft². Gulf Energy proposed an effective date of April 20, 1973.²

Gulf Energy states that it has rendered service since 1960 under a fixed rate prescribed by contract, and that the present rate had its origin in the gas gathering service as it was commenced at that time. Because costs have increased and volumes diminished, Gulf Energy seeks an increase to recover its

¹ Fourth revision to its FPC rate schedule No. 1.

² By letter dated March 12, 1973, Gulf Energy requested an effective date of March 30, 1973, and by letter dated March 20, 1973, further requested an effective date of April 20, 1973.

cost of service, which is not being recovered on the basis of the present rate, and thereby correct revenue deficiencies. Included in the filing was a request to continue to amortize organization expenses as well as to reduce the depreciation rate from 5 percent to 3.85 percent and restate the accumulated depreciation reserve, and to realize an overall rate of return of 12.803 percent.

A copy of the filing was served on Tennessee. The filing was noticed on February 15, 1973, with comments due on February 28, 1973. Tennessee filed a petition to intervene on February 27, 1973, alleging that the higher gathering charge will result in an increase to Tennessee and that its economic interests cannot be adequately represented by any other party.

On April 16, 1973, Gulf Energy amended its original filing to reflect additional adjustments in its cost of service as to depreciation, rate of return, and Federal income taxes. With this amendment, Gulf Energy proposed a rate of 5.42¢ per M ft³, in lieu of the 6.35¢ per M ft³ previously proposed, to become effective May 17, 1973. The total increase in jurisdictional revenues would be \$262,610 annually rather than the originally proposed \$357,640.

A copy of the amended filing was served on Tennessee. The filing was noticed on April 23, 1973, with comments due on May 9, 1973. No protests, petitions to intervene, or comments have been received.

Gulf Energy originally proposed to restate for ratemaking purposes the booked accumulated reserve for depreciation on the basis of a 26 year life or 3.85 percent annual rate rather than a 5 percent rate. In its April 16, 1973, amendment, Gulf Energy adjusted the accumulated reserve for depreciation on the basis of 4½ percent per annum, the actual depreciation rate reflected in the initial rate of Gulf Energy approved in its original certificate in docket No. CI61-282, FPC rate schedule No. 1, dated August 18, 1960, and which was found to be representative of Gulf Energy's operations.

In its amended filing, Gulf Energy proposed an overall rate of return of 10.46 percent, which returns 10 percent on common equity. This is based on a long term debt cost of 10.99 percent, resulting from long term financing obligations of 4-4½ percent above the present day prime interest rate of 6.75 percent.

An adjustment was made in the Federal income taxes at 48 percent by calculating them on the basis of 10.46 percent. Gulf Energy's proposal to continue to amortize the original amount of \$167,000 attribution organization expenses is founded on the fact that the amount was included in the original certificate dated April 18, 1960, in docket No. CI61-282.

The Commission finds

(1) The rate increase granted in this case has been reviewed in light of and is consistent with the Economic Stabili-

zation Act of 1970, as amended, Executive Order 11695, and the rules and regulations issued thereunder.

(2) Gulf Energy's proposed rate schedule should be accepted for filing.

(3) Gulf Energy's proposed rate is not excessive, unduly discriminatory, or otherwise unjust or unreasonable, and should become effective May 17, 1973.

(4) Because Tennessee is affected by the proposed rate increase, good cause exists to grant Tennessee's petition.

The Commission orders

(A) Gulf Energy's fourth revision to FPC rate schedule No. 1 is hereby accepted for filing to become effective May 17, 1973.

(B) Tennessee is hereby permitted to intervene in this proceeding.

(C) The Secretary of the Commission shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL]

MARY B. KIDD,
Acting Secretary.

[FR Doc. 73-10652 Filed 5-29-73; 8:45 am]

[Docket No. CI73-674]

JONES & PELLOW OIL CO.

Order Setting Matter for Formal Hearing, Permitting Intervention, Prescribing Procedures, and Fixing Date of Hearing

MAY 21, 1973.

On April 15, 1971, the Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly sections 4, 5, 7, 8, 10, and 16 thereof (52 Stat. 822, 823, 824, 825, 826, 830; 56 U.S.C. secs. 717c, 717d, 717f, 717g, 717i, and 717j), issued order 431 promulgating a statement of general policy, with respect to the establishment of measures to be taken for the protection of as reliable and adequate service as present natural gas supplies and capacities will permit.

Jones & Pellow Oil Co. (Jones & Pellow) has filed, in the above-entitled docket No. CI73-674, an application, pursuant to section 7(c) of the Natural Gas Act and pursuant to order No. 431 in docket No. 418, for a limited-term certificate of public convenience and necessity with pre-granted abandonment, authorizing the operation of certain facilities for the sale of emergency gas to Natural Gas Pipeline Co. of America (Natural Gas). The limited-term certificate provides that Jones & Pellow sell to Natural Gas approximately 90,000 M ft³ per month for a period of 3 years. The contractually agreed rate is 52c/MMBtu at 14.65 lb/in².

In order 431, the Commission amended part 2, subchapter A, general rules, chapter I, title 18 of the Code of Federal Regulations by adding a new § 2.70, which reads:

(3) The Commission recognizing that additional short-term gas purchases may still be necessary to meet the 1971-72 demands, will continue the emergency measures referred to earlier for the stated 60-day period. If the emergency purchases are to extend beyond the 60-day period, paragraph 12 in the notice

issued by the Commission on July 17, 1970, in docket No. R-389A should be utilized (35 FR 11638). The Commission will consider if the pipeline demonstrates emergency need . . .

Paragraph 12 of R-389A provided, in part, that applicants, requesting certificates for sales of natural gas in excess of the ceiling or guideline rate, shall state the grounds for claiming that the present or future public convenience and necessity requires issuance of a certificate on the terms proposed in the application.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. In view of data which indicates to the Commission the inability of interstate pipelines to procure contracts for emergency supplies of gas, we believe it advisable to act expeditiously by setting this application for public hearing. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

Pursuant to the notice of the instant application issued April 12, 1973, Natural Gas Pipeline Co. of America filed a petition to intervene.

The Commission finds

(1) Good cause exists to set for formal hearing the application for a limited-term certificate herein.

(2) It may be in the public interest to permit Natural Gas, which filed a timely petition, to intervene in this proceeding.

The Commission orders

(A) The application for limited-term certificate for sale of natural gas filed in docket No. CI73-674 is hereby set for hearing.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15, and 16, and the Commission's rules and regulations under that act, a public hearing shall be held commencing, June 18, 1973, at 10 a.m. (e.d.t.) at a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning whether the present or future convenience and necessity requires the issuance of a limited-term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(C) Natural Gas Pipeline Co. of America is hereby permitted to become an intervenor, subject to the rules and regulations of the Commission; *Provided, however*, that participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in the petition to intervene; *And, provided, further*, that the admission of such intervenor shall not be construed as recognition by

the Commission that it might be aggrieved because of any order of the Commission entered in these proceedings.

(D) The applicant seeking the limited-term certificate and the proposed purchaser, Natural Gas, shall, on or before May 25, 1973, file with the Commission and serve on all parties to this proceeding, including Commission staff, all testimony to be sponsored in support of the instant application.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-10655 Filed 5-29-73;8:45 am]

[Docket No. CP73-295]

LACLEDE GAS CO. ET AL.
Notice of Application

MAY 18, 1973.

Take notice that on May 3, 1973, Laclede Gas Co. (Laclede), 720 Olive Street, St. Louis, Mo. 63101, Illinois Power Co. (IPC), 500 South 27th Street, Decatur, Ill. 62525, Mississippi River Transmission Corp. (Mississippi), 9900 Clayton Road, St. Louis, Mo. 63124, and Natural Gas Pipeline Co. of America (Natural), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in docket No. CP73-295 an application pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity for Mississippi and Natural authorizing the exchange of gas for 1 year to permit the testing of potential storage reservoirs and for a disclaimer of jurisdiction for Laclede and IPC, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants propose that, from time to time during the months of July through October 1973, Natural will deliver natural gas to IPC for the account of Mississippi at an existing point of interconnection between Natural and IPC near Centralia, Ill. Mississippi will then reduce its takes from Natural by like amounts, and IPC will make the gas it receives from Natural available to Laclede for injection and other testing operations in a storage project identified as the Stubblefield Storage Area in Bond County, Ill., to be operated by Laclede Pipeline Co., a wholly owned subsidiary of Laclede. From November 1973 through March 15, 1974, the deliverability characteristics of the storage reservoirs will be tested. The gas withdrawn from storage during that period will be delivered to IPC for use in its supply areas in Illinois. IPC will simultaneously reduce its takes from Mississippi by like amounts and Mississippi will deliver equal volumes of gas to Laclede for the account of IPC.

Laclede and IPC request that the Commission find that each of them and any functions each may perform in connection with the exchange as described and the proposed testing of the storage formation are exempt from the Commission's jurisdiction.

Applicants state that no new or additional jurisdictional facilities are required in order to effect the proposed change.

Applicants request pregranted abandonment authorization for the transaction proposed herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-10654 Filed 5-29-73;8:45 am]

[Docket No. CP73-289]

NATURAL GAS PIPELINE CO. OF AMERICA
Notice of Application

MAY 18, 1973.

Take notice that on April 25, 1973, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in docket No. CP73-289 an application pursuant to Section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to exchange natural gas with Texas Eastern Transmission Corp. (Texas Eastern) and to construct and operate facilities therefor, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to deliver to Texas Eastern up to 5,000 M ft³ of gas per day in Lavaca County, Tex., and up to 10,000 M ft³ of gas per day in Harris County, Tex., in return for equivalent volumes of gas to be redelivered by Texas Eastern in Brazoria County, Tex. This is a gas-for-gas exchange, and no monetary compensation is provided for volumes exchanged. The exchange agreement between Applicant and Texas Eastern is for a term of 20 years and provides for monthly correction of imbalances in deliveries. Applicant proposes to deliver gas purchased in Lavaca County under a 2-year contract with Mitchell Energy & Development Corp., et al., and purchased in Harris County under a 20-year contract with Inexco Oil Co. Applicant states that the proposed exchange will obviate the need for construction of extensive pipeline facilities to receive gas purchased from the producers into its system.

Applicant proposes to construct and operate measuring and tap facilities in Lavaca, Harris, and Brazoria Counties at a cost of \$72,000 to be financed with funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-10656 Filed 5-29-73;8:45 am]

[Dockets Nos. CI73-715, CI73-722]

NORRIS OIL CO.**Notice of Applications**

MAY 21, 1973.

Take notice that on April 25 and 30, 1973, Norris Oil Co.¹ (Applicant), P.O. Box A-1, Ventura, Calif. 93001, filed in dockets Nos. CI73-715 and CI73-722, respectively, applications pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for certificates of public convenience and necessity authorizing sales for resale and delivery of natural gas in interstate commerce to Southern Natural Gas Co. (Southern) from the Logansport and Grand Cane Fields, respectively, De Soto Parish, La., all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Applicant in docket No. CI73-715 proposes under the optional gas pricing procedure to sell natural gas to Southern from the Logansport Field at a rate of 48.5c/M ft³ at 15.025 lb/in²a, subject to Btu adjustment plus 1.5c/M ft³ tax reimbursement, pursuant to a contract dated January 1, 1949, as ratified and amended on March 20, 1973. The contract, as amended, provides for 1c/M ft³ price escalations each year and for reimbursement to the seller for seven-eighths of all taxes in excess of 3.3c/M ft³. Applicant proposes to sell this gas from well or wells commenced on or after April 6, 1973, including one well from which it has been selling gas pursuant to its small producer certificate in docket No. CS72-1081.

Applicant in docket No. CI73-722 proposes to also sell gas under the optional gas pricing procedure to Southern from the Grand Crane Field at a rate of 50c/M ft³ at 15.025 lb/in²a, subject to upward and downward British thermal unit adjustment, pursuant to a contract dated March 20, 1973. Said contract provides for 1c/M ft³ price escalations each year and for reimbursement to the seller for seven-eighths of all taxes in excess of 3.3c/M ft³.

Applicant asserts that the instant gas at the proposed initial prices with escalations will be more reliable and less costly than any of a number of alternative sources of pipeline supplies for which certificates have been issued, applications are now pending before the Commission or active consideration is being given by pipeline companies. Applicant further asserts that the initial prices with escalations are the product of arm's length negotiations and that the costs to be passed on to Southern's customers and ultimate consumers will be less than the delivered cost of gas from any number of alternative sources of supply including synthetic gas from liquid hydrocarbons and coal gasification, liquefied natural gas, Canadian gas, Alaskan gas, and Arc-

tic Island gas. Applicant contends that the proposed initial prices are less than those contained in recently negotiated intrastate producer contracts in Louisiana and other producing areas and are below the initial prices now being offered by intrastate purchasers.

Applicant alleges that the instant prices are reasonable in the light of its drilling experience. Applicant states that it has drilled one well in the Logansport Field at a completed cost of \$556,348.18, which does not take into account several items such as abstracts, division order title opinion, and completion of salt water disposal facilities. Applicant further states that approximately one-half of the producing zones are completed and it estimates that an additional \$201,156 will be required to stimulate those zones presently behind pipe. Applicant also states that the present gross revenues from ten producing wells in the Logansport Field at the present area rate make the drilling of further wells at today's cost unreasonable due to the long payout and low interest on the substantial investment. Applicant points out that the wells or units remaining to be drilled in the Logansport Field, controlled by it, are edge locations to the field and it expects that fewer and thinner production sands will be found as the field is drilled around its perimeter. In the Crane Field Applicant indicates that it intends to spud a well with the Hosston Zone as its objective, a zone where it is difficult to estimate reserves due to the peculiarities of the sands and short production history.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 11, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, hearings will be held without further notice before the Commission on these applications if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificates is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that formal hearings are required, further notice of such hearings will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearings.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-10657 Filed 5-29-73; 8:45 am]

[Dockets Nos. CI72-301, etc.]

**NORTHERN MICHIGAN EXPLORATION CO.
ET AL.****Order Denying Rehearing, Providing Clarification, and Permitting Late Intervention**

MAY 18, 1973.

Northern Michigan Exploration Co., dockets Nos. CI72-301, CI72-770; Michigan Gas Storage Co., dockets Nos. CP72-122, Trunkline Gas Co., CP72-128, Corbin J. Robertson, et al., CI73-495.

Our order of March 20, 1973, in these proceedings directed the presiding administrative law judge to grant an application filed by the Central Illinois Light Co. to elicit information on the issue of vertical integration—the issue that concerns the entry of natural gas distributors in the production business. We indicated that in our view that issue is of critical importance in this case, and we concluded that we could not wisely decide the case if we did not have before us a record "full and complete on the issue of vertical integration * * *". We noted further that this issue comprehends a number of public policy questions, and to several of these we made reference.

Two parties have sought rehearing. On April 19, the Associated Gas Distributors filed an application for rehearing for the purpose of clarification. It contends that our March 20 order states the issue too broadly, that our decision in the case ought to be confined to the applications before us, and that we ought not to establish a policy here applicable to other proposals not yet filed. Also on April 19 the Laclede Gas Co. applied for rehearing, clarification, and modification, and its position parallels that of the Associated Gas Distributors. Laclede is also concerned that we may undertake in this case to establish a policy of general application, and it urges that our decision be confined to the facts of the particular case before us.

Our position does not differ from that of these two parties. We have no intention of undertaking to decide in these proceedings any issues other than those arising from the facts presented in the case, and in deciding those issues, we do not expect thereby to dispose of other cases which may some day come before us. Our opinions customarily have, as the Associated Gas Distributors recognize, precedential consequences, for the policies of this Commission are often developed from individual adjudicatory proceedings. We would thus expect that gas distributors who contemplate entering the production business will read our opinion in this case with more than passing interest. But when we issue our opinion in these proceedings, we will not be deciding any case other than the one

¹ Applicant is filing individually and as agent for Kent Upson and Leroy Poll.

before us. We do not believe our March 20 order suggests the contrary, and we therefore deny rehearing, but the foregoing discussion may serve to clarify our position.

On April 4, 1973, the Southern California Gas Co. petitioned for late intervention. The petitioner recognizes that intervention petitions were to be filed by December 17, 1971, but it points out that the crystallization of the vertical integration issue did not occur until our order of March 20, 1973, appeared. The petitioner states that companies affiliated with it are currently searching for new gas supplies, and that its interest in these proceedings is therefore clear. In a supplement to its petition filed on April 18, the Southern California Gas Co. states that its intervention will not result in any delay in the proceedings. In light of the foregoing circumstances, we will grant the petition for late intervention.

The Commission further finds

(1) The assignments of error and grounds for rehearing set forth in the applications for rehearing filed in these proceedings on April 19, 1973, by the Associated Gas Distributors and the Laclede Gas Co., present no facts or legal principles which would warrant any change in or modification of the order issued on March 20, 1973.

(2) Good cause exists to permit the Southern California Gas Co. to intervene and participate in these proceedings as herein provided.

The Commission orders

(A) The applications for rehearing filed on April 19, 1973, by the Associated Gas Distributors and the Laclede Gas Co. are denied.

(B) The Southern California Gas Co. is hereby permitted to become an intervenor in these proceedings, subject to the rules and regulations of the Commission: *Provided, however,* That its participation shall be limited to matters affecting asserted rights and interests specifically set forth in its petition to intervene: *Provided, further,* That it is required to take the record as it now finds it, but may participate fully in all remaining phases of this proceeding and: *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that such intervenor might be aggrieved because of any order or orders of the Commission entered in this proceeding.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.73-10658 Filed 5-29-73; 8:45 am]

[Dockets Nos. RP71-107 (Phase II),
RP72-127]

NORTHERN NATURAL GAS CO.

Notice of Filing of Proposed Amendment to Stipulation and Agreement

MAY 22, 1973.

Take notice that on May 8, 1973, Northern Natural Gas Co. (Northern)

filed a proposed amendment to stipulation and agreement, which would amend the proposed stipulation and agreement filed with this Commission on January 18, 1973, in the above-styled dockets. This proposed stipulation and agreement provides for settlement of the proceedings herein.

The proposed amendment provides that the commodity levels of Northern's rates remain as filed in dockets Nos. RP71-107 and RP72-127, which results in an increase in the initial settlement commodity rates of 1.76c/M ft³ in RP71-107 and 3.27c/M ft³ in RP72-127, and that the rate reduction agreed to by the parties in these proceedings be reflected entirely in the demand component of Northern's filed rates, which results in a decrease in the initial settlement demand rates of 45.1c/M ft³ in RP71-107 and 83.5c/M ft³ in RP72-127.

The proposed amendment to stipulation and agreement is on file with the Commission and is available for public inspection. Comments with respect thereto may be filed with the Commission on or before May 29, 1973. Any replies to comments may be filed on or before June 8, 1973.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-10659 Filed 5-29-73; 8:45 am]

[Project No. 2310]

PACIFIC GAS AND ELECTRIC CO.

Notice of Application for Change in Land Rights

MAY 21, 1973.

Public notice is hereby given that application for a change in land rights was filed August 16, 1972, under the Federal Power Act (16 U.S.C. 791a-825r) by Pacific Gas and Electric Co. (Correspondence to: Mr. J. F. Roberts, Jr., Pacific Gas and Electric Co., 77 Beale Street, San Francisco, Calif. 94106), licensee for Drum-Spaulding project No. 2310 which is located on the South Yuba and Bear Rivers and tributaries in Nevada and Placer Counties, Calif., near the cities of Auburn, Colfax, Grass Valley and Nevada City.

Pacific Gas and Electric Co. (PG & E) sells and delivers water to the Nevada Irrigation District (NID) at PG & E's Rock Creek Reservoir of the Drum-Spaulding project. NID has constructed a new water treatment plant near the reservoir which required a new point of delivery for the water. PG & E has applied for Commission authorization to grant an easement to NID for the new treatment plant supply pipeline which crosses the base of the dam's spillway.

Any person desiring to be heard or to make protest with reference to said application should on or before July 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed

with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-10660 Filed 5-29-73; 8:45 am]

[Docket No. E-7777]

PACIFIC GAS & ELECTRIC CO.

Notice of Further Extension of Time and Postponement of Prehearing Conference and Hearing

MAY 18, 1973.

On May 15, 1973, Commission Staff Counsel filed a motion for a further extension of the service dates as fixed by the notice issued March 7, 1973, in the above designated matter. The motion states that all parties have been notified and have no objection to this motion.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Staff service date, June 15, 1973.
Intervenor service date, July 3, 1973.
Prehearing conference, June 26, 1973 (10 a.m., e.d.t.).
Company rebuttal date, July 17, 1973.
Hearing, July 31, 1973 (10 a.m., e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-10663 Filed 5-29-73; 8:45 am]

[Docket No. RP73-108]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Proposed Changes in Rates

MAY 23, 1973.

Take notice that Panhandle Eastern Pipe Line Co. (Panhandle), on May 15, 1973, tendered for filing proposed changes in its FPC Gas Tariff, original volume No. 1, consisting of four revised tariff sheets as follows:

Seventh revised sheet No. 3-A.
Second revised sheet No. 43-2.
Second revised sheet No. 43-3.
Second revised sheet No. 43-4.

The proposed changes would increase revenues from jurisdictional sales by \$36,887,332 annually, based on a test year ending January 31, 1973, adjusted for changes known and measurable to October 31, 1973. The proposed effective date is July 1, 1973.

Panhandle states that the increased rates are necessitated by increased costs at all levels including operating costs, increased capital costs, a 8.75 percent rate of return, a need for an increase in the rate of depreciation from 3.5 percent to 5 percent for both gathering facilities and transmission and storage facilities and costs associated with new gas supply facilities. The proposed effective date of

the tendered sheets is July 1, 1973. In addition, Panhandle claims that it classified costs according to the unmodified Seaboard method. The proposed filing also reflects new base cost of purchased gas and adjustment factors contained in Panhandle's PGA clause.

Panhandle asserts that copies of this filing were served on Panhandle's customers and interested State commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NW., Washington, D.C., in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 15, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. This application is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-10661 Filed 5-29-73;8:45 am]

[Dockets Nos. CP72-181, CP73-44]

**PANHANDLE EASTERN PIPE LINE CO. AND
COLORADO INTERSTATE GAS CO.**

**Notice of Supplemental Agreement and
Explanatory Statement**

MAY 18, 1973.

Take notice that on May 9, 1973, Panhandle Eastern Pipe Line Co. (Panhandle), P.O. Box 1348, Kansas City, Mo. 64141, and Colorado Interstate Gas Co., a Division of Colorado Interstate Corp. (CIG), P.O. Box 1087, Colorado Springs, Colo. 80901, pursuant to paragraphs (F) and (D) of the Commission's orders issued on March 30, 1973, in dockets Nos. CP72-181 and CP73-44, respectively, filed a supplemental agreement and explanatory statement relating to the cost of advance payments for natural gas reserves dedicated to Panhandle in the Denver-Julesburg Basin, and the costs attributable to the transportation of such gas by CIG for Panhandle, all as more fully set forth in the supplemental agreement and explanatory statement on file with the Commission and open to public inspection.

In conjunction with the aforementioned provisions of the Commission's orders of March 30, 1973, Panhandle and CIG amended their gas sales and exchange agreement of July 13, 1972, by adding thereto the following supplement:

3.5 CIG shall pay to Panhandle at the time CIG forwards the monthly payment provided for in section 6.1, a supplemental amount in respect of advance payments which Panhandle has made to suppliers for gas to be produced from the area of interest equivalent to one-twelfth of the annual charges applicable to such advance

payments, which shall be taken to be 11.84 percent times one-tenth of the amount by which the level of such advance payments on February 1 or August 1, whichever is more recent, exceeds \$13,346,000.

Panhandle and CIG state that until the advance payments by Panhandle in the area of interest reach \$13,346,000, CIG's portion of the related cost of service will be exceeded by CIG's offsetting transportation costs. However, CIG and Panhandle have agreed that, when and so long as Panhandle's advance payments relating to the area of interest exceed \$13,346,000, CIG will be required to pay Panhandle, currently one-tenth of the cost of service applicable to such excess. The supplemental agreement is said to be designed to impose a continuing obligation upon CIG to make payments to Panhandle for CIG's proportionate share of the cost of Panhandle's advance payments attributable to the area of interest, to the extent such share exceeds CIG's offsetting costs.

Any person desiring to be heard with reference to said filing should on or before June 1, 1973, file with the Federal Power Commission, Washington, D.C. 20426, any protests, views, comments, or suggestions in writing relating to said filing, in accordance with the requirements of the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act. The Commission will consider all such written submittals before acting on this filing.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-10662 Filed 5-29-73;8:45 am]

[Docket No. E-8141]

PENNSYLVANIA POWER & LIGHT CO.

Notice of Rate Schedule

MAY 21, 1973.

Take notice that on April 17, 1973, Pennsylvania Power & Light Co. (Applicant) filed with the Federal Power Commission, pursuant to section 35 of the regulations under the Federal Power Act, an agreement between Applicant and Metropolitan Edison Co. (Metro), dated April 16, 1973, which provides the terms and conditions for the sale of capacity and related energy to Metro by Applicant. The application states that the filing of this agreement constitutes an initial rate schedule.

Capacity charges under the terms of the agreement would cover the carrying costs on an actual unit investment basis, a normalized operation and maintenance charge and a transmission charge. Energy charges are to be based on actual fuel expense with an additive for contingencies and losses.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before June 8, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure

(18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. These applications are on file with the Commission and available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-10664 Filed 5-29-73;8:45 am]

[Project No. 1895]

SOUTH CAROLINA ELECTRIC & GAS CO.
**Notice of Application for Change in Land
Rights**

MAY 23, 1973.

Public notice is hereby given that application for a change in land rights was filed October 24, 1972, and supplemented April 30, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by South Carolina Electric & Gas Co. (correspondence to: Mr. James H. Fowles, Jr., assistant general counsel, South Carolina Electric & Gas Co., P.O. Box 764, Columbia, S.C. 29218), licensee for Columbia Project No. 1895 which is located on the Broad and Congaree Rivers within the city of Columbia, Richland County, S.C.

