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HIGHLIGHTS OF THIS ISSUE

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

REMINDERS

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

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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.

Presidential Documents

Title 3—The President

PROCLAMATION 4220

Flag Day and National Flag Week, 1973

By the President of the United States of America

A Proclamation

The outcome of the American Revolution was far from settled on June 14, 1777, when the Congress resolved that the flag of the United States should have 13 stripes, alternating red and white, and 13 white stars in a field of blue "representing the new constellation."

The creation of this fresh banner in a New World where European powers long had contended for domination signified the new unity of the American people and their determination to win their independence.

Although the constellation of stars has expanded from 13 to 50 since the 18th century, the flag we revere today has changed very little in the intervening 196 years. It continues to represent our common devotion to the principles of freedom and equality which have sustained Americans ever since those uncertain days when independence was yet to be won.

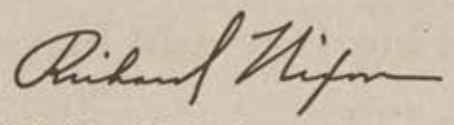
To commemorate the adoption of the Stars and Stripes as our country's flag, the Congress, by a joint resolution of August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day and requested the President to issue annually a proclamation calling for its observance. The Congress has also requested the President, by a joint resolution of June 9, 1966 (80 Stat. 194), to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week and calling upon all the citizens of the United States to fly the flag of the United States on the days of that week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning June 10, 1973, as National Flag Week, and I direct the appropriate

Government officials to display the flag on all Government buildings during that week.

I urge all Americans to observe Flag Day, June 14, and National Flag Week by flying the Stars and Stripes from their homes and other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of June, 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.73-11779 Filed 6-8-73;3:43 pm]

EXECUTIVE ORDER 11722

Inspection of Income, Estate, and Gift Tax Returns by the Committee on Internal Security, House of Representatives

By virtue of the authority vested in me by section 6103(a) of the Internal Revenue Code of 1954, as amended (26 U.S.C. 6103 (a)), it is hereby ordered that any income, estate, or gift tax return for the years 1964 to 1974, inclusive, shall, during the Ninety-third Congress, be open to inspection by the Committee on Internal Security, House of Representatives, or any duly authorized subcommittee thereof, for the purpose of carrying on those investigations authorized by clause 11 of Rule XI of the Rules of the House of Representatives. Such inspection shall be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in Treasury Decision 6132, relating to the inspection of returns by committees of the Congress, approved by the President on May 3, 1955.

Richard Nixon

THE WHITE HOUSE,
June 9, 1973

[FR Doc.73-11863 Filed 6-11-73;11:35 am]

Rules and Regulations

Title 7—Agriculture

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

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 1]

PART 775—FEED GRAINS

Feed Grain Set-Aside Program for Crop Years 1972–73

The regulations governing the feed grain set-aside program for crop years 1972–73, 37 FR 7775, are being amended to set forth changes for the 1973 crop year. The major changes are as follows:

1. Feed grain acreage destroyed by natural causes may be used as conserving acreage, as well as set-aside acreage.

2. Barley acreage which is pastured or harvested for other than grain may be included as feed grain planted and considered planted acreage.

3. The final date for filing a request for a new farm base is changed to February 15. Experience is no longer needed to qualify for a new farm base. A farm with a base dropped at the owner's request cannot qualify for a new farm base for 3 years.

4. A permanent adjustment in a feed grain base, wheat allotment, or upland cotton allotment is required when allotments and feed grain bases total more than the cropland on the farm.

5. Payments for additional set-aside are eliminated to stimulate increased production because of expanded markets. A required set-aside of 10 percent of the total feed grain base coupled with lower payment rates are designed to achieve desired production levels. Producers who elect not to set aside acreage and comply fully with the program may receive reduced payments if they limit the feed grain acreage on the farm in 1973 to the 1972 acreage and devote as many acres of cropland to conserving uses as the conserving base established for the farm.

6. An adjustment in the feed grain base or wheat allotment is required for 1973 to the extent necessary so that the sum of the allotment and 50 percent of the base does not exceed the cropland eligible for set-aside. The feed grain base on a farm with a CAP or CCP agreement for other than feed grains must also be adjusted for 1973 to the extent necessary so that it does not exceed twice the permitted acres established for the CAP or CCP agreement.

7. The provisions of the regulations regarding the misrepresentation of facts are being amended so as not to require a forfeiture of payments made under the wheat or upland cotton set-aside program.

8. In accordance with amendment 3 to the regulations governing reconstitution of farms, allotments, and bases (38 FR 7564), federally owned land shall be ineligible for participation in the program. To the extent that the leasing arrangement permits the production of feed grains, this prohibition shall not apply (1) to the former owner who has enjoyed uninterrupted possession of the land, or (2) during the term of any lease executed prior to March 23, 1973.

On October 7, 1972, notice of proposed rulemaking regarding determinations with respect to the 1973 crop of feed grains was published in the FEDERAL REGISTER (37 FR 21332). Interested persons were invited to submit written data, views, and recommendations regarding the determinations within 30 days. The comments received have been duly considered.

Pursuant to section 105 of the Agricultural Act of 1949, as amended by the Agricultural Act of 1970, part 775 is amended as follows:

§ 775.2 [Amended]

1. Sections 775.2 (c)(1)(iii), (g)(1)(iii), and (m)(1)(iii) are amended by adding "or conserving" immediately after the word "set-aside".

2. Section 775.21 is amended by deleting the word "and" at the end of subparagraph (3), changing the period to a semicolon at the end of subparagraph (4) and adding the word "and" and adding a subparagraph (5) to read as follows:

"(5) Any acreage planted to barley which is pastured or harvested for other than grain by the certification date, upon written request by the operator."

§ 775.5 [Amended]

3. Section 775.5(d)(1) is amended by deleting the words "before March 1" in the fiirst sentence and substituting the words "by February 15".

4. Section 775.5(d) is further amended by changing the title of form MQ–25 in the second sentence to "Application for New Farm or Producer Allotment, Base or Quota".

5. Section 775.5(d)(2)(vi) is amended to read as follows:

"(vi) At least 3 years have elapsed from the date the base is reduced to zero at the farm owner's request, as authorized in paragraph (f) of this section, to the date the request for a new farm base is considered."

6. Section 775.5(f) is amended by adding a subparagraph (3) to read as follows:

"(3) The feed grain base shall be reduced to the extent the sum of the total feed grain base and all allotments exceeds the cropland for the farm, unless the operator requests in writing that the reduction be in the upland cotton allotment or wheat allotment."

7. Section 775.18 is amended to read as follows:

§ 775.18 Misrepresentation and scheme or device.

(a) A producer who is determined by the county committee or the State committee to have erroneously represented any fact affecting a program determination shall not be entitled to payments under the program for the farm with respect to which the representation was made and shall refund to the Commodity Credit Corporation the payments received by him with respect to such farm.

(b) A producer who is determined by the State committee, or the county committee with the approval of the State committee, to have knowingly (1) adopted any scheme or device which tends to defeat the purpose of the program, (2) made any fraudulent representation, or (3) misrepresented any fact affecting a program determination shall not be entitled to payments for any farm under the program and shall refund to the Commodity Credit Corporation all payments received by him with respect to the program.

(c) The provisions of this section shall be applicable in addition to any liability under criminal and civil fraud statutes.

8. A new § 775.25 is added to read as follows:

§ 775.25 Changes effective for 1973.

Notwithstanding any other provisions of this subpart, the following changes, in addition to any other specific amendments to the regulations, shall be applicable for 1973:

(a) *Reduced bases.*—The feed grain base and wheat allotment shall be reduced for 1973 to the extent necessary so that the sum of the allotment and 50 percent of the base does not exceed the cropland which, under normal conditions, could reasonably be expected to produce a crop in 1973. The feed grain base on a farm with a CAP or CCP agreement for commodities other than feed grains shall be reduced for 1973 to the extent necessary so that it does not exceed twice the permitted acres established for the CAP or CCP agreement.

(b) *Required set-aside.*—An acreage equal to 10 percent of the total feed

grain base must be set aside from production and devoted to approved conservation uses: *Provided*, That:

(1) Producers who choose not to comply fully with this requirement may elect instead to have no set-aside, limit the feed grain acreage on the farm in 1973 to the feed grain acreage on the farm in 1972, and receive payments at reduced rates specified in paragraph (d) of this section. For the purpose of this subparagraph (1), the 1973 feed grain acreage shall include any 1973 acreage of popcorn used for livestock feed except where such popcorn is (i) harvested primarily for human consumption and only the residue is pastured or harvested for livestock feed, or (ii) planted for human consumption but no ears are harvested for this purpose solely because of adverse weather conditions.

(2) A producer whose payments under the program are reduced because of the $55,000 payment limitation may request a downward adjustment in the set-aside requirement pursuant to the provisions in part 795 of this chapter, as amended.

(3) If at least 55 percent of the cropland acreage on an established summer fallow farm is devoted to a summer fallow use, no further acreage shall be required to be set aside on the farm.

(c) *Additional set-aside.*—Payments for additional set-aside are not authorized.

(d) *Set-aside payment rates.*—The per acre payment rates for corn, grain sorghum, and barley shall be determined by multiplying the farm yield established for the commodity as provided in § 775.7 (a) by the applicable per bushel rates in paragraph (d) (1) or (2) of this section.

(1) *10 percent set-aside.*—The minimum per bushel payment rates for producers who elect to set aside from production 10 percent of the total feed grain base and comply fully with the program are 32 cents for corn, 30 cents for grain sorghums, and 26 cents for barley. These rates shall be increased in the event they are determined to be less than the minimum rates required by section 105(b) of the Agricultural Act of 1949, as amended.

(2) *No set-aside.*—The per bushel payment rates for farms with no set-aside as provided in paragraph (b) (1) of this section are 15 cents for corn, 14 cents for grain sorghums, and 12 cents for barley.

(e) *Alternate crops.*—The approved alternate crops are castor beans, crambe, guar, mustard seed, plantago ovato, safflower, sesame, and sunflower. The per acre reduction for set-aside acreage devoted to approved alternate crops shall be at a fair and reasonable rate as determined in accordance with instructions issued by the Deputy Administrator.

(f) *Federally owned land.*—Land owned by the Federal Government shall be ineligible for participation in the program if it is (1) leased subject to restrictions prohibiting the production of feed grains, or requiring the use of land for other purposes, or prohibiting the receipt of Federal payments for diversion or set-aside of such acreage, (2) occupied without a lease, permit, or other right of possession, (3) in a national wildlife refuge, or (4) covered by a lease which was renewed or executed after March 22, 1973, unless the land was acquired by an agency having the right of eminent domain, and leased back to the former owner with uninterrupted possession.

(Sec. 105, 84 Stat. 1368, 7 U.S.C. 1441 note.)

Effective date June 12, 1973.

Signed at Washington, D.C. on June 5, 1973.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.73-11649 Filed 6-11-73;8:45 am]

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

PART 1201—TYPE 62 SHADE-GROWN CIGAR-LEAF TOBACCO GROWN IN DESIGNATED PRODUCTION AREA OF FLORIDA AND GEORGIA

Expenses and Rate of Assessment

Notice was published in the FEDERAL REGISTER on May 15, 1973 (38 FR 12749), that there were under consideration proposals regarding expenses of the control committee established under the Marketing Agreement and Order (7 CFR, pt. 1201), regulating the handling of type 62 shade-grown cigar-leaf tobacco grown in designated production area of Florida and Georgia, and related rate of assessment for the fiscal period ending January 31, 1974. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

After consideration of all relevant matters presented, including the aforesaid notice, it is hereby found as follows with respect to the expenses of the control committee for the fiscal period ending January 31, 1974, and the related assessment rate:

§ 1201.300 Expenses and rate of assessment for the fiscal period ending January 31, 1974.

(a) *Expenses.*—Expenses in the amount of $7,200 are reasonable and likely to be incurred by the control committee for its maintenance and functioning during the fiscal period ending January 31, 1974.

(b) *Rate of assessment.*—The rate of assessment which each handler shall pay, in accordance with the applicable provisions of said marketing agreement and order, as his pro rata share of the aforesaid expenses is hereby fixed at $1.60 per 1,000 pounds of tobacco handled by such handler as the first handler thereof during the fiscal period ending January 31, 1974.

(c) Terms used in this section shall have the same meaning as when used in said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective time of this action until July 12, 1973 (5 U.S.C. 553), in that (a) the relevant provisions of said marketing agreement and order require that the rate of assessment fixed for a particular fiscal period shall be applicable to all assessable tobacco handled during such fiscal period, and (b) the current fiscal period began February 1, 1973, and the rate of assessment herein fixed will automatically apply to all such assessable tobacco beginning with such date.

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

Dated June 7, 1973.

JACK THOMASON,
Director, Tobacco Division, Agricultural Marketing Service.

[FR Doc.73-11648 Filed 6-11-73;8:48 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[73-745]

PART 545—OPERATIONS

Mobile Homes

MAY 29, 1973.

The Federal Home Loan Bank Board considers it desirable to amend § 545.7-1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.7-1), for the purpose of changing the regulatory provisions regarding the maximum loan term permitted on certain mobile home loans made by Federal savings and loan associations. Accordingly, on the basis of such consideration, the Board hereby amends said § 545.7-1 by revising subdivisions (i) and (ii) of subparagraph (4) of paragraph (e) thereof to read as set forth below, effective July 11, 1973.

As to a loan secured by a new mobile home, the present regulations provide that the loan term cannot exceed 12 years from the date that the association makes such loan. This basic time limit is retained. However, the amended regulations provide that a loan term of up to 15 years may be permitted if the new mobile home has an area of at least 900 square feet.

The present regulations provide that 8 years is the maximum loan term which may be specified in a loan secured by a used mobile home. The amended regulations change this 8-year limit to a possible 12-year maximum, such maximum being determined in part by the used mobile home's age (based on its model year). For example, if a 12-year loan could have been made when a 5-year-old-model mobile home was new, the maximum loan term shall be 7 years on such a used mobile home loan. Also for example, if a 15-year loan could have been made when a 1-year-old-model mobile home was new, the maximum loan term shall be 12 years (rather than 14 years) on such a used mobile home loan. In addition, the amendment provides that a loan may be made for a term not exceeding 1

year regardless of the age of the used mobile home.

Since affording notice and public procedure on the above amendment would delay the amendment from becoming effective for a period of time and since it is in the public interest that the amendment become effective without such delay, the Board hereby finds that notice and public procedure as to such amendment are contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b). Therefore, the usual notice and public procedure are not provided regarding this amendment.

§ 545.7–1 Mobile home financing.

(a) *Definitions.*—As used in this part—

(1) The term "mobile home" means a movable dwelling constructed in one or more units to be occupied on land, having a minimum width of 10 feet and a minimum area of 400 square feet and containing living facilities for year-round occupancy by one family, including permanent provisions for eating, sleeping, cooking, and sanitation.

(2) The term "mobile home chattel paper" means written evidence of both a monetary obligation and a security interest of first priority in one or more mobile homes, and any equipment installed or to be installed therein.

* * * * *

(e) *Retail financing.*—Any such association may invest in any retail mobile home chattel paper as to which the association's investment is insured or guaranteed, or the association has a commitment for such insurance or guarantee, under the provisions of the National Housing Act or chapter 37 of title 38, United States Code, as now or hereafter amended, if arrangements have been made for satisfactory local servicing of such chattel paper. Any such association may invest in other retail mobile home chattel paper only if:

* * * * *

(4) The monetary obligation evidenced by such chattel paper is to be paid in substantially equal monthly installments within the following time limits:

(i) In the case of a new mobile home, up to 12 years from the date of the association's investment in such chattel paper, except that such time limit may be 15 years as to a new mobile home having a minimum area of 900 square feet; or

(ii) In the case of a used mobile home, up to the later of (*a*) 1 year from the date of the association's investment in such chattel paper or (*b*) 12 years from the model year of such used mobile home.

* * * * *

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

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.73–11653 Filed 6–11–73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73–CE–5–AD, Amendment 39–1662]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Musketeer Airplanes

AD 72–1–4, amendment 39–1372 (37 FR 12) as amended by amendment 39–1511 (37 FR 17963), applicable to Beech Musketeer airplanes equipped with carburetor engines, is an Airworthiness Directive which requires modification of the carburetor airbox valve in accordance with revised Beechcraft Service Instruction 0471–241.

Subsequent to the issuance of AD 72–1–4 reports have been received by the FAA indicating that the carburetor heat valve plates required by the AD are failing in a manner which may result in blockage of the carburetor air intake or ingestion of valve or valve attachment parts into the engines.

Since this condition is likely to exist or develop in other airplanes of the same type design, an AD is being issued superseding AD 72–1–4, which will require the installation of a new carburetor airbox valve in Beech Musketeer airplanes in accordance with manufacturer's instructions.

Because a situation exists which requires expeditious adoption of the amendment, notice and public procedure hereon are impracticable and good cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 FR 13697), § 39.13 of part 39 of the "Federal Aviation Regulations" is amended by adding the following new AD.

BEECH.—Applies to models 23, B23, and C23 (serial Nos. M1 through M554 and M–1095 through M–1361, except M–3); Sundowner C23 (serial Nos. M–1362 through M–1420, M–1423, M–1425, M–1430, M–1438, M–1439, M–1442, M–1447, and M–1453 through M–1473); models A23–19, 19A, M19A, and B19 (serial Nos. MB–1 through MB–520); and Sport B19 (serial Nos. MB–521 through MB–585) airplanes.

Compliance required within 25 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent engine power loss caused by ingestion of pieces of failed carburetor airbox valves or attachments, accomplish the following:

Remove the existing carburetor airbox valve and install Beech P/N 23–9011–1S, or 23–9011–3S or 23–9011–5S kit as applicable, in accordance with Beechcraft Service Instruction 0574–241 or later FAA-approved revision or any alternate modification approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This AD cancels and supersedes AD 72–1–4 (amendment 39–1372, as amended by amendment 39–1511).

This amendment becomes effective June 18, 1973.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Kansas City, Mo., on June 4, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73–11615 Filed 6–11–73;8:45 am]

[Airspace Docket No. 73–AL–12]

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

Alteration of Control Zone

The purpose of this amendment to part 71 of the Federal Aviation Regulations is to reduce the size of the Ketchikan, Alaska, control zone.

On May 24, 1973, the Ketchikan control zone was established within a 5-mile radius of the Ketchikan Airport with an extension along the localizer northwest course. A study of the Ketchikan area indicates that the control zone, as presently designated, will be significantly restrictive to floatplane operations when weather conditions are below basic VFR. The study also indicates that there is no suitable place outside the present control zone for floatplanes to land in sheltered waters and that adequate VHF air-ground communications do not exist in the west and northwest areas of the control zone at low altitudes to provide efficient control zone service. It is estimated that 90 percent of the air traffic activity in this area will be small floatplane operations. A reduction in the size of the control zone as proposed herein, would lessen the impact on VFR users by opening up sheltered waters outside the control zone which are suitable for floatplane operations.

The high terrain features around Ketchikan Airport dictate precise arrival and departure routes and relatively high landing minimums (1,100 ft and 2 mi). Therefore, the normal 5-mile radius control zone is not needed for IFR operations and it appears that an equivalent level of safety can be insured with a smaller control zone.

Since this amendment improves flight safety for VFR air traffic, notice and public procedures thereon are impractical and good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t. July 19, 1973, as hereinafter set forth.

In § 71.171 (38 FR 351, 10254) the Ketchikan, Alaska, control zone is amended to read as follows:

Within a 3-mile radius of the Ketchikan Airport (lat. 55°21'09" N., long. 131°42'22" W.) extending clockwise from the 316° bearing to the 136° bearing from the airport; with a 4-mile radius of the Ketchikan Airport extending clockwise from the 136° bearing to the 316° bearing from the airport; and within 1 mile each side of the Ketchikan

localizer northwest/southeast courses extending from the radius zone to 8 miles northwest and 5.5 miles southeast of the Ketchikan localizer. This control zone is effective from 0600 to 2200 hours local time daily, or during the specific dates and times established in advance by notice to airmen. The effective date and time will thereafter be continuously published in the Flight Information Publication Supplement Alaska.

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

Issued in Washington, D.C., on June 5, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-11618 Filed 6-11-73;8:45 am]

[Airspace Docket No. 73-GL-22]

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

Alteration to VOR Federal Airway Description

On February 12, 1973, an amendment was published in the FEDERAL REGISTER (38 FR 4240), stating in part that effective April 26, 1973, the Federal Aviation Administration (FAA) would revoke V-42E between Windsor, Ontario, and Bloomer, Mich. Prior to April 26, 1973, V-42E was codesignated with V-337 between Windsor and Bloomer. V-42E was a 7-mile-wide airway because of operations at Selfridge, Mich., AFB, east of the airway, however, V-337 was designated with the standard width of 8 miles. The width reduction of V-337 was inadvertently overlooked when V-42E was revoked, and action is taken herein to reduce V-337 to a width of 7 miles.

Since amending the description of this airway is a minor editorial change on which the public would have no particular reason to comment, notice and public procedure thereon are unnecessary, and good cause exists for making this amendment effective on less than 30 days' notice.

In consideration of the foregoing part 71 of the Federal Aviation Regulations is amended, effective on June 12, 1973, as hereinafter set forth.

Section 71.123 (38 FR 307), is amended as follows:

In V-337 delete "Windsor; INT Windsor 335°" and substitute "Windsor; 29 miles 7 miles wide (3 miles east and 4 miles west of centerline), INT Windsor 335°" therefor.

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

Issued in Washington, D.C., on June 1, 1973.

CHARLES H. NEWPOL,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-11616 Filed 6-11-73;8:45 am]

[Airspace Docket No. 73-SW-23]

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

Designation of Transition Area

The purpose of this amendment to part 71 of the "Federal Aviation Regulations" is to designate a 700-foot transition area at Cleveland, Tex.

On April 17, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 9516), stating the Federal Aviation Administration proposed to designate the Cleveland, Tex., transition area.