Applicant seeks Commission authorization to grant the South Carolina Highway Department an 11-foot width of right-of-way along the north side of an existing easement over project property to permit the widening of the South Carolina Route 176 bridge from two to four lanes. The addition to the bridge will be of similar design to the existing bridge.

Applicant also seeks Commission authorization to grant to the highway department a 100-foot wide by approximately 400-foot long right-of-way over project property at Hampton Street, extended, for the purpose of constructing the Hampton-Meeting Street Bridge of the planned Meeting Street Expressway. The bridge will have a four-lane reinforced concrete deck supported by longitudinal welded steel girders buttressed by piers of reinforced concrete piling. The design has been approved by the South Carolina Highway Department and the U.S. Department of Transportation.

Any person desiring to be heard or to make protest with reference to said application should on or before June 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate

as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and is available for public inspection.

MARY B. KIDD,
Acting Secretary.

[FR Doc. 73-10665 Filed 5-29-73; 8:45 am]

[Docket No. CI73-765]

GENERAL CRUDE OIL CO.
Notice of Application

MAY 23, 1973.

Take notice that on May 10, 1973, General Crude Oil Co. (Applicant), P.O. Box 2252, Houston, Tex. 77001, filed in docket No. CI73-765 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Co. from acreage in Upton County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on April 30, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 16 months from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 62,000 M ft³ of gas per month at 38 c/M ft³ at 14.65 lb/in² subject to upward and downward British thermal unit adjustment.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 8, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its

own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc. 73-10639 Filed 5-29-73; 8:45 am]

[Docket No. CI73-766]

PETROLEUM, INC.
Notice of Application

MAY 23, 1973.

Take notice that on May 10, 1973, Petroleum, Inc. (Applicant), 300 West Douglas, Wichita, Kans. 67202, filed in docket No. CI73-766 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Co. from acreage in Kiowa County, Kans., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 25,000 M ft³ of gas per month for 2 years at 35c/M ft³ the first year and 36c/M ft³ the second year at 14.65 lb/in² within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 8, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of

the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

MARY B. KIDD,
Acting Secretary.

[FR Doc. 73-10638 Filed 5-29-73; 8:45 am]

[Project 2685]

POWER AUTHORITY OF THE STATE OF NEW YORK

Notice of Alternative Routes

MAY 18, 1973.

Pursuant to a condition in the license issued to Power Authority of the State of New York (Applicant) on June 6, 1969, for the Blenheim-Gilboa pumped storage power project No. 2685, the Applicant filed on November 24, 1969 and later supplemented an application requesting the Commission to approve exhibits showing the location and design of an overhead 345 kV single circuit primary transmission line between the project switchyard near the powerhouse and a substation at Leeds. This proposed line is one of three approved by the license. The other two lines have been constructed and are in operation.

During subsequent proceedings on the application, various locations and designs for the Gilboa-Leeds overhead transmission line have been advanced as alternatives to the locations and designs submitted by Applicant. The various alternatives are for overhead transmission lines, underground lines, and partially overhead and partially underground lines. A description of each route as submitted by Applicant or otherwise advanced for both overhead and underground lines are set out below.

POTENTIAL ROUTES FOR OVERHEAD LINES

Route A.—If constructed along this route, the line would be about 33 miles long. It would leave the project in an easterly direction through the towns of Gilboa and Conesville in Schoharie County and would pass between Brown Mountain and Reed Hill. The line would continue in this direction across Platter Kill, County Highway 59, Bear Kill and County Highway 18 and County Route 3 before passing about 3,000 ft north of Steenburg Mountain. The line would then proceed in a more southeasterly direction into the town of Durham to a point about 3,000 ft north of Mt. Pisgah. The line would extend in a more easterly course, passing north of Cornwallville and across Cornwallville Creek, Thorpe Creek and County Highway 20. The line would pass south of East Durham and across County Highway 29, Sunside Road and Bowery Creek. The line would then turn more easterly, across State High-

way 145 and extend into the town of Cairo in Greene County where it would cross Catskill Creek, State Highway 32, Jan de Bakkers Kill and County Highway 41. The line would continue through Greene County across County Highway 67 and extend easterly crossing Indian Ridge at a point approximately 500 ft south of Harold C. Meyer Road and 1,500 ft west of Rudolf Weir Road, continuing across Potic Creek, County Highway 49 and the New York State Thruway (Interstate Route 87) at a point about 1,000 ft north of Greens Lake. The line would cross Hans Vosen Kill, Vosenkill Road and would turn south to a point about 1½ mi west of the village of Athens, where the line would turn east across U.S. Highway 9W and would proceed to its terminus at Leeds Substation of Niagara Mohawk Power Corp. in the town of Athens located 2½ mi north of the village of Catskill.

Route A-1.—If constructed along this route, the line would be about 34.6 mi long. It would follow portions of proposed Route A some 14.8 mi. The line would leave the project in an easterly direction through the towns of Gilboa and Conesville in Schoharie County and would pass between Brown Mountain and Reed Hill. The line would continue in this direction across Platter Kill, County Highway 59, Bear Kill and County Highway 18 and the line would continue in the same direction crossing Manor Kill and County Highway 3 before passing about 3,000 ft north of Steenburg Mountain. The line would deviate to the northeast some 1,100 ft then turn in a southeast direction approximately 800 ft to rejoin proposed Route A. The line would then proceed along Route A extending into the town of Durham to a point about 150 ft east of County Highway 10. The line would then turn northeast and continue some 1,100 ft then turn southeast and continue approximately 1¾ mi. The line would continue and cross proposed Route A in a more easterly direction for some 2 mi, then the line would recross proposed Route A in a northeast direction, to a point some 1,500 ft south of Stone Bridge Road and some 2,600 ft northwest of Rockwell Road. The line would then turn southeast and rejoin proposed Route A one-half mile west of Thorpe Creek and proceed across Thorpe Creek and County Highway 20. The line would pass south of East Durham and across County Highway 29, Sunside Road and Bowery Creek. The line would then turn slightly easterly, cross State Highway 145 and extend into the town of Cairo in Greene County where it would cross Catskill Creek and continue to a point approximately 1,000 ft west of State Highway 32. The line would then turn northeast from proposed Route A across Plattenkill Road and Doman Road, then proceed southeast across Jan de Bakkers Kill, County Highway 41, proposed Route A and County Highway 67, where the line would then turn more easterly and merge with proposed Route A west of Rudolf Weir Road and proceed across

Potic Creek to a point approximately 3,000 ft west of Potic Mountain Road. Then the line would turn in a northeast direction for approximately 1½ mi, then southeast across New York State Thruway at a point about 2,000 ft north of Green Lake and would continue in a more southeasterly direction across Vosenkill Road to a point approximately 2,500 ft west of U.S. Highway 9W and 2,000 ft south of County Highway 28. The line would then turn south to a point about 500 ft west of U.S. Highway 9W, where the line would turn east crossing Route 9W and would proceed to its terminus at Leeds Substation of Niagara Mohawk Power Corp. in the town of Athens located 2½ mi north of the village of Catskill.

Staff modification to Route A-1.—The staff modification route, approximately 35.0 mi in length, would follow a large portion of Route A-1. The line would leave the project in an easterly direction through the towns of Gilboa and Conesville in Schoharie County. The line would leave Route A-1 at a point approximately one-quarter mile east of Kingsley Road in a southeast direction for approximately 1½ mi, cross Kingsley Road and Flat Creek Road, then turn northeast some 1½ mi cross Back Road and Davis Road to rejoin Route A-1. The line would then proceed across County Highway 59, County Highway 18 and East Conesville Road to a point north of Steenburg Mountain and some 2,500 ft west of County Highway 3, then would turn southeasterly some 2 mi before rejoining Route A-1. The line would then continue into the town of Durham in Greene County to a point some 1,000 ft east of County Highway 10. The line would then turn more southeast for a distance of approximately 2 mi, then turn easterly for a distance of 1¾ mi, then turn due east across Cornwall Road, Thorpe Creek and Hervey Road before rejoining Route A-1 some 500 ft east of Davis Road. The line would continue through Greene County cross County Highway 67 and extend easterly crossing Indian Ridge to a point approximately 500 ft south of Harold C. Meyer Road and 1,500 ft west of Rudolf Weir Road and continuing across Potic Creek to a point some 1,000 ft east of Potic Creek. The line would then deviate from proposed Route A-1 in a northeast direction approximately 1¼ mi to a point some 1,000 ft south of Hollister Lake. The line would then extend in a southeast direction for one-half of a mile, then in an easterly direction across Greens Lake Road and New York State Thruway (Interstate Route 87). The line would then proceed more southerly crossing Vosenkill Road and then turn east across U.S. Highway 9W. The line would then turn south paralleling existing transmission circuits to a point approximately 1½ mi west of the village of Athens, where the line will turn east and proceed to its terminus at Leeds Substation of Niagara Mohawk Power Corp. in the town of Athens, 2½ mi north of the village of Catskill.

Route B.—If constructed along this route, the line would be about 35 mi long. It would leave the project in an easterly direction through the towns of Gilboa and Conesville in Schoharie County and would pass between Brown Mountain and Reed Hill. The line would continue in this direction across Platter Kill, County Highway 59, Bear Kill and County Highway 18 to a point approximately 3,000 ft east of East Conesville Road and 1,500 ft north of County Highway 3. The line would then extend in a northeasterly direction and would pass about a mile north of Steenburg Mountain. The line would then extend into the town of Rensselaerville in Albany County across County Highway 3, State Highway 145, Catskill Creek and State Highway 81 before turning in a south-easterly direction and entering the northeast part of the town of Durham in Greene County. After crossing Ten Mile Creek the line would turn more southeasterly and would extend across McKay Road and State Highway 81. The line would then turn easterly again and would extend into the town of Greenville in Greene County, cross Carter Bridge Road, then southeast across County Highway 35, Basic Creek, and State Highway 32. The line would continue in a more southeasterly direction across County Highway 41 and Jan de Bakkers Kill to a point about 1 mi north of Gayhead. The line would then turn southward and would pass about a mile east of Gayhead and would extend across Schoharie Turnpike and Deyo Road. Approximately 1,800 ft southeast of Deyo Road, the line would turn easterly crossing Indian Ridge at a point approximately 500 ft south of Harold C. Meyer Road and 1,500 ft west of Rudolf Weir Road continuing across Potic Creek, County Highway 49 and the New York State Thruway (Interstate Route 87) at a point about 1,000 ft north of Greens Lake. The line would cross Hans Vosen Kill, Vosenkill Road and would turn south to a point about 1½ mi west of the village of Athens, where the line would turn east across U.S. Highway 9W and would proceed to its terminus at Leeds Substation of Niagara Mohawk Power Corp. in the town of Athens located 2½ mi north of the village of Catskill.

Route B-1.—If constructed along this route, the line would be about 37 mi long. It would follow portions of proposed Route B some 36.9 mi. The line would leave the project in an easterly direction through the towns of Gilboa and Conesville in Schoharie County and would pass between Brown Mountain and Reed Hill. The line would continue in this direction across Platter Kill, County Highway 59, Bear Kill and County Highway 18 to a point approximately 3,000 ft east of East Conesville Road and 1,500 ft north of County Highway 3. The line would then extend in a northeasterly direction and would pass about a mile north of Steenburg Mountain. The line would then extend into the town of Rensselaerville in Albany

County across County Highway 3, State Highway 145, Catskill Creek and State Highway 81 where there would be a slight deviation from Route B before turning in an easterly direction and entering the northeast part of the town of Durham in Greene County. After crossing Ten Mile Creek the line would then turn more southeasterly and would extend across McKay Road and State Highway 81. The line would then turn easterly again and would extend into the town of Greenville in Greene County, cross Carter Bridge Road to a point some 500 ft west of County Highway 35. The line would then turn southeast cross County Highway 35, New York State Highway 32, County Highway 41, then more southeasterly cross Hill Road County Highway 41 and continue to a point approximately 800 ft northwest of Drake Hill Road. The line would then turn more to the southeast, slightly less southeast and then more southeasterly and rejoin proposed Route B approximately one-half mile southeast of Gayhead. The line would then extend across Schoharie Turnpike and Deyo Road. Approximately 1,600 ft southeast of Deyo Road the line would again deviate from proposed Route B and continues southward some 1,300 ft and then turn easterly crossing Indian Ridge to rejoin a section of proposed Route B and A-1 one-quarter mile east of Indian Ridge and 1,500 ft west of Rudolf Weir Road continuing along Route A-1 across Potic Creek, County Highway 49 and the New York State Thruway (Interstate Route 87) at a point about 2,000 ft north of Greens Lake. The line would follow Route A-1 cross Hans Vosen Kill, Vosenkill Road and would turn south to a point about 1½ mi west of the village of Athens, where the line would turn east across U.S. Highway 9W and would proceed to its terminus at Leeds Substation of Niagara Mohawk Power Corp. in the town of Athens 2½ mi north of the village of Catskill.

Route C.—If constructed along this route, the line would be about 41 mi long. It would leave the project in an easterly direction through the towns of Gilboa and Conesville in Schoharie County and would pass between Brown Mountain and Reed Hill. The line would continue in this direction across Platter Kill, County Highway 59, Bear Kill and County Highway 18 to a point approximately 3,000 ft east of East Conesville Road and 1,500 ft north of County Highway 3. It follows Route B(B-1) to a point about 2,900 ft east of the Schoharie-Albany County line. Route C would then leave Route B-1 crossing County Highway 354 about 300 ft north of Route B-1 and again at a point half-way between the hamlets of Potter Hollow and Cooksburg and would cross State Highway 145 at a point midway between Cooksburg and the hamlet of Preston Hollow. At a point approximately 3,000 ft east of State Highway 145 it would turn more easterly for a distance of some 2½ mi to a point located approxi-

mately one-quarter of a mile west of County Highway 352. It would then proceed northeast to a point located approximately 3,200 ft northwest of the hamlet of Medusa (800 ft west of County Highway 351). It would then proceed due east for approximately 6½ mi passing approximately 2,500 ft north of the hamlet of South Westerlo to a point located approximately 2½ mi east of South Westerlo; then turn in a southeasterly direction, for some 4 mi, to a point located approximately 4,000 ft north of the hamlet of Surprise; then proceed due south for almost 4 mi to the point where it would rejoin Route B-1. The line would then turn southward and would pass about a mile east of Gayhead and would extend across Schoharie Turnpike and Deyo Road. Approximately 1,800 ft southeast of Deyo Road, the line would turn easterly crossing Indian Ridge at a point approximately 500 ft south of Harold C. Meyer Road and 1,500 ft west of Rudolf Weir Road continuing along Route A-1 across Potic Creek, to a point about 3,000 ft west of Potic Mountain Road. Then the line would turn north-easterly for about 1.5 miles then southeast across County Highway 49 and the New York State Thruway (Interstate Route 87) at a point about 2,000 ft north of Greens Lake. The line would cross Hans Vosenkill, Vosenkill Road and would turn south to a point about 1½ mi west of the village of Athens, where the line would turn east across U.S. Highway 9W and would proceed to its terminus at Leeds Substation of Niagara Mohawk Power Corp. in the town of Athens located 2½ mi north of the village of Catskill.

Route D.—If constructed along this route, the line would be about 36 mi long. It would leave the project in an easterly direction through the towns of Gilboa and Conesville in Schoharie County and would pass between Brown Mountain and Reed Hill. The line would continue in this direction across Platter Kill, County Highway 59, Bear Kill and County Highway 18 to a point approximately 3,000 ft east of East Conesville Road and 1,500 ft north of County Highway 3. The line would then follow Route B-1 and extend in a northeasterly direction and would pass about a mile north of Steenburg Mountain. The line would then extend into the town of Rensselaerville in Albany County across County Highway 3, State Highway 145, Catskill Creek and would leave Route B-1 at a point about 700 ft east of Catskill Creek in a southeasterly direction and proceed some 2 mi to a point 2,000 ft southwest of the hamlet of Oak Hill, then run in a more easterly direction for some 2½ mi to a point approximately 11,500 ft southeast of that hamlet, then turn in a more southerly direction for nearly 5 mi to where it would rejoin Route A-1 at a point about half a mile east of State Highway 145. The line would then cross Catskill Creek and continue to a point approximately 1,000 ft west of State Highway 32. The line would then turn

northeast from proposed Route A and follow Route A-1 across Plattenkill Road and Doman Road, then proceed southeast across Jan de Bakkers Kill, County Highway 41, proposed Route A and County Highway 67, where the line would then turn more easterly and merge with proposed Route A-1 west of Rudolf Weir Road and proceed across Potic Creek to a point approximately 3,000 ft west of Potic Mountain Road. Then the line would turn in a northeast direction for approximately 1½ mi, then southeast across New York State Thruway at a point 2,000 ft north of Green Lake and would continue in a more southeasterly direction across Vosenkill Road to a point approximately 2,500 ft west of U.S. Highway 9W and 2,000 ft south of County Highway 28. The line would then turn south to a point about 500 ft west of U.S. Highway 9W, where the line would turn east crossing Route 9W and would proceed to its terminus at Leeds Substation of Niagara Mohawk Power Corp. in the town of Athens located 2½ mi north of the village of Catskill.

Route E.—If constructed along this southernmost route, the line would be about 35 mi long. It would leave the project in an easterly direction through the towns of Gilboa and Conesville in Schoharie County and would pass between Brown Mountain and Reed Hill. The line would continue in this direction across Platter Kill, County Highway 59, Bear Kill and County Highway 18 and would continue in the same direction to a point about 2,000 ft west of County Highway 3 and 8.2 mi east of Gilboa Switchyard. The line would then turn in a southeasterly direction for approximately 3 mi, crossing over the South Mountain Range in a saddle located between Richtmyer Peak and Richmond Mountain. It would then proceed due east for over 2 mi passing just south of Mount Pisgah to a point 2,000 ft northeast of Mount Nebo; then proceed in a southeasterly direction for nearly 4 mi along the foothills formed by Mount Nebo, Mount Hayden, Barlow Notch, Ginseng Mountain, Jennie Notch, and Mount Zoar to a point 3,000 ft northwest of Point Lookout along State Highway 23; then in an easterly direction for over 2 mi to a point located 5,000 ft northeast of Durso Corner on State Highway 23. It would then proceed in a southeasterly direction for some 7 mi on a line paralleling State Highway 23, passing 3,000 ft north of the hamlets of South Durham and Acra and 4,000 ft north of Cairo. At a point located approximately 4,000 ft northeast of the hamlet of Cairo it would turn in a northeasterly direction for about 3 mi to a point where it would join the common point of Routes A-1 and B-1 slightly east of Indian Ridge Road, south of Harold Meyer Road crossing Catskill Creek at a point located approximately 1 mi downstream from Lake Mills Bridge. The line would then continue in an easterly direction crossing Potic Creek to a point approximately 3,000 ft west of Potic Mountain Road.

Then the line following Routes A-1 and B-1 would turn in a northeast direction for approximately 1½ mi, then southeast across New York State Thruway at a point about 2,000 ft north of Green Lake and would continue in a more southeasterly direction across Vosenkill Road to a point approximately 2,500 ft west of U.S. Highway 9W and 2,000 ft south of County Highway 28. The line would then turn south to a point about 500 ft west of U.S. Highway 9W, where the line would turn east crossing Route 9W and would proceed to its terminus at Leeds Substation of Niagara Mohawk Power Corp. in the town of Athens located 2½ mi north of the village of Catskill.

Route via New Scotland to Leeds Substation.—If constructed along this route, the line would be about 60 mi long. It would leave the project switchyard on a right-of-way owned by Applicant parallel to its constructed single circuit 345 kV line which extends from the switchyard to the New Scotland substation. The second 345 kV circuit would continue to parallel the existing circuit to the New Scotland substation at which point it would turn and continue to the Leeds substation roughly parallel to the existing transmission lines in operation between New Scotland and Leeds.

Route via Fraser to Ramapo Substation.—If constructed along this route, the line would be about 28.5 mi long to Fraser. It would leave the project switchyard on a right-of-way owned by Applicant parallel to its constructed single circuit 345 kV line which extends from the switchyard to Fraser. The second 345 kV circuit would continue to parallel the existing circuit to Fraser. The second 345 kV circuit would then continue for about 105 mi overhead from Fraser to Ramapo substation and an additional 78 mi from Rock Tavern via Roseton generating plant to the Leeds substation.

In addition to the alternative routes for the overhead lines set out above, there are alternative designs for the project structures. Applicant proposes to support the conductors on lattice type towers while alternative proposals contemplate single steel pole or steel pole H-frame towers at selected places on the line in lieu of the lattice type towers.

It has been proposed that the towers be designed and constructed to support two 345 kV circuits, one to be installed initially with the second being installed later; or with both circuits being installed initially. The double circuit towers and conductors for the two 345 kV circuits would be designed and constructed in a manner to permit conversion of the two 345 kV circuits to a single 765 kV circuit in the future by regrouping the conductors in the two circuits into a single circuit without removing the conductors from the towers.

POTENTIAL ROUTES FOR UNDERGROUND LINES

Locations and designs have been submitted for the following underground lines having capacity equivalent to a single circuit 345 kV overhead transmission line. The route for each of the alternative lines is described below.

Route X Submitted by Applicant.—If constructed this line would be wholly underground, would consist of two 345 kV circuits and would be about 40.1 mi long. The line would leave the Gilboa switchyard along the plant access road to Valenti Road, would follow Flat Creek Road to a point about 1,000 ft south of an intersection with Parson Hill Road (common point with Route Y), would run across open pasture between Flat Creek and Back Roads, would continue along McGuire Road to Leroy Road, and along Leroy Road between Davis Road and Road 59 and then along a 2,000 ft section of private road between Van Akan Roads 1 and 2. The line would continue for 500 ft along Geerken Road, about 1 mi along Road 18, 1.25 mi on East Conesville Road, along an abandoned road, and along Red House Road, then proceed along Road 3 between Red House Road and about 0.57 mi eastward, then across private property for a mile where it would leave Schoharie County and enter Greene County. The line would then continue along Tarver Road for 0.25 mi, for 1.33 mi along Brand Hollow Road, cross county for 2,000 ft and 1.2 mi along Allen Teator Road to State Highway 145. The route would then change direction from east to southeast, continue along Highway 145 to Highway 22 in Durham, follow Highway 145 between Highway 22 and Bush Road, continuing along Highway 145 to its junction with Highway 20 at East Durham, then along Highway 20(29) and Woodward Road between Highways 145 and 20(29), 2.9 mi along Road 29 and Timmermon Road from Jennings Road to Highway 145, then along Highway 145 for 0.1 mi between Timmermon Road and Morehouse Road. The line would then run eastward along Morehouse Road, then across private property to Horse Neck (Morseneck) Road, turn southeasterly to and go along White Farm Loop to Highway 32, then along Caniff, Warren Stejn and Sandy Plains Roads to a point about 0.5 mi beyond the intersection of Sand Plans Road with Road 49, then along Forest Hills Road and Leeds-Athens Road to U.S. Highway 9W. It would then run along Road 74 between Highway 9W and the Penn-Central railroad tracks, turn northward to parallel the tracks on the eastside, and terminate at Leeds Substation.

Route Y submitted by Applicant.—If constructed this line would be a partially overhead 345 kV circuit and a partially underground line of equivalent capacity. The line would be overhead from the Gilboa switchyard for about 1 mi to a point on underground Route X. At that point the overhead section would connect to the underground line and would follow Route X for about 36.5 mi underground. It would connect at the eastern end of the underground section to a 1 mi section of overhead 345 kV circuit extending to the Leeds substation. Routes Y and X would follow the same right-of-way from Leeds substation to the common point on Flat Creek Road (County Road No. 17), about 1,000 ft south of an interconnection with Parsons Hill Road. Route Y has a short underground section

extending eastward from the end of the 1.0 mi overhead section. This short underground section would extend from the east side of Brown Mountain to Kingsley Road, along Parson Hill, and Mabie Roads, and then along Flat Creek Road to the common point.

Underground Segments Z1 and Z2 of a 345 kV transmission line.—If constructed, Route Z1 would be a 345 kV single circuit overhead line along Route A-1 to a point 300 ft west of the intersection of Red House Road, and County Road 3 in Conesville, Schoharie County, at which point underground Segment Z1 would connect to the overhead line. Underground Segment Z1 would then proceed almost due east across privately owned land to County Road 3. It would then extend easterly along underground Road X to Morehouse Road to a point about 0.5 mi east of State Highway 145 where the underground cable would turn north in the town of Cairo and connect to an overhead 345 kV single circuit line on Route A-1 located about 0.5 mi north of the point where the turn is made. The line would then continue overhead along Route A-1 to the Leeds Substation.

Route Z2 would be an overhead line along Route A-1 from the Gilboa switchyard to a tower located about 0.5 mi west of the intersection of County Roads 10 and 20 on the north side of Steenburg Mountain in the town of Conesville near the Schoharie-Greene County line at which point the line would connect the underground Segment Z2, and would continue underground along Road 20 to its intersection with State Highway 145, where it would join underground Segment Z1, and terminate at the same location as Route Z1 on the overhead Route A-1. From that point the overhead line would follow Route A-1 to the east, to the Leeds Substation.

Staff route for underground transmission line.—The line if constructed would consist of a two circuit 345 kV underground transmission line. It would leave Gilboa switchyard along the plant access road to Valenti Road. From the junction of Valenti and Flat Creek Roads, it would extend southward along Road 17 to Road 342, then follow Road 342 to Road 3 (342) to the Schoharie-Greene County line, then along Highway 20 through West Durham to Durham, and then it would enter Highway 145. It would then follow Highway 145 in a southeast direction to near its junction with Road 23. It would then cross over to Highway 23B (23) to Road 49, then turn northeast, and run along a private way west of Weissel Avenue, and near Vedder Road, after crossing Catskill Creek on a bridge to Sandy Plains Road, and then it would run along Forest Hills Road, and Leeds-Athens Road to U.S. Highway 9W. It would then run along Road No. 74, across the railroad tracks and turn northward to Leeds Substation.

A hearing in this matter is due to commence June 19, 1973, at 10 a.m. on the second floor of the Union Center Plaza Building at 825 North Capitol Street NE., Washington, D.C. 20426.