Interested persons were afforded an opportunity to participate in the rulemaking through submission of comments. All comments received were favorable.

In consideration of the foregoing, part 71 of the "Federal Aviation Regulations" is amended, effective 0901 G.m.t., August 16, 1973, as hereinafter set forth.

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

CLEVELAND, TEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Cleveland Municipal Airport (latitude 30°21'30" N., longitude 95°00'29" W.), and within 2.5 miles each side of the Daisetta, Tex., VORTAC 298° radial extending from the 5-mile radius to 19.5 miles northwest of the VORTAC.

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

Issued in Forth Worth, Tex., on June 1, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-11617 Filed 6-11-73;8:45 am]

[Airspace Docket No. 73-RM-7]

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

Alteration of Transition Area

Correction

In FR Doc. 73-9977 appearing at page 13367 in the issue of Monday, May 21, 1973, the description of the Logan, Utah, transition area, which follows the signature should be deleted.

[Airspace Docket No. 72-WA-57]

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

Designation of Additional Control Areas

Correction

In FR Doc. 73-10770 appearing on page 14268 in the issue of Thursday, May 31, 1973, delete the description for the Pendleton, Va., control area and insert in lieu thereof the following:

That airspace extending upward from 2,000 feet m.s.l. bounded on the north by the south edge of control 1149; on the east and southeast by the New York Oceanic CTA/FIR; on the southwest by the northeast edge of control 1181; and on the west by longitude 75°30'00" W.

[Airspace Docket No. 72-EA-68]

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

Designation of Additional Control Areas

Correction

In FR Doc. 73-10769 appearing at page 14265 in the issue of Thursday, May 31, 1973, in the first column on page 14266, in the second line of the authority citation, the figure, "1438" should read "1348".

[Airspace Docket No. 71-AL-25]

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

PART 73—SPECIAL USE AIRSPACE

Designation of Restricted Area and Alteration of Continental Control Area

Correction

In FR Doc. 73-10772 appearing at page 14269 in the issue of Thursday, May 31, 1973, in the second column on page 14270, in the sixth line from the bottom of the paragraph designated "*Item 7.*", the first word reading "minimus", should read "minimums".

CHAPTER II—CIVIL AERONAUTICS BOARD

[Regulation PR-136; Amdt. 18]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Necessity of Hearing for Determination of Mail Rates When Order To Show Cause Is Issued

Subpart C of part 302 of the "Board's Procedural Regulations" (14 CFR pt. 302) sets forth the rules applicable to mail rate proceedings. Rules 304 through 308 (§§ 302.304–302.308) prescribe the procedure to be followed where the Board issues an order to show cause. Rule 304 provides that the order shall direct the respondent to show cause why the Board should not adopt such provisional findings and conclusions, and such rates, as may be specified in the order to show cause. Rule 305 provides, inter alia, that any person objecting to such provisional rates shall file a notice of objection

within 10 days, to be followed by an answer within 30 days. Rule 306 then provides that if either the notice or answer is not timely filed, all parties are deemed to have waived the right to a hearing.[1] If, on the other hand, notice and answer are timely filed, then rule 307 provides that "a prehearing conference and hearing shall be held unless waived by all parties."

Rule 307, in requiring that a hearing be conducted in cases where an answer to a show-cause order is timely filed, does not presently provide an explicit exception for cases in which no material issue of fact is presented by the objecting person's pleading. Yet, in such circumstances a hearing is not and should not be required, since it serves no useful purpose and merely delays the proceeding needlessly. Therefore, we are amending rules 306 and 307 so as to provide such explicit exception.[2]

Since these amendments are interpretative and relate wholly to a matter of Board procedure, the Board finds that notice and public procedure hereon are unnecessary and the amendments may become effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends part 302 of its procedural regulations (14 CFR pt. 302), effective June 6, 1973, as follows:

1. Amend the table of contents by modifying the titles of §§ 302.306 and 302.307, the table as amended to read as follows:

Sec.
302.306 Effect of failure to timely file notice and answer raising material issue of fact.
302.307 Procedure when material issue of fact is timely raised.

2. Amend § 302.306 to read as follows:

§ 302.306 Effect of failure to timely file notice and answer raising material issue of fact.

If no notice, or, if after notice, no answer is filed within the designated time, all parties shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision of the Board fixing rates, and, in such case, or if an answer timely filed raises no material issue of fact, the Board may thereupon, upon the basis of all of the documents filed in the proceeding, enter a final order fixing the fair and reasonable rate or rates as specified in the order to show cause.

3. Amend § 302.307 to read as follows:

§ 302.307 Procedure when material issue of fact is timely raised.

If an answer raising a material issue of fact is filed within the time designated in the Board's order, a prehearing conference and hearing shall be held unless waived by all parties. The issues shall be limited to those specifically raised by the answer, except that at the prehearing conference, the administrative law judge may permit the parties to raise such additional issues as he deems necessary to a full and fair determination of a fair and reasonable rate. (Reference should be made to subpart A of this part for rules applicable to hearings.)

(Secs. 204(a), 1001 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 788; 49 U.S.C. 1324, 1481.)

By the Civil Aeronautics Board.

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

[FR Doc.73-11647 Filed 6-11-73;8:45 am]

[1] In cases where the Board does not issue an order to show cause, rule 309 provides that the Board will order a hearing.

[2] It is true, of course, that section 406(a) of the act directs the Board to determine mail rates after notice and hearing. But hearing is not necessary where it would be merely an empty formality, helping to resolve no issues of fact. See *Citizens for Allegan County, Inc.* v. *FPC*, 414 F. 2d 1125 (D.C. Cir., 1969).

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

ANTIOXIDANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 3B2844) filed by Gulf Oil Corp., Pittsburgh, Pa. 15230, and other relevant material, concludes that the food additive regulations (21 CFR part 121) should be amended, as set forth below, to: (1) Change the basis of the limitation on the amount of 2,6-di-*tert*-butyl-4-ethylphenol which may be used in ethylene polymers and copolymers, and (2) permit increased levels of the food additive in intermediate thicknesses of the polymers and copolymers between 0.0025 and 0.025 inch.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by revising the limitations column for the item "2,6-di-*tert*-butyl-4-ethylphenol," to read as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

* * * * *

(b) List of substances:

* * * * *

	Limitations
2,6-Di-*tert*-butyl-4-ethyl-	For use only in contact with nonalcoholic foods: 1. At levels not exceeding 0.04 mg/in² of food contact surface and not exceeding 0.1 percent by weight in ethylene polymers and copolymers complying with § 121.2501(c), items 2.1, 2.2, 2.3, 3.1, 3.2, and 3.3; § 121.2528; and § 121.2570. The average thickness of such polymers and copolymers in the form in which they contact food shall not exceed 0.0025 in. 2. At levels not exceeding 0.04 mg/in² of food contact surface in ethylene polymers and copolymers complying with § 121.2501(c), items 2.1, 2.2, 2.3, 3.1, 3.2, and 3.3; § 121.2528; and § 121.2570. The average thickness of such polymers and copolymers in the form in which they contact food shall be greater than 0.0025 in but shall not exceed 0.025 in.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before July 12, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date.—This order shall become effective on June 12, 1973.

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

Dated June 5, 1973.

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

[FR Doc.73-11601 Filed 6-11-73;8:45 am]

SUBCHAPTER C—DRUGS

PART 135—NEW ANIMAL DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Change in Corporate Name

The Commissioner of Food and Drugs has evaluated a request by Agricultural and Veterinary Products Division, Abbott Laboratories, Abbott Park, North Chicago, Ill. 60064 that reference to the Amdal Co., Division Abbott Laboratories in the animal drug regulations be deleted since the name of the firm has cludes that the current listing should accordingly be revised.

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), parts 135 and 135c are amended as follows:

1. In part 135, § 135.501(c) is amended by deleting the firm name and address as code No. 003 and by reserving that code number for future use.

2. Part 135c is amended in § 135c.24 by revising paragraph (b)(1) to read as follows:

§ 135c.24 Spectinomycin dihydrochloride oral solution.

* * * * *

(b) Sponsors. (1) See code No. 068 in § 135.501(c) of this chapter.

* * * * *

3. Part 135c is amended in § 135c.67 by revising paragraph (b) to read as follows:

§ 135c.67 Bicyclohexylammonium fumagillin.

* * * * *

(b) *Sponsor.*—See code No. 068 in § 135.501(c) of this chapter.

* * * * *

Effective date.—This order shall be effective on June 12, 1973.

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

Dated June 5, 1973.

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

[FR Doc.73-11600 Filed 6-11-73;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Oxytocin Injection, Veterinary

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (9-055V) filed by Armour Pharmaceutical Co., P.O. Box 3113, Omaha, Nebr. 68103, proposing revised labeling for the safe and effective use of oxytocin injection, veterinary for the treatment of horses, cows, sows, ewes, dogs, and cats. 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 in § 135b.64 in paragraph (a) by deleting the word "(synthetic)" and revising paragraph (b) as follows:

§ 135b.64 Oxytocin injection, veterinary.

(a) *Specifications.*—Each milliliter of oxytocin injection, veterinary, contains 20 U.S.P. units of oxytocin.

(b) *Sponsor.*—See code Nos. 075 and 080 in § 135.501(c) of this chapter.

* * * * *

Effective date.—This order shall be effective on June 12, 1973.

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

Dated June 5, 1973.

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

[FR Doc.73-11590 Filed 6-11-73;8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Acetazolamide Sodium

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (11-582V) filed by American Cyanamid Co., P.O. Box 400, Princeton, N.J. 08540, proposing the safe and effective use of acetazolamide sodium in oral and parenteral form for the treatment of dogs. 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), parts 135b and 135c are amended as follows:

1. Part 135b is amended by adding the following new section:

§ 135b.51 Sterile sodium acetazolamide.

(a) *Specifications.*—Sterile sodium acetazolamide contains acetazolamide sodium complying with United States Pharmacopeia as a sterile powder with directions for reconstituting the product with sterile distilled water to furnish a product having a concentration of 100 milligrams acetazolamide activity per milliliter.

(b) *Sponsor.*—See code No. 004 in § 135.501(c) of this chapter.

(c) *Conditions of use.*—(1) It is used as an aid in the treatment of dogs with mild congestive heart failure and for rapid reduction of intraocular pressure.

(2) It is administered intramuscularly or intraperitoneally to dogs at a level of 5 to 15 milligrams per pound of body weight daily preferably administered in two or more divided doses.

(3) For use only by or on the order of a licensed veterinarian.

2. Part 135c is amended by adding the following new section:

§ 135c.64 Acetazolamide sodium soluble powder.

(a) *Specifications.*—The drug is in a powder form containing acetazolamide sodium, United States Pharmacopeia equivalent to 25 percent acetazolamide activity.

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

(c) *Conditions of use.*—(1) It is used in dogs as an aid in the treatment of mild congestive heart failure and for rapid reduction of intraocular pressure.

(2) It is administered orally at a dosage level of 5 to 15 milligrams per pound of body weight daily.

(3) For use only by or on the order of a licensed veterinarian.

Effective date.—This order shall be effective on June 12, 1973.

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

Dated June 1, 1973.

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

[FR Doc.73-11598 Filed 6-11-73;8:45 am]

SUBCHAPTER F—REGULATIONS UNDER SPECIFIC ACTS OF CONGRESS OTHER THAN THE FOOD, DRUG, AND COSMETIC ACT

PART 278—REGULATIONS FOR THE ADMINISTRATION AND ENFORCEMENT OF THE RADIATION CONTROL FOR HEALTH AND SAFETY ACT OF 1968

Subpart C—Performance Standards for Electronic Products

Diagnostic X-Ray Systems and Their Major Components

EXTENSION OF EFFECTIVE DATE

On August 15, 1972, the Commissioner of Food and Drugs published an order in the FEDERAL REGISTER prescribing a performance standard for diagnostic x-ray systems and their major components with an effective date of August 15, 1973 (37 FR 16461).

The Radiation Control for Health and Safety Act (sec. 358, 82 Stat. 1177-1179; 42 U.S.C. 263f) requires that a regulation prescribing a performance standard may not become effective sooner than 1 year or later than 2 years after the date of issuance, unless the Secretary finds for good cause that an earlier or later effective date is in the public interest. When published as a notice of proposed rulemaking in the FEDERAL REGISTER on October 8, 1971 (36 FR 19607), the proposed standard included the statement that it would take effect 1 year following its final publication. This proposed effective date was not challenged by any manufacturers during the official comment period; and thus when the standard was published in final form in the FEDERAL REGISTER on August 15, 1972, an effective date of August 15, 1973, was specified.

However, during February 1973, the Commissioner received requests from x-ray equipment manufacturers and the National Electrical Manufacturers Association for an extension of the effective date of the standard.

To evaluate this issue, the Director, Bureau of Radiological Health, Food, and Drug Administration, sent letters on March 9, 1973, to over 100 equipment manufacturers, manufacturers' associations, and national public and professional groups, including medical, dental, and State and local radiation control associations, inviting them to submit evidence and rationale for or against an extension of the effective date of the standard. An open meeting was held on March 30, 1973, to afford an opportunity for interested parties to discuss their bases for or against an extension of the effective date. After preliminary review of all submissions, it was determined that insufficient detailed information was made available in support of extending the effective date of the standard. The Director, Bureau of Radiological Health, therefore, invited further comments and information from manufacturers and others in a letter dated April 17, 1973.

During the entire evaluation of this issue, written responses were received from a total of 55 individuals or organizations, and 26 persons presented oral responses at the March 30, 1973, meeting. Responses received and FDA conclusions are summarized below and are available in a public file at the Bureau of Radiological Health.

Responses From State Radiation Control Agencies

Letters were received from 18 State and local radiation control agencies addressing the issue of the effective date of the standard. Of these, 16 expressed support for extending the effective date: Six agencies requested a 1-year extension, and the remainder did not specify a time period. Some agencies stated the need for more time to obtain clarification of the provisions of the standard and the test procedures necessary. Other States felt the need for additional time to revise State regulations as may be necessary and to develop enforcement procedures, determine personnel requirements, and train inspectors to continue to carry out their individual radiation control responsibilities at the State level. Section 360F of the act requires that State regulations which are applicable to the same aspect of performance of an electronic product must be identical to the Federal standard. Three States recommended that the Bureau use an extension period to reconsider the possible economic and medical care delivery impact of the requirements of the standard, particularly that of positive beam limitation. In general, however, State agencies expressed support for an extension in order to allow smoother and more effective implementation of the standard. The two agencies which opposed an extension asserted that the industry was generally prepared to meet the standard and that if an extension were granted, it should be granted only with respect to selected provisions of the standard.

Responses From Manufacturers and Federal Agencies

Twenty-seven manufacturers, one manufacturers' association, and the Veterans Administration Supply Service requested an extension of the effective date of the standard for periods of time from 3 to 26 months. Of these, 12 requests were for an extension of 1 year or more; 6 requests were for an extension of from 3 to 6 months; and 11 requests were for an extension with no time period specified. Six manufacturers either stated they did not need an extension or did not request one.

The primary reasons given by manufacturers for an extension were a need for more time to: Redevelop and redesign x-ray equipment to comply with the standard; obtain components and parts from suppliers; develop instructions and manuals for users and assemblers; train assemblers; and develop testing programs to document quality control.

Manufacturers reported that they would be unable to certify a total of 134 distinct catalog items, including components, subsystems, and complete x-ray units, by the current effective date. Of these catalog items, 29 were complete x-ray systems; primarily dental, mobile, general purpose, mammography, and podiatry units. The remaining catalog items included individual components such as generators, controls, cassette holders, and collimators, and subsystems such as tables with tomographic attachments or radiographic and fluoroscopic image receptors. Manufacturers' estimated dates of certification for these items ranged from 1 to 26 months after the current effective date.

From comments accompanying manufacturers' responses, it is clear that technically sophisticated special purpose systems will be ready for certification much later than general purpose units. A number of manufacturers who supply components and subsystems also stated that if they are unable to supply these items, other x-ray companies will be affected since they will be unable to sell components which comprise the remainder of the systems.

Based upon manufacturers' estimates of their normal sales, a total of approximately 4,500 components and subsystems and 1,400 complete units will be withheld from the market for varying periods of time if the current effective date is maintained. Using the certification dates stated by manufacturers, it is estimated that the number of units withheld from the market will be reduced to approximately 900 components and 400 complete systems if the effective date of the standard is postponed for 1 year.

Responses From Other Organizations

The Conference of Radiation Control Program Directors requested that implementation of the standard be postponed until the concerns of the States could be resolved.

The American Dental Association opposed an extension on the grounds that patients would not receive the benefits of safer equipment as soon as if the current date is maintained, but indicated that if maintaining the current date resulted in restrictions on the availability of radiation for diagnosis, an extension may be in order.

The American College of Radiology stated it has no objections to an extension if it would result in a significant improvement in the ability of the x-ray industry to provide equipment which meets the technical provisions of the standard and the primary objectives of the radiologist for clinical service and versatility. This organization indicated it would be concerned if an extension in effective date resulted in the "unloading" of nonconforming equipment which could not be modified to meet the standard.

The Commissioner has considered all responses submitted on the question and has made the following conclusions:

1. There has been late recognition on the part of many manufacturers that, in order to comply with the standard, it will be necessary to redesign and redevelop equipment more extensively than originally anticipated;

2. It is not likely that manufacturers will be able to develop testing programs and document quality control programs until such components and parts are available;

3. The additional time needed for redevelopment and redesign of components and parts may make it impossible for manufacturers to develop adequate instruction manuals for users and assemblers, and complete training programs for assemblers by the current effective date;

4. It is unlikely that system components and parts can be produced by suppliers to meet all the requirements of assemblers and manufacturers by the current effective date of the standard, and such shortages may have an adverse impact upon the delivery of medical care;

5. State radiation control agencies need additional time to prepare for the impact of the standard upon their responsibilities at the State level in consideration of section 360F of the act.

On the basis of the information submitted, the Commissioner has determined that the effective date of the standard should be extended. At the same time, the Commissioner urges manufacturers to continue to make every effort to provide equipment which meets the standard at the earliest practical date. Such equipment may be certified in accordance with § 278.213–1 (c) and (d) in advance of the new effective date.

The Commissioner has determined that the effective date will be extended to August 1, 1974, and that no further extensions will be granted. Establishment of the effective date at the beginning of a month is considered necessary, because manufacturers are required under § 278.202(a)(2) to provide the

Commissioner only with the month and year of manufacture, not the exact date. A first-of-the-month effective date will permit more rapid field determination of whether a particular product was manufactured before or after the effective date of the standard.

In a related matter, the Commissioner proposed, on February 28, 1973, two amendments to 21 CFR, part 278 which would establish policy concerning the assembly of diagnostic x-ray equipment and the reassembly of used equipment (38 FR 5349). Revisions to these proposed rules are being considered in response to public comment, and any final rule issued on these policies would not become effective prior to the effective date of the diagnostic x-ray standard.

The extension of the effective date requires amending § 278.213–1 (a)(1) and (d)(2) to state the new effective date of August 1, 1974. In view of the opportunity already afforded affected groups and other interested parties to comment on the issue, and the need for manufacturers to have a definite date as soon as possible on which to base production schedules, the amendment will become effective on June 12, 1973.

Therefore, pursuant to the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179; 42 U.S.C. 263f) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 278.213–1 (a)(1) and (d)(2) is amended as follows:

1. In paragraph (a)(1), the date "August 15, 1973" is changed to "August 1, 1974."

2. In paragraph (d)(2), the date "August 15, 1973" is changed to "August 1, 1974."

3. The August 15, 1973, effective date of the order is changed to read as follows:

"*Effective date.*—This order shall become effective on August 1, 1974."

Effective date.—This order shall become effective on June 12, 1973.

Dated June 7, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–11749 Filed 6–11–73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 9—ATOMIC ENERGY COMMISSION

PART 9–7—CONTRACT CLAUSES

Subpart 9–7.50—Use of Standard Clauses

SECURITY

This change is being made in order to reflect the new Executive order number in the "Security" clause, AECPR 9–7.500–11.

1. In subpart 9–7.50, Use of Standard Clauses, § 9–7.5004–11, *Security*, paragraph (f) is revised as follows:

Subpart 9–7.50—Use of Standard Clauses

§ 9–7.5004 Standard AEC clauses which are mandatory as to text.

* * * * *

§ 9–7.5004–11 Security.

* * * * *

(f) *Criminal liability.*—It is understood that disclosure of Restricted Data, Formerly Restricted Data, or other classified information relating to the work or services ordered hereunder to any person not entitled to receive it, or failure to safeguard any Restricted Data, Formerly Restricted Data, or any other classified matter that may come to the contractor or any person under the contractor's control in connection with work under this contract, may subject the contractor, its agents, employees, or subcontractors to criminal liability under the laws of the United States. (See the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq.; 18 U.S.C. 793 and 794; and Executive Order 11652.)

* * * * *

(Sec. 161, Atomic Energy Act of 1954, as amended, 68 Stat. 948, 42 U.S.C. 2201; sec. 205, Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 390, 40 U.S.C. 486.)

Effective date.—This amendment is effective on June 12, 1973.

Dated at Germantown, Md., this 6th day of June 1973.

For the U.S. Atomic Energy Commission.

JOSEPH L. SMITH,
Director, Division of Contracts.

[FR Doc.73–11447 Filed 6–11–73;8:45 am]

Title 45—Public Welfare

CHAPTER VII—COMMISSION ON CIVIL RIGHTS

PART 701—ORGANIZATION AND FUNCTIONS OF THE COMMISSION

Establishment

Part 701 is amended by revising § 701.1 to read as set forth below.

§ 701.1 Establishment.

The United States Commission on Civil Rights (hereinafter referred to as the Commission) is a bipartisan agency of the executive branch of the Government. Established under the Civil Rights Act of 1957, 71 Stat. 634, the Commission derives its responsibilities from that act and from amendments to it in the Civil Rights Act of 1960, 74 Stat. 86; in the Civil Rights Act of 1964, 78 Stat. 241; by 81 Stat. 582 (1967); by 84 Stat. 1356 (1970); and by 86 Stat. 813 (1972). (Hereinafter the 1957 Act as amended will be referred to as the Act.)