Any person desiring to be heard or to make any protest with reference to this

matter should on or before July 2, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application and exhibits showing the location, and design of the lines described herein are available for public inspection at the Commission's office in Washington, D.C., and at Applicant's offices in New York City, Gilboa, and Catskill, N.Y.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-10673 Filed 5-29-73;8:45 am]

[Docket No. RP73-75]

UNITED GAS PIPE LINE CO.

Extension of Time

MAY 18, 1973.

On May 14, 1973, Memphis Light, Gas & Water Division (Memphis) filed a motion for an extension of time within which to file briefs on exceptions to the initial decision issued April 19, 1973, in the above-designated matter. The motion states that neither United Gas Pipe Line Co. nor staff counsel have any objection to the matter. On May 18, 1973, Memphis advised that no party objected to the motion.

Upon consideration, notice is hereby given that the time is extended to and including June 4, 1973, within which briefs on exceptions may be filed by all participants. Briefs opposing exceptions may be filed on or before June 25, 1973.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-10669 Filed 5-29-73;8:45 am]

[Docket No. CP71-7]

WASHINGTON NATURAL GAS CO.

Notice of Petition To Amend

MAY 18, 1973.

Take notice that on April 30, 1973, Washington Natural Gas Co. (Petitioner), P.O. Box 1869, Seattle, Wash. 98111, filed in docket No. CP71-7 a petition to amend the Commission's orders of September 25, 1970 (44 FPC 1055), and October 30, 1970 (44 FPC 1322), pursuant to section 7(c) of the Natural Gas Act by authorizing Petitioner, as the project operator, to construct additional storage facilities during 1973 and to operate these facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order of September 25, 1970, Petitioner was authorized to construct certain storage facilities and by order of

October 30, 1970, to operate these facilities, known as the Jackson Prairie storage project, in Lewis County, Wash. Petitioner proposes to drill additional observation, water production and/or gas injection wells in the storage project and to provide additional gas and water field lines and water disposal facilities. Petitioner states that the purpose of the additional facilities is to assure maintenance of the storage project's operational capability sufficient to provide continued maximum deliverability of 180,000 M ft³ of gas a day, to effectuate proper distribution withdrawal from the various segments of the reservoir, and to provide some expanded seasonal capability of the reservoir. Petitioner anticipates that the total storage inventory of the project will be increased from the present level of 17.2 million M ft³ to approximately 19.3 million M ft³ and that the corresponding seasonal working gas quantity will be increased from its presently authorized level of 6.7 million M ft³ to approximately 7.6 million M ft³.

Petitioner estimates that the total cost of the instant project will not exceed \$780,000, a cost which will be shared equally among the project's participants, Petitioner, El Paso Natural Gas Co., and the Washington Water Power Co.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 11, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-10668 Filed 5-29-73;8:45 am]

[Docket No. CP73-115]

TENNESSEE GAS PIPELINE CO.

Notice of Extension of Time and Postponement of Hearing Date

MAY 21, 1973.

On May 10, 1973, Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Tenneco), filed a motion for a postponement of the hearing set for June 5, 1973, by order issued May 1, 1973, and for an extension of time within which to serve testimony and exhibits. Answers in support of the motion have been filed by New York State Electric & Gas Corp., Alabama-Tennessee Natural Gas Co., Public Service Electric & Gas Co., United Gas, Inc., Tennessee Natural Gas Lines, Inc., Berkshire Gas Co., et al., and Consolidated Edison Co. of New York, Inc.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of testimony and exhibits by applicant, July 10, 1973.

Service by each customer desiring to submit testimony and/or exhibits on the issue of volumetric requirements, etc., July 10, 1973.
Hearing, July 24, 1973 (10 a.m., e.d.t.).

MARY B. KIDD,
Acting Secretary.

[FR Doc.73-10666 Filed 5-29-73;8:45 am]

[Docket No. CP67-286]

UNITED GAS PIPE LINE CO. AND TRANSCONTINENTAL GAS PIPELINE CORP.

Notice of Petition To Amend

MAY 21, 1973.

Take notice that on April 30, 1973, United Gas Pipe Line Co. (United), P.O. Box 1407, Shreveport, La. 71158, and Transcontinental Gas Pipe Line Corp. (Transco), 3100 Travis Street, P.O. Box 1396, Houston, Tex. 77001, filed in docket No. CP67-286 a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing the exchange of natural gas at an additional point, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By the Commission's order issued July 24, 1967 (38 FPC 163), as amended June 16, 1969 (41 FPC 806), and April 6, 1971 (45 FPC 533), United and Transco are authorized to exchange up to 150,000 M ft³ per day of natural gas in accordance with their letter agreement dated February 22, 1967, as amended, which is on file with the Commission as United's Rate Schedule X-23 and Transco's Rate Schedule X-46. Petitioners seek authorization to exchange gas at an additional point located at the existing interconnection of Consolidated Gas Supply Corp.'s Egan pipeline and Transco's Acadia Plant Lateral in Acadia Parish, La. They state that no additional facilities are required for the exchange of natural gas at this additional point.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 11, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

MARY B. KIDD,
Acting Secretary.

[FR Doc. 73-10667 Filed 5-29-73;8:45 am]

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

NOTICE OF COMMITTEE 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 Federal Prevailing Rate Advisory Committee will be held on:

Wednesday, June 6, 1973.

Thursday, June 7, 1973.

Thursday, June 21, 1973.

Thursday, June 28, 1973.

The meetings will convene at 10 a.m. and will be held in room 5A06A, Civil Service Commission Building, 1900 E Street NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92-392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public under a determination to do so, made under the provisions of section 10(d) of Public Law 92-463.

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, Federal Prevailing Rate Advisory Committee, room 5451, 1900 E Street NW., Washington, D.C.

DAVID T. ROADLEY,
Chairman, Federal Prevailing
Rate Advisory Committee.

MAY 24, 1973.

[FR Doc. 73-10736 Filed 5-29-73; 8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN FLETCHER CORP.

Order Approving Acquisition of Credit Card Operations of Economy Finance Corp., Known as Shoppers Charge Service and Customs Services

American Fletcher Corp., Indianapolis, Ind., a bank holding company within the meaning of the Bank Holding Company Act has applied for the Board's approval, under section 4(c)(8) of the act and § 225.4(b)(2) of the Board's regulation Y, to acquire assets of Shoppers Charge Service, Inc. (Cincinnati), of Shoppers Charge Service, Inc. (St. Louis), of Shoppers Charge Service, Inc. (Minnesota), of Houston Shoppers Charge Service, of the Shoppers Charge division of Indianapolis Morris Plan Corp., and of the Custom Services division of the Shoppers Charge Division of Indianapolis Morris Plan Corp., each of which corporations (hereinafter collectively referred to as Company) is a subsidiary of Economy Finance Corp., Indianapolis, Ind. Company engages in the activities of issuing credit cards to individuals and purchas-

ing from merchants, and servicing, the accounts receivable arising from credit sales of merchandise to persons who use the credit cards in purchasing such merchandise. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(1)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (37 FR 23755). The time for filing comments and views has expired; and the only response received was that of the Department of Justice. Briefly, the Department suggests that the Board deny the application in view of Applicant's market position in the concentrated Indianapolis credit card market, discussed hereinafter, in the expectation that Company would then be acquired by a company that would compete with Applicant in that market.

Applicant controls one bank with total deposits of \$1 billion, representing 8.4 percent of the total deposits in commercial banks in the State of Indiana.¹ Applicant's bank, American Fletcher National Bank and Trust, Co., Indianapolis, Ind. (Bank) is the second largest bank in the Indianapolis banking market² and in Indiana, controlling 37.5 percent of commercial bank deposits in the Indianapolis banking market. As a member of the Interbank System, Bank is a franchised issuer of "Master Charge" credit cards and, as such, maintains agency agreements with 41 banks located in Indiana, nine of which are located in the Indianapolis banking market.

Company engages in extending personal credit through credit card plans and the servicing and purchasing of merchants' receivables created by the use of such credit cards. Company has five offices, one each in Cincinnati, Ohio; St. Louis, Mo.; Indianapolis, Ind.; Houston, Tex.; and Minneapolis, Minn. Bank and Company compete both for credit card holder and participating merchant business in the Indianapolis banking market. Bank is the largest credit card issuer in the market, with outstandings of \$20.4 million, accounting for 51 percent of total outstandings in that market as of December 31, 1972. Of Company's total outstandings of \$25.1 million, only \$1.2 million in outstandings derived from the Indianapolis banking market as of June 30, 1972, where it is believed to be the fifth largest of eight credit card issuers, based on outstandings, and accounts for 3 percent of the total credit card outstandings.

The Board agrees with the Department of Justice that consummation of the proposal would eliminate such competition as presently exists between Bank and Company in the credit card business in the Indianapolis market; however, in

¹ Banking deposit and market data are as of June 30, 1972, unless otherwise indicated.

² The Indianapolis banking market is approximated by Marion County.

the Board's opinion, the elimination of Company as an independent competitor in this market is not significant despite Bank's dominant position in the market, since Company has not been an effective competitor in the Indianapolis market. Despite the fact that the past 5 years have been characterized by a substantial growth in the use of credit cards, Company's outstandings derived from its Indianapolis operations have declined more than 50 percent from \$2.5 million at year-end 1968 to \$1.2 million as of June 1972. The Board therefore concludes that no significant existing competition would be eliminated upon consummation of the proposed transactions. Further, in the Board's opinion, approval of the proposed transaction would not have a significantly adverse effect on future competition since it appears unlikely that Company would develop into a viable competitor in the Indianapolis market, absent affiliation with a company with greater resources. There is evidence that, rather than incur the expense of seeking a purchaser, other than Applicant, Economy Finance Corp., the seller, would liquidate Company's Indianapolis assets, in which case the public benefits of the proposed transaction described below may be lost and, clearly, Indianapolis Shoppers Charge cardholders would be adversely affected. It appears unlikely that another purchaser exists for Company, the acquisition not being particularly attractive. There is no indication that purchasers, other than Applicant, exist and, if another purchaser does exist, it would likely be another competitor of Company from one of the markets presently served by Company.

Moreover, the slight anticompetitive effect that might result from approval of this proposal is outweighed in the public interest by other considerations. Since December 31, 1969, Company's outstandings have dropped dramatically from \$44.2 million to \$25.1 million as of December 31, 1972—a drop of 43.3 percent. In that Applicant neither competes for credit card business in Minneapolis, Houston, Cincinnati, or St. Louis, nor appears to be a potential entrant into any of those markets, consummation of the proposed transaction is not likely to have any adverse effect on existing or future competition in those markets. To the contrary, the proposed acquisition should have a favorable effect on competition in the five markets in which Company operates. In Indianapolis, where Applicant has assured the Board the Company's operations would be maintained independent of Bank's credit card operations, the continued viability of the Company would be insured. In the other four markets, Applicant's utilization of its already-proven managerial expertise in the credit card business should strengthen Company's weakened competitive abilities. Furthermore, effectuation of Applicant's planned de novo expansion of Company's operations into new geographic markets is considered

beneficial to the public interest in that Company would constitute an additional alternative source for credit card services in those areas. In view of the foregoing, the Board does not share the Department's view that the application should be denied.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c) (8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,³ effective May 16, 1974.⁴

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.
[FR Doc.73-10690 Filed 5-29-73;8:45 am]

FEDERAL OPEN MARKET COMMITTEE Rules of Organization

The Federal Open Market Committee has amended its rules of organization in order to include references to the selection of a Deputy General Counsel.

Effective June 1, 1973, section 4 of the rules of organization is amended to read as follows:

Sec. 4. Staff.—(a) *Selection of staff officers.*—At its first meeting on or after March 1 of each year, the Committee selects, from among the officers and employees of the Board and the Federal Reserve Banks, the following staff officers to serve until the first meeting on or after March 1 of the next following year: Secretary, Deputy Secretary, and one or more assistant secretaries; General Counsel, Deputy General Counsel, and one or more Assistant General Counsel; and economists, one or more of whom may be designated as senior or associate economists or given titles reflecting their areas of particular specialization.

(d) *General Counsel and Deputy and Assistant General Counsel.*—The general counsel furnishes such legal advice as the Committee may require. In the absence of the General Counsel, the Deputy General Counsel, or an Assistant Gen-

eral Counsel acts as general counsel pro tem.

By order of the Federal Open Market Committee, May 15, 1973.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.73-10693 Filed 5-29-73;8:45 am]

FIRST COMMERCE CORP.

Proposed Acquisition of Money, Inc., E-Z Finance Plan of Gulfport, Inc., and E-Z Finance Plan of Biloxi, Inc.

First Commerce Corp., New Orleans, La., has applied, pursuant to section 4(c) (8) of the Bank Holding Company Act (12 U.S.C. 1843(c) (8)) and § 225.4(b) (2) of the Board's regulation Y, for permission to acquire voting shares of Money, Inc., New Orleans, La.; E-Z Finance Plan of Gulfport, Inc., Gulfport, Miss.; and E-Z Finance Plan of Biloxi, Inc., Biloxi, Miss. Notices of the application were published in newspapers on the following dates:

New Orleans, La., the Times-Picayune, Apr. 21, 1973.
Thibodaux, La., Daily Comet, Apr. 23, 1973.
McComb, Miss., McComb Enterprise-Journal, Apr. 23, 1973.
Columbia, Miss., the Columbian-Progress, Apr. 26, 1973.
Houma, La., the Houma Daily Courier and the Terrebonne Press, Apr. 23, 1973.
Franklin, La., St. Mary Banner and Franklin Tribune, Apr. 24, 1973.
Gretna, La., West Bank Guide, Apr. 25, 1973.
Pascagoula, Miss., the Mississippi Press Register, Inc., Apr. 26, 1973.
Hammond, La., the Hammond Vindicator, Apr. 26, 1973.
Reserve, La., L'Observateur, Apr. 26, 1973.
Abbeville, La., the Abbeville Meridional, Apr. 26, 1973.
Gulfport, Miss., the Daily Herald, May 3, 1973.

Applicant states that the proposed subsidiaries would engage in the activities of making and acquiring loans or other extensions of credit through the operation of consumer loan finance companies and, in addition, acting as agent or broker in the sale of credit life, credit accident and health, and property insurance incident to extensions of consumer credit. Such activities have been specified by the Board in § 225.4(a) of regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing

the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Atlanta.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than June 18, 1973.

Board of Governors of the Federal Reserve System, May 21, 1973.

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

[FR Doc.73-10691 Filed 5-29-73;8:45 am]

FIRST PIEDMONT CORP.

Order Approving Acquisition of Bank

First Piedmont Corp., Greenville, S.C., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a) (3) of the act (12 U.S.C. 1842(a) (3)) to acquire 9.5 percent of the voting shares of First Palmetto State Bank & Trust Co., Columbia, S.C. (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

Applicant's one present banking subsidiary, which has its head office and two branches in Greenville, S.C., has deposits of \$27.1 million representing less than 1 percent of commercial bank deposits in South Carolina. (All banking data are as of June 30, 1972.) The acquisition of shares of Bank would not affect the concentration of banking resources in the State.

Bank (\$8.2 million of deposits), organized in February 1971, is the 9th largest of 11 banks competing in the relevant market area (approximated by the Columbia SMSA) and holds only 1.6 percent of the market deposits. Among those banks competing with Bank are five of the largest in the State. Applicant's only subsidiary bank is located in a separate market area, approximately 100 miles southeast of Greenville.

This application presents the Board with a situation in which, rather than acquiring control, applicant is making a relatively small, noncontrolling investment in Bank. Both applicant and Bank are relatively young institutions. Applicant has indicated that it cannot presently offer to purchase all of Bank's shares as the assumption of additional

debt for the acquisition would not be financially prudent for applicant at this time. Acquisition through exchange of the additional shares necessary to control Bank would result in an unacceptable level of dilution of applicant's current earnings per share. Applicant's stated purpose for acquiring the 9.5 percent interest in Bank is to expose the operations of the holding company to the management and directors of Bank in anticipation that Bank's management will recommend to their stockholders at some future date that the holding company acquire control of Bank.

An acquisition of less than a controlling interest is not a normal acquisition for a bank holding company. However, the Bank Holding Company Act authorizes investments of up to 5 percent without Board approval, and, by requiring prior Board approval for the acquisition of more than 5 percent of the voting shares of a bank, clearly contemplates investments between 5 and 25 percent. Furthermore, as mentioned above, this proposal represents the first step in applicant's planned acquisition of control.

The Board believes, however, that such proposals must be carefully examined to ensure that they do not serve the private interests of certain shareholders to the undue disadvantage of others. The major concern raised in this regard is whether the proposal is consistent with the Board's policy requiring applicants to make substantially equivalent offers to all shareholders of a bank. That policy is, in general, based on a concern that a controlling holding company can use its position to divert earnings to the holding company in forms other than dividends. This and other possible disadvantages to minority shareholders could adversely affect the ability of small banks to raise capital if bank stock purchasers were aware that a holding company could purchase mere control. The Board regards control over a bank's assets and earnings as a corporate asset belonging to all shareholders of the bank. Where, as here, control over the assets and earnings is not acquired, the reasons for the Board's policy do not apply. Furthermore, at such time as applicant comes in to purchase control, the Board can examine the total situation to ensure that other shareholders have not been unduly disadvantaged.

With respect to the other considerations involved in the Board's deliberation on this application, the proposal would not be objectionable even were it to be considered an acquisition of control. There is no present competition between any of applicant's subsidiaries and Bank. Furthermore, it appears unlikely that any significant competition would develop in the future due to the distances separating the banking offices and the fact that both institutions are relatively new. The Board concludes that consummation of the proposal would not eliminate existing or potential competition, nor would it have adverse effects on any competing bank.

Considerations relating to the financial and managerial resources and future prospects of applicant, its subsidiaries, and Bank are satisfactory and consistent with approval of the application. Major banking needs in the area are being met. However, association of Bank with applicant could provide it with more ready access to services which might make Bank more competitive with the other organizations serving the relevant market. In addition, the proposed transaction is the first step in an acquisition that should ultimately improve the structure of banking in South Carolina.¹ Therefore, considerations relating to the convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

Applicant controls four nonbanking subsidiaries, Equipment Leasing Corp. of South Carolina, the Falco Corp., Computer Resources, Inc., and First Piedmont Travel, Inc., which, under the 1970 amendments, are subject to divestiture prior to December 31, 1980, if Board approval for retention is not obtained. Equipment Leasing Corp. of South Carolina and the Falco Corp. of South Carolina are engaged in equipment and vehicle leasing. Computer Resources, Inc. provides electronic data processing, and First Piedmont Travel, Inc. is a travel agency. In addition to activities carried on through subsidiaries, applicant directly (through its First Piedmont Management Group) is engaged in the activity of management consulting. This service was inaugurated between June 30, 1968, and December 31, 1970.

In approving this application, the Board finds that the combination of a 9.5 percent interest in an additional bank with applicant's existing nonbanking subsidiaries is unlikely to have an adverse effect upon the public interest at the present time. However, applicant's banking and nonbanking activities remain subject to Board review and the Board retains the authority to require applicant to modify or terminate its nonbanking activities or holdings if the Board at any time determines that the combination of Applicant's banking and nonbanking activities is likely to have adverse effects on the public interest.

On the basis of the record,² the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 30th calendar day following the effective date

¹ The four largest banking organizations in South Carolina control 53 percent of the State's commercial bank deposits. The proposed acquisition should ultimately result in the creation of a multibank holding which should make the State's existing banking structure more competitive.

² Dissenting statement of Governors Robertson and Brimmer filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, D.C. 20551, or to the Federal Reserve Bank of Richmond.

of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,³
effective May 16, 1973.⁴

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

[FR Doc. 73-10692 Filed 5-29-73; 8:45 am]

GENEVA INVESTMENT CO.

Order Approving Formation of Bank Holding Company and Continuation of Insurance Agency Activities

Geneva Investment Co., Lincoln, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)), of formation of a bank holding company through acquisition of 94.67 percent or more of the voting shares of Fillmore County Bank, Geneva, Nebr. (Bank).

At the same time, applicant has applied for the Board's approval, under section 4(c)(8) of the act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y, to continue to engage in the activities of a general insurance agency in a community of less than 5,000 persons.

Notice of receipt of the applications has been given in accordance with sections 3 and 4 of the act, and the time for filing comments and views has expired. The Board has considered the applications and all comments received in the light of the factors set forth in section 3(c) of the act (12 U.S.C. 1842(c)), and the considerations specified in section 4(c)(8) of the act.

Applicant (wholly owned by one individual) was organized in 1971 and, shortly thereafter, acquired the insurance agency activities that previously had been conducted as a proprietorship by Bank's previous principal shareholder. Bank, with deposits of \$6 million, controls 12.2 percent of commercial bank deposits in the Fillmore County banking market, ranks second in size of the seven banks in the market, and is the smaller of the two banks in Geneva. (Banking data are as of June 30, 1972.) Consummation of the proposal herein would neither alter existing banking competition nor significantly affect potential competition and would not result in an increase in the concentration of banking resources in any relevant area.

Considerations relating to the financial and managerial resources and prospects of applicant and Bank appear to be satisfactory and consistent with approval. In this regard, the Board notes

³ Voting for this action: Chairman Burns and Governors Deane, Sheehan, and Bucher. Voting against this action: Governors Robertson and Brimmer. Absent and not voting: Governor Mitchell.

⁴ Board action was taken while Governor Robertson was a Board member.

that a substantially equivalent offer to purchase shares has been made to Bank's minority shareholders. Although applicant will assume debt incurred when Bank and the insurance agency activities were acquired, it appears that such debt may be adequately serviced without placing an undue strain on Bank. Considerations relating to the convenience and needs of the communities involved, with respect to the acquisition of Bank, are consistent with approval. It is the Board's judgment that consummation of the transaction would be in the public interest and that the acquisition of Bank should be approved.

Applicant operates a general insurance agency from Bank's premises in Geneva, a community of approximately 2,400 persons. The Board has previously determined by regulation that the conduct of a general insurance agency in a community of less than 5,000 persons is closely related to banking (12 CFR 225.4(a)(9)(iii)(a)). The evidence shows that there are five competing insurance agencies. There is no evidence in the record indicating that consummation of the proposal would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects on the public interest. It does appear that approval of the application will assure the community of Geneva of the continued operation of a convenient alternative source of insurance agency services. Based upon the foregoing and other considerations reflected in the record, the Board has determined that the public interest factors that the Board is required to consider regarding the continuation of applicant's insurance agency activities are favorable and the application should be approved.

On the basis of the record, the applications to acquire Bank and to continue to engage in insurance agency activities are approved for the reasons summarized above. The acquisition of Bank shall not be consummated (a) before the 30th calendar day following the effective date of this order nor (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority. The determination as to the insurance agency activities is subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors¹
effective May 22, 1973.

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.
[FR Doc. 73-10694 Filed 5-29-73; 8:45 am]

NORTHWEST BANCORPORATION
Order Approving Acquisition of Banco
Credit Life Insurance Co.

Northwest Bancorporation, Minneapolis, Minn., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the act and § 225.4(b)(2) of the Board's regulation Y, to acquire voting shares of Banco Credit Life Insurance Co. (Banco Life), Minneapolis, Minn., a company that will engage de novo in the underwriting, as reinsurer, of credit life and disability insurance in connection with extensions of credit by applicant's subsidiaries.

Notice of the application, affording opportunity for interested persons to submit comments and views, was duly published (37 FR 2542). The time for filing comments and views has expired and all received have been considered, including those presented orally and in writing in connection with a Board hearing on March 24, 1972, pertaining to the underwriting of credit life and credit accident and health insurance in general and this application in particular.

Effective December 11, 1972, the Board amended § 225.4 of regulation Y to add the activity of "acting as underwriter for credit life insurance and credit accident and health insurance which is directly related to extensions of credit by the bank holding company system" to the list of activities the Board has determined to be closely related to banking.*

Applicant controls 79 banks in seven States with total deposits of \$4.3 billion. Of the 79 banks, 49 are located in Minnesota where the aggregate deposits of applicant's subsidiary banks total \$2.4 billion representing 23.6 percent of the commercial bank deposits in the State. The corresponding data for the other six States are: Iowa—four banks with aggregate deposits of \$480 million representing 6.3 percent of deposits in Iowa; Montana—seven banks with aggregate deposits of \$289 million representing

¹ Voting for this action: Chairman Burns and Governors Sheehan and Bucher. Voting against this action: Governor Brimmer for the reasons set forth in the dissenting statement in the matter of the application of CBT Corp. to acquire General Discount Corp. (38 FR 13580 (order effective May 14, 1973)). Absent and not voting: Governors Mitchell and Daane.

* In adopting § 225.4(a)(10), the Board did not consider the underwriting of long term, high value decreasing term life insurance where age is a factor in the rate to be charged. Accordingly, underwriting insurance of this type, which is commonly offered in connection with real estate mortgage loans, is not regarded as having been determined to be closely related to banking under § 225.4(a)(10).

15.3 percent of deposits in Montana; Nebraska—five banks with aggregate deposits of \$379 million representing 9.4 percent of deposits in Nebraska; North Dakota—nine banks with aggregate deposits of \$264 million representing 15 percent of deposits in North Dakota; South Dakota—four banks with aggregate deposits of \$426 million representing 23.7 percent of deposits in South Dakota; and Wisconsin—one bank with deposits of \$67 million representing 0.6 percent of deposits in Wisconsin. (All banking data are as of June 30, 1972, and reflect holding company acquisitions approved through March 31, 1973.)

Banco Life will be formed as an Arizona insurance corporation with initial capital of \$250,000. As Banco Life will be qualified to underwrite insurance directly only in Arizona, its initial activities will be limited to acting as reinsurer of credit life and disability insurance policies made available in connection with extensions of credit by Northwest's subsidiaries. Such insurance will be directly underwritten by an insurer or insurers qualified to underwrite in the States where Northwest's subsidiaries do business and will thereafter be assigned or ceded to Banco Life. Credit life and disability insurance is generally made available by banks and other lenders and such insurance is designed to assure repayment of a loan in the event of death or disability of the borrower. Northwest makes available and proposes to reinsure decreasing term and level term credit life insurance depending upon whether the outstanding balance of the extension of credit decreases during the term of the loan. Northwest also makes available and proposes to underwrite joint life coverage of a borrower and his or her spouse; but such coverage will be sold only when the credit extension is dependent upon the income of both the husband and wife.

Northwest has indicated that its banking subsidiaries presently receive income attributable to the sale of credit life and disability insurance and that the banking subsidiaries will continue to receive income of this type if this application is approved. Northwest's banking affiliates are presently utilizing 36 different companies to underwrite the credit life and disability policies offered. If its application to acquire Banco Life is approved, Northwest expects that all or a major portion of the credit life and disability insurance made available by its subsidiaries will be underwritten by a single insurance underwriter which will in turn cede or assign such policies to Banco Life. Although it appears that approval of the application may facilitate the reduction of the number of underwriters serving Northwest's subsidiaries, such a result could be accomplished regardless of the present application. Also, as any qualified underwriter in a State where Northwest's affiliates are located may compete to act as qualified underwriter for Northwest (and subsequently cede or assign such insurance to Banco Life), it appears unlikely that consummation of the proposal will eliminate significant competition in the underwriting of credit life and disability insurance.

In connection with its addition of credit life underwriting to the list of permissible activities for bank holding companies, the Board stated that:

To assure that engaging in the underwriting of credit life and credit accident and health insurance can reasonably be expected to be in the public interest, the Board will only approve applications in which an applicant demonstrates that approval will benefit the consumer or result in other public benefits. Normally such a showing would be made by a projected reduction in rates or increase in policy benefits due to bank holding company performance of this service.

In the subject application, Northwest has stated that Banco Life and the direct insurer(s) which issues the credit life and disability policies made available by Northwest's subsidiaries will reduce the rates charged for credit life insurance in six of the seven States where Northwest's banking subsidiaries are located by amounts ranging between 5 and 7 percent. Northwest also states that certain preexisting condition exclusions found in the disability insurance policies (credit accident and health insurance) it makes available will be waived in all seven States and has presented a statement from an independent actuary that such a waiver would ordinarily cost a customer an additional 10 percent premium charge. The Board believes that the proposed rate changes and waivers provide reduced costs and additional benefits to customers and are procompetitive and in the public interest. However, with respect to the seventh State involved in the proposal, Northwest has indicated that for a variety of reasons it is unable to reduce rates for credit life insurance at this time. The Board notes the prevailing rates in that State are considerably above the national norm and the Board is unable to conclude that the proposal, insofar as it relates to underwriting credit life insurance in that State, is in the public interest.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under section 4(c) (8) is favorable except with respect to the proposed underwriting of credit life insurance in one State as noted above. Accordingly, the application is hereby approved except as it refers to the underwriting of credit life insurance for the one State in which no rate reductions have been proposed, which portion of the application is denied. This determination is subject to the conditions set forth in § 225.4(c) of regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,² effective May 21, 1973.³

[SEAL] CHESTER B. FELDBERG,
Assistant Secretary of the Board.
[FR Doc.73-10695 Filed 5-29-73; 8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations;
Temporary Reg. F-179]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.*—This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in an electric service rate proceeding.

2. *Effective date.*—This regulation is effective immediately.

3. *Delegation.*—

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a) (4) and 205(d) (40 U.S.C. 481(a) (4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Arizona Corporation Commission in a proceeding (docket No. U-1345) involving an application of Arizona Public Service Co. for an increase from its current rate of return and a determination of the fair value of its property.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Acting Administrator
of General Services.

MAY 23, 1973.

[FR Doc.73-10716 Filed 5-29-73; 8:45 am]

INTERIM COMPLIANCE PANEL COAL MINE HEALTH AND SAFETY

ISLAND CREEK COAL CO.

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/m³) have been received as follows:

¹ Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, Sheehan, and Bucher.

² Board action was taken while Governor Robertson was a Board Member.

- (1) ICP docket No. 20024, Island Creek Coal Co., Virginia Pocahontas No. 1 Mine, USBM ID No. 44 00246 0, Keen Mountain, Va. 24624:
Section ID No. 003 (No. 2 unit).
Section ID No. 017 (No. 8 unit).
Section ID No. 015 (No. 2 longwall).
Section ID No. 016 (No. 3 longwall).
- (2) ICP docket No. 20025, Island Creek Coal Co., Virginia Pocahontas No. 3 Mine, USBM ID No. 44 01520 0, Keen Mountain, Va.; Section ID No. 009 (No. 1 longwall).
- (3) ICP docket No. 20045, Island Creek Coal Co., Virginia Pocahontas No. 4 Mine, USBM ID No. 44 02134 0, Keen Mountain, Va.:
Section ID No. 001 (No. 1 unit).
Section ID No. 002 (No. 2 unit).
Section ID No. 003 (No. 3 unit).
Section ID No. 004 (No. 4 unit).
Section ID No. 005 (No. 5 unit).
Section ID No. 006 (No. 6 unit).
- (4) ICP docket No. 20059, Island Creek Coal Co., Hamilton No. 1 Mine, USBM ID No. 15 02129 0, Madisonville, Ky.:
Section ID No. 023 (N W main entries).
Section ID No. 037 (one north off main west off main north).
Section ID No. 032 (main west parallel entries).
Section ID No. 030 (main north parallel entries).
Section ID No. 034 (main north entries).
Section ID No. 027 (main west off main south entries).
Section ID No. 033 (main south entries).
Section ID No. 036 (one south off main west).
Section ID No. 038 (two south off main west).
- (5) ICP docket No. 20060, Island Creek Coal Co., Hamilton No. 2 Mine, USBM ID No. 15 02126 0, Madisonville, Ky.:
Section ID No. 002 (main north).
Section ID No. 001 (main east).
Section ID No. 007 (three west of north).
Section ID No. 008 (four west of north).
Section ID No. 009 (main west off north).
Section ID No. 006 (east parallels).
- (6) ICP docket No. 20084, Island Creek Coal Co., Providence No. 1 Mine, USBM ID No. 15 92156 0, Madisonville, Ky.:
Section ID No. 018 (five off M south).
Section ID No. 014 (two west off M south).
Section ID No. 019 (M north).
Section ID No. 015 (one east off main south).

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 within 15 days after publication of this notice. 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 24, 1973.

[FR Doc.73-10683 Filed 5-29-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

ARLAN'S DEPARTMENT STORES INC.

Order Suspending Trading

MAY 18, 1973.

The common stock, \$1 par value, of Arlan's Department Stores Inc., being traded on the New York Stock Exchange, and the PBW Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934, and all other securities of Arlan's Department Stores Inc., being traded on or otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission, that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 21, 1973, through May 30, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-10698 Filed 5-29-73;8:45 am]

[File No. 500-1]

BENEFICIAL LABORATORIES, INC.

Order Suspending Trading

MAY 23, 1973.

It appearing to the Securities and Exchange Commission, that the summary suspension of trading in the common stock, warrants, units, and all other securities of Beneficial Laboratories, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 24, 1973, through June 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-10699 Filed 5-29-73;8:45 am]

[File No. 500-1]

DELICIAS INTERNATIONAL, INC.

Order Suspending Trading

MAY 17, 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 Delicias International, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 2 p.m., e.d.t., May 17, 1973, through May 26, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-10700 Filed 5-29-73;8:45 am]

[812-3456]

E. I. DU PONT DE NEMOURS AND CO.

Notice of Filing of Application for Order Exempting Proposed Transaction

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, applicant's proposed grant to Showa Neoprene K. K. ("SNK"), a Japanese corporation, of an exclusive license, with the right to grant sublicenses, to certain Japanese patent rights. 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 common stock of SNK. Under section 2(a)(9) of the Act, both applicant and SNK are presumed to be controlled by Christiana and, under section 2(a)(3) of the Act, both applicant and SNK are also affiliated persons of Christiana. The remaining 50 percent of SNK's outstanding common stock is owned by Showa Denko K. K., a Japanese corporation.

SNK, a manufacturer of elastomeric polymer materials, seeks to acquire from Applicant, on an exclusive basis in Japan, Japanese patent rights which it requires to manufacture and sell certain fluor-elastomers. In consideration for the granting of such an exclusive license, SNK has agreed to pay Applicant royalties at the rate of \$1 for each pound of polymer of vinylidene fluoride, hexa-fluoropropene and tetrafluoroethylene

covered by the patent and made by SNK or its sublicensees, or purchased by SNK or its sublicensees from third parties other than Applicant, provided such manufacture or purchase occurs prior to the expiration of the patent and the polymer is used or sold.

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 purchasing from 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 18, 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.73-10697 Filed 5-29-73;8:45 am]

[File No. 500-1]

JEROME MACKAY'S JUDO, 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, \$0.01 par value, and all other securities of Jerome Mackey's Judo, 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 20, 1973, through May 29, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-10701 Filed 5-29-73;8:45 am]

[File No. 500-1]

OLD TOWN CORP.**Order Suspending Trading**

MAY 22, 1973.

The common stock, \$1 par value, of Old Town Corp., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Old Town Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such 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 section 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 12 noon (e.d.t.) May 22, 1973, and continuing through May 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-10702 Filed 5-29-73;8:45 am]

[70-5353]

PENNSYLVANIA ELECTRIC CO.**Notice of Proposed Issue and Sale of First Mortgage Bonds at Competitive Bidding**

Notice is hereby given that Pennsylvania Electric Co. (Penelec), 1001 Broad Street, Johnstown, Pa. 15907, an electric utility subsidiary company of General Public Utilities Corp., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of

1935 (Act), designating section 6(b) of the Act and rule 50 promulgated thereunder as applicable to the following proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Penelec proposes to issue and sell, subject to the competitive bidding requirements of rule 50, \$30 million principal amount of First Mortgage bonds, ---- percent series due 2003. The interest rate (which shall be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest (which shall be not less than 100 percent nor more than 102.75 percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under an indenture dated January 1, 1942, between Penelec and Bankers Trust Co., trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated July 1, 1973, and which includes, subject to certain exceptions, a prohibition until July 1, 1978, against refunding the issue with the proceeds of funds borrowed at a lower interest cost.

The proceeds from the sale of the bonds will be used toward the payment of a portion of Penelec's short-term bank loans which are expected to aggregate approximately \$39,500,000 immediately prior to the sale of the bonds. Any premium realized from the sale of the bonds will be used for financing the business of Penelec, including the payment of expenses of this financing.

The fees and expenses relating to the proposed transaction are estimated at \$125,000, including legal fees of \$38,000 and an accounting fee of \$7,600. An estimate of the fee of counsel for the underwriters, to be paid by the successful bidders, will be supplied by amendment.

It is stated that the Pennsylvania Public Utility Commission has jurisdiction over the proposed issue and sale of bonds by Penelec. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than June 28, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be

granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-10696 Filed 5-29-73;8:45 am]

[File No. 500-1]

PROOF LOCK INTERNATIONAL CORP.**Order Suspending Trading**

MAY 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, and all other securities of Proof Lock International Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 24, 1973, through June 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-10703 Filed 5-29-73;8:45 am]

[File No. 500-1]

TRIEX INTERNATIONAL CORP.**Order Suspending Trading**

MAY 23, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, of Triex International Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 24, 1973, through June 2, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-10704 Filed 5-29-73;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.**Order Suspending Trading**

MAY 23, 1973.

The common stock, \$2.50 par value, of U.S. Financial Inc., being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Inc., being traded otherwise than on a national securities exchange;

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from May 24, 1973 through June 2, 1973.

By the Commission.

(SEAL) RONALD F. HUNT,
Secretary.

[FR Doc. 73-10705 Filed 5-29-73; 8:45 am]

SMALL BUSINESS ADMINISTRATION**CASCADE CAPITAL CORP.****Notice of Filing of an Application for Exemption with Respect to Conflict-of-Interest Transaction**

Notice is hereby given that Cascade Capital Corp., 421 SW. Sixth Avenue, Portland, Ore. 97204, a Federal licensee under the Small Business Investment Act of 1958, as amended (the act), License No. 10/13-0002, has filed an application pursuant to § 107.1004 of the Small Business Administration (SBA) rules and regulations (13 CFR 107.1004 (1973)) for an exemption with respect to a conflict-of-interest transaction covered by section 312 of the act.

On November 3, 1971, the licensee invested \$137,500 in Wasteco, Inc. (Wasteco), 20675 SW. 105th, Tualatin, Ore. 97062, and on March 27, 1973, the licensee invested another \$25,000 in Wasteco. Simultaneously with the 1971 financing, Vanguard Venture I (VVI), a partnership in which Mr. Jack S. Flowers (the licensee's president) has a one-third interest, invested \$17,500 in Wasteco.

The licensee's investments in Wasteco come within the purview of the cited regulation because on December 30, 1971, Mr. Flowers became a director of Wasteco on behalf of both the licensee and VVI and at the same time had an indirect financial interest in Wasteco (through VVI ownership).

The application represents that the transaction is fair and reasonable to all parties concerned and that the exemption requested is reasonably calculated to

advance the best interests of the small business investment company program in a manner consonant with the policy objectives of the act and regulations. The application further represents that no special privileges will accrue to Mr. Flowers or any other stockholder or group of stockholders.

Notice is further given that any interested person may on or before June 14, 1973, submit to SBA, in writing, relevant comments on this transaction. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416. After the aforementioned 15-day period, SBA may, under the regulations, dispose of the application upon the basis of the information stated in said application and other relevant data.

Dated May 18, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc. 73-10624 Filed 5-29-73; 8:45 am]

OREGON SMALL BUSINESS INVESTMENT CO.**Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company**

Notice is hereby given that an application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the SBA's rules and regulations (13 CFR 107.701 (1973)) for approval of the transfer of control of Oregon Small Business Investment Co. (OSBIC), 661 High Street, NE., Salem, Ore. 97301, a Federal licensee under the Small Business Investment Act of 1958, as amended (the act), license No. 10/13-0003.

OSBIC was licensed on April 6, 1961. Its present combined paid-in capital and paid-in surplus (private capital) is \$155,000. This proposed transfer of control is subject to and contingent upon the approval of SBA.

Multnomah Capital Corp. (MMC), 1017 SW. Washington Street, Portland, Ore. 97205 (an Oregon corporation) is owned by Messrs. E. David Rabhan, William Dawkins, and W. Orren Brownson. MCC has offered to purchase the outstanding stock of OSBIC from its present owners. The principal activities of MCC are that of business consultants specializing in corporate finance and mergers, acquisitions, and divestitures. When acquired by MCC, OSBIC will constitute the largest percentage of MCC's assets. After the acquisition of not less than 51 percent of OSBIC's outstanding common stock, MCC will invest an additional \$420,000 in OSBIC bringing its private capital to around \$575,000.

The proposed officers and directors of OSBIC will be:

E. David Rabhan—chairman, treasurer, 211 West Pine Street, Post Office Drawer 8, Swainsboro, Ga. 30401 and Robert P. Baine—secretary and director,

22 Chaminade, Creve Coeur, Mo. 63141, and William T. Dawkins—president and director, 1425 NE. Cochran Drive, Gresham, Ore. 97030.

Matters involved in SBA's consideration of the application include the general business reputation and character of the new owners and the probability of successful operation of OSBIC under their control and management (including adequate profitability and financial soundness) in accordance with the act and regulations.

Notice is hereby given that any interested person may, on or before June 14, 1973, submit to SBA, in writing, relevant comments on the transfer of control. Any such communication should be addressed to:

Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published by the transferee in a newspaper of general circulation in both Portland, and Salem, Ore.

Dated May 18, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc. 73-10623 Filed 5-29-73; 8:45 am]

VETERANS ADMINISTRATION**COOPERATIVE STUDIES EVALUATION COMMITTEE****Notice of Meeting**

The Veterans Administration gives notice pursuant to Public Law 92-463 that a meeting of the Cooperative Studies Evaluation Committee, authorized by 38 United States Code 4101, will be held in room 119 of the main VA building, 810 Vermont Avenue NW., Washington, D.C. on June 5 and 6, 1973, beginning at 8:30 a.m. The meeting will be for the purpose of reviewing proposed cooperative studies and advising the VA on the relevance and feasibility of the studies, the adequacy of the protocols, the scientific validity and the propriety of technical details, including involvement of human subjects. The Committee advises the Director of the Research Service through the Chief, cooperative studies program on its findings.

The meeting will be open to the public up to the seating capacity of the room from 8:30 a.m. to 9:30 a.m. on June 5, to discuss the general status of the program. To assure adequate accommodations, those who plan to attend should contact Dr. James A. Hagans, Coordinator of the Committee, VA Central Office, Washington, D.C. (202-389-3702) prior to June 1.

The meeting will be closed from 9:30 a.m. to 4:30 p.m. on June 5, and from 8:30 a.m. to 4:30 p.m. on June 6, for consideration of specific proposals. During this portion of the meeting, discussion and decisions will deal with qualifications of personnel conducting the studies and to medical records of patients

who are study subjects, the disclosure of which would constitute an invasion of personal privacy.

Dated May 23, 1973.

By direction of the Administrator.

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.
[FR Doc.73-10712 Filed 5-29-73;2:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

EMPLOYMENT OF FULL-TIME STUDENTS

Employment of Full-Time Students Working Outside of School Hours At Special Minimum Wages in Retail or Service Establishments or in Agriculture

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR, pt. 519), and Administrative Order No. 621 (36 FR 12819), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below \$1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below \$1 an hour in the base year; or provide the same standards authorized in certificates previously issued to the establishment.

A & W Root Beer Drive In, restaurant; 1327 Prairie Avenue, Pueblo, Colo.; 3-16-74.
Abel's Parkview Manor Pharmacy, Inc., drugstore; 3421 Spencer Highway, Pasadena, Tex.; 2-19-74; 101 West Southmore, Pasadena, Tex.; 2-15-74.
Alfredo Santos Grocery, Inc., foodstore; 1901 Santa Maria, Laredo, Tex.; 3-19-74.
Allen's, Inc., drugstore; 1115 West Second Street, Hastings, Nebr.; 3-6-74.
Anthony Talsma, agriculture; 9277 Ivanrest Avenue, Byron Center, Mich.; 3-4-74.
Asher Pharmacy, Inc., drugstore; 19 South Pearl, Paola, Kans.; 2-20-74.
B & B Super Service, foodstore; 103 Victoria Street, Kenedy, Tex.; 3-14-74.
Ben Franklin, variety-department stores; No. 7544, Joplin, Mo., 3-4-74; 830 East Geneva Street, Delavan, Wis.; 3-7-74.
Bethel Lutheran Home for Aged, nursing home; Williston, N. Dak.; 2-25-74.
Bob's North Side Drugs, Inc., drugstore; 1030 Calumet, Valparaiso, Ind.; 3-3-74.
Brock Enterprises, Inc., restaurant; 8320 Airport Road, Berkeley, Mo.; 3-11-74.

Burners, variety-department store; No. 5436, San Antonio, Tex.; 3-5-74.
Burger Chef, restaurant; 600 East State Street, Fremont, Ohio; 3-17-74.
Burke Pharmacy, Inc., drugstore; 1812 North Cleburn, Grand Island, Nebr.; 2-25-74.
Cambridge Nursing Home, Inc., nursing home; 548 West First Street, Cambridge, Minn.; 2-28-74.
Canton's Grill, Inc., restaurant; 1901 Leavenworth, Omaha, Nebr.; 3-17-74.
Carmel Home, nursing home; 2501 Old Hartford Road, Owensboro, Ky.; 2-26-74.
Carson Pirie Scott & Co., variety-department store; 3232 Lake Avenue, Wilmette, Ill.; 2-28-74.
Charles A. Stewart Co., Inc., apparel store; 116-118 Garnett Street, Henderson, N.C.; 3-19-73 to 2-24-74.
Coker's Pedigreed Seed Co., agriculture; 137 East Carolina Avenue, Hartsville, S.C.; 3-19-74.
Conley's, variety-department store; junction routes 183 and 800, Magnolia, Ohio; 3-14-74.
Conoco Motel, motel; Grand Island, Nebr.; 2-20-74.
Cornerstone Farm & Gin Co., agriculture; Pine Bluff, Ark.; 2-28-74.
Craft's Drug Store, drugstore; 2-28-74; No. 5, Gaffney, S.C.; No. 10, Greer, S.C.; Nos. 1, 2, 3, 4, 6, and 9, Spartanburg, S.C.
Creighton Care Centre, nursing home; Creighton, Nebr.; 2-27-73 to 1-31-74.
The Crest Lyn, Inc., hospital; 8511 Hillcrest Road, Kansas City, Mo.; 2-24-74.
Dad and Lad Tog Shop, apparel store; 41 South LaGrange Road, LaGrange, Ill.; 2-28-74.
Dan Purvia Drugs, drugstore; 725 Broadway, New Haven, Ind.; 3-15-74.
Dodson's Cafeteria Co., restaurant; 2150 Southwest 59th, Oklahoma City, Okla.; 3-15-74.
Dow Rummel Village, nursing home; 1000 North Lake Avenue, Sioux Falls, S. Dak.; 2-26-74.
Drumstick, Inc., restaurants; 2-27-73 to 2-25-74, except as otherwise indicated; 1104 South Circle Drive, Colorado Springs, Colo. (2-27-73 to 2-24-74); 6301 East Colfax Avenue, Denver, Colo.; 6501 West Colfax Avenue, Denver, Colo.; 1490 South Colorado Boulevard, Denver, Colo.; 4095 South Santa Fe Drive, Englewood, Colo.; 7400 Federal Boulevard, Westminster, Colo.
Duckwalk Stores Co., variety-department store; No. 85, Clovis, N. Mex.; 3-1-74.
Eagle Stores Co., variety-department store; North Wilkesboro, N.C.; 3-8-74.
Farmers Union Co-Operative Association, variety-department store; Wisner, Nebr.; 3-17-74.
Fields Pharmacy, Inc., drugstore; 1401 Reisterstown Road, Pikesville, Md.; 2-22-74.
Fischer's Colonial Pharmacy, drugstore; Publix Shopping Center, Kendallville, Ind.; 3-14-74.
Gay Dolphin, Inc., gift shop; 910 North Ocean Boulevard, Myrtle Beach, South Carolina; 3-15-74.
George Register, Inc., florist; 8833 Belair Road, Baltimore, Md.; 3-15-74.
Gibson Products Co., variety-department store; 1318 West Doolin, Blackwell, Okla.; 3-8-74.
The Goldenrod, restaurant; Railroad Avenue, York Beach, Maine; 2-28-74.
Harry G. Stephens Farms, Inc., agriculture; 345 St. Andrews, West Helena, Ark.; 3-9-74.
Holcomb Pharmacy, Inc., drugstore; 1209 Second Street, Perry, Iowa; 2-27-74.
Holiday Inn Restaurant, restaurants; 3-19-74; No. 10, Independence, Mo.; 11801 Blue Ridge Boulevard Ext., Kansas City, Mo.
Holland House Restaurant, restaurant; 1935 Lahoma Road, Enid, Okla.; 2-28-74.

Host International, Inc., restaurant; Will Rogers Turnpike, Vinita, Okla.; 3-6-74.
Hudson's Big Country Store, Inc., variety-department store; Coalgate, Okla.; 2-26-74.
Jewish Home for Aged, nursing home; 158 North Street, Portland, Maine; 11-2-73.
Jim Dandy Drive-In, restaurants; 3-14-74; 802 East Main Street, Greenfield, Ind.; 2400 East Conner, Noblesville, Ind.; 203 West Jefferson, Tipton, Ind.
Kartus, Inc., variety-department store; Selma Mall, Selma, Ala.; 3-14-74.
Kay Baum, Inc., apparel stores; 2-18-74; Liberty at Thompson, Ann Arbor, Mich.; 166 West Maple, Birmingham, Mich.; 16822 Kercheval, Detroit, Mich.; 1550 Woodward Avenue, Detroit, Mich.
Kewanee Public Hospital, hospital; 719-721 Elliott Street, Kewanee, Ill.; 2-28-74.
King's Food Host, restaurant; 1515 East Santa Fe, Olathe, Kans.; 3-14-74.
S. S. Kresge Co., variety-department stores; 3-8-74, except as otherwise indicated; No. 3063, Anniston, Ala. (3-18-74); No. 4395, North Miami, Fla. (3-11-74); No. 750, St. Petersburg, Fla. (3-12-73 to 3-1-74); No. 4355, St. Petersburg, Fla. (3-11-74); No. 717, Atlanta, Ga. (3-12-73 to 2-20-74); No. 225, Calumet City, Ill. (3-7-74); No. 4431, Richmond, Ind. (3-14-74); No. 4020, Detroit, Mich. (2-26-74); No. 246, Grand Rapids, Mich. (2-27-74); No. 4082, Troy, Mich. (3-5-74); No. 4206, Warren, Mich. (2-18-74); No. 4163, Westland, Mich. (3-5-73); No. 4183, Woodhaven, Mich. (3-14-74); No. 4427, Independence, Mo. (2-28-74); No. 4157, Kansas City, Mo. (2-28-74); No. 4318, Burlington, N.C.; No. 4373, Rocky Mount, N.C. (3-21-74); No. 775, Wilmington, N.C. (3-2-74); No. 4416, Akron, Ohio (2-28-74); No. 4175, Canton, Ohio (2-23-74); No. 133, Cincinnati, Ohio (3-18-74); No. 4153, Cincinnati, Ohio (2-24-74); No. 4365, Austin, Tex. (3-1-74); No. 4161, Dallas, Tex. (2-3-74); No. 4142, Garland, Tex.; Nos. 705 and 4223, Houston, Tex.; No. 4236, Houston, Tex. (3-4-74); No. 729, Orange, Tex.; No. 4542, Beloit, Wis. (2-21-74); No. 3001, Brookfield, Wis. (3-14-74); No. 4395, Cudahy, Wis. (3-14-74).
The Lamplighter Restaurant, restaurant; New Route 22, Delmont, Pa.; 2-23-74.
Lawrence and Paul Selkel, Inc., variety-department store; Harrah, Okla.; 3-9-74.
Lerner Shops, apparel store; No. 100, Easton, Pa.; 3-16-74.
Lett Rexall Drug, drugstore; 4337 Southeast 15th Street, Del City, Okla.; 2-20-74.
Leys Department Store, variety-department store; Burlington, Wis.; 2-28-74.
Madison Manor, nursing home; 411 East Lane Street, Winterset, Iowa; 3-9-74.
Manly Drug, Inc., drugstore; 621 G Avenue, Grundy Center, Iowa; 2-22-73 to 2-18-74.
McCrory-McLellan-Green Stores, variety-department stores; No. 226, Savannah, Ga. 3-14-74; No. 269, Munster, Ind.; 3-28-74; No. 264, Augusta, Maine, 3-14-74; No. 373, Bowie, Md., 3-6-74; No. 1307, Bergenfield, N.J., 3-15-74; No. 398, Feasterville, Pa., 2-28-74.
McDonald's Hamburgers, restaurants; 2-28-74; except as otherwise indicated; 631 Yellowstone Avenue, Pocatello, Idaho (1-31-74); 540 Beall Avenue, Wooster, Ohio (3-14-74); 2170 East Lake Road, Erie, Pa.; 4319 Peach Street, Erie, Pa.; 909 Peninsula Drive, Erie, Pa.
Mercy Hospital, hospital; 2601 Eighth Avenue, Altoona, Pa.; 3-9-74.
Messer Drug Co., Inc., drugstore; Two East Peoria, Paola, Kans.; 2-27-74.
Metzger Stores, service stations; 1399 Diamond Drive, Los Alamos, N. Mex., 2-17-74; 901 18th Street, Los Alamos, N. Mex., 3-6-74.
Morgan & Lindsey, variety-department stores; 3-4-74, except as otherwise indicated; No. 3133, Stuttgart, Ark. (3-19-74); Nos. 3058 and 3093, Beaumont, Tex.; No. 3066,

Beaumont, Tex. (1-4-74); No. 3075, Silsbee, Tex.