Effective date.—This amendment shall become effective on June 12, 1973.

STEPHEN HORN,
Vice Chairman.

[FR Doc.73–11664 Filed 6–11–73;8:45 am]

PART 703—OPERATIONS AND FUNCTIONS OF STATE ADVISORY COMMITTEES

Chapter VII of title 45 of the Code of Federal Regulations is amended by revising part 703 to read as set forth below. These amendments specify the procedures to be followed by State advisory committees under the Federal Advisory Committee Act.

Sec.
703.1 Name and establishment.
703.2 Functions.
703.3 Scope of subject matter.
703.4 Advisory committee management officer.
703.5 Membership.
703.6 Officers.
703.7 Subcommittees.
703.8 Meetings.
703.9 Reimbursement of members.
703.10 Public availability of documents and other materials.

AUTHORITY.—Sec. 105(c) of the Civil Rights Act of 1957, 71 Stat. 634, as amended.

§ 703.1 Name and establishment.

Pursuant to section 105(c) of the act, the Commission has duly chartered and established State advisory committees to the Commission.

§ 703.2 Functions.

Under the Commission's charter each State advisory committee shall:

(a) Advise the Commission in writing of any knowledge or information it has of any alleged deprivation of the right to vote and to have the vote counted, by reason of color, race, religion, sex, or national origin, or that citizens are being accorded or denied the right to vote in Federal elections as a result of patterns or practices of fraud or discrimination;

(b) Advise the Commission concerning legal developments constituting a denial of equal protection of the laws under the Constitution, and as to the effect of the laws and policies of the Federal Government with respect to equal protection of the laws;

(c) Advise the Commission upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress;

(d) Receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State committee;

(e) Initiate and forward advice and recommendations to the Commission upon matters which the State committee has studied;

(f) Assist the Commission in the exercise of its clearinghouse function and with respect to other matters which the State committee has studied;

(g) Attend, as observers, any open hearing or conference which the Commission may hold within the State.

§ 703.3 Scope of subject matter.

The scope of the subject matter to be dealt with by State advisory committees

shall be those subjects of inquiry or study with which the Commission itself is authorized to deal, pursuant to section 104(a) of the act. Each State advisory committee shall confine its studies to the State covered by its charter. It may, however, subject to the requirements of § 703.4, undertake to study within the limitations of the act, subjects other than those chosen by the Commission for study.

§ 703.4 Advisory committee management officer.

The assistant staff director for the Office of Field Operations is designated as advisory committee management officer pursuant to the requirements of the Federal Advisory Committee Act of 1972 (Public Law 92-463).

(a) Such officer shall carry out the functions specified in section 8(b) of the Federal Advisory Committee Act.

(b) Such officer shall with respect to each State advisory committee appoint an employee, subject to the supervision of the regional director of the Commission having responsibility for the State within which said committee has been chartered. The employee so appointed shall provide day-to-day services to the Committee and be responsible for supervising the activity of the committee pursuant to Section 10 of the Federal Advisory Committee Act.

§ 703.5 Membership.

(a) Subject to exceptions made from time-to-time by the Commission to fit special circumstances, the State committee shall consist of at least five members appointed by the Commission. Members of the State committee shall serve for a fixed term to be set by the Commission upon the appointment of member, subject to the duration of advisory committees as prescribed by the charter, provided that members of the State committee may, at any time, be removed by the Commission.

(b) Membership on the advisory committee shall be reflective of the different ethnic, racial, and religious communities within each State and the membership shall also reflect a cross section balance as to sex, political affiliation, and age.

§ 703.6 Officers.

(a) The officers of the State advisory committee shall be a chairman, vice chairman and secretary, and such other officers as is deemed advisable.

(b) The chairman and secretary shall be appointed by the Commission.

(c) The vice chairman, and other officers shall, subject to § 703.4(b), be elected by the majority vote of the full membership of the committee.

(d) The chairman, or in his absence the vice chairman, subject to § 703.4(b) shall:

(1) Call meetings of the State committee;

(2) Preside over all meetings of the State committee;

(3) Appoint all subcommittees of the State committee;

(4) Perform such other functions as the State committee may authorize or the Commission may request, within the limits of the act.

(e) The Secretary shall:

(1) Keep detailed minutes of State advisory committee meetings; and

(2) Such minutes shall be transcribed and be available pursuant to the regulations prescribed in § 704.

§ 703.7 Subcommittees.

Subject to the limitations of § 703.4 (b), the State advisory committee may:

(a) Approve the establishment of subcommittees, composed of members of the State committee to study and report, upon matters under consideration, and it may authorize such subcommittees to take specific action upon matters within the competence of the State committee; and

(b) Designate, with the prior approval of the Commission, or at the request of the Commission, individual members of the State committee to perform special projects involving research or study within the scope of the subject matter defined in § 703.3.

§ 703.8 Meetings.

(a) Subject to the requirements of § 703.4(b) meetings of the State advisory committee shall be called whenever it is deemed necessary or desirable by the chairman, or by a majority of the State advisory committee, or by the Commission.

(b) A quorum shall consist of one-half or more of the members of the advisory committee, or five members, whichever is the lesser, except that with respect to the conduct of public meetings as authorized in paragraph (e) of this section, a quorum shall consist of three members.

(c) Notice of all meetings of the advisory committee shall be given to the public.

(1) Notice shall be published in the FEDERAL REGISTER at least 7 days prior to the meetings, provided that in emergencies, such requirement may be waived.

(2) Notice shall be provided by press releases and other appropriate means.

(3) Notice shall contain a statement of the purpose of the meeting, a summary of the agenda, and the time, place, and location of such meeting.

(d) Subject to the exemptions available under 5 U.S.C. 552 all meetings of the State advisory committees shall be open to the public.

(1) Each regional director shall have the authority to determine whether a meeting or portion thereof shall be closed to the public subject to the approval of the General Counsel.

(2) Such determination shall be in writing and shall be approved by the General Counsel.

(3) In the event that a meeting or portion thereof is closed to the public, the committee shall publish, at least annually, in summary form, a report of the activities conducted in meetings not open to the public.

(e) Each State advisory committee may hold public meetings for the purposes of soliciting information and advice from local officials and other persons respecting subject matter within its jurisdiction: *Provided, however,* That a State advisory committee shall not, in conjunction with such meetings, or otherwise, purport to conduct a formal hearing or adversary proceeding of any type, take oral testimony under oath, or issue subpenas.

(f) Public participation in all State committee meetings open to the public shall consist of:

(1) The right to submit a written statement; and

(2) Attendance at meetings conducted under paragraph (e) of this section.

(g) Attendance at meeting other than those conducted pursuant to paragraph (e) of this section shall be limited to those persons who request an invitation. Such request for an invitation shall be made within a reasonable time before such meeting to either the committee chairman or to the appropriate regional director.

(h) Participation at meetings pursuant to paragraph (e) of this section shall be limited to attendance, except that, the committee may permit a person to present an oral statement where time permits and where such person has been interviewed for purposes of affording protection to any individuals who may otherwise be defamed, degraded, or incriminated prior to such presentation by the committee or Commission employee.

(i) Participation at meetings other than those conducted pursuant to paragraph (e) of this section shall be limited to attendance; this requirement may be waived where appropriate.

§ 703.9 Reimbursement of members.

(a) State committee members may be reimbursed by the Commission by a per diem subsistence allowance and for travel expenses at rates not to exceed those prescribed by Congress for Government employees, for the following activities only:

(1) Attendance at meetings, as provided for in § 703.8; and

(2) Any activity specifically requested and authorized by the Commission to be reimbursed.

(b) Members will be reimbursed for the expense of travel by private automobile on a mileage basis only to the extent such expense is no more than that of suitable public transportation for the same trip, unless special circumstances justify the additional expense of travel by private automobile.

(c) From time-to-time, the Commission may give prior authorization for the reimbursement of the State committee for secretarial help and expenses of duplication and the like, for projects specifically requested by the Commission.

(d) No appropriated funds shall be made available to the State committee except for the reimbursements authorized in this section.

§ 703.10 Public availability of documents and other materials.

Part 704 of these rules and regulations shall be applicable to reports, publications, and other materials prepared by or for State advisory committees.

Effective date.—This amendment shall become effective on June 12, 1973.

STEPHEN HORN,
Vice Chairman.

[FR Doc.73-11665 Filed 6-11-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19673; FCC 73-575]

SPECIAL INDUSTRIAL RADIO SERVICE

Report and order. In the matter of amendment of parts 89, 91, and 93 of the Commission's rules and regulations concerning the use of the frequency pair 451.800/456.800 MHz, Docket No. 19673, RM-1715.

1. On January 29, 1973, the Commission issued a notice of proposed rulemaking in the above-entitled matter, which was published in the FEDERAL REGISTER on February 5, 1973 (38 FR 3338). Comments were filed by the Associated Public-Safety Communications Officers, Inc. (APCO), and by the Special Industrial Radio Service Association, Inc. (SIRSA).

2. The notice of proposed rulemaking sought comments on our proposal to designate the frequency pair 451.800/456.800 MHz for use by intinerant licensees in the Special Industrial Radio Service for control and repeater purposes, on a secondary basis to mobile operations, in areas more than 75 miles from population centers of 200,000 or more. Our purpose was to accommodate those licensees who conduct their business over large parts of the country and must frequently move their radio facilities from one place to another over considerable distances. The comments supported our proposal. However, SIRSA suggested that we permit the use of this frequency pair by persons who operate temporary base station facilities on "permanent" use frequencies within relatively small areas (such as, within less than 75 miles from their base of operation), and by those who operate radio facilities within 75 miles from the center of the population centers mentioned above.

3. SIRSA had proposed that we permit the use of the frequency pair 451.800/456.800 MHz for fixed operations within the larger population centers in its petition (RM-1715), but we considered and rejected its proposal for the reasons given in our notice. SIRSA has presented no new facts or arguments and, therefore, its proposal will be rejected.

4. We also reject SIRSA's suggestion that we permit the use of the frequency pair by licensees whose base/mobile systems are on "permanent" use frequencies. Those licensees are engaged in relatively localized operations and are able to coordinate and be licensed to use one of the many other frequencies available for fixed relay and control systems, although they may operate radio facilities at temporary locations. Thus, they do not face the problems our proposal intended to resolve; and we believe that the existing rule provisions are adequate to meet their needs.

5. In view of the foregoing, we conclude that the public interest would be served by adopting the rule amendments originally proposed.

6. Authority for amendment to the rules set out in the attached appendix is contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r). *Accordingly, it is ordered,* That effective July 16, 1973, parts 89, 91, and 93 of the Commission's rules are amended, as set forth below.

7. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303.)

Adopted May 31, 1973.

Released June 5, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

I. Part 89 of the Commission's rules is amended as follows:

PART 89—PUBLIC SAFETY RADIO SERVICES

§ 89.101 [Amended]

In § 89.101(p) frequencies 451.800 MHz and 456.800 MHz are deleted.

PART 91—INDUSTRIAL RADIO SERVICES

II. Part 91 of the Commission's rules is amended as follows:

1. Section 91.504 (a) and (b)(35 are amended to read as follows:

§ 91.504 Frequencies available.

(a) * * *

Frequency or band	Class of stations	General reference	Limitations
* * *	* * *	* * *	* * *
451.800	Operational, fixed base, and mobile	Itinerant use	12, 28, 35
* * *	* * *	* * *	* * *
456.800	Operational, fixed base, and mobile	Itinerant use	12, 28, 35
* * *	* * *	* * *	* * *

* * * * *

(b) * * *

(35) This frequency may be assigned to an itinerant fixed control or relay station on a secondary, noninterference basis to land-mobile stations in this service, provided that the fixed relay or control station is to be associated with base and mobile facilities authorized to use other itinerant or general use frequencies available in this service. All such use of these frequencies for fixed systems is limited to locations 100 or more miles from the center of any urbanized area of 200,000 or more population, except that the distance may be 75 miles if the plate input power does not exceed 30 watts. All such fixed systems are limited to a maximum of two frequencies and must employ directional antennas with a front-to-back ratio of at least 15 db. For two-frequency systems, the separation between transmit-receive frequencies is 5 MHz. The centers of urbanized areas of 200,000 or more population are determined from the appendix, page 226, of the U.S. Commerce publication, "Air Line Distance Between Cities in the United States." Urbanized areas of 200,000 or more population are defined in the U.S. Census of Population, 1960, volume 1, table 23, pages 1-50.

PART 93—LAND TRANSPORTATION RADIO SERVICES

III. Part 93 of the Commission's rules is amended as follows:

§ 93.101 [Amended]

In § 93.101(b), the frequencies 451.800 MHz and 456.800 MHz are deleted.

[FR Doc.73-11574 Filed 6-11-73;8:45 am]

Title 50—Wildlife and Fisheries

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

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 16—MIGRATORY BIRD PERMITS

Depredating Blackbirds, Cowbirds, Grackles, Common Crows, and Magpies

By notice of proposed rule making published in the FEDERAL REGISTER of Tuesday, January 30, 1973 (38 FR 2765), notification was given that the Secretary of the Interior proposed to amend part 16 of title 50 of the Code of Federal Regulations. This amendment would revise § 16.22 by deleting horned owls from those species named therein which may be controlled without a Federal permit when found committing or about to commit depredations.

State wildlife administrators, national conservation organizations, and individuals were invited to submit their views, data, or arguments regarding this proposal in writing to the Director, Bureau of Sport Fisheries and Wildlife, U.S. Department of the Interior, Washington, D.C. 20240. Comments received through March 23, 1973, would be considered in

[1] Commissioner Johnson concurring in the result.

promulgating final regulations. This proposal was included in the proposed rulemaking to reorganize subchapter B of chapter T of title 50 of the Code of Federal Regulations which was published in the FEDERAL REGISTER of April 25, 1973 (38 FR 10208) with additional comments invited through May 25, 1973.

Comments received favored this amendment to § 16.22. The interested public is reminded that when the reorganization of subchapter B of chapter 1 of 50 CFR is completed and published within the next few weeks this part 16 will be redesignated part 21 and this § 16.22 will be redesignated § 21.43.

Accordingly, part 16 is amended as follows:

In the table of sections, § 16.22 is amended to read:

Sec.
16.22 Depredating blackbirds, cowbirds, grackles, common crows, and magpies.

The introductory paragraph and paragraph (a) of § 16.22 is amended to read:

§ 16.22 Depredating blackbirds, cowbirds, grackles, common crows, and magpies.

A Federal permit shall not be required to control yellow-headed redwinged, bicolored red-winged, tricolored redwinged, and Brewer's blackbirds, cowbirds, all grackles, common crows, and magpies, when found committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance; *Provided:*

(a) That none of the birds killed pursuant to this section, nor their plumage, shall be sold or offered for sale, but may be possessed, transported, and otherwise disposed of or utilized.

* * * * *

By deleting horned owls from § 16.22, a Federal permit will be required before they can be taken. To afford this protection to horned owls it is determined that public notice and procedure hereon are impracticable, unnecessary, and contrary to the public interest, and this amendment shall become effective on June 12, 1973.

(16 U.S.C. 704.)

SPENCER H. SMITH,
Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.73-11669 Filed 6-11-73;8:45 am]

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR, Part 916]

HANDLING OF NECTARINES GROWN IN CALIFORNIA

Proposed Expenses and Rate of Assessment for Fiscal 1973–74

This notice invites written comments relative to proposed expenses of $402,405 for the administration of the marketing agreement and order activities for the 1973 fiscal period. It also proposes a rate of assessment of $0.05 per lug to be paid by each handler as his pro rata share in the support of the marketing program. Both amounts were recommended unanimously by the Nectarine Administrative Committee.

Consideration is being given to the following proposals submitted by the Nectarine Administrative Committee, established under the marketing agreement, as amended, and order No. 916, as amended (7 CFR pt. 916), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, during the period March 1, 1973, through February 28, 1974, will amount to $402,405;

(2) The rate of assessment for such period, payable by each handler in accordance with § 916.41 to be fixed at $0.05 per No. 22D standard lug box, or equivalent quantity of nectarines in other containers or in bulk.

Terms used in the marketing agreement, as amended, and order, as amended, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California.

All persons who desire to submit written data, views, or arguments, in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, room 112, Administration Building, Washington, D.C. 20250, not later than June 24, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the hearing clerk during regular business hours (7 CFR 127(b)).

Dated June 6, 1973.

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

[FR Doc.73–11627 Filed 6–11–73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR, Part 113]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Proposed Standard Requirements

Notice is hereby given in accordance with the provisions contained in section 553(b) of title 5, United States Code (1966), that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in part 113 of title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

These proposed amendments would make more readily available to the public some of the requirements to be complied with when preparing biological products, including acceptable test methods and procedures, by publishing such requirements, methods, and procedures in the regulations instead of administrative memorandums. Ten basic tests, including a new test for mycoplasma contamination, requirements for selection of cells for cell cultures, and purity requirements for some ingredients of biological products would be codified in 13 new sections which would be added to part 113. Section 113.2 would be redesignated as § 113.50, and 13 sections would be reserved for future use.

1. "Part 113—Standard Requirements" is amended by adding 10 new sections to read:

§ 113.28 Detection of mycoplasma contamination.

One or both of the tests for detection of mycoplasma contamination provided in this section shall be conducted when such a test is prescribed in an applicable Standard Requirement or in an approved outline of production for the product. Heart infusion broth and heart infusion agar (heart infusion test) shall be used as one test and M–96 broth and M–96 agar (M–96 test) shall be used as the other test.

(a) Media additives provided in this paragraph shall be prepared as follows:

(1) DPN-Cysteine Solution:

(i) Use Cozymase (coenezyma 1) oxidized and cysteine HCL-hydrate, A grade.

(ii) Prepare 1 gram/100 milliliters (ml) distilled water (1 percent solution) of each. Mix the solutions together; the cysteine reduces the DPN. Filter sterilize, dispense in appropriate amounts and store frozen at −20° C.

(2) Cholesterol emulsion:

(i) Two hundred milligrams (mg) cholesterol shall be put in a sterile petri dish and dissolved in diethyl ether. The ether shall be allowed to evaporate and the process repeated one time.

(ii) The sterile, recrystallized cholesterol shall be dissolved in 6 to 8 ml of warm 95 percent ethyl alcohol.

(iii) Draw the alcohol solution into a prewarmed glass Luer-Lock syringe fitted with an 18 or 20 gauge needle.

(iv) Hold the needle tip under the surface of 200 ml distilled, deionized water and eject the cholesterol into it.

(3) Acid treated porcine serum:

(i) Adjust pH of porcine serum to 4.4 with 1 N HCl (do not drop pH below 4.2).

(ii) Allow serum to stand for 18 to 20 hours at 4° C.

(iii) Centrifuge at 9,000 XG for one-half hour; discard sediment.

(iv) Filter through filter paper.

(v) Adjust pH to 7.0 with 1 N NaOH.

(vi) Inactivate at 56° C. for 30 minutes.

(4) Inactivated horse serum—horse serum which has been inactivated at 56° C. for 30 minutes.

(b) Heart infusion broth should be prepared as provided in this paragraph.

(1) Dissolve in 970 ml of distilled water the following:

Heart infusion broth	grams	25
Yeast autolysate	do	5
Proteose peptone No. 3	do	10

(2) Add the following:

1 percent tetrozolium chloride	ml	5.5
1 percent thallium acetate	ml	25
Penicillin	units	500,000
Inactivated horse serum	ml	100

(3) Adjust pH to 7.9 with NaOH, filter sterilize, and dispense 100 ml aliquots into 125 ml screw-capped flasks and store until needed.

(4) Add 2 ml of DPN-Cysteine solution to each 100 ml of broth on day of use.

(c) Heart Infusion Agar shall be prepared as provided in this paragraph.

(1) Dissolve in 900 ml of distilled water by boiling the following:

Heart infusion agar	grams	25
Heart infusion broth	do	10
Proteose peptone No. 3	do	10
1 percent thallium acetate	ml	25

(2) Cool the medium and adjust pH to 7.9 with NaOH.

(3) Autoclave the medium.

(4) Cool the medium 30 minutes in a 56° C waterbath.

(5) Dissolve 5 grams of yeast autolysate in 100 ml of distilled water, filter sterilize, and add to the medium.

(6) Add to the medium:

126 ml of inactivated horse serum
21 ml of DPN-Cysteine solution
525,000 units of Penicillin.

Dispense 10 ml aliquots into 60×15 mm disposable culture dishes or petri dishes.

(d) M-96 broth shall be prepared as provided in this paragraph.

(1) Using a small amount of distilled water, dissolve the following dry ingredients:

Peptone CS	grams	4
Yeast autolysate	do	2
Peptone B	do	2
Peptone G	do	2
Yeast extract	do	2
NaCl	do	5
KCl	do	0.4
$MgSO_4 \cdot 7\ H_2O$	do	0.2
Catalase	do	0.001
HEPES buffer	grams	3.5
L-arginine HCl	gram	0.06
L-glutamine	ml	0.09
DNA	gram	0.02

(2) Add a sufficient quantity of distilled water to make 1,000 ml; and add:

100X Eagle's MEM vitamine solution	ml	10
Glycerol	do	0.15
Cholesterol emulsion	do	2
1 percent Thallium acetate	do	25
Penicillin	units	500,000

(3) Adjust pH to 7.4–7.5 with NaOH, add 170 ml of acid treated porcine serum, filter sterilize, and dispense 100 ml aliquots into 125 ml screw-capped flasks.

(4) Immediately before use add 2 ml of DPN-Cysteine solution to each 100 ml of broth.

(e) M-96 agar shall be prepared as provided in this paragraph.