Moyer's Cigar Store, variety-department store; 100 South Ninth Street, Reading, Pa.; 3-5-74.

G. C. Murphy Co., variety-department stores; No. 315, Corry, Pa.; 3-15-74; No. 325, Harrisburg, Pa.; 3-15-74; No. 808, Pittsburgh, Pa.; 3-14-74.

Neisner Bros., Inc., variety-department store; No. 109, Detroit, Mich.; 3-19-74.

Newberry's, variety-department store; No. 27, Coatesville, Pa.; 2-28-74.

Nicholas Drug Store, drugstore; 123 West Third Street, Grand Island, Nebr.; 2-27-74.

Northern Farmers Co-Op Society, variety-department store; Cook, Minn.; 2-28-74.

Oak Plaza Pharmacy, drugstore; Oak Plaza Shopping Center, Fayetteville, Ark.; 2-21-74.

The Outlet Co., Inc., apparel stores; 3-14-74; Gardendale Plaza Shopping Center, Gardendale, Ala.; 1535 Main Street, Graysville, Ala.

Rayless Department Store, variety-department store; 112-114 Main Street, Suffolk, Va.; 3-1-74.

Rhea's, Inc., foodstore; Allegheny Center Mall, Pittsburgh, Pa.; 2-22-74.

Ritter's Oakwood Manor, Inc., nursing home; 409 Highway 18 West, Clear Lake, Iowa; 3-16-74.

Rogerson Restaurant, restaurant; 153 Main Avenue East, Twin Falls, Idaho; 2-28-74.

Rose's Stores, Inc., variety-department stores; No. 238, Jacksonville, Fla.; 3-13-74; No. 99, Moultrie, Ga.; 2-28-74.

Rushing & Swope Maverick Steak House, Inc., restaurant; Pasadena, Tex.; 2-16-74.

Sacred Heart Hospital, Inc., hospital; 626 North Street, Loup City, Nebr.; 3-10-74.

Sanford Memorial Hospital and Nursing Home, hospital; 913 Main Street, Farmington, Minn.; 2-23-74.

Seikel's Dept. Store, variety-department store; McLoud, Okla.; 3-4-74.

O. P. Skaggs, foodstore; 28 South State, Preston, Idaho; 2-28-74.

Smith Nursery Co., agriculture; Ninth and Allison Streets, Charles City, Iowa; 3-1-74.

Spendthrift Farm, agriculture; Iron Works Pike, Lexington, Ky.; 2-28-74.

Spurgeon's, variety-department stores; 816 Fifth Avenue, Antigo, Wis.; 2-25-74; 108 West Cook, Portage, Wis.; 3-3-74.

Stanley's Department Store, Inc., variety-department store; 218 East Johnson Street, Greenwood, Miss.; 3-17-74.

Steve's Shoes, Inc., shoe store; 1340 East Meyer, Kansas City, Mo.; 3-15-74.

Sullivan's Restaurant, Inc., restaurant; 2510 East Genesee Avenue, Saginaw, Mich.; 3-10-74.

Sumter Dry Goods Co., variety-department store; 1 South Main Street, Sumter, S.C.; 2-23-74.

Sunny Knoll Care Centre, Inc., nursing home; 700 East Lake Street, Rockwell City, Iowa; 2-27-73 to 1-31-74.

T. G. & Y. Stores Co., variety-department stores; 3-12-74, except as otherwise indicated; No. 1618, Tuscaloosa, Ala. (3-18-74); No. 2100, Little Rock, Ark. (2-27-74); No. 635, Los Angeles, Calif. (2-28-74); No. 635, Victorville, Calif. (2-28-74); No. 301, St. Joseph, Mo. (3-18-74); No. 810, Santa Fe, N. Mex. (3-6-74); No. 10, Ada, Okla. (2-27-74); No. 44, Bethany, Okla. (3-6-74); No. 58, Pawhuska, Okla. (3-14-74); No. 1005, Purcell, Okla. (2-14-74); No. 79, Sand Springs, Okla.; No. 22, Sapulpa, Okla.; Nos. 1, 50, 68, and 401, Tulsa, Okla.; No. 350, Houston, Tex. (3-19-74); Nos. 813 and 821, Houston, Tex. (2-28-74).

Tip Top Fruit Farm, agriculture; Route 1, Penn Laird, Va.; 3-4-74.

Trey's Department Store, variety-department store; Main Street, Parkersburg, Iowa; 3-5-74.

Valley View Care Centre, nursing home; 2900 West E, North Platte, Nebr.; 2-27-73 to 1-31-74.

Victoria Pharmacy, drugstore; 512 East Rio Grande, Victoria, Tex.; 3-12-74.

White's City, Inc., restaurant; White's City, N. Mex.; 2-1-74.

Wm. A. Lewis Clothing Co., apparel store; 8037-8041 South Cicero, Chicago, Ill.; 3-12-74.

The following certificates issued to establishments permitted to rely on the base-year employment experience of others were either the first full-time student certificates issued to the establishment, or provide standards different from those previously authorized. The certificates permit the employment of full-time students at rates of not less than 85 percent of the applicable statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minimum to total hours of employment of all employees.

Brainerd Drug Store, drugstore; 3240 Brainerd Road, Chattanooga, Tenn.; fountain clerk; 33 to 51 percent; 3-18-74.

Edward's, Inc., variety-department store; Duncan Highway, Route 176, Union, S.C.; salesclerk, stockclerk, checker, lay-a-way clerk, pricer; 10 to 14 percent; 2-25-74.

Ferguson Free Car Wash, service station; 3501 Werk Road, Cincinnati, Ohio; service station attendant, detainer; 46 to 78 percent; 3-14-74.

Hitching Post Restaurant, restaurant; 964 South Main Street; Maryville, Mo.; general restaurant worker; 23 to 27 percent; 3-14-74.

Morgan & Lindsey, variety-department store; No. 3113, Hodge, La.; salesclerk, stockclerk, office clerk; 12 to 45 percent; 3-4-74.

G. C. Murphy Co., variety-department stores, for the occupations of salesclerk, stockclerk, office clerk, janitorial; No. 353, Tarboro, N.C., 12 to 24 percent, 2-27-74; No. 601, Gallipolis, Ohio, 6 to 19 percent, 3-14-74.

Rose's Stores, Inc., variety-department stores; No. 239, Hammond, La., salesclerk, stockclerk, checker, window trimmer, merchandise worker, order writer, 13 to 32 percent, 3-8-74; No. 232, Asheville, N.C., salesclerk, stockclerk, 4 to 35 percent, 3-13-74; No. 237, Florence, S.C., salesclerk, stockclerk, 6 to 21 percent, 2-28-74; No. 234, McMinnville, Tenn., salesclerk, 3 to 16 percent, 3-14-74.

Sallye's Town & Country, apparel store; 1001 Fort Crook Road, Bellevue, Nebr.; salesclerk, stockclerk, office clerk, porter; 7 to 21 percent; 3-14-74.

T. G. & Y. Stores Co., variety-department stores, for the occupations of office clerk, salesclerk, stock clerk, 29 to 30 percent, 3-14-74; No. 2204, Clinton, Miss.; No. 2207, Jackson, Miss.; No. 2205, Pearl, Miss.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment op-

portunities of persons other than those employed under a certificate. The certificate may be annulled or withdrawn, as indicated therein, in the manner provided in part 528 of title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof on or before June 28, 1973.

Signed at Washington, D.C., this 22d day of May 1973.

ROBERT G. GRONEWALD,
Authorized Representative
of the Administrator.

[FR Doc.73-10686 Filed 5-29-73; 8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 262]

Assignment of Hearings

MAY 24, 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 115826 sub 246, W. J. Digby, Inc., now assigned June 5, 1973, will be held in room 595, U.S. Courthouse, 1921 Stout Street, Denver, Colo.

MC 26396 sub 51, Popelka Trucking Co., doing business as the Waggoners, MC 26396 sub 63, Popelka Trucking Co., doing business as the Waggoners, now assigned June 11, 1973, will be held in the auditorium, Federal Office and Post Office Building, Broadway and Pattee Street, Missoula, Mont.

MC 124692 sub 96, Sammons Trucking, now assigned June 18, 1973, will be held in room 108, U.S. Courthouse, 620 Southwest Main Street, Portland, Ore.

FD 24679, Spokane, Portland & Seattle Railway Co. and Union Pacific Railroad Co.—Control—Peninsula Terminal Co., FD 24890, Southern Pacific Co.—Common use of terminal facilities, Peninsula Terminal Co., FD 24891, Southern Pacific Co.—Common use of certain terminal facilities—Union Pacific Railroad Co., now assigned June 25, 1973, will be held in room 108, U.S. Courthouse, 620 Southwest Main Street, Portland, Ore.

MC-123061 sub 64, Leatham Brothers, Inc., now assigned June 25, 1973, will be held in room 1151, Federal Office Building, 909 First Avenue, Seattle, Wash.

MC-138232, Inquisitor's Club, now assigned June 25, 1973, will be held in room 1151, Federal Office Building, 909 First Avenue, Seattle, Wash.

MC 107496 sub 839, Ruan Transport Corp., now assigned June 13, 1973, at St. Paul,

Minn., is canceled and the application is dismissed.

No. 35735, Publication Corp.-versus-the Baltimore & Annapolis Railroad Co., now being assigned hearing July 10, 1973 (3 days), at Baltimore, Md., in a hearing room to be later designated.

I & S 8848, proportional rates on coal to Ohio River points, now assigned June 4, 1973, at Washington, D.C., is canceled.

No. 35803, Burlington Northern, Inc.-versus-the Atchison, Topeka, and Santa Fe Railway Co., et al., now being assigned hearing September 12, 1973 (3 days), at Denver, Colo., in a hearing room to be later designated.

MC-138169, Northern Transportation Service, now assigned June 11, 1973, will be held in room 303, Post Office Building, 151 West Street, Rutland, Vt.

AB-5-sub 140, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment Central Vermont Railroad connection, Norwich, New London County, Connecticut, now assigned June 14, 1973, will be held at the Court of Common Pleas, City Hall, Union Square, Norwich, Conn.

MC-1977 sub 15, Northwest Transport Service, Inc., MC-107839 sub 150, Denver-Albuquerque Motor Transport, Inc., now assigned June 11, 1973, will be held in courtroom No. 1, Federal Building, and U.S. Courthouse, 230 North First Avenue, Phoenix, Ariz.

MC-136564 sub 1, Shippers Leasing, Inc., now assigned June 18, 1973, will be held in room 13025, 450 Golden Gate Avenue, San Francisco, Calif.

MC-136172 (sub-No. 2), Dick Bell Trucking, Inc., now assigned June 19, 1973, will be held in room 13025, 450 Golden Gate Avenue, San Francisco, Calif.

MC-107743 sub 20, System Transport, Inc., now assigned June 21, 1973, will be held in room 13025, 450 Golden Gate Avenue, San Francisco, Calif.

No. 35782, board of trade of the city of Chicago versus Burlington Northern, Inc., et al., now being assigned hearing October 1, 1973 (3 days), at Chicago, Ill., in a hearing room to be later designated.

No. 35825, board of trade of the city of Chicago versus the Akron, Canton & Youngstown Railroad Co., et al., now being assigned hearing September 17, 1973 (3 days), at Chicago, Ill., in a hearing room to be later designated.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-10729 Filed 5-29-73;8:45 am]

[Notice 285]

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 19, 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-73953. By order of May 21, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to Wilson Moving and Storage, Inc., Rutland, Vt., of the operating rights in certificate No. MC-111849 issued May 3, 1972, to Reginald C. Wilson, Jr., Paul R. Howard, and C. Russell Ackley, Jr., a partnership, doing business as Wilson Moving and Storage, Rutland, Vt., authorizing the transportation of household goods, as defined by the Commission, between various specified points as indicated in Vermont, New Jersey, and New York, and points in Massachusetts, New Hampshire, Connecticut, Rhode Island, New York, New Jersey, Vermont, and Pennsylvania; and new furniture, uncrated, from North Bennington, Vt., to points in New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, and the District of Columbia. Bartley J. Costello, 47 Merchants Row, Rutland, Vt. 05701, attorney for applicants.

No. MC-FC-74207. By order of May 21, 1973, the Motor Carrier Board approved the transfer to George T. Mason, doing business as Mason Wrecker Service, Casper, Wyo., of the operating rights in certificate No. MC-129285 issued May 16, 1968, to Don Culin and L. B. Culin, doing business as Red Desert Service, Wamsutter, Wyo., authorizing the transportation of wrecked and disabled motor vehicles and trailers, in secondary movements, in truckaway service, between points in Wyoming, on the one hand, and, on the other, points in Utah and Colorado. Houston G. Williams, suite 540, First National Bank Building, Casper, Wyo. 82601, attorney for applicants.

No. MC-FC-74211. By order of May 21, 1973, the Motor Carrier Board approved the transfer to Marvin Wyatt, doing business as Wyatt Trucking, Buckhannon, W. Va., of permit No. MC-134359 (sub-No. 1), issued to Carl J. Martin, doing business as Carl J. Martin Trucking, Buckhannon, W. Va., authorizing the transportation of: Wood residuals, from points in West Virginia, Virginia, Maryland, and a specified portion of Ohio to points and areas in Pennsylvania, Ohio, West Virginia, and Maryland, Charles E. Anderson, attorney, 1421 Kanawaha Valley Building, Charleston, W. Va. 25332.

No. MC-FC-74275. By order of May 21, 1973, the Motor Carrier Board approved the transfer of Orman James Nelson, Route 2, Box 189 G, Battle Ground, Wash. 98604, of the operating rights in certificate No. MC-134372 (sub-No. 1), issued March 30, 1971, to Edward H. Sinner, Route 1, Box 554, Toppenish, Wash. 98948, authorizing the transportation of animal and poultry feed, and animal and poultry supplements, between points in Multnomah, Clackamas, Marion, Linn, Lane, Yamhill, Deschutes,

Washington, and Lincoln Counties, Oreg., on the one hand, and on the other, points in Washington.

No. MC-FC-74294. By order of May 21, 1973, the Motor Carrier Board approved the transfer to George J. Desatoff, doing business as G J D Enterprises, Los Angeles, Calif., of the operating rights in certificate No. MC-32066 issued April 7, 1971, to Raymond J. Hochstetler and Jane B. Hochstetler, a partnership, doing business as R J Trucking, Downey, Calif., authorizing the transportation of auto parts and accessories, garage equipment, materials and supplies, and office fixtures and supplies, between points in Los Angeles, Calif. William Davidson, registered practitioner, 2455 East 27th Street, Vernon, Calif. 90058, representative for applicants.

No. MC-FC-74362. By order of May 22, 1973, the Motor Carrier Board approved the transfer to A. Yeagle's Moving and Storage Corp., 20 North Hampton Street, Lock Haven, Pa., of certificates Nos. MC-103158, subs 1 and 2, issued to Cyrus W. Haagen and Harry J. Haines, doing business as Yeagle's Moving and Storage (above address), Lock Haven, Pa., authorizing the transportation of: Household goods, as defined by the Commission, and new furniture as described by the Commission, between Lock Haven, Pa., and 25 miles, in a radial movement, and points in New York, New Jersey, Ohio, Massachusetts, Maryland, Indiana, and Illinois.

No. MC-FC-74480. By order entered May 21, 1973, the Motor Carrier Board approved the transfer to Lock Trucking Inc., Wheatland, Wyo., of the operating rights set forth in certificates Nos. MC-115648 (sub-No. 5), MC-115648 (sub-No. 8), MC-115648 (sub-No. 9), MC-115648 (sub-No. 10), MC-115648 (sub-No. 11), MC-115648 (sub-No. 12), MC-115648 (sub-No. 14), MC-115648 (sub-No. 15), MC-115638 (sub-No. 17), MC-115648 (sub-No. 19), MC-115648 (sub-No. 20), MC-115648 (sub-No. 17), MC-115648 (sub-No. 22), MC-115648 (sub-No. 23), MC-115648 (sub-No. 25), and MC-115648 (sub-No. 27), issued by the Commission September 17, 1962, May 26, 1967, June 26, 1967, June 8, 1967, September 26, 1968, December 21, 1967, June 26, 1969, June 5, 1969, August 29, 1969, May 25, 1970, August 21, 1970, April 16, 1971, January 3, 1972, June 22, 1972, November 2, 1972, and April 4, 1973, respectively, to Luther Lock, doing business as Luther Lock Trucking, Wheatland, Wyo., authorizing the transportation of various specified commodities, from to, or between points in Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming. Ward A. White, P.O. Box 568, 1600 Van Lenn Avenue, Cheyenne, Wyo. 82001, attorney for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-10730 Filed 5-29-73;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	271	11338	12	10797
3 CFR		301	10795, 12320	73	10803, 10917, 12801, 14156
PROCLAMATIONS:		331	12320	76	12201
4214	11433	381	12321	78	12902, 14156
4215	11435	401	12810, 12811	82	12093, 12325
4216	12313	411	12811	92	10723
4217	12601	510	12091	112	12093, 13476
4218	14151	717	12891	114	12093
EXECUTIVE ORDERS:		718	12891	317	13476
11073 (superseded by EO 11721)	13717	729	10705	331	10724
11173 (superseded by EO 11721)	13717	730	10706, 11338, 14087	381	10725
11227 (revoked by E.O. 11718)		811	10915	445	13706
11277 (revoked by E.O. 11718)		864	13009	446	13708
11541 superseded in part by EO 11717	12315	905	12201, 13547	447	13708
11717	12315	906	14087		
11718	12797	908	11062,	PROPOSED RULES:	
11719	13315		12092, 12321, 12899, 13365, 13650	94	12926
11720	13317	910	11063, 12321, 13010, 13726	301	11090
11721	13717	911	12322-12324	316	11090, 11092
PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:		916	12811, 13011	317	11090, 11092
Memorandum of November 8, 1968 (amended by memorandum of May 14, 1973)	13319	917	11064, 12899	319	11090, 11093
Memorandum of April 26, 1973	12799	918	13011, 14088		
Memorandum of May 14, 1973	13319	930	11065, 12092	10 CFR	
4 CFR		944	12603, 13650	25	10803
351	13321	953	12900, 13366	36	12733
404	12319	981	13475	50	11445
PROPOSED RULES:		989	13012, 13476	140	11066
351	13385	1030	11339	PROPOSED RULES:	
5 CFR		1121	11340	20	13033
213	11059,	1207	14088	50	10815
11337, 11437, 12404, 12801, 13321, 13475, 13633, 13726, 14172, 14173		1421	11441, 13651, 14088		
511	11337	1427	13651	12 CFR	
534	11337	1822	12901	201	12733, 14092
591	13726	1831	14154, 14155	204	13726, 13727
771	13009	1832	14089	207	13548
870	12404	1865	14091	213	13727
871	12891, 13547	PROPOSED RULES:		217	13728
900	11059	26	12814	220	11066, 12097, 13548
PROPOSED RULES:		52	11348, 11353	221	13549
2410	13390	180	13751	226	12202
6 CFR		206	13490	250	13728
130	11062,	Ch. VI	11094	265	10917
11413, 12201, 12319, 12607, 12608, 12746, 12923, 14153		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
5	10795	916	13752	722	11347, 12098
18	14154	917	13028, 14110	PROPOSED RULES:	
51	13321	918	11470, 12232	204	13750
52	12729, 13321	930	13565	220	13571
201	12729	944	12612	225	13572
220	13547	953	11353	226	12240
225	11437	987	14110	306	10969
8 CFR		989	12814	506a	10969
245	11340	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	13421
		1207	10738	14 CFR	
		1427	12927	39	10920,
		1701	10951, 12233, 13565	11340, 12325, 12326, 12734, 13013,	
		1822	12815	13367, 13477, 13549, 13550, 13730	

14 CFR—Continued	Page
71	10707, 10921-10923, 11067, 12203, 12327, 12604, 12734, 12802, 12903, 13367, 13368, 13478, 13633, 13635, 13730, 13731
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
207	14157
221	12802
241	10924
252	12207
287	10926
298	11067
372	14164
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

18 CFR—Continued	Page
201	12117
260	12117
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
19	14165
90	12716, 14165
121	10713, 12397, 12398, 12737, 12738, 12802, 12913, 13556, 13557, 13733, 14165
128a	13481
130	11077, 12211
132	13558
135	12399
135a	10714, 10808
135b	10808, 10926, 12399, 12914, 14166
135c	12211, 12399, 13558, 13734, 14166
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
19	14174
27	12234
45	10952
90	12720, 14174
121	11096, 12931, 14174
130	14111
146e	12129
191	10956, 12300, 12880

21 CFR—Continued	Page
PROPOSED RULES—Continued	
191c	12300
191d	12880
278	12129
308	12119-12121, 12123, 12124, 12126, 12127, 12230
22 CFR	
11	13640
201	13640
205	14167
23 CFR	
1	11086
204	10810
305	11341
720	11341
790	12103
1204	10810, 12399
24 CFR	
1700	13481
1914	10928, 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	10927
41	11085, 13737
52	11085
162	13014
PROPOSED RULES:	
141	11348
221	10814
26 CFR	
1	11344, 12740, 12917, 12918, 13482
13	10927
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	13894
1910	12405

30 CFR	Page	40 CFR	Page	45 CFR—Continued	Page
Ch. I	10927	40	12784	208	12112
Ch. V	10927	52	12696, 12702, 12711, 12920,	220	10782
		60	13562	221	10782, 13563
PROPOSED RULES:		125	13528, 14168	222	10782
90	13027	130	13375	226	10782
211	11348	227	12872	233	10940
216	11348	180	10720,	249	12112
			10939, 12214, 12215, 12216,	252	12112
			13376, 14168, 14169	1061	13746, 14170, 14171
31 CFR		PROPOSED RULES:		1067	14172
332	10808	35	13524	1068	10809
32 CFR		50	11355	1069	14172
202	11454	52	11113, 12238, 12819	1501	13486
261	14167	60	10820	PROPOSED RULES:	
809	10934, 13485	113	12239	180	12407
860	13561	124	10960, 12416	186	10738
881	10720	125	10960, 12416	187	12130
Ch. XVI	12134, 12135	126	14230	188	12931
1604	12742	131	13567		
1631	13485	133	10968	46 CFR	
1710	12919	165	13622	3	12403
PROPOSED RULES:		180	12818, 14175	10	11463, 12403
1611	12620	203	10821	12	12403
1612	12759	Ch. V	10856	14	12403, 13648
1623	12620			16	12404
		41 CFR		42	12289
32A CFR		3-1	13647	44	12290
Ch. X:		3-7	13647	45	12290
OI Reg. 1	10725, 10811, 12746	7-1	12804	56	10722
Ch. XI:		7-2	12806	151	10722
OIAB	12118	7-3	12806	294	13016
Ch. XII:		7-4	12806	309	13721
OPC Reg. 1	10811, 12401	7-7	12807	310	14106
		7-8	12807	530	14172
33 CFR		7-10	12807	PROPOSED RULES:	
1	12396	7-12	12807	35	12749
110	12804	7-16	12807	56	12749
117	10720, 12396, 13560, 14095	15-3	12214	74	12749
201	12804	60-60	13376	78	12749
PROPOSED RULES:		101-6	10812	93	12749
117	14111	101-7	10812	97	12749
209	12217	101-8	10813	191	12749
		114-60	12401, 12402, 13737, 13738	196	12749
35 CFR		PROPOSED RULES:		310	11471
111	11346	3-3	11471	512	13664
				536	12134
36 CFR		42 CFR		47 CFR	
4	12211	74	10721	0	10810, 12743, 12921
7	12212	84	11458	2	11086, 12743, 14106
221	13561	PROPOSED RULES:		5	12744
PROPOSED RULES:		50	13418	15	12744
7	13028, 13490	57	12614, 13654	73	12921, 13648
221	12749			87	14106
292	13754	43 CFR		PROPOSED RULES:	
		4	14170	2	12750
38 CFR		Subtitle A	10939	21	12750, 13749
1	12213	Ch. II	10940	61	13657, 13661, 13663
3	12213	1821	12110	73	10743,
17	11085, 14168	2650	14218		10968, 12757, 12935, 12937, 13029,
21	12110, 12213	PUBLIC LAND ORDERS:			13386, 13387, 13389, 13491, 13658,
PROPOSED RULES:		5344	11347		13660, 14113
21	12135			89	12619, 13749
		44 CFR		91	13749
39 CFR		401	11086, 12743	93	13749
Subch. J	14168	45 CFR			
Subch. L	14168	121	13739	49 CFR	
Subch. M	14168	125	13739	1	14109
761	12919	170	14095	71	13725
		185	13563		

49 CFR—Continued	Page	49 CFR—Continued	Page	49 CFR—Continued	Page
171	12807	1123	12744	PROPOSED RULES—Continued	
172	12807	1207	12335	1056	12758, 12820
173	10960, 14111	PROPOSED RULES:		1100	12822
174	12807	172	10960	50 CFR	
175	12807	173	10960, 14111	17	10943
177	12807	174	10960	28	10723, 12922, 13563, 13649
393	12133	178	10960	32	10810, 11464
571	10940,	179	10960, 14111, 14112	33	10943, 11464, 12923, 13649
12808, 12922, 13017, 13394, 13485		217	12617	260	12334
575	11347	571	12818, 12934, 13490, 14174	PROPOSED RULES:	
1033	10941,	575	13748	10	12926
10942, 12606, 12808, 12809, 13486		1002	13032	28	12232
		Ch. X	12759, 12822		

FEDERAL REGISTER PAGES AND DATES—MAY

Pages	Date	Pages	Date
10699-10788	May 1	12791-12884	May 16
10789-10908	2	12885-13002	17
10909-11052	3	13003-13307	18
11053-11329	4	13309-13467	21
11331-11426	7	13469-13540	22
11427-12084	8	13541-13626	23
12085-12194	9	13627-13709	24
12195-12306	10	13711-14079	25
12307-12594	11	14081-14144	29
12595-12721	14	14145-14232	30
12723-12789	15		

federal register

WEDNESDAY, MAY 30, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 103

PART II



DEPARTMENT OF THE INTERIOR

Land Management Bureau



ALASKA NATIVE SELECTIONS

Title 43—Public Lands: Interior
 CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—LAND RESOURCE MANAGEMENT (2000)

[Circular No. 2343]

PART 2650—ALASKA NATIVE SELECTIONS

Subpart 2650—Alaska Native Selections—Generally

Subpart 2651—Village Selections

Subpart 2652—Regional Selections

Subpart 2653—Miscellaneous Selections

Subpart 2654—Native Reserves

On pages 19634-19639 of the FEDERAL REGISTER of September 21, 1972, there were published a notice and text of proposed rulemaking to add to group 2600 of title 43, Code of Federal Regulations, additional sections implementing the Alaska Native Claims Settlement Act of 1971. Review of the comments and suggestions submitted in response to that notice resulted in a substantial revision of the proposal. On pages 6504-6510 of the FEDERAL REGISTER of March 9, 1973, an amended notice of proposed rulemaking was published.