(1) Using a small amount of distilled water, dissolve the following dry ingredients:

Peptone CS	grams	4
Peptone B	do	2
Peptone G	do	2
Yeast autolysate	do	2
Yeast extract	do	2
NaCl	do	0.4
KCl	gram	0.4
$MgSO_4 \cdot 7\ H_2O$	do	0.2
Catalase	do	0.001
HEPES buffer	grams	3.5
L-arginine HCl	gram	0.06
L-glutamine	ml	0.09
DNA	gram	0.02

(2) Add a sufficient quantity of distilled water to make 500 ml; and add:

100X Eagle's MEM vitamin solution	ml	10
Glycerol	ml	0.15
Chloresterol emulsion	ml	2
1 percent thallium acetate	ml	25
Penicillin	units	500,000

(3) Adjust pH to 7.4–7.5 with NaOH, add 170 ml of acid treated porcine serum and filter sterilize.

(4) Add 17 grams of Ionagar No. 2 to 500 ml of distilled water and sterilize by autoclave.

(5) Place the broth and agar prepared as prescribed in subparagraphs (3) and (4) of this paragraph in a waterbath at 56° C for 30 minutes then mix together. Dispense 100 ml aliquots in 125 ml screw-capped flasks.

(6) Immediately before pouring plates, add 2 ml of CPN-Cysteine solution to each flask and dispense by pipette 10 ml aliquots into 60 x 15 mm disposable culture dishes or petri dishes.

(f) The test procedure provided in this paragraph shall be followed when conducting the mycoplasma detection test when using either heart infusion broth and heart infusion agar or M-96 broth and M-96 agar.

(1) Preparation of inoculum. Immediately prior to starting the test, frozen liquid vaccine shall be thawed, and lyophilized vaccine shall be rehydrated to the volume recommended on the label with mycoplasma medium. In the case of a lyophilized biological product, e.g., 1,000 dose vial of poultry vaccine to be administered via the drinking water, the vaccine shall be rehydrated to 30 ml with mycoplasma medium. In the case of a cell line or a sample of primary cells, the inoculum shall consist of the resuspended cells. Control tests shall be established as provided in subparagraph (4) of this paragraph.

(2) Inoculation of plate. Plate 0.1 ml of inoculum on an agar plate and make a short, continuous streak across the plate with a pipet. Tilt the plate to allow the inoculum to flow over the surface.

(3) Inoculation of flask of medium. Transfer 1 ml of the inoculum into a flask containing 100 ml mycoplasma medium and mix thoroughly. Incubate the flask at 33 to 37° C for 14 days during which time, one of four agar plates shall be streaked with 0.1 ml of material from the incubating flask of inoculated medium on the 3d day, one on the 7th day, one on the 10th day, and one on the 14th day post-inoculation.

(4) Control tests shall be conducted simultaneously with the detection test using techniques provided in subparagraphs (2) and (3) of this paragraph, except the inoculum for the positive control test shall be selected mychoplasma cultures and the negative control test shall be uninoculated medium from the same lot used in the detection test.

(5) All plates shall be incubated in a high humidity, 4–6 percent CO_2 atmosphere at 33° to 37° C for 10–14 days and examined with a stereoscopic microscope at 35x to 100x or with a regular microscope at 100x.

(g) Interpretation of the test results. If mycoplasma colonies are found on any of the plates inoculated with material being tested, the results are positive for mycoplasma contamination: *Provided*, That growth appears on at least one of the plates in the positive control test and does not appear on any of the plates in the negative control test.

If found to contain mycoplasma, the material being tested is unsatisfactory.

§ 113.29 Determination of moisture content in desiccated biological products.

Methods provided in this section shall be used when a determination of moisture content in desiccated biological products is made.

(a) Final container samples of completed product shall be tested. Individual samples having a low net weight shall be pooled at the time of testing in order to attain a minimum of 100 milligrams of dried product.

(b) The weight loss of the sample(s) due to drying to a constant weight in a vacuum oven shall be determined. The recommended equipment is as follows:

(1) Numbered, low-form, flat-bottom weighing dishes with tight-fitting lids.

(2) Vacuum oven equipped with a vacuum pump, accurate thermometer, vacuum gage, and thermostat. A suitable drying device shall be attached to the inlet valve of the oven. The vacuum system shall have a monometer and flowmeter for proper regulation of flow and pressure.

(3) Balance, accurate to 0.1 mg (rated precision ±0.01 mg).

(4) Dry box or hood equipped with a suitable drying device and hygrometer to assure a relative humidity of 0 to 10 percent. The box should be sufficient in size to allow for the convenient transfer of samples and, if possible, incorporation of the balance and vacuum oven.

(5) If needed, a desiccator jar equipped with P_2O_5 plus $CaSO_4$ or $CaCl_2$ drying agent with indicator.

(c) Test procedure:

(1) Thoroughly cleaned weighing dishes shall be dried approximately 3 hours at 60° C under vacuum or for 1 hour at 160° C in a drying oven. Immediately upon removal, the dishes shall be placed in a dry atmosphere and allowed to cool to room temperature. The tare weight of each weighing dish shall be determined as rapidly as possible. All manipulations of weighing dishes shall be made with tongs or while wearing gloves.

(2) The relative humidity of the dry box shall be reduced to 0 to 10 percent to assure a low level of moisture in the box during the time of transfer of the sample to the weighing dish.

(3) After the sample container has equilibrated in the dry atmosphere, the vacuum shall be released slowly allowing dry air to enter the bottle.

(4) The stopper shall be removed and the sample plug broken up with a spatula.

(5) The sample shall be rapidly transferred to a previously weighed and marked weighing dish and covered with its lid.

(6) After all transfers have been completed, the weighing dish with its contents shall be weighed immediately giving the gross weight of the dish and sample. This weight minus the tare weight of the weighing dish is the sample weight.

(7) The lids shall be removed and and placed with their matched weighing dishes in the vacuum oven. The pressure in the oven shall be reduced to 1 millimeter of mercury or less and the thermostat set at 60° C. A small amount of dry air shall be allowed to bleed into the oven during the drying period and the reduced pressure maintained by continuous operation of the vacuum pump.

(8) After 24 hours of drying time, the vacuum pump shall be stopped and dry air allowed to continually bleed into the oven with an increased flow rate until the pressure inside of the oven has been equalized with the atmosphere.

(9) The lids shall be immediately replaced in the normal closed position and the dishes placed in an efficient desiccator jar and allowed to cool to room temperature.

(10) Upon reaching ambient temperature, each weighing dish containing the sample shall be removed from the desiccator jar and weighed as rapidly as possible. This weight subtracted from the gross weight obtained in accordance with subparagraph (6) of this paragraph gives the equivalent weight of moisture lost upon drying.

(11) The steps prescribed in subparagraphs (8), (9), and (10) of this paragraph may be repeated if experience has indicated that the particular product will not dry to a constant weight in the first 24 hours.

(12) Refer to subparagraphs (6) and (10) of this paragraph. The equivalent weight of moisture divided by the sample weight times 100 equals the percentage of moisture in the original sample.

(d) The requirements to be met are:

(1) If only one sample is tested, the serial or subserial is unsatisfactory if the moisture content exceeds 3 percent.

(2) If more than one sample is tested, the serial or subserial is unsatisfactory if: (i) The moisture content of any one sample exceeds 4 percent or, (ii) the average for all samples tested exceeds 3 percent.

(3) Exceptions to this requirement and the establishment of permitted moisture levels for particular products may be made upon submission by the licensee of supporting data acceptable to the Deputy Administrator.

§ 113.30 Detection of salmonella contamination.

The test for detection of salmonella contamination provided in this section shall be conducted when such a test is prescribed in an applicable Standard Requirement or in an approved Outline of Production for the product.

(a) Samples shall be collected from the bulk suspension before bacteriostatic or bactericidal agents have been added.

(b) Five ml of the liquid vaccine suspension shall be used to inoculate each 100 ml of liquid broth media (either tryptose and selenite F or tetrathionate). The inoculated media shall be incubated 18–24 hours at 35–37° C.

(c) Transfers shall be made to either MacConkey agar or Salmonella-Shigella agar, incubated for 18–24 hours and examined.

(d) If no growth typical of salmonella is noted, the plates shall be incubated an additional 18–24 hours and again examined.

(e) If suspicious colonies are observed, further subculture on suitable media shall be made for positive identification. If salmonella is found, the bulk suspension is unsatisfactory.

§ 113.31 Detection of avian lymphoid leukosis.

The complement-fixation test for detection of avian lymphoid leukosis provided in this section shall be conducted when such a test is prescribed in an applicable Standard Requirement or in an approved Outline of Production for the product.

(a) Propagation of contaminating lymphoid leukosis viruses, if present, shall be done in chick embryo cell cultures.

(1) Each vaccine virus, if cytopathic to chick embryo fibroblast cells, shall be effectively neutralized, inactivated, or separated so that minimal amounts of lymphoid leukosis virus can be propagated on cell culture during the 21-day growth period. If a vaccine virus cannot be effectively neutralized, inactivated, or separated, a sample of another vaccine prepared from material harvested from each source flock (or other sampling procedure acceptable to Veterinary Services) used for the preparation of the questionable vaccine virus that cannot be neutralized, inactivated, or separated shall be tested each week during the preparation of such questionable vaccine.

(2) When cell cultures are tested, 5 ml of the final cell suspension as prepared for seeding of production cell cultures shall be used as inoculum. When desiccated vaccines are tested, 200 doses of Newcastle disease vaccine, or 500 doses of other vaccines for use in poultry, or the equivalent of one dose of vaccine for use in animals other than poultry shall be rehydrated with 5 ml of cell culture media and used as inoculum. Control cultures shall be prepared from the same cell suspension as the cultures for testing the vaccine.

(3) Uninoculated chick embryo fibroblast cell cultures shall act as negative controls. One set of chick fibroblast cultures inoculated with subgroup A virus and another set inoculated with subgroup B virus shall act as positive controls, A and B respectively.

(4) The cell cultures shall be propagated at 35–37° C for at least 21 days. They shall be passed when necessary to maintain viability and samples harvested from each passage shall be tested for group specific antigen.

(b) The microtiter complement-fixation test shall be performed using either the 50 percent or the 100 percent hemolytic end point technique to determine complement unitage. Five 50 percent hemolytic units or two 100 percent hemolytic units of complement shall be used for each test.

(1) All test materials, including positive negative controls, shall be stored at −60° C or colder until used in the test. Before use, each sample shall be thawed and frozen three times to disrupt intact cells and release the group specific antigen.

(2) The antiserum used in the microtiter complement-fixation test shall be a standard reagent supplied or approved by the Veterinary Services. Four units of antiserum shall be used for each test.

(3) Presence of complement-fixing activity in the harvested samples (from passages) at the 1:4 or higher dilution, in the absence of anticomplementary activity, shall be considered a positive test unless the activity can definitely be established to be caused by something other than lymphoid leukosis virus, subgroups A and/or B. Activity at the 1:2 dilution shall be considered suspicious and the sample further subcultured to determine presence or absence of the group specific antigen.

(4) Biological products or primary cells which are found contaminated with lymphoid leukosis viruses are unsatisfactory. Source flocks from which contaminated material was obtained are also unsatisfactory.

§ 113.32 Detection of Brucella contamination.

The test for detection of Brucella contamination provided in this section shall be conducted when such a test is prescribed in an applicable Standard Requirement or in an approved Outline of Production for the product.

(a) One ml of the minced tissue used as a source of cells or 1 ml of a sample of harvested bulk tissue culture virus material, prior to the addition of antibiotics, diluent and stabilizer, shall be inoculated onto each of three tryptose agar plates and incubated in a 10 percent CO_2 atmosphere at a temperature of 35–37° C for at least 7 days.

(b) If colonies judged to be Brucella are found, the biological product is unsatisfactory.

(c) If colonies suspicious of Brucella are observed but cannot be judged to be for certain a Brucella species, either

(1) The biological product shall be regarded as unsatisfactory and destroyed; or

(2) Further subculture or other procedures shall be carried out until a positive identification can be made.

§ 113.33 Detection of pathogenicity by the mouse safety test.

The test for detection of pathogenicity provided in this section shall be conducted when such a test is prescribed in an applicable Standard Requirement or in an approved Outline of Production for the product.

(a) Rehydrated vaccine, prepared for use as recommended on the label, shall be tested. Eight mice shall be inoculated intracerebrally with 0.03 ml and eight mice shall be inoculated intraperitoneally with 0.5 ml. Both groups shall be observed for at least 7 days.

(b) If unfavorable reactions attributable to the biological product occur in two or more mice in either group during the observation period, the serial is unsatisfactory.

(c) If unfavorable reactions which are not attributable to the product occur in two or more mice in either group, the tests shall be declared inconclusive and may be repeated: *Provided*, That, if the test is not repeated, the serial shall be declared unsatisfactory.

§ 113.34 Detection of hemagglutinating viruses.

The test for detection of hemagglutinating viruses provided in this section shall be conducted when such a test is prescribed in an applicable standard requirement or in an approved outline of production for the product.

(a) Final container samples of completed product rehydrated as recommended on the label shall be used as inoculum: *Provided*, That poultry vaccines distributed without diluent shall be rehydrated with 30 ml of sterile distilled water per 1,000 doses and used as inoculum. When a fraction is to be used in combination with Newcastle disease vaccine, samples shall be collected from the bulk suspension prior to mixing with the Newcastle disease vaccine.

(b) Each of ten 9- to 10-day-old embryonating eggs from Newcastle disease susceptible flocks shall be inoculated into the allantoic cavity with 0.2 ml of the undiluted inoculum.

(1) Ten embryos of the same age and from the same flock as for the test shall be used as controls. Five shall be left uninoculated as negative controls and five shall be inoculated with a sample of Newcastle disease virus as positive controls.

(c) Three to five days postinoculation, a sample of allantoic fluid from each egg shall be tested separately by a rapid plate test for hemagglutinating activity using a 5-percent suspension of fresh chicken red blood cells.

(d) If the results are inconclusive, one or two blind passages shall be made using fluids from each of the original test eggs. Fluids from deads and lives may be pooled separately for inoculum in these passages.

(e) If hemagglutinating activity is observed, the serial is unsatisfactory.

§ 113.35 Detection of viricidal activity.

The test for detection of viricidal activity provided in this section shall be conducted when such a test is prescribed in an applicable standard requirement or approved outline of production for a liquid fraction used as a diluent for a desiccated live virus fraction in a combination package.

(a) Rehydrate two vials of vaccine with the liquid fraction under test and pool contents.

(b) Rehydrate two vials of vaccine with sterile distilled water using the same volume as the liquid fraction used in paragraph (a) of this section, and pool contents.

(c) Titrate the virus(es) in both pools immediately following rehydration. This is zero hours.

(d) Hold the two pools of vaccine at room temperature for 2 hours and retitrate the virus(es) in each pool. Compare titers.

(e) If the change in titer of the vaccine virus(es) rehydrated with the diluent under test is 0.5 $\log_{10}$ or more below the change in titer of the comparable vaccine virus(es) rehydrated with sterile distilled water, the diluent under test is unsatisfactory.

§ 113.36 Detection of extraneous pathogens by the chicken inoculation test.

The test for detection of extraneous pathogens provided in this section shall be conducted when such a test is prescribed in an applicable standard requirement or in an approved outline of production for the product.

(a) The biological product to be tested shall be prepared for use as recommended on the label, or in the case of desiccated vaccine to be used in poultry, rehydrated with sterile distilled water at the rate of 30 ml per 1,000 doses.

(b) At least 25 healthy susceptible young chickens, properly identified and obtained from the same source and hatch, shall be immunized 14 days prior to being put on test. The immunizing agent shall be the same as the product to be tested but from a serial previously tested and found satisfactory.

(c) At least 20 of the previously immunized birds shall be inoculated with 10 label doses of the vaccine being tested by each of the following routes: Subcutaneous, intratracheal, eye-drop, and comb scarification (1 cm^2). Twenty birds may be used for each route or combination of routes.

(d) At least five birds shall be isolated as control birds.

(e) All birds shall be observed for 21 days for signs of septicemic diseases, respiratory diseases, or other pathologic conditions.

(f) If the controls sicken or die, the test is inconclusive. If the controls remain healthy and sickness or deaths occur in the vaccinates, the serial is unsatisfactory.

§ 113.37 Detection of extraneous pathogens by the chick embryo inoculation test.

The test for detection of extraneous pathogens provided in this section shall be conducted when such a test is prescribed in an applicable standard requirement or in an approved outline of production for the product.

(a) The biological product to be tested shall be prepared for use as recommended on the label, or in the case of desiccated vaccine to be used in poultry, rehydrated with sterile distilled water at the rate of 30 ml per 1,000 doses.

(b) One volume of the prepared vaccine shall be mixed with nine volumes of sterile heat-inactivated specific antiserum to neutralize the vaccine virus in the product. Each lot of antiserum shall be demonstrated by virus neutralization tests not to inhibit other viruses known to be possible contaminants.

(c) After neutralization, 0.2 ml of the vaccine-serum mixture shall be inoculated into each of at least 20 fully susceptible chicken embryos.

(1) Twenty embryos, 9 to 11 days old, shall be inoculated on the CAM with 0.1 ml, and in the allantoic sac with 0.1 ml.

(2) Eggs shall be candled daily for 7 days. Deaths occurring during the first 24 hours shall be disregarded but at least 18 viable embroys shall survive 24 hours postinoculation for a valid test. All embryos (including CAM's) which die after the first day shall be examined. When necessary, embryo subcultures shall be made to determine the cause of a death. The test shall be concluded on the seventh day postinoculation and the surviving embryos (including CAM's) examined.

(d) If death and/or abnormality attributable to the inoculum occur, the serial is unsatisfactory: *Provided*, That, if there is a vaccine virus override, the test may be repeated using a higher titered antiserum.

2. Part 113 is further amended by redesignating the current provisions of § 113.2 as § 113.50, and reserving § 113.2 and 12 new sections designated as § 113.38–§ 113.49, and adding three new sections 113.51–113.53, to read as follows:

§ 113.2 [Reserved]

§ 113.38–§ 113.49 [Reserved]

INGREDIENT REQUIREMENTS

§ 113.50 Ingredients of biological products.

All ingredients used in a licensed biological product shall meet accepted standards of purity and quality; shall be sufficiently nontoxic so that the amount present in the recommended dose of the product shall not be toxic to the recipient; and in the combinations used shall not denature the specific substances in the product below the minimum acceptable potency within the dating period when stored at the recommended temperature.

§ 113.51 Requirements for primary cells used in biological product production.

Prior to release of any serial of biological product prepared from primary cells, samples from each batch of primary cells, and/or samples from each subculture used in the preparation shall be tested for contaminating microorganisms as provided in this section.

(a) Either each subculture of cells used to prepare biological product or the final pool of harvested material for each serial of such product or final container samples of such product shall be shown free of mycoplasma by methods provided in § 113.28. The sample for testing cells shall consist of at least 75 cm² of actively-growing cells or the equivalent in harvest fluids: *Provided*, That all sources of cells in the batch of primary cells are represented.

(b) Either each subculture of cells used to prepare a biological product or the final pool of harvested material for each serial of such product or final container samples of such product shall be shown free of bacteria and fungi by methods provided in §§ 113.25 and 113.27 by inoculating the specified amounts of bulk material into one tube of medium.

(c) Either each subculture of cells used to prepare a biological product or each batch of primary cells for each serial of such product shall be shown to be free of adventitious agents by methods prescribed in subparagraphs (1), (2), (3), and (4) of this paragraph. The samples for testing shall consist of at least two separate monolayers of cells, each at least 75 cm² in area. The monolayers shall be maintained for at least 28 days using the media (with additives) intended for growth and maintenance and under conditions similar to those used to prepare biological products. Subculturing of the cells is permitted, if necessary, to maintain the cells throughout the required period.

(1) The monolayers shall be examined regularly throughout the required period for evidences of cytopathology attributable to adventitious agents.

(2) At least one monolayer, at the conclusion of the required observation period, shall be washed with several changes of phosphate buffered saline, a mixed suspension of 0.2 percent guinea pig, chicken, and human "O" erythrocytes added, and the cells incubated at 25° C for an appropriate incubation period. The monolayer shall then be examined for evidences of hemadsorption in the cell culture.

(3) At least one monolayer, at the conclusion of the required observation period, shall be alternately frozen and thawed three times. A 1.0 ml aliquot of disrupted cells with fluids shall be dispensed onto at least one monolayer of Vero (African green monkey) or other appropriate cell monolayer with a total area of at least 75 cm². The monolayer of Vero (or other appropriate) cells shall then be examined regularly throughout an additional observation period of at least 14 days for evidences of cytopathology attributable to adventitious agents.

(4) If specific cytopathology or hemadsorption attributable to adventitious agents are found, the subculture or batch of primary cells is unsatisfactory and shall not be used to prepare biological products. If adventitious agents are suspected because of cytopathology or hemadsorption and cannot be eliminated as a possibility by additional testing, the batch of primary cells is unsatisfactory.

(d) Either each subculture of cells used to prepare a biological product or each batch of primary cells of bovine origin for each serial of such product shall be shown free of Bovine Virus Diarrhea (BVD) virus. The samples for testing shall consist of at least 10 monolayers of cells, each with an area at least as large as a 10.5×22 mm glass coverslip. The samples for testing shall be obtained from at least the second subpassage from intact tissue. The monolayers shall be grown to at least 80 percent confluency using the media (with additives) intended for growth and maintenance and under conditions similar to those used to prepare the product. At least five of the monolayers shall be deliberately inoculated with BVD virus as positive controls. All monolayers shall be further incubated at 35–37° C for an additional 4 to 6 days. All monolayers shall then be removed from their media, processed, and stained with anti-BVD fluorescein-tagged antibody conjugate, and examined for presence of specific fluorescence attributable to BVD virus.

(1) If any of the uninoculated monolayers show evidences of specific BVD fluorescence, the batch of primary cells is unsatisfactory: *Provided*, That if specific fluorescence attributable to BVD virus is absent in more than one of the monolayers deliberately inoculated as positive controls, the test is inconclusive.