Interested persons were given until April 16, 1973, to submit written comments, suggestions, or objections to the proposed rulemaking of March 9, 1973. Thirty-two comments were received.

The written comments and suggestions received were carefully evaluated. Many conferences were held with representatives of the Alaska Natives and of the State of Alaska. After due deliberation, the regulations have been changed in many respects. Included among the changes are the following:

1. Sections 2650.0-1, Purpose and 2650.0-2, Objectives have been changed to conform to recommendations made by the Natives.

2. Section 2650.0-5.—The definitions of "interim conveyance" and "patent" have been amended.

3. New definitions of "conveyance" and "date of filing" have been added to § 2650.0-5.

4. Section 2650.0-8.—A new section has been added to authorize the Secretary to waive any nonstatutory requirement of the regulations. The section also sets out the circumstances under which minor procedural and technical errors should be waived.

5. Section 2650.1(c).—The section relating to continuance of forest fire protection services has been expanded.

6. Section 2650.2.—Application procedures have been simplified somewhat.

7. Section 2650.2(e) has been made more specific as to the maps to be used in describing lands under application. The section also clarifies that when the written description shown on the application and the map portrayal accompanying the application do not agree, the delineation on the map portrayal shall control.

8. Section 2650.2(g) which provided for filing fees to accompany selection applications, has been deleted.

9. Section 2650.3-1(c) is a new section which allows Native grantees to acquire lands by exchange under certain circumstances.

10. Section 2650.3-2(b) has been amended to set forth more completely the procedures for protecting the rights of mineral claimants.

11. Section 2650.4-3 has been amended to state the circumstances under which administration of less than fee interests will be retained, and how that retained jurisdiction will be exercised.

12. Section 2650.4-4.—This section is subject to amendment in the immediately foreseeable future to deal with the disposition of revenues earned from lands after the date of selection and prior to the date of conveyance.

13. Section 2650.4-5.—This section reflects the covenants that will appear as reservations in conveyances of national forest lands.

14. Section 2650.4-6.—This section has been revised to explain more fully the reservations to be made in the conveyance of land in National Wildlife Refuges.

15. Section 2650.4-7.—This section has been revised to provide procedures and standards for reserving and terminating easements in conveyances.

16. Section 2650.5, which sets forth the procedures for surveying and computing acreages, has been substantially revised.

17. Section 2650.6 was revised to clarify which land selections are subject to section 22(1) of the act.

18. Section 2650.7.—This section has been revised to provide that publication of notice of application is at the option of the applicant.

19. Section 2650.8 assigns the adjudication of land selection under the act to the Board established in § 2651.2(a).

20. Section 2651.2(a) has been revised to deal specifically with the appointment of the Board therein established and procedures in the adjudication of the eligibility of Native village corporations.

21. Section 2651.2(b), which deals with village eligibility for land benefits, has been substantially changed.

22. Section 2651.4 has been revised to identify which lands are subject to selection, to redefine contiguity and compactness, and to establish the order and manner of selection.

23. Section 2652.3.—Changes in this section relate to regional selections of surface and subsurface, particularly within deficiency land withdrawals.

24. Section 2653.0-5.—Most definitions have been rewritten.

25. Section 2653.1.—The method of allocating land for the purposes authorized under section 14(h) of the act has been revised.

26. Section 2653.2.—The maximum amount of land per member of a group has been reduced to 320 acres.

27. Section 2653.3.—This section has been rewritten concerning time and place of selections under section 14(h).

28. Section 2653.6(c).—This section was rewritten to reflect the acreage that may be conveyed to Native groups.

29. Section 2653.7.—The selection procedures for Sitka, Kenai, Juneau, and Kodiak are reflected in this newly written provision.

30. Section 2653.8-2.—This section has been rewritten to define periods of occupancy.

31. Section 2653.9.—Provision for release of a covenant by the Secretary has been added to this section.

32. Section 2654.—Changes in this section relate to observation of elections by the Bureau of Indian Affairs upon request.

It is hereby determined that the publication of this rulemaking is not a major Federal action significantly affecting the quality of the human environment and that no detailed statement pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) is required. This conclusion has been reached on the basis that all actions authorized by these regulations which could significantly affect the quality of the human environment have either been directed by Congress or the action can be taken only after the exercise of discretion by the Secretary. In the latter instance an environmental impact statement will be prepared when appropriate prior to the exercise of discretion.

The rulemaking is hereby adopted as set forth below. This amendment shall become effective July 2, 1973.

Group 2600 of chapter II, title 43 of the Code of Federal Regulations is amended as follows:

Subpart 2650—Alaska Native Selections—Generally

Sec.	
2650.0-1	Purpose.
2650.0-2	Objectives.
2650.0-3	Authority.
2650.0-5	Definitions.
2650.0-7	References.
2650.0-8	Waiver.
2650.1	Provisions for interim administration.
2650.2	Application procedures for land selections.
2650.3	Lawful entries, lawful settlements, and mining claims.
2650-1	Lawful entries and lawful settlements.
2650.3-2	Mining claims.
2650.4	Conveyance reservations.
2650.4-1	Existing rights and contracts.
2650.4-2	Succession of interest.
2650.4-3	Administration.
2650.4-4	Revenues [Reserved].
2650.4-5	National forest lands.
2650.4-6	National wildlife refuge system lands.
2650.4-7	Public easements.
2650.5	Survey requirements.
2650.5-1	General.
2650.5-2	Rule of approximation.
2650.5-3	Regional surveys.
2650.5-4	Village surveys.
2650.5-5	Cemetery sites and historical places.
2650.5-6	Adjustment to plat of survey.
2650.6	Selection limitations.
2650.7	Publication.
2650.8	Appeals.

AUTHORITY.—Sec. 25 of the Alaska Native Claims Settlement Act of December 18, 1971; Administrative Procedure Act (5 U.S.C. 551 et seq.).

Subpart 2650—Alaska Native Selections—Generally

§ 2650.0-1 Purpose.

The purpose of the regulations in this part is to provide procedures for orderly and timely implementation of those provisions of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601) which pertain to selections of lands and interests in lands in satisfaction of the land selections conferred by said act upon Alaska Natives and Alaska Native corporations.

§ 2650.0-2 Objectives.

The program of the Secretary is to implement such provisions in keeping with the congressional declaration of policy that the settlement of the Natives' aboriginal land claims be fair and just and that it be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives, without litigation and with maximum participation by Natives in decisions affecting their rights and property.

§ 2650.0-3 Authority.

Section 25 of the Alaska Native Claims Settlement Act of December 18, 1971, authorizes the Secretary of the Interior to issue and publish in the FEDERAL REGISTER, pursuant to the Administrative Procedure Act (5 U.S.C. 551, et seq.), such regulations as may be necessary to carry out the purposes of the act.

§ 2650.0-5 Definitions.

(a) "Act" means the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601) and any amendments thereto.

(b) "Secretary" means the Secretary of the Interior or his authorized delegate.

(c) "Native" means a Native as defined in section 3(b) of the act.

(d) "Native village" means any tribe, band, clan, group, village, community, or association in Alaska, as defined in section 3(c) of the act.

(e) "Village corporation" means a profit or nonprofit Alaska Native village corporation which is eligible under § 2651.2 of this chapter to select land and receive benefits under the act, and is organized under the laws of the State of Alaska in accordance with the provisions of section 8 of the act.

(f) "Regional corporation" means an Alaska Native regional corporation organized under the laws of the State of Alaska in accordance with the provisions of section 7 of the act.

(g) "Public lands" means all Federal lands and interests in lands located in Alaska (including the beds of all non-navigable bodies of water), except:

(1) The smallest practicable tract, as determined by the Secretary, enclosing land actually used, but not necessarily having improvements thereon, in con-

nection with the administration of a Federal installation; and,

(2) Land selections of the State of Alaska which have been patented or tentatively approved under section 6(g) of the Alaska Statehood Act, as amended (72 Stat. 341; 77 Stat. 223; 48 U.S.C. ch. 2), or identified for selection by the State prior to January 17, 1969, except as provided in § 2651.4(a)(1) of this chapter.

(h) "Interim conveyance" as used in these regulations means the conveyance granting to the recipient legal title to unsurveyed lands, and containing all the reservations for easements, rights-of-way, or other interests in land, provided by the act or imposed on the land by applicable law, subject only to confirmation of the boundary descriptions after approval of the survey of the conveyed land.

(i) "Patent" as used in these regulations means the original conveyance granting legal title to the recipient to surveyed lands, and containing all the reservations for easements, rights-of-way, or other interests in land, provided by the act or imposed on the land by applicable law; or the document issued after approval of the survey by the Bureau of Land Management, to confirm the boundary description of the unsurveyed conveyed lands.

(j) "Conveyance" as used in these regulations means the transfer of title pursuant to the provisions of the act whether by interim conveyance or patent, whichever occurs first.

(k) "National Wildlife Refuge System" means all lands, waters, and interests therein administered on December 18, 1971, by the Secretary as wildlife refuges, areas for the protection and conservation of fish and wildlife that are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, or waterfowl production areas, as provided in the act of October 15, 1966, 80 Stat. 927, as amended by the act of July 18, 1968, 82 Stat. 359 (16 U.S.C. 668dd).

(l) "Protraction diagram" means the approved diagram of the Bureau of Land Management mathematical plan for extending the public land surveys and does not constitute an official Bureau of Land Management survey, and, in the absence of an approved diagram of the Bureau of Land Management, includes the State of Alaska protraction diagrams which have been authenticated by the Bureau of Land Management.

(m) "Date of filing" shall be the date of postmark, except when there is no postmark, in which case it shall be the date of receipt in the proper office.

§ 2650.0-7 References.

(a) Native enrollment procedures are contained in 25 CFR 43h.

(b) Withdrawal procedures are contained in part 2300 of this chapter.

(c) Application procedures are contained in subpart 1821 of this chapter.

(d) Appeals procedures are contained in 43 CFR part 4.

(e) Mineral patent application procedures are contained in part 3860 of this chapter.

§ 2650.0-8 Waiver.

The Secretary may, in his discretion, waive any nonstatutory requirement of these regulations. When the rights of third parties will not be impaired, and when rapid, certain settlement of the claims of Natives will be assisted, minor procedural and technical errors should be waived.

§ 2650.1 Provisions for interim administration.

(a) (1) Prior to any conveyance under the act, all public lands withdrawn pursuant to sections 11, 14, and 16, or covered by section 19 of the act, shall be administered under applicable laws and regulations by the Secretary of the Interior, or by the Secretary of Agriculture in the case of national forest lands, as provided by section 22(i) of the act. The authority of the Secretary of the Interior and of the Secretary of Agriculture to make contracts and to issue leases, permits, rights-of-way, or easements is not impaired by the withdrawals.

(2) (i) Prior to the Secretary's making contracts or issuing leases, permits, rights-of-way, or easements, the views of the concerned regions or villages shall be obtained and considered, except as provided in subdivision (ii) of this subparagraph.

(ii) Prior to making contracts, or issuing leases, permits, rights-of-way, or easements on lands subject to election pursuant to section 19(b) of the act, the Secretary shall obtain the consent of the representatives of the Natives living on those lands.

(b) As provided in section 17(d)(3) of the act, any lands withdrawn pursuant to section 17(d) shall be subject to administration by the Secretary under applicable laws and regulations and his authority to make contracts, and to issue leases, permits, rights-of-way, or easements shall not be impaired by the withdrawal. To the extent that any such land is also subject to the provisions of paragraph (a) of this section, the provisions of that subsection shall govern.

(c) As provided in section 21(e) of the act, so long as there are no substantial revenues from real property interests conveyed pursuant to this act and the lands are not subject to State and local real property taxes, such lands shall continue to receive forest fire protection services from the United States at no cost. The Secretary will promulgate criteria, after consultation with the concerned Native corporations and the State of Alaska, for determining when substantial revenues are accruing as to lands for which forest fire protection services are furnished by the Department of the Interior and no discontinuance of such service will be ordered by the Secretary

unless he finds, after notice and opportunity for submission of views, that such discontinuance is in conformity with the criteria.

§ 2650.2 Application procedures for land selections.

(a) Applications for land selections must be filed on forms approved by the Director, Bureau of Land Management. Applications must be filed in accordance with subpart 1821 of this chapter.

(b) Each regional corporation shall submit with its initial application under this section a copy of the resolution authorizing the individual filing the application to do so.

(c) Each village corporation under subpart 2651 of this chapter must submit with its initial application under this section a certificate of incorporation, evidence of approval of its articles of incorporation by the regional corporation for that region, and a copy of the authorization of the individual filing the application to do so.

(d) (1) Regional and village corporations authorized by the act subsequently filing additional or amendatory applications need only refer to the serial number of the initial filing.

(2) Any change of the officer authorized to act for any corporation in the matter of land selections should be promptly submitted to the appropriate office of the Bureau of Land Management.

(e) (1) If the lands applied for are surveyed, the legal description of the lands in accordance with the official plats of survey shall be used.

(2) If the lands applied for are unsurveyed, they shall be described by protraction diagrams.

(3) If the lands applied for are not surveyed and are not covered by protraction diagrams, they must be described by metes and bounds commencing at a readily identifiable topographic feature, such as a mountain peak, mouth of a stream, ect., or a monumented point of known position, such as a triangulation station, and the description must be accompanied by a topographic map delineating the boundary of the area applied for.

(4) Where 1:63,360 U.S.G.S. quadrangle maps with the protraction diagram plotted thereon have been published, these maps shall be used to portray and describe the lands applied for. Where 1:63,360 U.S.G.S. quadrangle maps with the protraction diagram plotted thereon have not been published, then the 1:250,000 U.S.G.S. quadrangle maps with the protraction diagrams plotted thereon shall be used.

(5) If the written description shown on the application and the map portrayal accompanying the application do not agree the delineation shown on the map shall be controlling.

(f) The selected areas may be adjusted by the Secretary with the consent of the applicant and amendment of the application by the applicant, provided that the adjustment will not create an excess over the selection entitlement.

§ 2650.3 Lawful entries, lawful settlements, and mining claims.

§ 2650.3-1 Lawful entries and lawful settlements.

(a) Pursuant to sections 14(g) and 22(b) of the act, all conveyances issued under the act shall exclude any lawful entries or entries which have been perfected under, or are being maintained in compliance with, laws leading to the acquisition of title, but shall include land subject to valid existing rights of a temporary or limited nature such as those created by leases (including leases issued under section 6(g) of the Alaska Statehood Act), contracts, permits, rights-of-way, or easements.

(b) The right of use and occupancy of persons who initiated lawful settlement or entry of land, prior to August 31, 1971, is protected: *Provided*, That:

(1) Occupancy has been or is being maintained in accordance with the appropriate public land law, and

(2) Settlement or entry was not in violation of Public Land Order No. 4582, as amended. Any person who entered or settled upon land in violation of that public land order has gained no rights.

(c) In the event land excluded from conveyance under paragraph (a) of this section reverts to the United States, the grantee or his successor in interest shall be afforded an opportunity to acquire such land by exchange pursuant to section 22(f) of the act.

§ 2650.3-2 Mining claims.

(a) *Possessory rights.*—Pursuant to section 22(c) of the act, on any lands to be conveyed to village or regional corporations, any person who prior to August 31, 1971, initiated a valid mining claim or location, including millsites, under the general mining laws and recorded notice thereof with the appropriate State or local office, shall not be challenged by the United States as to his possessory rights, if all requirements of the general mining laws are met. However, the validity of any mining claim may be challenged by the United States or by the grantee or his successor in interest at any time.

(b) *Patent requirements met.*—An acceptable mineral patent application must be filed with the appropriate Bureau of Land Management office not later than December 18, 1976, on lands conveyed to village or regional corporations.

(1) Upon a showing that a mineral survey cannot be completed by December 18, 1976, the filing of an application for a mineral survey, which states on its face that it was filed for the purpose of proceeding to patent, will constitute an acceptable mineral patent application, provided all applicable requirements under the general mining laws have been met.

(2) The failure of an applicant to prosecute diligently his application for mineral patent to completion will result in the loss of benefits afforded by section 22(c) of the act.

(3) The appropriate office of the Bureau of Land Management shall give notice of the filing of an application

under this section to the village or regional corporation which has selection rights in the land covered by the application.

(c) *Patent requirements not met.*—Any mineral patent application filed after December 18, 1976, on land conveyed to any village or regional corporation pursuant to this act, will be rejected for lack of departmental jurisdiction. After that date, patent applications may continue to be filed on land not conveyed to village or regional corporations until such land is conveyed.

§ 2650.4 Conveyance reservations.

§ 2650.4-1 Existing rights and contracts.

Any conveyance issued for surface and subsurface rights under this act will be subject to any lease, contract, permit, right-of-way, or easement and the rights of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted him.

§ 2650.4-2 Succession of interest.

Upon issuance of any conveyance under this authority, the grantee thereunder shall succeed and become entitled to any and all interests of the State of Alaska or of the United States as lessor, contractor, permitter, or grantor, in any such lease, contract, permit, right-of-way, or easement covering the estate conveyed, subject to the provisions of section 14(g) of the act.

§ 2650.4-3 Administration.

Leases, contracts, permits, rights-of-way, or easements granted prior to the issuance of any conveyance under this authority shall continue to be administered by the State of Alaska or by the United States after the conveyance has been issued, unless the responsible agency waives administration. Where the responsible agency is an agency of the Department of the Interior, administration shall be waived when the conveyance covers all the land embraced within a lease, contract, permit, right-of-way, or easement, unless there is a finding by the Secretary that the interest of the United States requires continuation of the administration by the United States. In the latter event, the Secretary shall not renegotiate or modify any lease, contract, right-of-way or easement, or waive any right or benefit belonging to the grantee until he has notified the grantee and allowed him an opportunity to present his views.

§ 2650.4-4 Revenues [Reserved]

§ 2650.4-5 National forest lands.

Every conveyance which includes lands within the boundaries of a national forest shall, as to such lands, contain reservations that:

(a) Until December 18, 1976, the sale of any timber from the land is subject to the same restrictions relating to the export of timber from the United States as are applicable to national forest lands in Alaska under rules and regulations of the Secretary of Agriculture; and,

(b) Until December 18, 1983, the land shall be managed under the principles of sustained yield and under management practices for protection and enhancement of environmental quality no less stringent than such management practices on adjacent national forest lands.

§ 2650.4-6 National wildlife refuge system lands.

(a) Every conveyance which includes lands within the national wildlife refuge system shall, as to such lands, provide that the United States has the right of first refusal so long as such lands remain within the system. The right of first refusal shall be for a period of 120 days from the date of notice to the United States that the owner of the land has received a bona fide offer of purchase. The United States shall exercise such right of first refusal by written notice to the village corporation within such 120-day period. The United States shall not be deemed to have exercised its right of first refusal if the village corporation does not consummate the sale in accordance with the notice to the United States.

(b) Every conveyance which covers lands lying within the boundaries of a national wildlife refuge in existence on December 18, 1971, shall provide that the lands shall remain subject to the laws and regulations governing use and development of such refuge so long as such lands remain in the refuge. Regulations governing use and development of refuge lands conveyed pursuant to section 14 shall permit such uses that will not materially impair the values for which the refuge was established.

§ 2650.4-7 Public easements.

(a) Prior to reserving any public easements under section 17(b) of the act, the concerned village and regional corporations shall be afforded notice and opportunity for submission of views. If the Secretary determines that a public easement should be reserved in any conveyance, the reasons for that determination will be provided in writing, upon request of the grantee.

(b) (1) A public easement shall be reserved only if it is specific as to use and corridor location and size and both use and corridor location and size shall be reasonably related to an anticipated public use or a planned or existing governmental function.

(2) No public easement shall be reserved in such manner as to:

(i) Deprive the grantee or its successor in interest of reasonable access to bodies of water or highways in or bordering upon the land embraced in the conveyance without his consent.

(ii) Constitute a so-called scenic easement.

(c) A reserved public easement shall be subject to the following conditions:

(1) The Secretary shall terminate a public easement if it is not used for its purpose by the date specified in the conveyance, but in any event not later than December 18, 2001, or if he finds that conditions are such that its retention is

no longer needed for public use or governmental function.

(2) The grantee or its successor in interest shall be entitled to just compensation for the loss of value of any improvements existing on the date of the reservation of the easement which are impaired or required to be removed by the exercise of the easement.

(3) The easement shall be no more extensive in size than is reasonably required for the purpose for which reserved. Upon the definite location of an easement or easements for which a corridor was reserved, the reservation to the extent not used for the easement or easements shall be of no further force or effect.

(4) A corridor location shall be no more extensive in width or length than is reasonably necessary to locate any easement to be reserved, taking into consideration climate, topography, terrain, and available data.

(d) The State and the Federal-State Land Use Planning Commission shall be afforded 90 days after notice by the Secretary to make recommendations with respect to the inclusion of public easements in any conveyance.

§ 2650.5 Survey requirements.

§ 2650.5-1 General.

(a) Selected areas are to be surveyed as provided in section 13 of the act. Any survey or description used as a basis for conveyance must be adequate to identify the lands to be conveyed.

(b) Surveys shall take into account the navigability or nonnavigability of bodies of water. The beds of all bodies of water determined by the Secretary to be navigable shall be excluded from the gross area of the surveys and shall not be charged to total acreage entitlements under the act. Prior to making his determination as to the navigability of a body of water, the Secretary shall afford the affected regional corporation the opportunity to review the data submitted by the State of Alaska on the question of navigability and to submit its views on the question of navigability. Upon request of a regional corporation or the State of Alaska, the Secretary shall provide in writing the basis upon which his final determination of navigability is made. The beds of all bodies of water not determined to be navigable shall be included in the surveys as public lands, shall be included in the gross area of the surveys, and shall be charged to total acreage entitlements under the act. The beds of all nonnavigable bodies of water comprising one half or more of a section shall be excluded from the gross area of the surveys and shall not be charged to total acreage entitlement under the act, unless the section containing the body of water is expressly selected or unless all the riparian land surrounding the body of water is selected. No ground survey or monumentation will be required to be done by the Bureau of Land Management of bodies of water.

§ 2650.5-2 Rule of approximation.

To assure full entitlement, the rule of approximation may be applied with respect to the acreage limitations applicable to conveyances and surveys under this authority, i.e., any excess must be less than the deficiency would be if the smallest legal subdivision were eliminated (see 62 I.D. 417, 421).

§ 2650.5-3 Regional surveys.

Lands to be conveyed to a regional corporation, when selected in contiguous units, shall be together for the purpose of survey and surveyed as one tract, with monuments being established on the exterior boundary at angle points and at intervals of approximately 2 miles on straight lines. If requested by the grantee, the Secretary may survey, insofar as practicable, the individual selections that comprise the total tract.

§ 2650.5-4 Village surveys.

(a) Only the exterior boundaries of contiguous entitlements for each village corporation will be surveyed. Where land within the outer perimeter of a selection is not selected, the boundaries along the area excluded shall be deemed exterior boundaries. The survey will be made after the total acreage entitlement of the village has been selected.

(b) Surveys will be made within the village corporation selections to delineate those tracts required by law to be conveyed by the village corporations pursuant to section 14(c) of the act.

(c) (1) The boundaries of the tracts described in paragraph (b) of this section shall be posted on the ground and shown on a map which has been approved in writing by the affected village corporation and submitted to the Bureau of Land Management. Conflicts arising among potential transferees identified in section 14(c) of the act, or between the village corporation and such transferees, will be resolved prior to submission of the map. Occupied lots to be surveyed will be those which were occupied as of December 18, 1971.