(2) If the pattern of fluorescence is suspicious for BVD contamination in the monolayers deliberately inoculated as positive controls and/or if any of the uninoculated monolayers show fluorescence suspicious of BVD contamination, the test shall be repeated with either.

(i) At least 10 additional monolayers prepared from at least one subpassage from that used as a test sample, or

(ii) Fluids from the uninoculated monolayers which shall be added to 10 monolayers or cells known to be free of BVD virus and essentially equivalent in BVD sensitivity to primary bovine kidney cells.

(e) Either each subculture of cells used to prepare a biological product or each batch of primary cells for each serial of such product shall be shown free of other specified viruses using the procedure described in paragraph (d) of this section, but substituting an antiviral fluorescein-tagged antibody conjugate specific for each of the other specified viruses. The viruses specified and the tests conducted will depend upon the species from which the primary tissues and additives of animal origin were obtained. If available, an initial supply of reagents for the required tests may be furnished by veterinary services. Test conditions and/or test periods may vary from those in paragraph (d) of this section if positive control monolayers grown in known clean cells indicate fluorescence is enhanced in the positive controls using the changed conditions and/or times.

(f) Either each subculture of cells used to prepare a biological product or each batch of primary cells of chicken origin used to prepare such product shall be tested for lymphoid leukosis virus as provided in § 113.31. Cells found to contain lymphoid leukosis virus are unsatisfactory. Source flocks from which contaminated material was obtained are also unsatisfactory.

§ 113.52 Requirements for selection of cell lines.

All cell lines used to prepare biological products shall be tested as provided in this section. Cell lines which are unsatisfactory by any of the tests provided shall not be used.

(a) General requirements.

(1) Cell lines shall be derived from normal tissues of healthy animals. A complete record shall be kept, such as, but not limited to the source, passage history, and media used.

(2) Not more than 20 passages from the master cell stock (MCS) shall be permitted.

(3) Each lot of cells shall be monitored for the characteristics determined to be normal for the cell line, such as, but not limited to microscopic appearance, growth rate, acid production, or other observable features.

(4) A minimum of 50 mitotic cells shall be examined at both the MCS level and the highest passage permitted. The modal number in the highest passage shall not exceed plus or minus 15 percent of the MCS. Marker chromosomes, if any, shall persist over the useful passage level. If the modal number exceeds the limits and/or the marker chromosomes do not persist over the useful passage level, the cell line shall not be used for vaccine production.

(5) Sufficient 1.0 ml or larger aliquots of MCS and the highest passage of cells permitted shall be prepared, kept in a frozen state, and made available to veterinary services upon request for performing the tests prescribed in this section.

(b) The MCS and either each subculture of cells used to prepare a biological product or the final pool of harvested material (with or without the stabilizer) for each serial of such product shall be shown to be free of mycoplasma by methods prescribed in § 113.28. The sample for testing shall consist of at least 75 cm² of actively growing cells or the equivalent in harvest fluids. The cells shall represent all sources of cells in the batch.

(c) The MCS and each subculture used to prepare a biological product or the final pool of harvested material for each serial of such product shall be tested for bacteria and fungi as provided in § 113.26. If bacteria or fungi are found in the MCS, the MCS shall not be used. If bacteria or fungi are found in a subculture, the subculture shall not be used.

(d) The MCS shall be shown to be free of adventitious agents by methods prescribed in subparagraphs (1), (2), (3), (4), (5), and (6) of this paragraph.

The samples for testing shall consist of at least 75 cm^2 in area. The monolayers shall be maintained for at least 14 days using the media (with additive) intended for growth and maintenance and under conditions similar to those used in the preparation of biological products. Subculturing the cells is permitted, if necessary, to maintain the cells throughout the required period.

(1) The monolayers shall be examined regularly throughout the required period for evidences of cytopathology attributable to adventitious agents.

(2) At least one monolayer, at the conclusion of the required observation period, shall be shown to be free of hemadsorbing agents by methods provided in § 113.50(c)(2).

(3) At least one monolayer, at the conclusion of the required observation period, shall be stained with a suitable cytological stain and the entire monolayer methodically examined for evidences of inclusion bodies, abnormal number of giant cells, or other cytopathology indicative of cell abnormalities attributable to adventitious agents.

(4) At least one monolayer, at the conclusion of the required observation period, shall be alternately frozen and thawed three times. A 1.0 ml aliquot of disrupted cells shall be dispensed onto at least one monolayer (at least 75 cm^2 in area) of each of the following cells:

(i) Vero African green monkey kidney cells,

(ii) BHK_{21} baby hamster kidney cells,

(iii) Embryonic or neonatal bovine kidney cells,

(iv) Neonatal canine kidney cells, of the species for which the biological product is intended (if not bovine or canine), and

(vi) Embryonic or neonatal kidney cells of the species of origin of the cell line (if not bovine or canine).

(5) The monolayers of cells specified in subparagraph (4) of this paragraph shall be examined regularly throughout an additional period of at least 14 days for evidences of cytopathology attributable to adventitious agents. At the conclusion of the observation period, each monolayer of the specified cells shall be shown to be free of hemadsorbing agents by methods provided in § 113.50(c)(2).

(6) If specific cytopathology or hemadsorption attributable to adventitious agents are found, the MCS is unsatisfactory. If adventitious agents are suspected because cytopathology or hemadsorption and cannot be eliminated as a possibility by additional testing, the MCS shall be regarded as unsatisfactory.

(e) Each MCS either derived from or intended for use in bovine species shall be shown to be free of BVD virus using the procedure prescribed in § 113.50(d).

(f) Each MCS shall be shown to be free of other specified viruses using the procedure provided in § 113.50(d), but substituting the antiviral fluorescein-tagged antibody conjugate specific for each of the other specified viruses. The viruses specified and the tests conducted will depend upon the species from which the MCS tissues and additives of animal origin were obtained. When available, reagents for the tests may be furnished by veterinary services. Test conditions and/or periods may be varied from those in § 113.50(d) if positive control monolayers grown in known clean cells indicate fluorescence is enhanced in the postive controls by so doing.

(g) Tumorigenicity and oncogenicity requirements. The MCS shall be shown to be free of harmful tumorigenicity and oncogenicity by methods provided in this paragraph. The samples for testing shall consists of cells from a 50 percent mixture of the MCS and the highest passage used to prepare a biological product.

(1) Cell lines found to be tumorigenic in conditioned laboratory animals or by hamster cheek pouch inoculation shall be considered satisfactory if no oncogenicity occurs using disrupted cells in laboratory animals and if intact cells do not produce tumors when inoculated into the species for which the product is recommended. Also, a cell line which produces only benign, nonproliferating or regressing tumors in laboratory animals limited to the site of inoculation shall be considered satisfactory.

(2) Cell lines shall be considered unsatisfactory to prepare a biological product if evidence of oncogenicity or malignant tumorigenicity is demonstrated. A cell line which produces a malignant or progressively proliferating tumor shall be unsatisfactory.

(3) One of the test procedures provided in this paragraph shall be used to test the tumorigenicity of the cell line. No cell line shall be used which does not pass one of these tests: *Provided*, That if the cell line is tested according to the test procedure in subdivision (iii) of this subparagraph and meets the requirements, the cell line may be used regardless of results obtained from other tests, but if it fails to meet these requirements, the cell line shall not be used.

(i) When conditioned laboratory animals are used, they shall be treated with cortisone, or X-ray, or lymphocyte antiserum, or thymocyte antiserum, or a combination of these agents and each inoculated by a suitable route with 10^7 viable cells suspended into 0.1 ml of medium so that at least 20 animals shall survive a postinoculation period of 60 days. At least 10 positive control animals shall be inoculated with a cell line known to be tumorigenic and at least 10 negative control animals shall be inoculated with the medium used to grow the cells. The test is valid if progressive proliferation tumors are found in approximately 50 percent of the positive controls and no tumors are found in the negative controls. In a valid test, if progressive tumors are found in test animals inoculated with the cell line to be used for vaccine, the cell line is unsatisfactory. Microscopic examination shall be required to establish any suspected tumor as benign.

(ii) When cheek pouch inoculation of unconditioned hamsters is used, 10^4 viable cells suspended in 0.1 ml of medium shall be inoculated into the cheek pouch of each test animal. At least 20 animals shall be used for the unknown cell line and at least 20 positive controls shall be inoculated with a cell line known to be tumorigenic. After 60 days postinoculation, all test animals shall be necropsied and examined. The test shall be valid if progressive tumors are found in 50 percent or more of the positive controls. In a valid test, if progressive tumors are found in test animals inoculated with the cell line to be used to prepare a biological product, the cell line is unsatisfactory. Microscopic examination shall be required to establish that any suspected tumor is benign.

(iii) When unconditioned domestic animals of each species for which the final biological product shall be recommended are used, 10^7 viable cells suspended in 0.5 to 1.0 ml of medium shall be inoculated subcutaneously into the inguinal region of each of not less than 20 animals. Twenty negative control animals shall each be inoculated with 0.5 to 1.0 of the suspending medium. Sixty days post-inoculation, the test animals shall be necropsied. The inoculation site shall be examined microscopically. If there is no evidence of proliferating foreign cells at site of inoculation in the controls, the test is valid. If proliferating foreign cells are detected at the inoculation site of any of the 20 cell-inoculated test animals in a valid test, the cell line is unsatisfactory.

(4) One of the test procedures provided in this paragraph shall be used to test the oncogenicity of the cell line. No cell line shall be used to prepare a biological product if a 50 percent mixture of the MCS and the highest passage to be used fails to meet the requirements in the test procedure used.

(i) When conditioned laboratory animals are used, the test shall be conducted simultaneously with the tumorigenicity test prescribed in subparagraph (3)(i) of this paragraph. Common positive and negative control animals shall be used for both tests. At least 10^6 cells disrupted by freeze-thaw cycles or minimal sonication in 0.1 ml of medium shall be inoculated into each of at least 20 animals. Sixty days post-inoculation, all test animals shall be necropsied and the inoculation site examined microscopically. The test shall be valid if progressive proliferation tumors are found in approximately 50 percent of the positive controls and no tumors of proliferating tumor cells are found at the site of inoculation in the negative controls. In a valid test, if proliferating tumor cells are found at the inoculation site in the test animals receiving the cell line, the cell line is unsatisfactory.

(ii) When unconditioned laboratory animals are used, each of at least 20 newborn hamsters and each of at least 20 newborn mice shall be inoculated subcutaneously in the scapular region with 0.1 ml of a suspension containing 10^7 cells per ml which have been rendered free of intact cells by alternate freeze-thaw cycles or sonification. At least 20 negative controls for each species shall be inoculated in the same manner as the test animals with cell suspension medium that has been treated in the same manner

as the cell suspension. For a test to be valid, a minimum of 20 hamsters and 20 mice shall survive a post-inoculation period of 6 months. All survivors shall be necropsied. In a valid test, if any of the survivors or any inoculated animals which died earlier show a malignancy related to the inoculum, the cell line is unsatisfactory.

(5) The MCS shall be shown to be of the same species of origin as that reported in § 113.52(a)(1) by the following method. The samples for testing shall consist of at least four monolayers of cells, each with an area at least as large as a 10.5 × 22 mm glass coverslip. The monolayers shall be grown to at least 80 percent confluency using media that does not contain any additives whose species of origin match the species of origin of the MCS. The monolayers shall then be removed from their media, processed, and stained in the following fashion. At least two monolayers shall be stained with an antispecies fluorescein-tagged antibody conjugate unrelated to the species of origin of the MCS. All monolayers shall then be examined for evidences of specific fluorescence.

(i) If specific fluorescence is not found in the monolayers stained with the conjugate specific to the species of origin of the MCS, the cell line is unsatisfactory and shall not be used for vaccine production.

(ii) If nonspecific fluorescence is found in the monolayers stained with conjugate from an unrelated species of origin, or other results make the test results equivocal, the procedure shall be repeated until either specific fluorescence is found only in the monolayers stained with conjugate specific to the species of origin of the MCS and not in the control monolayers, or, alternately, specific fluorescence cannot be identified and the MCS is declared unsatisfactory.

(iii) Alternate tests to determine the species of origin of the MCS may be used if approved by veterinary services.

§ 113.53 Requirements for ingredients of animal origin.

Each lot of ingredient of animal origin, such as, but not limited to serum and albumin, used in the preparation of biological products shall be tested as prescribed in this section. Each lot found unsatisfactory shall not be used.

(a) General requirements.

(1) *Mycoplasma contamination.*—Samples shall be tested for mycoplasma in accordance with the tests provided in § 113.28 using both heart infusion and M-96 medias.

(2) *Bacteria and fungi.*—Samples shall be tested for bacteria and fungi in accordance with the test provided in § 113.26.

(b) Nutrient serums shall be tested according to the tests provided in this paragraph.

(1) Serum of equine origin shall be negative to the Coggins test for equine infectious anemia antibodies.

(2) Samples of the serum shall be tested in cells of the same animal origin from a batch of primary cells found satisfactory according to tests in § 113.51. The growth medium shall contain 15 percent of the serum being tested and shall be suitable for growing cells tested according to § 113.51. When subculturing, the serum under test shall be used as the nutrient serum and the same medium and additives of animal origin shall be used. Monolayer cultures of test cells equal to four 75 cm^2 flasks (total area 300 cm^2) shall be used for testing, and the growth medium for the 300 cm^2 shall be 100 ml.

(3) One flask prepared as provided in subparagraph (2) of this paragraph shall be maintained for 28 days to observe for virus effects, such as cytopathogenic effect (CPE), vacuolization or giant cell formation. Between subculturings, the growth medium may be changed to maintenance medium with a lower percentage of test serum. If no evidence of viruses is observed, the flask shall be stained with a suitable stain and observed for abnormalities, such as inclusion bodies.

(4) One flask prepared as provided in subparagraph (2) of this paragraph shall be maintained for 28 days to observe for hemadsorbing and hemagglutinating viruses. After 28 days incubation, the maintenance medium shall be decanted aseptically into a sterile container and saved for the hemagglutination test in subparagraph (5) of this paragraph. The cells shall be washed with several changes of phosphate buffered saline and tested by successive individual hemadsorption tests using 0.2 percent respectively of human "O," guinea pig, and chicken erythrocytes. After each appropriate inoculation period, the cells shall be observed for hemadsorption indicating presence of a hemadsorbing virus.

(5) The hemagglutination test on the medium saved, as provided in subparagraph (4) of this paragraph, shall be conducted against human "O," guinea pig, and chicken erythrocytes respectively over at least 1:2 through 1:64 dilutions. Negative controls consisting of uninoculated growth medium without test serum shall be run in parallel with this test.

(6) One flask prepared as provided in subparagraph (2) of this paragraph shall be maintained for 28 days. If the cells have remained normal, they shall be disrupted by freezing and thawing. A 1.0 ml sample of disrupted cells and fluids shall be dispensed onto a monolayer of Vero cells (green monkey) or other appropriate cells observed for an additional 14 days for cytopathogenic effect.

(7) One flask prepared as provided in subparagraph (2) of this paragraph shall be maintained for 21 days and if the cells remain normal, they shall be subcultured onto a rack of Leighton tubes containing coverslips. Applicable fluorescent antibody tests shall be conducted on these cells when confluent. The specific conjugates used shall include potential viral contaminants from the species from which the serum was obtained.

(8) Each lot of serum of bovine origin shall be tested for the presence of adventitious BVD virus using subcultures from the flask used in subparagraph (7) of this paragraph.

(i) After an optimal growth period for the second subculture, but not less than 5 days growth for each subculture, the third subculture is seeded onto at least 10 Leighton tubes containing coverslips. When the cell layers are at least 80 percent confluent, five tubes of cell cultures shall be inoculated with a known strain of BVD virus as a positive control.

(ii) Five to 7 days postinoculation, all the coverslips shall be removed from the tubes, identified, processed, and stained with anti-BVD conjugate and examined for specific BVD fluorescence.

(iii) The bovine serum is satisfactory if at least four of the five inoculated cell cultures show fluorescence and none of the five uninoculated cell cultures show evidence of BVD specific fluorescence.

(iv) Specific fluorescence in cells from tubes of cell cultures not inoculated with BVD virus indicates adventitious BVD virus contamination and the lot of bovine serum tested is unsatisfactory for vaccine production.

Interested persons are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250. All comments received on or before August 13, 1973, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR, § 1.27(b)).

Done at Washington, D.C., this 7th day of June 1973.

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR, Parts 71, 75]

[Airspace Docket No. 73-SW-29]

FEDERAL AIRWAYS AND JET ROUTES

Proposed Designation and Redesignation

The Federal Aviation Administration (FAA) is considering amendments to parts 71 and 75 of the Federal Aviation Regulations that would extend four Federal airways and six jet routes a short distance to the Mexican border.

Interested persons may participate in the proposed rulemaking by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, attention:

Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendments would redesignate portions of the following airways and jet routes within the United States:

1. V-163 from the Brownsville, Tex., VORTAC to the Matamoros, Mexico, VOR.
2. V-20 from the McAllen, Tex., VOR to the Reynosa, Mexico, VOR.
3. V-359 from the Laredo, Tex., VOR TAC to the Nuevo Laredo, Mexico, VOR.
4. V-280 from the El Paso, Tex., VOR TAC to Ciudad Juarez, Mexico, VOR.
5. J-29 from the Brownsville, Tex., VORTAC to the Tampico, Mexico, VOR.
6. J-25 from the Brownsville, Tex., VORTAC to the Matamoros, Mexico, VOR.
7. J-22 from the Laredo, Tex., VOR TAC to the Monterrey, Mexico, VOR.
8. J-11 from the Tucson, Ariz., VOR TAC via the Tucson 185° true radial to the United States/Mexico border.
9. J-13 from the Truth or Consequences, N. Mex., VORTAC via the Truth or Consequences 162° true radial to the United States/Mexico border.
10. J-26 from the El Paso, Tex., VOR TAC to the Ciudad Juarez, Mexico, VOR.

These proposed airspace actions would provide continuity of airways and jet routes between the United States and Mexico. It would also provide an efficient and orderly flow of traffic at major crossings between the two countries.

Mexican Government authorities have concurred in this plan and will initiate separate action to establish or otherwise amend their airway/route structure to be logically consistent.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on June 8, 1973.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.73-11835 Filed 6-11-73;9:04 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR, Part 12]

NONDISCRIMINATION IN PROGRAMS RECEIVING ASSISTANCE FROM THE ENVIRONMENTAL PROTECTION AGENCY—EFFECTUATION OF SECTION 13 OF THE FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

Notice of Proposed Rulemaking

The Environmental Protection Agency is considering the adoption of a new part 12 in chapter I of title 40 of the Code of Federal Regulations to implement section 13 of the Federal Water Pollution Control Act Amendments of 1972 by eliminating discrimination on the ground of sex under any program or activity receiving assistance from the Environmental Protection Agency under the Federal Water Pollution Control Act, as amended, or the Environmental Financing Act.

Interested parties are invited to submit written data, views, or comments to the Director, Office of Civil Rights and Urban Affairs, Environmental Protection Agency, Washington, D.C. 20460. All such submissions received on or before August 13, 1973, will be considered before approval and promulgation of a final regulation.

ROBERT W. FRI,
Acting Administrator.

JUNE 7, 1973.

PART 12—NONDISCRIMINATION IN PROGRAMS RECEIVING ASSISTANCE FROM THE ENVIRONMENTAL PROTECTION AGENCY—EFFECTUATION OF SECTION 13, THE FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

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AUTHORITY.—Sec. 13, Federal Water Pollution Control Act Amendments of 1972.

§ 12.1 Purpose.

The purpose of this part is to effectuate section 13 of the Federal Water Pollution Control Act Amendments of 1972 (hereinafter referred to as the Act) to the end that no person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving financial assistance from the Environmental Protection Agency under the Federal Water Pollution Control Act Amendments of 1972.

§ 12.2 Definitions.

Unless the context requires otherwise, as used in this part the term:

(a) "Administrator" means the Administrator of the Environmental Protection Agency or, except in § 12.11(e), any other Agency official who by delegation may exercise the Administrator's authority.

(b) "Agency" means the Environmental Protection Agency and includes each and all of its organizational components.

(c) "Applicant" means one who submits an application, subagreement, request, plan, or any other document required to be approved by the Administrator, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means such an application, subagreement, request, plan, or any other such document.

(d) "Facility" includes all or any part of structures, equipment, or other real or personal property or interests therein, and the term "provision of facilities" includes the construction, expansion, renovation, remodeling, alteration, or acquisition of facilities.

(e) "Federal financial assistance" includes:

(1) Grants, loans, and advances of Federal funds;

(2) The grant or donation of Federal property and interests in property;

(3) The detail of Federal personnel;

(4) The sale or lease of, or the permission to use (on other than a casual or transient basis), Federal property or any interest in such property without consideration, or for less than adequate consideration for the purpose of assisting the recipient, or in recognition of the public interest to be served by such a sale or lease to the recipient; and

(5) Any Federal agreement, arrangement, or other contract which has as one of its purposes the provision of assistance.

(f) "Primary recipient" means any recipient which is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program for which it receives Federal financial assistance.

(g) "Program" includes any program, project, or activity for the provision of services, financial assistance, or other benefits to individuals (including education or training, health, welfare, housing, rehabilitation, or other services, whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities or other assistance to individuals), or for the provisions of facilities for furnishing services, financial assistance, or

other benefits to individuals. The services, financial assistance, or other benefits provided under a program receiving Federal financial assistance shall be deemed to include (1) any services, financial assistance, or other benefits provided with the aid of Federal financial assistance or with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet matching requirements or other conditions which must be met in order to receive the Federal financial assistance, and (2) any services, financial assistance, or other benefits provided in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(h) "Recipient" means any State, or any political subdivision or instrumentality thereof, any public or private agency, institution, organization, or other entity, or any individual, in any State to which or whom Federal financial assistance is extended, directly or through another recipient, for any program, or who otherwise participates in carrying out such program, including any successor, assignee, or transferee thereof, but such term does not incluude any ultimate beneficiary under any such program.

(i) "State" means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

§ 12.3 Applicability.

This part applies to any program for which Federal financial assistance is authorized under the act administered by the agency. It applies to any such program or activity to which money was paid, property transferred, or other Federal financial assistance extended after the effective date of this part. This part does not apply to: (1) Any program funded only by Federal financial assistance by way of insurance or guaranty, (2) any such program to which money was paid, property transferred, or other assistance extended only before the effective date of this part, (3) any assistance to any individual who is the ultimate beneficiary under any such program, or (4) any employment practice under any such program of any employer, employment agency, or labor organization, except as provided in § 12.4 (c).

§ 12.4 Discrimination prohibited.

(a) *General.*—No person in the United States shall, on the ground of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity to which this part applies.

(b) *Specific discriminatory actions prohibited.*—(1) a recipient under any program or activity to which this part applies may not, directly or indirectly, on the ground of sex:

(i) Deny a person any service, financial assistance, or other benefit provided under the program;

(ii) Provide to a person any service, financial assistance, or other benefit which is different, or is provided in a different manner, from that provided to others under the program;

(iii) Subject a person to segregation or separate treatment in any matter related to such person's receipt of any service, financial assistance, or other benefit under the program;

(iv) Restrict a person in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial assistance, or other benefit under the program;

(v) Treat a person differently from others in determining whether such person satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition which persons must meet in order to be provided any service, financial assistance, or other benefit provided under the program;

(vi) Deny a person an opportunity to participate in the program through the provision of services (or otherwise) or afford a person an opportunity to participate in a manner different from that afforded others; or

(vii) Deny a person the opportunity to participate as a member of any planning or advisory body which is an integral part of the program.

(2) A recipient, in determining the types of services, financial assistance, or other benefits of facilities which will be provided under any such program or the class of persons to whom, or the situations in which, such services, financial assistance, other benefits, or facilities will be provided under any such program, or the class of persons to be afforded an opportunity to participate in any such program may not, directly or indirectly, utilize criteria or methods of administration which have or may have the effect of subjecting a person to discrimination because of sex or which have or may have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to individuals of a particular sex.

(3) In any program receiving financial assistance in the form, or for acquisition, of real property or an interest in real property, to the extent that rights to space on, over, or under any such property are included as part of the program receiving that assistance, the nondiscrimination requirement of this part shall extend to any facility located wholly or in part in that space during the period of time stated in § 12.6(a)(2).

(4) The enumeration of specific forms of prohibited discrimination in this paragraph does not limit the generality of the prohibition in paragraph (a) of this section.

(c) *Employment practices.*—(1) Where a primary objective of a program receiving Federal financial assistance to which this part applies is to provide employment, a recipient or other person or entity subject to this part shall not discriminate, directly or indirectly, on the ground of sex in its employment practices under such program. Employment practices include recruitment, recruitment advertising employment, layoff, termination, firing, upgrading, demotion, transfer, rates of pay, or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees. Each recipient shall take affirmative steps to insure that applicants are employed and employees are treated during employment without regard to sex. Where this part applies to construction employment, the applicable requirements shall be those specified in or pursuant to part III of Executive Order 11246, as amended, or any Executive order which may supersede it.

(2) In regard to Federal financial assistance which does not have providing employment as a primary objective, the provisions of subparagraph (1) of this paragraph apply to the employment practices of the recipient if discrimination on the ground of sex in such employment practices tends, on the ground of sex, to exclude persons from participation in, to deny them the benefits of, or to subject them to discrimination under the program receiving Federal financial assistance. In any such case, the provisions of subparagraph (1) of this paragraph shall apply to the extent necessary to assure equality of opportunity to and nondiscriminatory treatment of beneficiaries.

(d) *Site selection.*—A recipient may not make a selection of a site or location of a facility if the purpose of that selection, or its effect when made, is to exclude individuals from participation in, to deny them the benefits of, or to subject them to discrimination under any program or activity to which this rule applies, on the ground of sex.

(e) *Construction projects.*—An EPA recipient of funds awarded for the location, design, or construction of a demonstration facility or sewage treatment plant may not deny access to, or use of, the facility being constructed or the system of which it is a part to any person on the basis of sex.

§ 12.5 Affirmative action.

(a) Each applicant or recipient must take reasonable steps to remove or overcome the consequences of prior discrimination and to accomplish the purposes of the act where previous practice or usage has in purpose or effect tended to exclude individuals from participation in, deny them the benefits of, or subject them to discrimination under any program or activity to which this part applies, on the ground of sex.

(b) Even in the absence of such prior discrimination, a recipient in administering a program may take affirmative action to overcome the effects of conditions which resulted in limiting participation by, or denying benefits to, persons of a particular sex.

§ 12.6 Assurances required.

(a) *General.*—(1) *Form of assurance.*—Every application for Federal financial assistance to a program to

which this part applies and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, contain or be accompanied by an assurance that the program will be conducted or the facility operated in compliance with all requirements imposed by or pursuant to this part, and that the applicant shall take affirmative steps to insure equal opportunity and shall periodically evaluate its performance. Like assurances will be required of subgrantees, contractors, and subcontractors, transferees, successors in interest, and other participants in the program. Any such assurance shall include provisions which express consent to judicial enforcement by the United States.

(2) *Duration of assurance.*—In cases where the Federal financial assistance is to provide or is in the form of either personal property or real property or any interest therein or structure thereon, the assurance shall obligate the recipient or in the case of a subsequent transfer, the transferee, for the period during which the property is used for any purpose for which the Federal financial assistance is or was extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In all other cases the assurance shall obligate the recipient for the period during which Federal financial assistance is extended to the program.

(3) *Assistance for construction.*—In the case where the assistance is sought for the construction of a facility, or part of a facility, the assurance shall in any event extend to the entire facility and to facilities operated in connection therewith. In particular, if a facility to be constructed is part of a larger system, the assurance shall extend to the larger system.

(4) *Assistance through transfer of real property.*—Where Federal financial assistance is provided in the form of a transfer from the Federal Government of real property, structures, any improvements thereon, or any interest therein, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period for which the real property is used for a purpose for which the Federal financial assistance is or was extended or for another purpose involving the provision of similar services or benefits. Where no transfer of property or an interest therein from the Federal Government is involved, but property is acquired or improved under a program of Federal financial assistance, the recipient shall agree to include such a covenant in any subsequent transfer of such property. When the property is obtained from the Federal Government, the covenant may also include a condition coupled with a right to be reserved by the Agency to revert title to the property in the event of a breach of the covenant. Such a condition and right of reverter may be included in covenants for any grants or other assistance that the Administrator in his discretion deems appropriate for such treatment. In such event if a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on such property for the purposes for which the property was transferred, the Administrator may agree, upon request of the transferee and if necessary to accomplish such financing, and upon such conditions as he deems appropriate, to subordinate such right of reversion to the lien of such mortgage or other encumbrance.

(b) *Continuing State programs.*—Every application by a State or a State agency to carry out a program involving continuing Federal financial assistance to which this part applies shall, as a condition to its approval and the extension of any Federal financial assistance pursuant to the application, (1) contain or be accompanied by a statement that that program is (or, in the case of a new program, will be) conducted in compliance with all requirements imposed by or under this part, and (2) provide or be accompanied by provision for such methods of administration for the program as are found by the Administrator to give reasonable assurance that the applicant and all recipients of Federal financial assistance under such program will comply with all requirements imposed by or under this part.

(c) *Assurances from educational institutions.*—In the case of any application for Federal financial assistance to an institution of higher education, the assurance required by this section shall extend to admission practices and to all other practices relating to the treatment of students.

§ 12.7 Compliance information.

(a) *Cooperation and assistance.*—Each responsible Agency official shall seek the cooperation of recipients and applicants in obtaining compliance with this part and shall provide assistance and guidance to recipients and applicants to help them comply voluntarily with this part.

(b) *Compliance reports.*—Each recipient or applicant shall keep such records and submit to the responsible Agency official or such official's designee timely, complete, and accurate compliance reports at such times, in such form, and containing such information, as the responsible Agency official or such official's designee may determine to be necessary or useful to enable the Agency to ascertain whether the recipient or applicant has complied or is complying with this part. Recipients and applicants shall have available for Agency officials on request data showing the extent to which persons of each sex are or will be beneficiaries of the assistance. In the case of any program under which a primary recipient extends or will extend Federal financial assistance to any other recipient such other recipient shall submit such compliance reports to the primary recipient as may be necessary or useful to enable the primary recipient to carry out its obligations as a recipient or applicant under this part.

(c) *Access to source of information.*—Each recipient shall permit access by the responsible Agency official or such official's designee during normal business hours to such of its facilities, books, records, accounts, and other sources of information as may be relevant to a determination of whether or not the recipient is complying with this part. Where any information required of a recipient is in the exclusive possession of any other agency, institution, or person and such agency, institution, or person fails or refuses to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it had made to obtain the information.

(d) *Information to beneficiaries and participants.*—Each recipient shall make available to participants, beneficiaries, and other interested persons any information pertinent to the provisions of this part and its applicability to the program receiving Federal financial assistance which is necessary or useful to apprise such persons of the protections against discrimination assured them by the act and by this part.

§ 12.8 Investigations.

(a) *Periodic compliance reviews.*—The Administrator shall from time to time review the practices of recipients to determine whether they are complying with this part.

(b) *Complaints.*—Any person or entity who believes any specific class of persons (including the person or entity complaining) to be subjected to discrimination prohibited by this part may personally or by a representative file with the Administrator a written complaint. This complaint should be filed as promptly as possible after the date of the alleged discrimination.

(c) *Investigations.*—The Administrator will make a prompt investigation whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply with this part. The investigation will include, where appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination of whether the recipient has failed to comply with this part.

(d) *Resolution of investigation.*—(1) If an investigation indicates a failure to comply with this part, the Administrator will so inform the recipient and complainant, if any, in writing, and the matter will be resolved by informal means whenever possible. If the Administrator determines that the matter cannot be resolved by informal means, action will be taken as provided for in § 12.9.

(2) If an investigation does not warrant action pursuant to subparagraph (1) of this paragraph, the Administrator will so inform the recipient and complainant, if any, in writing.

(e) *Intimidatory or retaliatory acts prohibited.*—No recipient or other person shall intimidate, threaten, coerce, or

discriminate against any individual for the purpose of interfering with any right or privilege secured by the act or by this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The Administrator or the Administrator's designee may agree to keep confidential the identity of any complainant except to the extent that disclosure would be required by law in proceedings for the enforcement of this part.

§ 12.9 Procedure for obtaining compliance.

(a) *General.*—(1) If compliance with this part cannot be assured by informal means, compliance with this part shall be effected by termination of or refusal to grant or to continue Federal assistance in accordance with the procedures of paragraph (b) of this section, or by any other means authorized by law in accordance with the procedures of paragraph (c) of this section. Such other means include, but are not limited to, (i) a referral of the matter to the Department of Justice with a recommendation that appropriate judicial proceedings be brought to enforce any rights of the United States under any law or assurance or contractual undertaking, and (ii) any applicable proceeding under State or local law.

(b) *Procedure for termination or refusal to grant or continue assistance.*—An order terminating or refusing to grant or continue Federal assistance shall become effective only after:

(1) The Administrator has the applicant or recipient of its failure to comply and has determined that compliance cannot be secured by voluntary means;

(2) There has been an express finding on the record, after opportunity for hearing, of a failure by the applicant or recipient to comply with a requirement imposed by or under this part;

(3) The action has been approved by the Administrator pursuant to § 12.11 (e); and

(4) The expiration of 30 days after the Administrator has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program or activity involved, a full written report of the circumstance and the grounds for such action. The termination or refusal to grant or continue assistance shall be limited to the particular political entity, or part thereof, or other recipient as to which a finding of noncompliance with section 13 of the act and with this part has been made and shall be limited in its effect to the particular program or part thereof in which such noncompliance has been so found.

(c) *Other means authorized by law.*—No action to effect compliance with section 13 of the act and with this part by any other means authorized by law shall be taken until:

(1) The Administrator has determined that compliance cannot be secured by voluntary means, and the recipient or other person against whom action will be sought has been notified of such determination; and

(2) The expiration of at least 10 days from the mailing of such notice to the recipient or such other person. During this period of at least 10 days, additional efforts may be made to persuade the recipient or such other person to take such corrective action as may be appropriate.

§ 12.10 Hearings.

(a) *Opportunity for hearing.*—Whenever an opportunity for a hearing is required by § 12.9(b), reasonable notice shall be given by certified mail, return receipt requested, to the affected applicant or recipient. This notice shall fix a date not less than 3 weeks after the date of receipt of such notice within which the applicant or recipient may file with the Administrator a request in writing that the matter be scheduled for hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set shall be deemed to be a waiver of the right to a hearing under § 12.9(b) and consent to the making of a decision on the basis of such information as is available.

(b) *Time and place of hearing.*—Hearings shall be held at the offices of the Agency in Washington, D.C., unless the Administrator determines that the convenience of the applicant or recipient or of the Agency requires that another place be selected. Hearings shall be held at a time fixed by the Administrator before a hearing examiner appointed in accordance with section 3105 of title 5, United States Code, or detailed under section 3344 of title 5, United States Code.

(c) *Right to counsel.*—In any proceeding under this section, the applicant or recipient and the Agency shall have the right to be represented by counsel.

(d) *Procedures, evidence, and record.*—(1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 (1970).

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where reasonably necessary by the officer conducting the hearing. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. All decisions shall be based upon the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.*—In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more types of Federal financial assisance to which this part applies, the Administrator may provide for the conduct of consolidated or joint hearings, and for the application to such hearings of rules or procedures not inconsistent with this part. Final decisions in such cases shall be made in accordance with § 12.11.

§ 12.11 Decisions and notices.

(a) *Procedure on decisions by hearing examiner.*—The hearing examiner shall make an initial decision, including his recommended findings and proposed decision, and a copy of such initial decision shall be mailed by certified mail (return receipt requested) to the applicant or recipient. The applicant or recipient may, within 30 days after the receipt of such notice of initial decision, file with the Administrator his exceptions to the initial decision, and his reasons therefor. In the absence of exceptions, the Administrator may, on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of notice of review, the Administrator shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall, subject to paragraph (e) of this section, constitute the final decision of the Administrator.

(b) *Decisions on record on review by the Administrator.*—Whenever the Administrator reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, the applicant or recipient, the Agency officials responsible, and the complainant, if any, shall be given reasonable opportunity to file with him briefs or other written statements of their contentions, and a written copy of the final decision of the Administrator shall be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.*—Whenever a hearing is waived pursuant to § 12.10(a), a decision shall be made by the Administrator on the record and a written copy of such decision shall be sent to the applicant or recipient, and to the complainant, if any.

(d) *Rulings required.*—Each decision of a hearing examiner shall set forth his ruling on each finding, conclusion, or exception presented, and shall identify the requirement or rquirements imposed by or pursuant to this part with which it is found that the applicant or recipient has failed to comply.

(e) *Approval by Administrator.*—Any decision by an official of the Agency, other than the Administrator personally, which provides for the termination of, or the refusal to grant or continue, Federal financial assistance, or the imposition of any other sanction available under this part or the act, shall promptly be transmitted to the Administrator personally, who may approve such decision, vacate it, or remit or mitigate any sanction imposed.

(f) *Context of orders.*—The final decision may provide for termination of, or refusal to grant or continue, Federal financial assistance, in whole or in part,

to the program involved and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purpose of the act and this part, including provisions designed to assure that no Federal financial assistance will thereafter be extended under such program to the applicant or recipient determined by such decision to have failed to comply with requirements imposed by or under this part unless and until it corrects its noncompliance and satisfies the Administrator that it will fully comply with this part.

(g) *Post-termination proceedings.*—(1) An applicant or recipient adversely affected by an order issued under paragraph (f) of this section shall be restored to full eligibility to receive Federal financial assistance from the Agency if it satisfies the terms and conditions of that order for such eligibility and brings itself into compliance with this part and provides reasonable assurance that it will fully comply with this part in the future.

(2) Any applicant or recipient adversely affected by an order entered pursuant to paragraph (f) of this section may at any time request the Administrator to restore fully its eligibility to receive Federal financial assistance from the Agency. Any such request shall be supported by information showing that the applicant or recipient has met the requirements of subparagraph (1) of this paragraph. If the Administrator determines that those requirements have been satisfied, he shall restore such eligibility.

(3) If the Administrator denies any request made under subparagraph (2) above, the applicant or recipient may submit a request in writing for a hearing, specifying why it believes him to have been in error. It shall thereupon be given an expeditious hearing, with a decision on the record in accordance with rules or procedures issued by the Administrator. The applicant or recipient will be restored to such eligibility if it proves at such a hearing that it satisfied the requirements of subparagraph (1) of this paragraph. Failure to file such a request within 3 weeks after receipt of notice of such denial shall constitute consent to the Administrator's determination.

(4) While proceedings under this paragraph (g) are pending, the sanctions imposed by the order issued under paragraph (f) of this section shall remain in effect.

§ 12.12 Effect on other regulations, forms, and instructions.

(a) *Effect on other regulations.*—All regulations, orders, or like directions issued before the effective date of this part by any officer of the Agency, or by any predecessor of such an officer, which impose requirements designed to prohibit any discrimination against individuals on the ground of sex under any program to which this part applies, and which authorize the termination of or refusal to grant or to continue Federal financial assistance to any applicant for or recipient of such assistance under such program for failure to comply with such requirements, are hereby superseded to the extent that the discrimination against which they are directed is prohibited by this part, except that nothing in this part shall relieve any person of any obligation assumed or imposed under any such superseded regulations, order, or like direction before the effective date of this part. Nothing in this part, however, supersedes any of the following (including future amendments thereof): (1) Executive Order 11246 (3 CFR 1971 etc., p. 424), and regulations issued thereunder, or (2) any other orders, regulations, or instructions insofar as such orders, regulations, or instructions prohibit discrimination on the ground of sex in any program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

(b) *Forms and instructions.*—The Administrator shall issue and promptly make available to all interested persons forms and detailed instructions and procedures for effectuating this part as applied to programs to which this part applies and for which he is responsible.

(c) *Supervision and coordination.*—The Administrator may from time to time assign to officials of the Agency, or to officials of other departments or agencies of the Government with the consent of such departments or agencies, responsibilities in connection with effectuation of the purposes of section 13 of the act, and this part. The Administrator may delegate in writing any function assigned (other than responsibility for final decision as provided in § 12.11), to him by the act or by this part. Any action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment or delegation of responsibility under this paragraph shall have the same effect as though such action had been taken by the Administrator of the Agency. All actions taken pursuant to this part with respect to EPA grants including written communications to or from a grant applicant or grantee shall be effected through the appropriate EPA Grants Officer.

[FR Doc.73-11657 Filed 6-11-73;8:45 am]

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

[29 CFR, Part 1602]

ELEMENTARY AND SECONDARY SCHOOL SYSTEMS, DISTRICTS, AND INDIVIDUAL SCHOOLS

Public Hearing on Proposed Reporting and Recordkeeping Requirements

Notice is hereby given pursuant to 44 U.S.C. 1508 and § 1602.3, Equal Employment Opportunity Commission Procedural Regulations, 29 CFR 1602.3, that the Equal Employment Opportunity Commission has authorized a public hearing to be held at 10 a.m., June 27, 1973, in the hearing room of the Equal Employment Opportunity Commission, 1800 G Street NW., Washington, D.C., room 1129, for the purpose of considering views regarding proposed reporting and recordkeeping requirements for elementary and secondary school systems, districts, and individual schools embodied in §§ 1602.39–1602.46 and Elementary-Secondary Staff Information Report EEO–5.[1] The public hearing is held as required by section 709(c), 42 U.S.C. 2000e–8(c), of title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, and § 1602.2, Equal Employment Opportunity Commission Procedural Regulations, 29 CFR 1602.2.

The Equal Employment Opportunity Act of 1972 extended the Commission's jurisdiction to include the employment practices of educational institutions, both public and private, with 25 or more employees (15 or more employees as of March 24, 1973), except religious educational institutions with respect to the employment of individuals of a particular religion. The act prohibits employment discrimination on the basis of race, color, religion, sex, or national origin. Section 709(c) of the act authorizes the Commission to require employers, employment agencies, and labor organizations to preserve such records and reports as are necessary and appropriate for the enforcement of the act.

Accordingly, the Commission proposes to amend title 29, chapter XIV, part 1602 of the Code of Federal Regulations to establish report and recordkeeping regulations for elementary and secondary school systems, districts, and individual schools as set forth below.

The EEO–5 report is a joint report form which will service the employment information needs of this Commission and the Department of Health, Education, and Welfare, Office of Civil Rights, and Office of Education. The report, therefore, will avoid unnecessary duplication of effort in obtaining the required information to the benefit of the public and the agencies involved pursuant to the mandate of the Office of Management and Budget, chapter 35, Coordination of Federal Reporting Services, 44 U.S.C. 3501, et seq. Additionally, the basic pattern established by the Office of Civil Rights for collection of employment information whereby individual schools are required to complete forms has been retained. It is to be noted, however, that the EEO–5 report does not supersede the collection of information previously required by the Office of Civil Rights pertaining to bilingual instruction, including (but not limited to) the number of teachers in the school system offering such instruction. Also, other information not reported on Form EEO–5 will continue to be required by the Office of Civil Rights on Forms OS/CR101 and OS/CR102, Elementary and Secondary School Civil Rights Survey.

All persons who are interested are invited to participate in the public hearing. The procedure governing the hearing is

[1] The proposed report EEO–5 and instructions are set forth in appendix I immediately following the proposed regulation.

set forth in §§ 1602.4–1602.6, Equal Employment Opportunity Commission Regulations, 29 CFR 1602.3–1602.6. Each person who wishes to participate should notify, in writing, the Director of Research, Equal Employment Opportunity Commission, Public Hearing—Personal, 1800 G Street NW., Washington, D.C. 20506, by June 22, 1973. Such notification should include the name, address, and telephone number of the person, agency, or organization wishing to participate, a brief general description of the evidence or argument to be presented, and an estimation of the time which will be required for such purpose. The Commission will notify the person, agency, or organization of the approximate time it will have for presentation and the approximate time during the public hearing at which such presentation may be given. A transcript will be made of the hearing and may be purchased by the public.