(2) Lands shown by the records of the Bureau of Land Management as not having been conveyed to the village corporation will be excluded by adjustments on the map by the Bureau of Land Management. No surveys shall begin prior to final written approval of the map by the village corporation and the Bureau of Land Management. After such written approval, the map will constitute a plan of survey. Surveys will then be made in accordance with the plan of survey. No further changes will be made to accommodate additional section 14(c) transferees, and no additional survey work desired by the village corporation or municipality within the area covered by the plan of survey or immediately adjacent thereto will be performed by the Secretary.

§ 2650.5-5 Cemetery sites and historical places.

Only those cemetery sites and historical places to be conveyed under sec-

tion 14(h)(1) of the act shall be surveyed.

§ 2650.5-6 Adjustment to plat of survey.

All conveyances issued for lands not covered by officially approved surveys of the Bureau of Land Management shall note that upon the filing of an official plat of survey, the boundary of the selected area, described in terms of protraction diagrams or by metes and bounds, shall be redescribed in accordance with the plats of survey. However, no change will be made in the land selected.

§ 2650.6 Selection limitations.

(a) Notwithstanding any other provisions of the act, no village or regional corporation may select lands which are within 2 miles from the boundary of any home rule or first-class city (excluding boroughs) as the boundaries existed and the cities were classified on December 18, 1971, or which are within 6 miles from the boundary of Ketchikan, except that a village corporation organized by Natives of a community which is itself a first class or home-rule city is not prohibited from making selections within 2 miles from the boundary of that first class or home-rule city, unless such selections fall within 2 miles from the boundary of another first class or home-rule city which is not itself a Native village or within 6 miles from the boundary of Ketchikan.

(b) Determination as to which cities were classified as home rule or first class as of December 18, 1971, and their boundaries as of that date will be made in accordance with the laws of the State of Alaska.

(c) If any village corporation whose land withdrawals encompass Dutch Harbor is found eligible under this act, it may select lands pursuant to subpart 2651 of this chapter and receive a conveyance under the terms of section 14(a) of the act.

§ 2650.7 Publication.

In order to determine whether there are any adverse claimants to the land, the applicant should publish notice of his application. If the applicant decides to avail himself of the privilege of publishing a notice to all adverse claimants and requests it, the authorized officer will prepare a notice for publication. The publication will be in accordance with the following procedure:

(a) The applicant will have the notice published allowing all persons claiming the land adversely to file in the appropriate land office their objections to the issuance of any conveyance. The notice shall be published once a week for 4 consecutive weeks in a newspaper of general circulation.

(b) The applicant shall file a statement of the publisher, accompanied by a copy of the published notice, showing that publication has been had for 4 consecutive weeks. The applicant must pay the cost of publication.

(c) Any adverse claimant must serve on the applicant a copy of his objections and furnish evidence of service thereof to the appropriate land office.

§ 2650.8 Appeals.

(a) Any decision adversely affecting any land selection shall become final, unless appealed to the Secretary by a notice filed in the office issuing the decision.

(b) Appeals to the Secretary shall be to the ad hoc Board as established in § 2651.2(a)(5) of this chapter. Appeals shall be filed and governed by the applicable regulations in part 4, subpart G of this title. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the ad hoc Board shall be submitted to the Secretary for his personal approval.

Subpart 2651—Village Selections

Sec.	
2651.0-3	Authority.
2651.1	Entitlement.
2651.2	Eligibility requirements.
2651.3	Selection period.
2651.4	Selection limitations.
2651.5	Conveyance reservations.
2651.6	Airport and air navigation facilities.

AUTHORITY.—Secs. 12 and 16(b) of the act.

Subpart 2651—Village Selections

§ 2651.0-3 Authority.

Sections 12 and 16(b) of the act provide for the selection of lands by eligible village corporations.

§ 2651.1 Entitlement.

(a) Village corporations eligible for land benefits under the act shall be entitled to a conveyance to the surface estate in accordance with sections 14(a) and 16(b) of the act.

(b) In addition to the land benefits in paragraph (a) of this section, each eligible village corporation shall be entitled to select and receive a conveyance to the surface estate for such acreage as is reallocated to the village corporation in accordance with section 12(b) of the act.

§ 2651.2 Eligibility requirements.

(a) Pursuant to sections 11(b) and 16(a) of the act, the Director, Juneau Area Office, Bureau of Indian Affairs, shall review and make a determination, not later than December 19, 1973, as to which villages are eligible for benefits under the act.

(1) *Review of listed native villages.* The Director, Juneau Area Office, Bureau of Indian Affairs, shall make a determination of the eligibility of villages listed in section 11(b)(1) and 16(a) of the act. He shall investigate and examine available records and evidence that may have a bearing on the character of the village and its eligibility pursuant to paragraph (b) of this section.

(2) *Findings of fact and notice of proposed decision.*—After completion of the investigation and examination of records and evidence with respect to the

eligibility of a village listed in sections 11(b)(1) and 16(a) of the act for land benefits, the Director, Juneau Area Office, Bureau of Indian Affairs, shall publish in the FEDERAL REGISTER and in one or more newspapers of general circulation in Alaska his proposed decision with respect to such eligibility and shall mail a copy of the proposed decision to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska and the State of Alaska. His proposed decision is subject to protest by any interested party within 30 days of the publication of the proposed decision in the FEDERAL REGISTER. If no valid protest is received within the 30-day period, such proposed decision shall become final and shall be published in the FEDERAL REGISTER. If the final decision is in favor of a listed village, the Director, Juneau Area Office, Bureau of Indian Affairs, shall issue a certificate as to the eligibility of the village in question for land benefits under the act, and certify the record and the decision to the Secretary. Copies of the final decisions and certificates of village eligibility shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, and the state of Alaska.

(3) *Protest.*—Within 30 days from the date of publication of the proposed decision in the FEDERAL REGISTER, any interested party may protest a proposed decision as to the eligibility of a village. No protest shall be considered which is not accompanied by supporting evidence. The protest shall be mailed to the Director, Juneau Area Office, Bureau of Indian Affairs.

(4) *Action on protest.*—Upon receipt of a protest, the Director, Juneau Area Office, Bureau of Indian Affairs, shall examine and evaluate the protest and supporting evidence required herein, together with his record of findings of fact and proposed decision, and shall render a decision on the eligibility of the Native village that is the subject of the protest. Such decision shall be rendered within 30 days from the receipt of the protest and supporting evidence by the Director, Juneau Area Office, Bureau of Indian Affairs. The decision of the Director, Juneau Area Office, Bureau of Indian Affairs, shall be published in the FEDERAL REGISTER and in one or more newspapers of general circulation in the State of Alaska and a copy of the decision and findings of fact upon which the decision is based shall be mailed to the affected village, all villages located in the region in which the affected village is located, all regional corporations within the State of Alaska, the State of Alaska, and any other party of record. Such decision shall become final unless appealed to the Secretary by a notice filed with the ad hoc board as established in paragraph (a)(5) of this section, within 30 days of its publication in the FEDERAL REGISTER.

(5) *Action on appeals.*—Appeals to the Secretary shall be to the ad hoc Board which he has personally appointed. At least one member of the ad hoc Board shall be familiar with Native village life. Among those otherwise qualified to serve on the ad hoc Board, preference will be given to those familiar with Native village life. Appeals shall be filed and governed by the applicable regulations in part 4, subpart G, of this title, except that the appellant shall have not more than 15 days from the date of filing of his notice of appeal within which to file an appeal brief, and the opposing parties shall have not more than 15 days from the date of receipt of the appellant's brief within which to file an answering brief. No more than 15 days shall be allowed for the filing of additional briefs in connection with such appeals. All hearings held in connection with such appeals shall be conducted in the State of Alaska. The decision of the ad hoc Board shall be submitted to the Secretary for his personal approval.

(6) *Applications by unlisted villages for determination of eligibility.*—The head or any authorized subordinate officer of a Native village not listed in section 11(b) of the act may file on behalf of the unlisted village an application for a determination of its eligibility for land benefits under the act. Such application shall be filed in duplicate with the Director, Juneau Area Office, Bureau of Indian Affairs, prior to September 1, 1973. If the application does not constitute prima facie evidence of compliance with the requirements of paragraph (b) of this section, he shall return the application to the party filing the same with a statement of reasons for return of the application, but such filing, even if returned, shall constitute timely filing of the application. The Director, Juneau Area Office, Bureau of Indian Affairs, shall immediately forward an application which appears to meet the criteria for eligibility to the appropriate office of the Bureau of Land Management for filing. Each application must identify the township or townships in which the Native village is located.

(7) *Segregation of land.*—The receipt of the selection application for filing by the Bureau of Land Management shall operate to segregate the lands in the vicinity of the village as provided in sections 11(a) (1) and (2) of the act.

(8) *Action on application for eligibility.*—Upon receipt of an application which appears to meet the criteria for eligibility, the Director, Juneau Area Office, Bureau of Indian Affairs, shall have a notice of the filing of the application published in the FEDERAL REGISTER and in one or more newspapers of general circulation in Alaska and shall promptly review the statements contained in the application. He shall investigate and examine available records and evidence that may have a bearing on the character of the village and its eligibility pursuant to this subpart 2651, and thereafter make findings of fact as to the character of the village. No later than December 19,

1973, the Director, Juneau Area Office, Bureau of Indian Affairs, shall make a determination as to the eligibility of the village as a Native village for land benefits under the act and shall issue a decision. He shall publish his decision in the FEDERAL REGISTER and in one or more newspapers of general circulation in Alaska and shall mail a copy of the decision to the representative or representatives of the village, all villages in the region in which the village is located, all regional corporations, and the State of Alaska.

(9) *Protest to eligibility determination.*—Any interested party may protest a decision of the Director, Juneau Area Office, Bureau of Indian Affairs, regarding the eligibility of a Native village for land benefits under the provisions of sections 11(b)(3) (A) and (B) of the act by filing a notice of protest with the Director, Juneau Area Office, Bureau of Indian Affairs, within 30 days from the date of publication of the decision in the FEDERAL REGISTER. A copy of the protest must be mailed to the representative or representatives of the village, all villages in the region in which the village is located, all regional corporations within Alaska, the State of Alaska, and any other parties of record. If no protest is received within the 30-day period, the decision shall become final and the Director, Juneau Area Office, Bureau of Indian Affairs, shall certify the record and the decision to the Secretary. No protest shall be considered which is not accompanied by supporting evidence. Anyone protesting a decision concerning the eligibility or ineligibility of an unlisted Native village shall have the burden of proof in establishing that the decision is incorrect. Anyone appealing a decision concerning the eligibility or ineligibility of an unlisted Native village shall have the burden of proof in establishing that the decision is incorrect.

(10) *Action on protest, appeal.*—Upon receipt of a protest, the Director, Juneau Area Office, Bureau of Indian Affairs, shall follow the procedure outlined in paragraph (a) (4) of this section. If an appeal is taken from a decision on eligibility, the provisions of paragraph (a) (5) of this section shall apply.

(b) Except as provided in subparagraph (4) of this paragraph, villages must meet each of the following criteria to be eligible for benefits under sections 14 (a) and (b) of the act:

(1) There must be 25 or more Native residents of the village on April 1, 1970, as shown by the census or other evidence satisfactory to the Secretary. A Native properly enrolled to the village shall be deemed a resident of the village.

(2) The village shall have had on April 1, 1970, an identifiable physical location evidenced by occupancy consistent with the Natives' own cultural patterns and life style and at least 13 persons who enrolled thereto must have used the village during 1970 as a place where they actually lived for a period of time: *Provided*, That no village which is known as a traditional village shall be

disqualified if it meets the other criteria specified in this subsection by reason of having been temporarily unoccupied in 1970 because of an act of God or government authority occurring within the preceding 10 years.

(3) The village must not be modern and urban in character. A village will be considered to be of modern and urban character if the Secretary determines that it possessed all the following attributes as of April 1, 1970:

(i) Population over 600.
(ii) A centralized water system and sewage system that serves a majority of the residents.

(iii) Five or more business establishments which provide goods or services such as transient accommodations or eating establishments, specialty retail stores, plumbing and electrical services, etc.

(iv) Organized police and fire protection.

(v) Resident medical and dental services, other than those provided by Indian Health Service.

(vi) Improved streets and sidewalks maintained on a year-round basis.

(4) In the case of unlisted villages, a majority of the residents must be Native, but in the case of villages listed in sections 11 and 16 of the act, a majority of the residents must be Native only if the determination is made that the village is modern and urban pursuant to subparagraph (3) of this paragraph.

§ 2651.3 Selection period.

Each eligible village corporation must file its selection application(s) not later than December 18, 1974, under sections 12(a) or 16(b) of the act; and not later than December 18, 1975, under section 12(b) of the act.

§ 2651.4 Selection limitations.

(a) Each eligible village corporation may select the maximum surface acreage entitlement under sections 12 (a) and (b) and section 16(b) of the act. Village corporations selecting lands under sections 12 (a) and (b) may not select more than:

(1) 69,120 acres from land that, prior to January 17, 1969, has been selected by, or tentatively approved to, but not yet patented to the State under the Alaska Statehood Act; and

(2) 69,120 acres of land from the National Wildlife Refuge System; and

(3) 69,120 acres of land from the National Forest System.

(b) To the extent necessary to obtain its entitlement, each eligible village corporation shall select all available lands within the township or townships within which all or part of the village is located, and shall complete its selection from among all other available lands. Selections shall be contiguous and, taking into account the situation and potential uses of the lands involved, the total area selected shall be reasonably compact, except where separated by lands which are unavailable for selection or a section in which a body of

water comprises more than one-half of the total acreage of a section. The total area selected will not be considered to be reasonably compact if (1) it excludes other lands available for selection within its exterior boundaries; or (2) lands which are similar in character to the village site or lands ordinarily used by the village inhabitants are disregarded in the selection process; or (3) an isolated tract of public land of less than 1,280 acres remains after selection.

(c) The lands selected under sections 12 (a) or (b) shall be in whole sections where they are available, or shall include all available lands in less than whole sections, and, wherever feasible, shall be in units of not less than 1,280 acres. Lands selected under section 16(b) of the act shall conform to paragraph (b) of this section and shall conform as nearly as practicable to the U.S. land survey system.

(d) Village corporation selections within sections 11 (a)(1) and (a)(3) areas shall be given priority over regional corporation selections for the same lands.

(e) Village or regional corporations are not required to select lands within an unpatented mining claim or millsite. Unpatented mining claims and millsites shall be deemed to be selected, unless they are excluded from the selection by metes and bounds or other suitable description and there is attached to the selection application a copy of the notice of location and any amendments thereto. If the village or regional corporation selection omits lands within an unpatented mining claim or millsite, this will not be construed as violating the requirements for compactness and contiguity. If, during the selection period, the excepted mining claims or millsites are declared invalid, or under the State of Alaska mining laws are determined to be abandoned, the selection will no longer be considered as compact and contiguous. The corporation shall be required to amend its selection, upon notice from the authorized officer of the Bureau of Land Management, to include the lands formerly included in the mining claim or millsite. If the corporation fails to amend its selection to include such lands, the selection may be rejected.

(f) Eligible village corporations may file applications in excess of their total entitlement. To insure that a village acquires its selection in the order of its priorities, it should identify its choices numerically in the order it wishes them granted. Such selections must be filed not later than December 18, 1974, as to sections 12(a) or 16(b) selections and December 18, 1975, as to section 12(b) selections.

(g) Whenever the Secretary determines that a dispute exists between villages over land selection rights, he shall accept, but not act on, selection applications from any party to the dispute until the dispute has been resolved in accordance with section 12(e) of the act.

§ 2651.5 Conveyance reservations.

In addition to the conveyance reservations in § 2650.4 of this chapter, conveyances issued to village corporations shall provide for the transfer of the surface estates specified in section 14(c) of the act, and shall be subject to valid existing rights under section 14(g) of the act.

§ 2651.6 Airport and air navigation facilities.

(a) Every airport and air navigation facility owned and operated by the United States which the Secretary determines is actually used in connection with the administration of a Federal program will be deemed a "Federal installation" under the provisions of section 3(e) of the act, and the Secretary will determine the smallest practicable tract which shall enclose such Federal installations. Such Federal installations are not public lands as defined in the act and are therefore not "lands available for selection" under the provisions of these regulations.

(b) The surface of all other lands of existing airport sites, airway beacons, or other navigation aids, together with such additional acreage or easements as are necessary to provide related services and to insure safe approaches to airport runways, shall be conveyed by the village corporation to the State of Alaska, and the Secretary will include in the conveyance to any village corporation any and all covenants which he deems necessary to insure the fulfillment of this obligation.

Subpart 2652—Regional Selections

Sec.	
2652.0-3	Authority.
2652.1	Entitlement.
2652.2	Selection period.
2652.3	Selection limitations.
2652.4	Conveyance reservations.

AUTHORITY.—Secs. 12 (a)(1) and (c), 14 (e), (f), (b), (1), (2), (3), (5), and (8).

Subpart 2652—Regional Selections

§ 2652.0-3 Authority.

Sections 12 (a)(1) and (c)(3) provide for selections by regional corporations; and sections 14 (e), (f), (h) (1), (2), (3), (5), and (8), provide for the conveyance to regional corporations of the selected surface and subsurface estates, as appropriate.

§ 2652.1 Entitlement.

(a) Eligible regional corporations may select the maximum acreage granted pursuant to section 12(c) of the act. They will be notified by the Secretary of their entitlement as expeditiously as possible.

(b) Where subsurface rights are not available to the eligible regional corporations in lands whose surface has been conveyed under section 14 of the act, the regional corporations may select an equal subsurface acreage from lands withdrawn under sections 11(a) (1) and (3) of the act, within the region, if possible.

(c) As appropriate, the regional corporations will receive title to the subsur-

face estate of lands, the surface estate of which is conveyed pursuant to section 14 of the act.

(d) If a 13th regional corporation is organized under section 7(c) of the act, it will not be entitled to any grant of lands.

§ 2652.2 Selection period.

All regional corporations must file their selection applications not later than December 18, 1975, for lands other than those allocated under section 14(h)(8) of the act.

§ 2652.3 Selection limitations.

(a) To the extent necessary to obtain its entitlement, each regional corporation must select all available lands withdrawn pursuant to sections 11(a)(1) (B) and (C) of the act, before selecting lands withdrawn pursuant to section 11(a)(3) of the act, except that regional corporations selecting lands withdrawn pursuant to sections 11(a)(1) (B) and (C) may select only even-numbered townships in even-numbered ranges and only odd-numbered townships in odd-numbered ranges.

(b) Village corporation selections within section 11(a)(1) and section 11(a)(3) areas shall be given priority over regional corporation selections for the same lands.

(c) Whenever a regional selection is made in any township, the regional corporation shall select all available lands in that township: *Provided*, That such selection would not exceed the entitlement of that regional corporation.

(d) Subsurface selections made by a regional corporation pursuant to section 12(a) of the act shall be contiguous and the total area selected shall be reasonably compact, except as separated by subsurface interests that are not the property of the United States including subsurface interests under bodies of water, and the selection shall be in whole sections where they are available, or shall include all available subsurface interests in less than whole sections and, wherever feasible, shall be in units of not less than 1,280 acres. The total area selected shall not be considered to be reasonably compact if (1) it excludes other subsurface interests available for selection within its exterior boundaries; or (2) an isolated tract of subsurface interests owned by the United States of less than 1,280 acres remains after selection.

(e) Regional corporations are not required to select lands within unpatented mining claims or millsites, as provided in § 2651.4(e) of this chapter.

(f) Regional corporations may file applications in excess of their total entitlement. To insure that a regional corporation acquires its selections in the order of its priorities, it should identify its choices numerically in the order it wishes them granted.

§ 2652.4 Conveyance reservations.

In addition to the conveyance reservations in § 2650.4 of this chapter, conveyances issued to regional corporations for the subsurface estate of lands whose surface has been conveyed to village corporations shall provide that the right to explore, develop, or remove minerals from the subsurface estate in the lands within the boundaries of any Native village shall be subject to the consent of the village corporation.

Subpart 2653—Miscellaneous Selections

2653.0-3	Authority.
2653.0-5	Definitions.
2653.1	Conveyance limitations.
2653.2	Application procedures.
2653.3	Lands available for selection.
2653.4	Termination of selection period.
2653.5	Cemetery sites and historical places.
2653.6	Native group selections.
2653.7	Sitka-Kenai-Juneau-Kodiak selections.
2653.8	Primary place of residence.
2653.8-1	Acreage to be conveyed.
2653.8-2	Primary place of residence criteria.
2653.9	Conveyance reservations.

Authority.—Sec. 14(h) of the act and secs. 11 and 16 of the act.

Subpart 2653—Miscellaneous Selections

§ 2653.0-3 Authority.

Section 14(h) of the act requires the Secretary to withdraw and to convey 2 million acres of unreserved and unappropriated public lands located outside the areas withdrawn by sections 11 and 16 of the act. The Secretary will convey the land in part as follows:

(a) Title to existing cemetery sites and historical places to the regional corporations for the regions in which the lands are located;

(b) Title to the surface estate to any Native group that qualifies pursuant to this subpart 2653;

(c) Title to the surface estate of lands to the Natives residing in each of the cities of Sitka, Kenai, Juneau, and Kodiak, who have incorporated; and,

(d) Title to the surface estate of land to a Native as a primary place of residence.

§ 2653.0-5 Definitions.

(a) "Cemetery site" means a burial ground consisting of the gravesites of one or more Natives.

(b) "Historical place" means a distinguishable tract of land or area upon which occurred a significant Native historical event, which is importantly associated with Native historical or cultural events or persons, or which was subject to sustained historical Native activity, but sustained Native historical activity shall not include hunting, fishing, berry-picking, wood gathering, or reindeer husbandry.

(c) "Native group" means any tribe, band, clan, village, community or village association of Natives composed of less than 25, but more than 3 Natives, who comprise a majority of the residents of a locality and who have incorporated under the laws of the State of Alaska.

(d) "Primary place of residence" means a place comprising a primary place of residence of an applicant on August 31, 1971, at which he regularly resides on a permanent or seasonal basis for a substantial period of time.

§ 2653.1 Conveyance limitations.

(a) Under section 14(h) of the act, a total of 2 million acres may be selected for cemetery sites and historical places, Native groups, corporations formed by the Native residents of Sitka, Kenai, Juneau, and Kodiak, for primary places of residence, and for Native allotments approved as provided in section 18 of the act. Selections must be made within 4 years from December 18, 1971. Of this total amount: (1) 500,000 acres will be set aside to be used by the Secretary to satisfy applications filed pursuant to sections 14(h) (1), (2), and (5) of the act. The 500,000 acres will be allocated by: (i) Dividing 200,000 acres among the regions, based on population; and, (ii) dividing 300,000 acres equally among the regions; (2) 92,160 acres will be set aside for possible allocation by the Secretary to corporations formed by the Natives residing in Sitka, Kenai, Juneau, and Kodiak; (3) 400,000 acres will be set aside to be used by the Secretary to satisfy Native allotment applications approved prior to December 18, 1975, under the act of May 17, 1906 (34 Stat. 197), the act of February 8, 1887 (24 Stat. 389), as amended and supplemented, and the act of June 25, 1910 (36 Stat. 863). Any Native allotment applications pending before the Bureau of Indian Affairs or the Bureau of Land Management on December 18, 1971, will be considered as "pending before the Department". Those allotment applications which have been determined to meet the requirements of the acts cited herein and for which survey has been requested before December 18, 1975, shall be considered "approved" under section 14(h)(6) of the act, and shall be charged against the acreage.

(b) After subtracting the number of acres used in accordance with allocations in paragraphs (a) (1), (2), and (3) of this section, from 2 million acres, the remainder will, after December 18, 1975, be reallocated by the Secretary among the regional corporations in accordance with the provisions of section 14(h) (8) of the act.

(c) No Native allotment applications pending before the Secretary on December 18, 1971, will be rejected solely for the reason that the acreage set aside by paragraph (a) (3) of this section has been exhausted.

§ 2653.2 Application procedures.

(a) All applications must be filed in accordance with the procedures in § 2650.2(a) of this chapter.

(b) Applications by corporations of Native groups under section 14(h)(2) and by a Native for a primary place of residence under section 14(h)(5) of the act must be accompanied by written concurrence of the affected regional corpora-

tion. In the case of Native groups, such concurrence must also indicate how much land per member of the Native group, not to exceed 320 acres per member, the regional corporation recommends that the Secretary convey. Any application not accompanied by the necessary concurrence and recommendation of the affected region will be rejected.

(c) Native groups, and Natives residing in Sitka, Kenai, Juneau, and Kodiak, as provided in sections 14(h) (2) and (3), respectively, must comply with the applicable terms of §§ 2650.2(a), (c), (d), (e), and (f) of this chapter.

(d) The filing of an application under the regulations of this section will constitute a request for withdrawal of the lands, and will segregate the lands from all other forms of appropriation under the public land law, including the mining and mineral leasing laws, and from selection under the Alaska Statehood Act, as amended, subject to valid existing rights, but will not segregate the lands from selections under section 12 or 16 of the act. The segregative effect of such an application will terminate if the application is rejected.

§ 2653.3 Lands available for selection.

(a) Selections may be made for existing cemetery sites or historical places, Native groups, corporations formed by the Natives residing in Sitka, Kenai, Juneau, and Kodiak, and for primary places of residence, from any lands which the Secretary may withdraw for those purposes out of the National Wildlife Refuge System lands or the national forest lands which are outside of areas withdrawn by sections 11 and 16, as provided by section 14(h) (7) of the act.

(b) After December 18, 1975, selection of the lands allocated pursuant to § 2653.1(b), shall be made from any lands previously withdrawn under sections 11 or 16 of the act which are not otherwise appropriated. If the public lands withdrawn within the region pursuant to sections 11 or 16 of the act, and not otherwise appropriated, are insufficient for the selection of the full entitlement of the regional corporations pursuant to § 2653.1(b), then three times the amount of the entitlement which cannot be satisfied from lands previously withdrawn pursuant to sections 11 or 16 of the act will be withdrawn pursuant to section 14(h) of the act.

(c) A withdrawal made pursuant to section 17(d) (1) or (2) of the act shall not preclude a withdrawal pursuant to section 14(h) of the act.

§ 2653.4 Termination of selection period.

Applications for selections under this subpart will be rejected after all allocated lands, as provided in § 2653.1, have been exhausted, or if the application is received after the following dates, whichever occurs first:

(a) As to primary place of residence—December 18, 1973.

(b) As to all recipients described in sections 14(h) (1), (2), and (3) of the act—December 18, 1975.

(c) As to all recipients under section 14(h) (8) of the act and § 2653.1(b)—December 18, 1977.

§ 2653.5 Cemetery sites and historical places.

(a) The appropriate regional corporation may apply to the Secretary for the conveyance of existing cemetery sites or historical places pursuant to section 14(h) of the act. The Secretary may give favorable consideration to these applications: *Provided*, That the Secretary determines that the criteria in these regulations are met: *And provided further*, That the regional corporation agrees to accept a covenant in the conveyance that these cemetery sites or historical places will be maintained and preserved solely as cemetery sites or historical places by the regional corporation, in accordance with the provisions for conveyance reservations in § 2653.9.

(b) The survey of selected sites shall include only the area actually used and a reasonable buffer zone, not over 66 feet wide around abandoned cemeteries; not over 330 feet wide around an area identified as an historical place; and an area to provide reasonable future expansion around active cemeteries.

§ 2653.6 Native group selections.

(a) Native groups in existence on December 18, 1971, who incorporate in accordance with the laws of the State of Alaska may file applications to select the surface estate of not more than 7,680 acres.

(b) Native group selections must meet the criteria of compactness and contiguity specified in § 2651.4 (b) and (d) of this chapter.

(c) Native group selections shall not exceed the amount recommended by the regional corporation or 320 acres for each Native member of a group, or 7,680 acres for each Native group, whichever is less. Application must be for land in the area surrounding the locality in which the Native members of a group reside and are enrolled. Non-Native members of a group are not eligible for any benefit hereunder.

§ 2653.7 Sitka-Kenai-Juneau-Kodiak selections.

(a) The corporations representing the Natives residing in Sitka, Kenai, Juneau, and Kodiak, who incorporate under the laws of the State of Alaska, may each select the surface estate of up to 23,040 acres of lands of similar character located in reasonable proximity to those municipalities.

(b) The corporations representing the Natives residing in Sitka, Kenai, Juneau, and Kodiak, shall nominate not less than 92,160 acres of lands within 50 miles of each of the four named cities which are similar in character to the lands in which each of the cities is located. After review and public hearings, the Secretary shall withdraw up to 46,080 acres near each

of the cities from the lands nominated. Each corporation representing the Native residents of the four named cities may select not more than one-half the area withdrawn for selection by that corporation. The Secretary shall convey the area selected.

§ 2653.8 Primary place of residence.

(a) An application under this subpart may be made by a Native who occupied land as a primary place of residence on August 31, 1971.

(b) Applications for a primary place of residence must be filed not later than December 18, 1973.

§ 2653.8-1 Acreage to be conveyed.

A Native may secure title to the surface estate of only a single tract not to exceed 160 acres under the provisions of this subpart, and shall be limited to the acreage actually occupied and used. An application for title under this subpart shall be accompanied by a certification by the applicant that he will not receive title to any other tract of land pursuant to sections 14 (c) (2), (h) (2), or 18 of the act.

§ 2653.8-2 Primary place of residence criteria.

(a) *Periods of occupancy.*—Casual or occasional use will not be considered as occupancy sufficient to make the tract applied for a primary place of residence.

(b) *Improvements constructed on the land.*—(1) Must have a dwelling.

(2) May include associated structures such as food cellars, drying racks, caches, etc.

(c) *Evidence of occupancy.*—Must have evidence of permanent or seasonal occupancy for substantial periods of time.

§ 2653.9 Conveyance reservations.

(a) Conveyances issued pursuant to this subpart are subject to the conveyance reservations described in § 2650.4 of this chapter.

(b) In addition to the reservations provided in paragraph (a) of this section, conveyances for cemetery sites or historical places will contain a covenant running with the land providing that (1) the regional corporation grantee shall not authorize mining or mineral activities of any type, any commercial activities, or any other use which is incompatible with or is in derogation of the values of the area as a cemetery site or historical place; and (2) that the United States reserves the right to seek enforcement of the covenant in an action in equity. The covenant placed in a conveyance pursuant to this subsection may be released by the Secretary, in his discretion, upon application of the regional corporation grantee showing that extraordinary circumstances, of a nature to warrant the release, have arisen subsequent to the conveyance.

(c) Conveyances for cemetery sites and historical places shall also contain the covenant required by § 2650.4-6 of this chapter.

Subpart 2654—Native Reserves

Sec.	
2654.0-3	Authority.
2654.0-5	Definitions.
2654.1	Exercise of option.
2654.2	Application procedures.
2654.3	Conveyances.

Authority.—Sec. 19(b) of the act.

Subpart 2654—Native Reserves

§ 2654.0-3 Authority.

Section 19(b) of the act authorizes any village corporation(s) located within a reserve defined in the act to acquire title to the surface and subsurface estates in any reserve set aside for the use and benefit of its stockholders or members prior to December 18, 1971. Such acquisition precludes any other benefits under the act.

§ 2654.0-5 Definitions.

"Reserve lands" means any lands reserved prior to the date of enactment of the act which are subject to being taken in lieu of other benefits under the act pursuant to section 19(b) of the act.

§ 2654.1 Exercise of option.

(a) Any village corporation which has not, by December 18, 1973, elected to acquire title to the reserve lands will be deemed to have elected to receive for itself and its members the other benefits under the Act.

(b) The election of a village to acquire title to the reserve lands shall be exercised in the manner provided by its articles of incorporation. However when two or more villages are located on the same reserve there must be a special election to acquire title to the reserve lands. A majority vote of all the stockholders or members of all corporations located on the reserve is required to acquire title to the reserve lands. For the purpose of this paragraph the stockholders or members shall be determined on the basis of the roll of village residents proposed to be promulgated under 25 CFR 43h.7. The regional corporation or village corporations or any member or stockholder of the village corporations involved may request that the election be observed by the Bureau of Indian Affairs.

(c) The results of any election by a village corporation or corporations to acquire title to the reserve lands shall be certified by such village corporation or corporations as being in conformity with the articles of incorporation and bylaws of the village corporation or corporations.

§ 2654.2 Application procedures.

(a) If the corporation or corporations elect to take title to the reserve lands, submission to the Secretary of the certificate of election will constitute an application to acquire title to those lands.

(b) If the village corporation or corporations do not elect to take the reserve lands, they shall apply for their land selections pursuant to subpart 2651 of this chapter.

§ 2654.3 Conveyances.

(a) Conveyances under this subpart are subject to the provisions of section 14(g) of the act, as provided by § 2650.4 of this chapter.

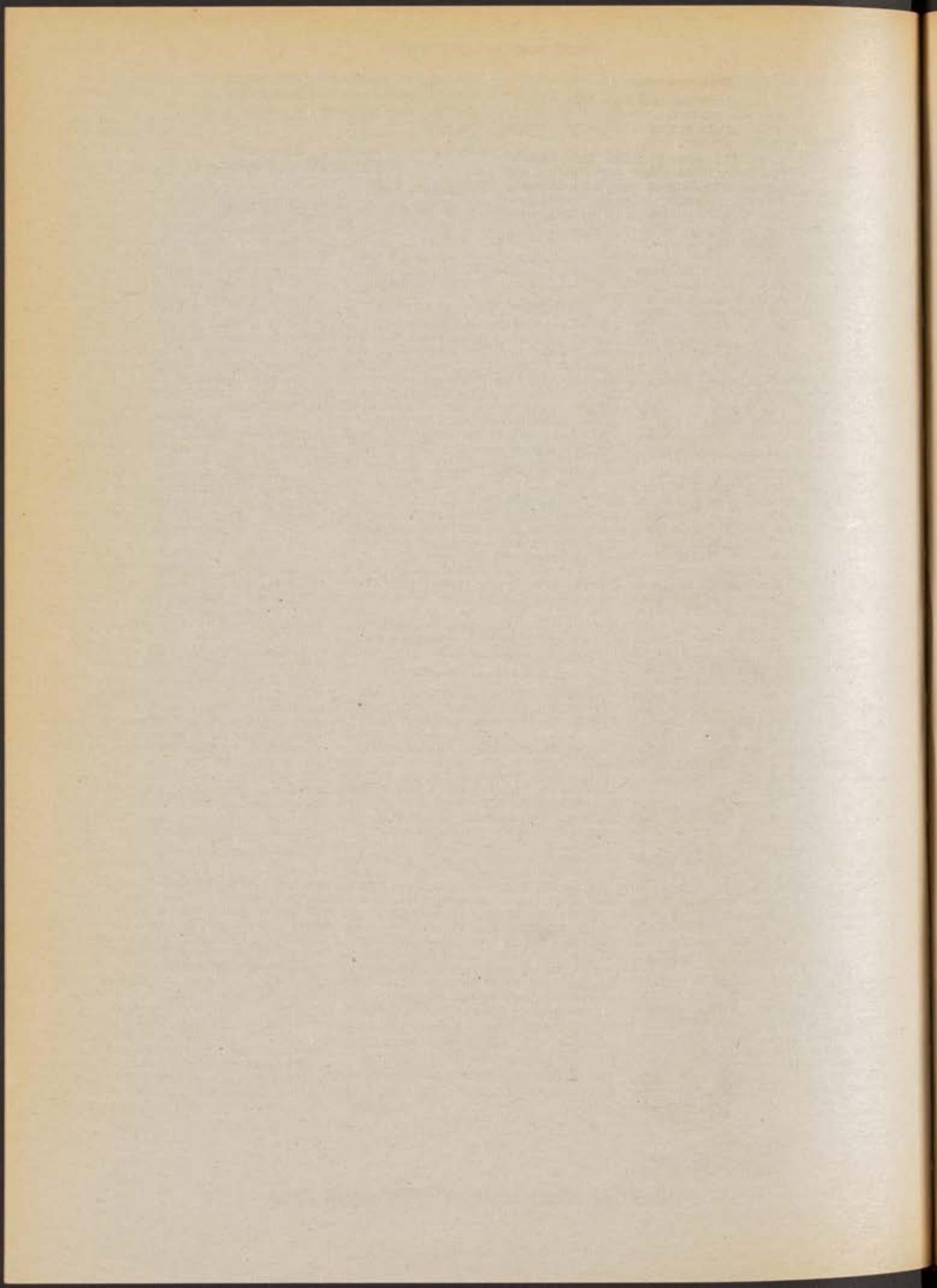
(b) Conveyances under this subpart to two or more village corporations will be made to them as tenants-in-common, having undivided interests proportionate to the number of their respective

members or stockholders determined on the basis of the final roll promulgated by the Secretary pursuant to section 5 of the act.

ROGERS C. B. MORTON,
Secretary of the Interior.

MAY 23, 1973.

[FR Doc.73-10598 Filed 5-29-73; 8:45 am]



WEDNESDAY, MAY 30, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 103

PART III



ENVIRONMENTAL PROTECTION AGENCY

■

Areawide Waste Treatment
Management Planning Areas
and Responsible Planning
Agencies

Proposed Designation

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 126]

AREAWIDE WASTE TREATMENT MANAGEMENT PLANNING AREAS AND RESPONSIBLE PLANNING AGENCIES

Proposed Designation

Notice is hereby given that the regulations set forth below are proposed by the Environmental Protection Agency. The proposed regulations are designed to serve as guides for the Governors of the States and elected local officials in identifying areas which, as a result of urban-industrial concentrations or factors, have substantial water quality control problems which require an areawide approach in planning for and implementing corrective action, and in designating agencies capable of developing waste treatment management plans for such areas.

Section 208(a) of the Federal Water Pollution Control Act, as amended 86 Stat. 816, 33 U.S.C. 1288 (1972), requires the Governor of each State to identify each intrastate area (Governors in interstate areas), which as a result of urban-industrial concentrations or other factors, has substantial water quality control problems. In addition, the Governor(s), after consultation with appropriate elected and other officials of local governments having jurisdiction in such areas, shall designate (A) the area, including its boundaries, and (B) a single representative organization, including local elected officials or their designees, capable of developing effective areawide treatment plans for such area.

The Act further provides that the Governor(s) may from time to time, and for good reason, modify previously designated boundaries, or designate additional areas and planning agencies for such areas.

In the event that a Governor remains silent regarding designation of an otherwise eligible area, the chief elected officials of general purpose local government may by agreement designate both the area and the agency responsible for the planning.

The emphasis of this section of the legislation is to provide a mechanism for effective joint areawide implementation of the planned actions in complex situations involving numerous municipal and industrial point source and nonpoint source control problems. Analysis performed in the basin plans developed pursuant to section 303(e) of the Act is used in part in developing the need and use of these areawide plans.

In view of the intention of the legislation, the Environmental Protection Agency believes that an areawide water quality management program should be carried out to gain the following objectives:

Provide cost effective, point source treatment and control for areas of urban-industrial concentrations having substantial water quality control problems.

Provide procedures and methods for control of non-point sources in urban-industrial and other areas where such controls are required, including prevention of water quality problems in the future.

Provide for a coordinated waste treatment management in such areas.

These regulations therefore set forth: Procedures to be used by State Governors or the chief elected officials of general purpose local government in the designation of the areas requiring an areawide waste treatment management approach.

Procedures for the designation of the agency responsible for planning in each such area.

The method of submission and EPA approval of (A) the 208 planning areas, and (B) the agencies responsible for planning.

Many of the planning requirements of 208 can effectively be performed on a statewide basis. The section 303(e) planning process funded under section 106 may be utilized by the State to conduct the applicable planning.

Prior to the adoption of the proposed regulations, consideration will be given to comments, suggestions, or objections which may be submitted in writing to: Chief, Planning and Standards Branch, Office of Air and Water Programs, Environmental Protection Agency, Washington, D.C. 20460. All comments, suggestions, or objections received on or before July 16, 1973, will be considered.

ROBERT W. FRI,
Acting Administrator.

MAY 24, 1973.

REGULATION

SECTION 208(a)

Subpart A—Scope and Purpose; Definitions

Sec.

- 126.1 Scope and Purpose.
126.2 Definitions.

Subpart B—Procedures for Designation of 208 Planning Areas and Agencies Responsible for Planning

- 126.10 Criteria for determination of 208 planning areas.
126.11 Criteria for designation of agencies responsible for planning.
126.12 Procedure for designation of intrastate 208 planning areas and agencies responsible for planning.
126.13 Procedure for designation of interstate 208 planning areas and agencies responsible for planning.
126.14 Nondesignation of 208 planning areas and/or agencies by Governor(s).
126.15 Submissions of 208 planning areas and agencies responsible for planning.
126.16 Procedure for designation of 208 planning areas and agencies responsible for planning by the chief elected officials of general purpose local government.
126.17 Review of submissions.
126.18 Revision.

Subpart C—State Planning in Nondesignated Areas

- 126.20 Determination of planning agencies in nondesignated areas.

Subpart D—Public Participation

- 126.30 Public participation requirements in designation of 208 planning areas and designation of agencies responsible for planning.

Subpart E—Assistance to Designated Agencies

- 126.40 Determination of eligibility.

Subpart F—Grants [Reserved]

AUTHORITY.—Sec. 208 and 501, 86 Stat. 816, ---- (1972).

Subpart A—Scope and Purpose; Definitions

§ 126.1 Scope and purpose.

This part establishes regulations specifying procedural and other elements and criteria for the use of State Governors and chief elected officials of general purpose local government in the designation of the areas, including their boundaries, requiring areawide planning for waste treatment management pursuant to section 208 of the Act and designation of agencies responsible for such planning. This part provides that each State should comply with the requirements of the regulation not later than 180 days after the date of publication of this regulation.

§ 126.2 Definitions.

As used in this part, the following terms shall have the meanings set forth below:

(a) The term "Act" means the Federal Water Pollution Control Act, as amended, 33 U.S.C. —, et seq.

(b) The term "EPA" means the U.S. Environmental Protection Agency.

(c) The term "Administrator" means the Administrator of the U.S. Environmental Protection Agency.

(d) The term "208 planning areas" means the area designated under section 208(a) (2), (3), or (4) of the Act.

Subpart B—Procedures for Designation of 208 Planning Areas and Agencies Responsible for Planning

§ 126.10 Criteria for determination of 208 planning areas.

A 208 planning area must meet all the following criteria:

(a) A preference will be given by the Administrator, in approving designations, to areas of urban-industrial concentrations, because of the Act's legislative history and in view of the institutional nature of urban-industrial concentrations. For this purpose an urban-industrial concentration is that portion of a standard metropolitan statistical area (SMSA), or those portions of SMSA's, having substantial concentrations of population and manufacturing production or other factors which result in substantial water control problems. The entire SMSA(s) may be designated as the planning area. Such areas may be increased to include areas outside the SMSA(s) which have substantial water quality control problems resulting from concentrations of population and manufacturing activity or other factors

and which are contiguous to the urban-industrial area of concentration within the SMSA(s);

(b) The area must have a substantial water quality control problem. A substantial water quality control problem shall be considered to exist only where the complexity and nature of the water quality control problem requires an area-wide waste treatment management plan, and where:

(1) A substantial portion of the major receiving waters available for waste discharge from the area has been classified by the State as a water quality segment, after adequate analysis demonstrating this classification, under the requirements of 40 CFR 130; or

(2) A substantial and extensive groundwater pollution problem exists.

(c) The affected general purpose units of local government within the boundaries of the problem area (208 planning area) must:

(1) Have in operation a coordinated waste treatment management system, or

(2) Show their intent, through formally adopted resolutions, to join together in the planning process to develop and implement a plan which will result in a coordinated waste treatment management system for the area.

(d) The area must be located within a State or States each of which has legislation which authorizes units of local government to enter into agreements for coordinated wastewater management as set forth in section 208 of the Act.

§ 126.11 Criteria for designation of agencies responsible for planning.

(a) The agency shall be a representative organization whose membership shall include but need not be limited to elected officials of local governments, or their designees, having jurisdiction in the designated planning area. The agency shall establish procedures for plan adoption and resolution of major issues. The agency shall have, as a minimum, waste treatment planning jurisdiction in the entire designated area. Existing, capable regional agencies may be designated consistent with the policies in title IV of the Intergovernmental Cooperation Act of 1968, as implemented by part IV of OMB Circular A-95. A single qualified agency may be designated as being responsible for planning in more than one planning area.

(b) In the selection of the area-wide planning agency, the Governor(s) must consider that such agency, by Federal law, shall have the water quality management planning process fully under way no later than 1 year after its designation. Further, the agency must have the capability to complete, and shall complete, the initial water quality management plan no later than 2 years after the planning process is in operation or such earlier date as the State may require under section 303(e) of the Act. The Governor or, in interstate cases, the Governors, shall in the designation process, consider:

(i) The general and specific authorities and prohibitions of the agency with regard to water quality management planning, including but not limited to coordination with or participation in comprehensive planning, land use planning, water sewer planning, coastal zone planning and other related planning and development activities and controls.

(ii) The relationship of the agency (both formal and informal) with planning agencies of different levels of government including but not limited to Federal, State, interstate and Federal-State agencies as well as local government agencies.

(iii) The relationship of the agency (both formal and informal) with management and regulatory agencies such as those that possess zoning and subdivision controls, and those that construct and operate wastewater facilities.

(iv) Where an existing agency is designated:

(a) The agency's past record in water quality management planning with special regard to plan quality, technical, fiscal, political and economic feasibility, and environmental soundness.

(b) The agency's expertise, either in-house or readily available, with particular regard to water quality and comprehensive planning.

(c) The agency's fiscal, manpower, data, and other resources in light of existing and proposed 3 year commitments in other areas.

§ 126.12 Procedure for designation of intrastate 208 planning areas and agencies responsible for planning.

The Governor of the State shall, after proper consultation with appropriate elected and other officials of local governments having jurisdiction in such area, and such State agencies as he may desire, and having complied with the requirements for public participation as set forth in section 126.30 of this regulation, designate the 208 planning area, including its boundaries, and a single representative agency to be responsible for the planning. In designating such planning areas and agencies, the Governor shall consider the criteria set forth in §§ 126.10 and 126.11.

§ 126.13 Procedure for designation of interstate 208 planning areas and agencies responsible for planning.

The Governors of the States shall, in interstate areas, after consultation with appropriate elected and other officials of all local governments having jurisdiction and with such State and interstate agencies as they may desire, or may be required by State legislation and having complied with the requirements for public participation as set forth in section 126.30, mutually designate each 208-planning area including its boundaries, and for each area a single representative agency to be responsible for the planning. In designating such planning areas and agencies, the Governors shall consider the criteria set forth in §§ 126.10 and 126.11.

§ 126.14 Nondesignation of 208-planning areas and/or agencies by Governor(s).

In certain intrastate areas the Governor may determine not to designate a 208-planning area even though the criteria set forth in §§ 126.10 and 126.11 may be met. Specific nondesignation of a 208-planning area does not preclude later designation by the Governor.

NOTE.—Attention is called to the fact that the Governor has three specific choices of action. He may designate; remain silent; or may nondesignate specific areas. If the Governor remains silent the chief elected officials of general purpose local government in the area may make such designations if they so choose. Upon approval by the Administrator, designation by local elected officials is binding upon the Governor.

§ 126.15 Submissions of 208 planning areas and agencies responsible for planning.

Within 180 days after issuance of the regulations the Governor shall notify the Administrator of his actions regarding designation of 208 planning areas and agencies responsible for the planning. This notification shall be in writing and shall include:

(a) Identification and supporting analysis of each water quality segment included in each area, set forth in regulation parts 130 and 131 of this chapter.

(b) An exact description of the boundaries of each area including:

(1) A statement of whether in the case of urban-industrial concentrations the boundaries of the area conform with the boundaries of the SMSA(s) as defined by the Office of Management and Budget, and if in nonconformance the reasons for any departure from the recognized boundaries of the SMSA(s); or

(2) If the area is not located within an SMSA and where other factors are responsible for designation, a statement indicating:

(i) Population of the area,

(ii) Nature of the concentration and distribution of industrial activity in the area,

(iii) Degree to which it is anticipated that the area could improve its ability to control water quality problems were it designated as a section 208 area,

(iv) Factors responsible for designation.

(c) For each area a copy of the charter of existing regional waste treatment management agencies or formally adopted resolutions which demonstrate that the general purpose units of local government involved will join together in the planning process to develop and implement a plan which will result in a coordinated waste treatment management system for the area.

(d) For each area the name, address, and official contact of the agency designated to carry out the planning.

(e) A list of all eligible areas which the Governor wishes to nondesignate at this time.

(f) A statement on the factors considered in agency designation as described in § 126.11.

(g) A summary of record of the public meetings.

§ 126.16 Procedure for designation of 208-planning areas and agencies responsible for planning by the chief elected officials of general purpose local government.

(a) In the case of any intrastate or interstate area(s), if the Governor(s) of an affected area does (do) not act to designate or nondesignate it as a 208-planning area, the chief elected officials of general purpose local governments having jurisdiction in the area, after meeting the requirements for public participation as set forth in § 126.30, may designate such planning area, and a single representative agency responsible for the planning, which shall be based upon the criteria set forth in §§ 126.10 and 126.11.

(b) After making such designation, the chief local officials shall: (1) Notify the Governor(s) of the State(s) affected by their action, and (2) submit their designation to the Administrator in accordance with the requirements set forth in § 126.15.

§ 126.17 Review of submissions.

(a) The Administrator shall review each submission of designated 208-planning areas and agencies to determine compliance with the criteria set forth in this part.

(b) Upon completion of his review, the Administrator shall notify in writing the appropriate Governor(s) or local officials making such designations of his

approval or disapproval of each designation. In the event that the Administrator does not approve of one or more designations, he shall specify his reasons with his notice of disapproval.

§ 126.18 Revisions.

(a) The appropriate Governor(s) or local officials may from time to time propose in writing a revision of the boundaries of any 208-planning area previously approved. The Administrator shall approve or disapprove such proposed revision pursuant to § 126.17.

(b) The Governor(s) may also designate from time to time previously non-designated planning areas and agencies. In such cases the designation, submission, and approval shall follow the requirements set forth in this part.

Subpart C—State Planning in Nondesignated Areas

§ 126.20 Determination of planning agencies for areas other than those classified as designated.

(a) The State shall act as the planning agency for all areas not designated under § 126.12, § 126.13, or § 126.16. Where the Governor determines that the requirements of section 208(b)(2) (F through K) should be applied on a statewide basis, the State may apply the planning process established pursuant to section 303 of the Act as the process for carrying out the requirements of the sections. Funds which may be available under section 106 of the Act may be utilized to conduct planning pursuant to this section.

(b) Assumption by the State of the planning responsibilities in these areas

does not foreclose the establishment of other planning processes at the substate level.

Subpart D—Public Participation

§ 126.30 Public participation requirements in designation of 208 planning areas and designation of agencies responsible for planning.

(a) The Governor(s) shall consult with appropriate elected and other local officials prior to designating planning areas and agencies. The Governor(s), or in the case of designation by chief elected officials of general purpose local government, those officials shall, after adequate public notice, hold one or more public hearings or meetings within the proposed 208-planning area for the purpose of gaining public advice on the designation of the planning area and agency. All units of local government wishing to be heard and the general public shall be included.

(b) Record of such public meetings or hearings including notice of same shall be kept and made available to the Administrator upon request. A summary of comments and meeting notes shall be submitted to the Administrator with each designation.

Subpart E—Assistance to Designated Agencies

§ 126.40 Determination of eligibility.

Assistance under section 208 (f)(1), (g), and (h) of the Act shall be provided only to those agencies designated under § 126.12, § 126.13, or § 126.16.

Subpart F—Grants [Reserved]

[FR Doc. 73-10681 Filed 5-29-73; 8:45 am]