Persons planning to participate in this hearing and persons who are unable to attend the hearing or who wish to supplement in any way the presentation given at the hearing may submit pertinent written data, views, and argument to the Director of Research, Equal Employment Opportunity Commission, Proposed Regulation—Personal, 1800 G Street NW., Washington, D.C. 20506, no later than June 29, 1973. Each written submission should give the name and address of the person, agency, or organization responsible for it. Copies of all written submissions will be available for examination by interested persons at the Equal Employment Opportunity Commission Library, 1800 G Street NW., Washington, D.C., room 1145, between the hours of 9:30 a.m. to 5 p.m.

It is proposed to amend part 1602 by adding new subparts L, M, and N, and by adding new §§ 1602.39, 1602.40, 1602.41, 1602.42, 1602.43, 1602.44, 1602.45, and 1602.46 thereto to read as follows:

Subpart L—Elementary and Secondary School Systems, Districts, and Individual Schools Recordkeeping

Sec.
1602.39 Records to be made or kept.
1602.40 Preservation of records made or kept.

AUTHORITY.—Sec. 709(c), 78 Stat. 265, 42 U.S.C. sec. 2000e–8(c); 29 CFR 1602.3.

Subpart L—Elementary and Secondary School Systems, Districts, and Individual Schools Recordkeeping

§ 1602.39 Records to be made or kept.

On or before October 16, 1973, and annually thereafter, every public and private elementary and secondary school system or district, including every individually or separately administered district within a system, with 15 or more employees, and every individual school, with 15 or more employees, shall make or keep all records and information therefrom which are or would be necessary for the completion of report EEO–5 under the circumstances set forth in the instructions to that report (set out below), whether or not it is required o file such a report under § 1602.41. The instructions are specifically incorporated herein by reference and have the same force and effect as other sections of this part. Such records and the information therefrom shall be retained at all times for a period of 3 years at the central office of the elementary or secondary school system or district, or at the individual school which is the subject of the records and the information therefrom where more convenient, and shall be made available if requested by an officer, agent, or employee of the Commission under section 710 of title VII, as amended. It is the responsibility of every such school system, district, or individual school to obtain from the Commission or its delegate necessary instructions in order to comply with the requirements of this section.

§ 1602.40 Preservation of records made or kept.

(a) Any personnel or employment record made or kept by a school system, district, or individual school (including but not necessarily limited to application forms submitted by applicants and other records having to do with hiring, promotion, demotion, transfer, layoff, or termination, rates of pay or other terms of compensation, and selection for training or apprenticeship) shall be preserved by such school system, district, or school, as the case may be, for a period of 2 years from the date of the making of the record or the personnel action involved, whichever occurs later. In the case of involuntary termination of an employee, the personnel records of the individual terminated shall be kept for a period of 2 years from the date of termination. Where a charge of discrimination has been filed, or an action brought against an elementary or secondary school system, district, or individual school by the Commission or the Attorney General, in a case involving a public school system, district, or individual school, the respondent elementary or secondary school system, district, or individual school shall preserve similarly at the central office of the system or district, or individual school which is the subject of the charge or action where more convenient, all personnel records relevant to the charge or action until final disposition thereof. The term "personnel record relevant to the charge," for example, would include personnel or employment records relating to the person claiming to be aggrieved and to all other employees holding positions similar to that held or sought by the person claiming to be aggrieved; and application forms or test papers completed by an unsuccessful applicant and by all other candidates for the same position as that for which the person claiming to be aggrieved applied and was rejected. The date of "final disposition of the charge or the action" means the date of expiration of the statutory period within which a person claiming to be aggrieved may bring an action in a U.S. district court or, where an action is brought against a school system, district, or school either by a person claiming to be aggrieved, the Commission, or the Attorney General, in a case involving a public school system, district, or school, the date on which such litigation is terminated.

(b) The requirements of this section shall not apply to application forms and other preemployment records of applicants for positions known to applicants to be of a temporary or seasonal nature.

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

Subpart M—Elementary-Secondary Staff Information Report

Sec.
1602.41 Requirement for filing and preserving copy of report.
1602.42 Penalty for making of willfully false statements on report.
1602.43 Commission's remedy for school systems', districts', or individual schools' failure to file report.
1602.44 School systems', districts', or individual schools' exemption from reporting requirement.
1602.45 Additional reporting requirements.

AUTHORITY.—Sec. 709(c), 78 Stat. 265, 42 U.S.C. sec. 2000e–8(c); 29 CFR 1602.3.

Subpart M—Elementary-Secondary Staff Information Report

§ 1602.41 Requirement for filing and preserving copy of report.

On or before October 16, 1973, and annually thereafter, certain elementary and secondary school systems or districts, including individually or separately administered districts within such systems, and individual schools subject to title VII of the Civil Rights Act of 1964, as amended, shall file with the Commission or its delegate executed copies of Elementary-Secondary Staff Information Report EEO–5 in conformity with the directions set forth in the form and accompanying instructions. The elementary and secondary school systems, districts, and individual schools covered by this regulation are (a) every one of those which have 100 or more employees, and (b) every one of those others which have 15 or more employees from whom the Commission requests the filing of reports. Every such elementary or secondary school system, district, or individual school shall retain at all times, for a period of 3 years, a copy of the most recently filed EEO–5 at the central office of the school system or district, or the individual school which is the subject of the report, where more convenient, and shall make the same available if requested by an officer, agent, or employee of the Commission under the authority of section 710 of title VII, as amended. It is the responsibility of the school systems, districts, or individual schools above described in this section to obtain from the Commission or its delegate necessary supplies of the form.

§ 1602.42 Penalty for making of willfully false statements on report.

The making of willfully false statements on report EEO–5 is a violation of the United States Code, title 18, section 1001, and is punishable by fine or imprisonment as set forth therein.

§ 1602.43 Commission's remedy for school systems', districts', or individual schools' failure to file report.

Any school system, district, or individual school failing or refusing to file report EEO–5 when required to do so may be compelled to file by order of a U.S. district court, upon application of the Commission or the Attorney General, in a case involving a public school system, district, or individual school.

§ 1602.44 School systems', districts', or individual schools' exemption from reporting requirements.

If it is claimed that the preparation or filing of the report would create undue hardship, the school system, district, or individual school may apply to the Commission for an exemption from the requirements set forth in this part by submitting to the Commission or its delegate a specific proposal for an alternative reporting system prior to the date on which the report is due.

§ 1602.45 Additional reporting requirements.

The Commission reserves the right to require reports, other than that designated as the Elementary-Secondary Information Report EEO–5, about the employment practices of individual school systems, districts, or schools, or groups thereof, whenever, in its judgment, special or supplemental reports are necessary to accomplish the purposes of title VII. Any system for the requirement of such reports will be established in accordance with the procedures referred to in section 709(c) of title VII and as otherwise prescribed by law.

Subpart N—Records and Inquiries as to Race, Color, National Origin, or Sex

§ 1602.46 Applicability of State or local law.

The requirements imposed by the Equal Employment Opportunity Commission in these regulations, subparts L and M of this part, supersede any provisions of State or local law which may conflict with them.

(Sec. 709(c), 78 Stat. 265, 42 U.S.C. 2000e–8(c), 29 CFR 1602.3.)

Signed at Washington, D.C., this 1st day of June 1973.

WILLIAM H. BROWN III,
Chairman.

APPENDIX I

EQUAL EMPLOYMENT OPPORTUNITY INSTRUCTIONS FOR FILING THE ELEMENTARY-SECONDARY STAFF INFORMATION REPORT EEO–5 AND RECORDKEEPING REQUIREMENTS

Federal law requires that the Equal Employment Opportunity Commission (EEOC) and the Office for Civil Rights (OCR) of the Department of Health, Education, and Welfare (HEW) prescribe such records and reports as are necessary for the enforcement of the Civil Rights Act of 1964. Accordingly this report is required by the OCR to carry out the purposes of title VI of the act and by the EEOC to carry out the purposes of title VII as amended by the Equal Employment Opportunity Act of 1972.

This compliance reporting system is being implemented in a joint effort between EEOC, OCR, and the National Center for Educational Statistics of the Office of Education (HEW) for the collection of employment data of elementary and secondary school systems or districts and schools both public and private. The applicable laws, and regulations issued respectively by the EEOC and OCR pursuant to such laws, are reprinted in the appendix. The basis for the requirement of, and uses of, these data by the Office of Education are also explained in the appendix.

1. *Who must file.*—Elementary and secondary school systems or districts, public and private, with 15 or more employees located in any political subdivisions (State, county, municipality, township, special district, etc.), must maintain the necessary records to complete the EEO–5 form. Elementary and secondary schools within the systems or districts and schools which are individually or separately administered, public and private, must also maintain the necessary records to complete the EEO–5 form.

2. *When to file.*—Employment statistics should cover the payroll period closest to October 16 of the reporting year and the reports filed no later than ------ of the same year.

3. *Where to file.*—The completed reports should be forwarded in triplicate to the post office box indicated on the form. All requests for additional report forms should also be directed to this address.

4. *How to file.*—Elementary and secondary school systems or districts will complete and file a report form covering the combined employment data of all the schools within the system or district, regardless of the employment size of individual schools, and the employment data of all the administrative functions of the system or district.

Elementary and secondary schools within the system or district will complete and file a separate report. Blank forms will be sent to the central office of the political subdivision with the responsibility for the school system or district. In those jurisdictions where all the data are available at a single location, reports for individual schools and the aggregate report for the system or district may be completed and certified by the central office. Where data are not available at a single location, reports should be obtained by the central office from individual schools. In such cases certification will be made by a school official. In addition an aggregate report should be compiled for all schools and the school system or district including its administrative support, and all reports to Washington. The aggregate report should be certified by an official of the district or system. Blank forms will also be sent to the central office of a nonpublic school system whenever applicable or directly to a nonpublic school which may be individually or separately administered. Certification of such nonpublic organizations' reports will be done as indicated in the preceding instructions for public schools, districts, or systems.

5. *Requests for information and special procedures.*—A school, school system, or district which believes that preparation or the filing of report EEO–5 would create an undue hardship may apply to the Commission for a special reporting procedure, submitting a written, alternative proposal for compiling and reporting the required information. Only those special procedures approved in writing by the Commission are authorized. Such authorization will remain in effect until notification of cancellation is given.

Direct all requests for special reporting procedures and other information to: Equal Employment Opportunity Commission, attention: Office of Research, 1800 G Street NW., Washington, D.C. 20506.

6. *Instructions for filing EEO–5.*—A. *Type of report.*—(1) School System or School District Report.—An EEO–5 report must be filed if total employment of the school system/district is 15 or more. The report for the school system must provide summary data for all personnel employed by the school system either full time or part time, regardless of the location of the person's assignment to a school or other unit of the school system. Full-time personnel must be reported in part A of the report; part-time personnel are to be reported in part B. It is important to note that if a person is employed on a full-time basis by the school system, but assigned to one or more schools on a part-time basis in each, he must be reported as a full-time employee on the school system report but as a part-time person on the school report (see below). Anyone employed part time and assigned part time to a school must be reported as part time on both the school system and school reports where he is assigned.

(2) *School report.*—A report must be filed for each school operated by the school system. A school is defined as a division of the school system or district consisting of a group of pupils composed of one (1) or more grade groups, organized as one unit with one (1) or more teachers to give instruction of a defined type, and housed in a school plant of one (1) or more buildings.

Persons assigned full time to the school must be reported in part A of the report. Persons assigned part time to the school, regardless of whether they are employed full time by the school system, must be reported in part B of the report.

B. *Completion of the EEO–5 preprinted label.*—If the preprinted label showing the name and address of the school system/district or school, as it is presently identified by the OCR or the Office of Education, HEW, is in error, enter the correct information in part I, A, or B, whichever is applicable. Do not cross out the information on the label.

NOTE.—If the system or school number (code) is in error, enter the correct one to the right of the label. Do not cross out the preprinted number.

PART I.—IDENTIFICATION

A and B.—Enter the name and address information including ZIP code only if the preprinted label is in error; it is a new system or district; it has been consolidated or reorganized; it is a new school; or the reporting unit has been renamed.

C. Check the grades offered in a school for the individual school report only.

NOTE.—Do not complete item C in the aggregate report of a school system/district.

PART II.—AGENCY OR ORGANIZATION WHICH OPERATES SYSTEM OR SCHOOL REPORTING

This part identifies the agency or organization which operates the reporting unit (school or school system or district) and has the responsibility or ultimate authority for the employment or dismissal of a member or members of the staff.

PART III.—INDIVIDUAL SCHOOL REPORT

Complete this part for an individual school report only.

A. *Grades offered.*—Place an "X" for each of the grades taught in the school in the corresponding box of the form.

B. *Assignment of principal.*—If a principal is assigned to the school for which this report is intended, complete all the applicable items in this section of part III.

PART IV.—STAFF STATISTICS

A. *Full time.*—This item will reflect the full time staff by the activity assignment classification shown in the stub of the matrix, by sex for each of the designated racial/ethnic categories in columns a through l. Elected and certain appointed officials will not be included. Elected and appointed official means an individual employed by a political jurisdiction, except that the term "employee" shall not include any person elected to public office in any State or political subdivision of any State by the qualified voters thereof, or any person chosen by such officer to be on such officer's personal staff, or an appointee on the policymaking level or an immediate adviser with respect to the exercise of the constitutional or legal powers of the office. The exemption set forth in the preceding sentence shall not include employees subject to the civil service laws of a State government, governmental agency, or political subdivision. Please enter in the appropriate line and column the number of full-time staff members on a full-time basis only. These are the staff members of the school or the school system or district whose current assignments require their services at the school campus or who work for the school system or district for the whole day everyday. If there are no full-time staff members in a category, enter "0" for the category.

Line 1.—Officials, administrators, and managers: These are occupations requiring administrative personnel who set broad policies (not elected or appointed officials), exercise overall responsibility for execution of these policies, or direct individual department or special phases of the school system, or district or school operations. Include in this line superintendent of schools, deputy, associate, and assistant superintendent of schools; school business officials, and other professional administrative staff. (Do not include nonteaching principals, nonteaching assistant principals, or supervisors of instruction.)

Line 2.—Professional instructional staff includes: Principals; assistant principals; classroom teachers; and those staff members who are engaged in guidance and psychological work, librarians and audio visual personnel, consultants, librarians, nonclassroom teachers (homebound, etc.), TV teachers, and other professional instructional staff who can not be properly classified for reporting on lines 2a through f.

a. *Principals.*—Staff members performing the assigned activities of the administrative head of their respective schools (not school systems or districts) to whom it has been delegated responsibility for the coordination and direction of the activities of the school.

b. *Assistant principals—Teaching.*—Staff members who in addition to assisting the head of a school (normally the principal) in performing the activities of directing and managing a school are also engaged in instructing pupils in courses in classroom situations.

Nonteaching.—Assignment of staff members to perform only the professional activities of assisting the head of a school (normally the principal) in performing the activities of directing and managing a school.

c. *Classroom teachers.*—Staff members assigned the profesisonal activities of instructing pupils in courses in classroom situations for which daily pupil attendance figures for the school system are kept. These are the professional staff members who instruct pupils in courses in classroom situations. Include here, music, band, physical education, and home economics teachers, etc., as classroom teachers if they teach full time at a school campus. Report classroom teachers separately for elementary, secondary, or other. Use the local school system's definition of elementary and secondary. If a teacher has responsibility at both the elementary and secondary levels, report the teacher at one level only. Do not report the teacher as one-half elementary and one-half secondary. Other applies to full-time classroom teachers who teach ungraded classes, special education, art, music, band, physical education, home economics, etc., who have not been reported as elementary or secondary.

d. *Guidance and psychological.*—Guidance personnel include staff members responsible for advising pupils with regard to their abilities and aptitudes, educational and occupational opportunities, personal and social adjustments, etc. Physchological personnel include psychologists and psychometrists responsible for providing psychological services to pupils including the administration and interpretation of psychological tests. Do not include here psychiatrists or psychiatric social workers. Such non instructional professional staff should be reported on line 4 unless they are classifiable under the definition of officials/administrators/managers in which case they should be reported on line 1.

e. *Librarians and audio visual.*—Librarians include staff members responsible for organizing and managing school libraries. Audio visual personnel include staff members responsible for preparing, caring for, and making available to instructional programs, the equipment, materials, scripts, and other aids which assist teaching and learning through special appeal to the senses of sight and hearing, e.g., director of audiovisual services, film inspector, projectionist, scriptwriter, graphic artists, etc.

f. *Consultants and supervisors of instructions.*—Include staff members performing activities of leadership, guidance, and expertness in a field of specialization for the purpose of improving the performance of teachers and other instructional staff members.

g. *Other.*—All other professional instructional staff members performing some instructional or related function on a full-time basis that cannot be properly clasified for reporting on lines a through f, such as nonclassroom teachers who may be teaching the home bound, teaching through correspondence, teaching through radio or television from a studio, providing instruction for exceptional pupils released from regular classes for short periods of time, and instructing pupils in noncourse (cocurricular) activities.

Line 3.—Nonprofessional instructional staff including secretarial and clerical aides: Include staff members performing activities of nonteaching nature who are not classified as professional educational, but who assist teachers to perform professional educational teaching assignments or who may assist the librarian in duties including distributive functions for the loan of materials, and assistance with organization and use of materials. Include also secretarial and clerical aides who assist the professional staff, but who can not be properly reported on line 6.

Line 4.—Professional noninstructional (not officials, administrators, etc.): Include staff members such as physicians, psychiatrists, dentists, and therapists (speech therapists, physical therapists, and psychologists whose primary function is psychotherapy) who provide services in the fields of physical health, mental health, and special education; school social workers, community workers, visiting teachers, attendance officers, attorneys, architects, engineers, and other professional noninstructional personnel employed by the school system.

Line 5.—Technicians: Occupations requiring a combination of basic scientific knowledge and manual skill which can be obtained through about 2 years of post-high school education, such as is offered in many technical institutes and junior colleges, or through equivalent, on-the-job training. Includes: computer programers and operators, draftsmen, engineering aides, junior engineers, mathematical aides, licensed, practical or vocational nurses, dietitians, photographers, radio operators, scientific assistants, technical illustrators, technicians (medical, dental, electronic physical sciences), and similar occupations not properly classifiable in other activity assignments.

Line 6.—Clerical and secretarial: Occupations requiring skill and training in all clerical type work including activities such as preparing, transcribing, systematizing, or preserving written communications, and reports or operating such mechanical equipment as bookkeeping machines, typewriters, and tabulating machines. Do not include clerical or secretarial aides who can be properly reported on line 3.

Line 7—Service workers (cafeteria maintenance, transportation, etc.).—Staff members performing a service for which there are no formal qualifications including nonsupervisory personnel in cafeteria, maintenance, or transportation work, excluding custodial workers and laborers.

Line 8—Custodial.—Include a staff member with the responsibility for cleaning the buildings of school plants or supporting services facilities; operating such equipment as heating and ventilating systems; preserving the security of school property; and keeping the school plant safe for occupancy and use. It consists of such activities as cleaning, sweeping, disinfecting, heating, lighting, moving furniture, keeping school entrances appropriately locked or unlocked, keeping such facilities as fire escapes and panic bars in working order, and watchman duties.

Line 9—Laborers.—A staff member who performs manual labor not classified in another activity assignment classification. Includes garage laborers, car washers and greasers, gardeners and groundskeepers or activities such as lifting, digging, mixing, loading, and pulling operations.

Line 10.—Other nonprofessional, noninstructional: Any staff member that cannot be properly classified in the other nonprofessional, noninstructional activity assignment classifications as separately defined above.

B.—PART TIME

Line 1.—Professional instructional staff: Report on this line all staff members under this category who are working less than full time as defined above.

Line 2—All others.—Report on this line all other part-time staff members who are not professional instructional.

C.—NEW HIRES

Lines 1 through 6.—Report the number of full-time staff newly hired at the school or school system between October 1, 1972, and September 30, 1973, for each of the six job categories listed on lines 1 through 6. Please use the definitions given above for reporting the full-time staff to complete this section of the report.

D.—CURRENT VACANCIES IN FULL-TIME STAFF

Lines 1 and 2.—Report the number of unfilled full-time professional instructional staff positions on line 1, and all other unfilled full-time positions on line 2.

E.—REMARKS

Enter here any information which may help clarify the data reported in any item or items.

7. *Race/ethnic identification.*—An employer may acquire the race/ethnic information necessary for this section either by visual surveys of the work force, or from postemployment records as to the identity of employees. An employee may be included in the minority group to which he or she appears to belong, or is regarded in the community as belonging.

Since visual surveys are permitted, the fact that race/ethnic identifications are not present on employment records is not an excuse for failure to provide the data called for.

Moreover, the fact that employees may be located at different addresses does not provide an acceptable reason for failure to comply with the reporting requirements. In such cases, it is recommended that visual surveys be conducted for the employer by persons such as supervisors who are responsible for the work of the employees or to whom the employees report for instructions or otherwise.

Please note that conducting a visual survey and keeping postemployment records of the race or ethnic origin of employees is legal in all jurisdictions and under all Federal and State laws. State laws prohibiting inquiries and recordkeeping as to race, etc., relate only to applicants for jobs, not to employees.

The concept of race as used by the Equal Employment Opportunity Commission does not denote clearcut scientific definitions of anthropological origins. For the purposes of this report, an employee may be included in the group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. However, no person should be counted in more than one race/ethnic category.

NOTE.—The category "Spanish Surnamed", while not a race identification, is included as a separate ethnic category because of the employment discrimination often encountered by this group; for this reason do not include Spanish surnamed under either "white" or "black".

The caetgory "White" should include persons of Indo-European descent including Pakistani and East Indian.

The category "White" should include persons of African descent as well as those identified as Jamaican; Trinidadian, and West Indian.

The category "Spanish surnamed" should include all persons of Mexican, Puerto Rican, Cuban, Latin American, or Spanish descent.

The category "American Indian" should inculde persons who identify themselves or are known as such by virtue of tribal association.

The category "Asian American" should include persons of Japanese, Chinese, Korean, or Filipino descent.

The category "Other" should include Aleuts, Eskimos, Malayans, Thais, and others not covered by the specific categories on the form.

8. *Recordkeeping requirements.*—The EEO–5 report requires the combining of some data to complete the form. Separate agency employment data by sex and race/ethnic identification in those job categories should be maintained on site in such form as is required in the EEO–5 report, and should be available upon request to representatives of Federal agencies. Copies of submitted EEO–5 should be retained for a period of 3 years.

9. *Certification.*—Enter the telephone number (include area code and extension, if any), name title, and signature of the person who is responsible for the report and can answer questions about it.

IMPORTANT NOTE.—The copy of the form which is identified for use by the Office for Civil Rights must be separately signed. A signature reflected by the use of the carbon will not be accepted on this copy of the report.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

ELEMENTARY-SECONDARY STAFF INFORMATION (EEO-5)

(Public/private school systems/districts and schools)

FORM APPROVED

This is a joint requirement of the EEOC and Office for Civil Rights and Office of Education, Department of Health, Education and Welfare.

NOTE. Instructions for filing are given in the enclosed booklet. Additional copies of this form may be obtained from EEOC, ATTN: Office of Research, Washington, D. C. 20506

SEND COMPLETED COPIES OF THIS FORM TO

TYPE OF REPORT ☐ SCHOOL SYSTEM ☐ INDIVIDUAL SCHOOL

I. SCHOOL SYSTEM/DISTRICT - SCHOOL IDENTIFICATION

A. SCHOOL SYSTEM/DISTRICT

NAME

SCHOOLS WITHIN SYSTEM/DISTRICT — NUMBER ☐ PUBLIC ☐ PRIVATE

ADDRESS

NUMBER - STREET	CITY - TOWN	COUNTY	STATE - ZIP CODE

B. SCHOOL

NAME

ADDRESS

NUMBER - STREET	CITY - TOWN	COUNTY	STATE - ZIP CODE

II. AGENCY/ORGANIZATION WHICH OPERATES SYSTEM OR SCHOOL REPORTING

(Check one)

☐ LOCAL PUBLIC SCHOOL SYSTEM ☐ STATE EDUCATION AGENCY

☐ OTHER STATE AGENCY *(Specify)*

☐ SPECIAL OR REGIONAL AREA *(Not part of organizations listed above)* ☐ NON-PUBLIC SCHOOL OR SCHOOL SYSTEM

III. INDIVIDUAL SCHOOL REPORT

A. GRADES OFFERED

(Place an "X" under each grade taught in this school)

PRE-K	K	1	2	3	4	5	6	7	8	9	10	11	12	UNGRADED	SPECIAL EDUCATION	OCTOBER ENROLLMENT *(Number)*

B. ASSIGNMENT OF PRINCIPAL

PRINCIPAL ASSIGNED TO SCHOOL ☐ YES ☐ NO

☐ PART TIME ☐ FULL TIME

IF FULL TIME, DOES THE PRINCIPAL HAVE A TEACHING ASSIGNMENT

☐ YES ☐ NO

SEX ☐ MALE ☐ FEMALE

RACE/ETHNIC IDENTITY *(Check one)*

☐ WHITE ☐ BLACK ☐ SPANISH SURNAMED AMERICAN

☐ ASIAN AMERICAN ☐ AMERICAN INDIAN ☐ OTHER

IV. RESPONDENT AUTHORITY GRANTED THE OFFICE OF EDUCATION TO PUBLISH INFORMATION APPEARING IN THE GRAND TOTAL COLUMN OF ITEM V.

☐ YES ☐ NO

EEOC FORM TEST 3

V. STAFF STATISTICS AS OF_____
(Do not include elected/appointed persons)

ACTIVITY ASSIGNMENT CLASSIFICATION	STAFF TOTALS												
	MALE						FEMALE						OVERALL TOTALS *(Sum of col A Thru L)*
	WHITE A	BLACK B	SPANISH SURNAMED AMERICAN C	ASIAN AMERICAN D	AMERICAN INDIAN E	OTHER F	WHITE G	BLACK H	SPANISH SURNAMED AMERICAN I	ASIAN AMERICAN J	AMERICAN INDIAN K	OTHER L	M
FULL TIME STAFF 1. OFFICIALS/ADMINISTRATORS/MANAGERS													
2. PROFESSIONAL INSTRUCTIONAL STAFF A. PRINCIPALS													
B. ASSISTANT PRINCIPALS TEACHING													
NON-TEACHING													
C. CLASSROOM TEACHERS ELEMENTARY													
SECONDARY													
OTHER													
D. GUIDANCE/PSYCHOLOGICAL													
E. LIBRARIANS/AUDIO VISUAL													
F. CONSULTANTS AND SUPERVISORS OF INSTRUCTION													
G. OTHER													
3. NON-PROFESSIONAL INSTRUCTIONAL STAFF *(Including secretarial/clerical aids)*													
4. PROFESSIONAL NON-INSTRUCTIONAL *(Administrators, officials etc not included)*													
5. TECHNICANS													
6. CLERICAL/SECRETARIAL *(Not aides)*													
7. SERVICE WORKERS *(Cafeteria, maintenance transportation, etc)*													
8. CUSTODIAL													
9. LABORERS *(Exclude custodial)*													
10. OTHER NON-PROFESSIONAL/NON-INSTRUCTIONAL													
TOTAL													
PART TIME 1. PROFESSIONAL INSTRUCTIONAL STAFF													
2. ALL OTHER													
TOTAL													
NEW HIRES *(Full time staff who joined the school system between 10/1/72 & 10/30/73)* 1. OFFICIALS/ADMINISTRATORS/ MANAGERS													
2. CLASSROOM TEACHERS													
3. PRINCIPALS/ASSISTANT PRINCIPALS													
4. OTHER PROFESSIONAL INSTRUCTIONAL STAFF													
5. NON-PROFESSIONAL INSTRUCTIONAL STAFF													
6. TECHNICIANS													
7. OTHER													
TOTAL													
GRAND TOTAL													

CERTIFICATION. I CERTIFY THAT THE INFORMATION GIVEN IN THIS REPORT IS CORRECT AND TRUE TO THE BEST OF MY KNOWLEDGE AND WAS PREPARED IN ACCORDANCE WITH ACCOMPANYING INSTRUCTIONS. WILLFULLY FALSE STATEMENTS ON THIS REPORT ARE PUNISHABLE BY LAW, U. S. CODE, TITLE 18, SECTION 1001.

DATE	TEL. NO. *(Include area code)*	TYPED NAME/TITLE OF PERSON PREPARING THIS REPORT	SIGNATURE

EEOC FORM TEST 3

[FR Doc.73-11517 Filed 6-11-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Parts 2 and 91]

[Docket No. 19753; RM-2055; FCC 73-576]

SPECIAL INDUSTRIAL RADIO SERVICE

Notice of Proposed Rulemaking

In the matter of amendment of parts 2 and 91 of the Commission's rules and regulations to allocate to the special industrial radio service the frequencies 151.490 and 157.725 MHz; docket No. 19753, RM-2055; FCC 73-576.

1. The Special Industrial Radio Service Association, Inc. (SIRSA), has filed a petition requesting amendment of part 91 of the Commission's rules to allocate to the special industrial radio service the frequencies 151.490 and 157.725 MHz. The rule changes sought by SIRSA would permit the use of the two 15 kHz channels, known as "tertiary" frequencies, for "permanent" use systems.

2. SIRSA states that the special industrial radio service frequencies are heavily congested and the addition of these two frequencies would provide some small measure of relief in the VHF band. Furthermore, SIRSA states it is presently involved in the interservice coordination of bandedge frequencies and has the mechanism for providing the frequency coordination necessary to implement the assignment of these frequencies. Comments on the SIRSA petition were filed by the Forestry-Conservation Communications Association (FCCA) and by the International Taxicab Association (ITA).

3. We have considered SIRSA's petition and the comments on it carefully, and we propose to grant it insofar as it requests allocation of the frequency 151.490 MHz and to deny it with respect to the frequency 157.725 MHz for the reasons discussed below.

4. The basic rules for the assignment and use of the so-called tertiary frequencies in the 150-160 MHz band were adopted in docket 17703, Report and Order, released June 15, 1971, FCC 71-606. In that proceeding, the Commission concluded that operation on these frequencies is possible, without serious adjacent channel interference problems, if there is adequate coordination to insure sufficient geographic separation between radio systems on adjacent channels. Interservice coordination by the respective coordinating committees is required for tertiary frequencies located between frequencies allocated in different radio services. In these situations, therefore, it is necessary to have an established mechanism for interservice coordination.

5. The frequency 151.490 MHz is located between frequencies allocated in the special industrial radio service and in the forestry-conservation radio service. In both of these services, the single frequency method of operation is generally used in both services; and there are frequency coordinating committees and; therefore, the mechanism exists for compatible adjacent uses as well as the required interservice coordination. However, the second frequency sought by SIRSA, 157.725 MHz, is located between a frequency allocated to the taxicab radio service (a two-frequency service) and a frequency allocated primarily for one-way paging (assigned only to base stations) in the business radio service and secondarily in special industrial. In the business radio service, there is no coordination of frequencies in the 150-160 MHz band; and therefore, there is no established mechanism for interservice coordination of the frequency. Further, the frequency could be paired with another bandedge frequency, 152.465 MHz; and we anticipate that any action to make these frequencies available for use will consider possibilities of two frequency operation. Accordingly, based on the Commission's determinations in docket 17703, we believe it would be inadvisable to make the frequency 157.725 MHz available for assignment at this time. For the same reason, we deny the request of the International Taxicab Association that the same frequency be allocated to the taxicab radio service.

6. The Forestry-Conservation Communications Association (FCCA) in its comments on SIRSA's petition, asked that the frequency 151.490 should also be made available in the forestry-conservation radio service. However, FCCA, beyond merely making the request, offered no justification and demonstrated no need for access to an additional frequency by forestry-conservation applicants. Therefore, FCCA's request is denied.

7. Accordingly, we propose to amend parts 2 and 91 of our rules to allocate the frequency 151.490 MHz in the special industrial radio service, except in Puerto Rico and in the Virgin Islands. In Puerto Rico and the Virgin Islands, one of the adjacent frequencies is allocated in the business radio service and for the reason stated above, it would not be advisable to allocate the frequency 151.490 MHz for use by special industrial licensees.

8. Authority for the proposed amendments is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on or before August 16, 1973, and reply comments on or before August 30, 1973. Relevant and timely comments and reply comments will be considered by the Commission before final action in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

9. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission. Responses will be available for public inspection during regular business hours in the Commission's public reference room at its headquarters in Washington, D.C.

By the Commission.

Adopted May 31, 1973.

Released June 5, 1973.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

I. Part 2 of the Commission's rules is amended as follows:

§ 2.106 Table of frequency allocations.

Worldwide		Region 2		United States		Federal Communications Commission				
Band (MHz)	Service	Band (MHz)	Service	Band (MHz)	Allocation	Band (MHz)	Service	Class of Station	Frequency (MHz)	Nature of Services of Stations
1	2	3	4	5	6	7	8	9	10	11
• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •
						150.98-151.4825	Land Mobile.	Base Land Mobile.		PUBLIC SAFETY. (NG50)
						151.4825-152	Land Mobile.	Base, Land Mobile.		INDUSTRIAL. (NG50)
• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •	• • •

* * * * *

II. Section 91.504 of the Commission's rules is amended by the addition of the frequency 151.490 MHz to the frequency table, and a new limitation (35) is added to paragraph (b) to read as follows:

§ 91.504 Frequencies available.

(a) • • •

[1] Commissioner Johnson concurring in the result.

Frequency or band	Class of stations	General reference	Limitations
MKz			
* * *	* * *	* * *	* * *
75.98	do	do	3
151.490	Base or mobile	Permanent use	11, 36
151.505	do	Itinerant	12
* * *	* * *	* * *	* * *

(b) * * *

(35) This frequency is not available to stations in Puerto Rico or the Virgin Islands.

* * * * *

[FR Doc.73-11577 Filed 6-11-73;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 JUSTICE

[Docket No. 73-10]

Bureau of Narcotics and Dangerous Drugs

AFRO-AMERICAN PHARMACY, INC.

Notice of Hearing

Notice is hereby given that on March 22, 1973, the Bureau of Narcotics and Dangerous Drugs, Department of Justice, issued to Afro-American Pharmacy, Inc., an order to show cause as to why the Bureau of Narcotics and Dangerous Drugs registration No. AA3905239 issued to the respondent pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said order was received by Afro-American Pharmacy, 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 commencing at 10 a.m. on June 21, 1973, in room 1211 of the Bureau of Narcotics and Dangerous Drugs, 1405 I Street NW., Washington, D.C. 20537.

Dated June 7, 1973.

ANDREW C. TARTAGLINO,
Acting Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-11654 Filed 6-11-73;8:45 am]

[Docket No. 73-9]

L. M. TITLEBAUM, M.D.

Notice of Hearing

Notice is hereby given that on April 4, 1973, the Bureau of Narcotics and Dangerous Drugs, Department of Justice, issued to L. M. Titlebaum, M.D., Arlington, Mass., an order to show cause as to why the Bureau of Narcotics and Dangerous Drugs registration No. AT1204457 issued to him pursuant to section 303 of the Controlled Substances Act (21 U.S.C. 823) should not be revoked.

Thirty days having elapsed since said order was received by Dr. Titlebaum, 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 commencing at 10 a.m. on June 18, 1973, in room 1211 of the Bureau of Narcotics and Dangerous Drugs, 1405 I Street NW., Washington, D.C. 20537.

Dated June 7, 1973.

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

[FR Doc.73-11655 Filed 6-11-73;8:45 am]

[Docket No. 73-11]

WILLIAM H. RORER, INC.

Notice of Hearing

On April 11, 1973, the Bureau of Narcotics and Dangerous Drugs, Department of Justice, proposed that Methaqualone and its salts be placed in schedule II of the Controlled Substances Act (FR Vol. 38, No. 69).

Interested parties were invited to submit their comments or objections no later than May 14, 1973.

On May 14, 1973, William H. Rorer, Inc., requested a hearing in the matter of the proposal made by the Bureau of Narcotics and Dangerous Drugs. At that time, William H. Rorer, Inc., urged that before the commencement of the evidentiary phase of the hearing, there be a prehearing conference.

Accordingly, notice is hereby given that a prehearing conference in this matter will be held on June 15, 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 June 7, 1973.

ANDREW C. TARTAGLINO,
Acting Director, Bureau of Narcotics and Dangerous Drugs.

[FR Doc.73-11656 Filed 6-11-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 11]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1973)

The CCC Monthly Sales List for the fiscal year ending June 30, 1973, published in 37 FR 13352 is amended as follows:

1. A section 25 is inserted which reads as follows:

25. Rice, Rough—Unrestricted Use Sales.

Market price but not less than the 1972 loan rate plus 5 percent plus 59 cents per cwt., basis FOB warehouse as is or at buyers' option basis outturn weights and grades with privilege of rejecting individual lots which are more than one grade below the listed grade or contain more than 1 percent smut in excess of the listed percentage.

2. The fifth sentence of section 1(c) entitled "General" published in 37 FR 13352, as amended in 38 FR 1946, 4423, and 9528 is revised to read as follows:

Interest to date of payment will be at 8 percent.

3. The last sentence of section 1(b) entitled "General" published in 37 FR 13352, as amended in 37 FR 22639 and 38 FR 1946 and 9528 is revised to read as follows:

Interest at 8 percent will be charged for delinquent payments on consignment and track grain sales from the date of sale to the date payment is received.

4. The last paragraph of section 2 entitled "Export Commodities" published in 37 FR 13353 is revised to read as follows: Although a commodity may not be specifically listed for export sale, CCC reserves the right to make emergency sales of its stocks for export if unexpected trade opportunities develop or when the flow of commodities to ports is disrupted or impeded and the maintenance of U.S. exports is temporarily jeopardized. Specific offering terms, including the applicable export announcement to be used, will be provided interested parties through special sales announcements and by amendments to the CCC Monthly Sales List.

5. Section 22 entitled "Peanuts, shelled or farmers stock—restricted use sales" published in 37 FR 13354 as amended in 37 FR 19389 and 22639 and 38 FR 4423 is further amended by the revision of the last sentence to read as follows: Sales are made on the basis of competitive bids submitted each Tuesday to the Tobacco Division, Agricultural Stabilization and Conservation Service, Washington, D.C. 20250.

Effective date.—2:30 p.m. (e.d.t.), May 31, 1973.

Signed at Washington, D.C., on June 6, 1973.

GLENN A. WEIR,
Acting Executive Vice President, Commodity Credit Corporation.

[FR Doc.73-11650 Filed 6-11-73;8:45 am]

Cooperative State Research Service

COMMITTEE OF NINE

Notice of Meeting

Pursuant to the Federal Advisory Committee Act, Public Law 92-463, notice is hereby given of a meeting of the Committee of Nine at 8 a.m. on June 26, 1973, and at 8 a.m. on June 27, 1973, in the Jackson room of the Wort Motor Hotel, Jackson, Wyo.

The purpose of the meeting is to evaluate and recommend proposals for cooperative research on problems that concern agriculture and to prepare recommendations for allocation of research funds. The meeting is open to the public and written statements can be filed with the Committee before or after the meeting.

The names of the members of the Committee, the agenda, minutes, and other information pertaining to the

meeting may be obtained from the Recording Secretary, Committee of Nine, Cooperative State Research Service, U.S. Department of Agriculture, Washington, D.C. 20250, telephone 202-447-5260.

Dated May 30, 1973.

R. L. LOVVORN,
Administrator,
Cooperative State Research Service.

[FR Doc.73-11629 Filed 6-11-73;8:45 am]

Rural Electrification Administration

COLORADO-UTE ELECTRIC ASSOCIATION, INC.

Notice of Availability of Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan to Colorado-Ute Electric Association, Inc., P.O. Box 1149, Montrose, Colo. 81401. This loan includes financing for the construction of 6.5 miles of 230 kV transmission line from a point on the U.S. Bureau of Reclamation's Hayden-Archer line to Steamboat Springs and the 230/69 kV 30/40/50 MVA Steamboat Substation in Routt County, Colo.

Additional information may be secured on request, submitted to the Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State, and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue SW., Washington, D.C., room 4310, or at the borrower address indicated above.

Comments concerning the environmental impact of the construction proposed should be addressed to the Assistant Administrator-Electric at the address given above. Comments must be received within 30 days of the date of publication of this notice to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 6th day of June 1973.

DAVID A. HAMIL,
Administrator,
Rural Electrification Administration.

[FR Doc.73-11628 Filed 6-11-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[GRASP 3G0016]

AD HOC ENZYME COMMITTEE

Notice of Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1786; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 3G0016) has been filed by Ad Hoc Enzyme Technical Committee, Mr. R. B. Kocher, chairman, c/o Miles Laboratories, Inc., 1127 Myrtle Street, Elkhart, Ind. 46514, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that microbially derived enzyme preparations (carbohydrase, lipase, and protease) from *Aspergillus oryzae* are generally recognized as safe (GRAS) for use in food.

Interested persons may, on or before August 13, 1973, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated June 3, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-11595 Filed 6-11-73;8:45 am]

[Docket No. FDC-D-165; NADA No. 11-582V]

AMERICAN CYANAMID CO.

Acetazolamide; Order Vacating Opportunity for Hearing

A notice of opportunity for hearing proposing to withdraw approval of new animal drug application (NADA) No. 11-582V for Sterile Sodium Acetazolamide Parenteral and Sodium Acetazolamide 27.5 percent Soluble Powder was published in the FEDERAL REGISTER of July 22, 1970 (35 FR 11716).

American Cyanamid Co., P.O. Box 400, Princeton, N.J. 08540, holder of NADA No. 11-582V, submitted a supplemental NADA consisting of revised labeling and updated manufacturing controls. The Commissioner of Food and Drugs concludes that this supplement, evaluated together with the evidence available when the application was approved, shows that said drug is safe and effective for the conditions of use prescribed, recommended, or suggested in the proposed labeling.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-351; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120); the notice of opportunity for hearing proposing to withdraw approval of NADA No. 11-582V is vacated.

Dated June 5, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-11597 Filed 6-11-73;8:45 am]

[GRASP 3G0025]

ANHEUSER-BUSCH, INC.

Notice of Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784-1786; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 3G0025) has been filed by Anheuser-Busch, Inc., St. Louis, Mo. 63118, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that baker's yeast protein, baker's yeast glycan, and baker's yeast extract are generally recognized as safe (GRAS) for use as food and for use in food.

Interested persons may, on or before August 13, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated June 3, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73-11602 Filed 6-11-73;8:45 am]

[GRASP 3G0015]

BERNSTEIN, ALPER, SCHOENE AND FRIEDMAN

Notice of Filing of Petition for Affirmation of GRAS Status

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201

(s), 409, 701(a), 52 Stat. 1055, 72 Stat. 1784–1786; 21 U.S.C. 321(s), 348, 371(a)) and the regulations for affirmation of GRAS status (21 CFR 121.40), published in the FEDERAL REGISTER of December 2, 1972 (37 FR 25705), notice is given that a petition (GRASP 3G0015) has been filed by Bernstein, Alper, Schoene and Friedman, 818 18th Street NW., Washington, D.C. 20006, and placed on public display at the office of the Hearing Clerk, Food and Drug Administration, proposing affirmation that chemically purified salt produced in conjunction with the electrolytic production of chlorine and caustic soda, is generally recognized as safe (GRAS) for use in food.

Interested persons may, on or before August 13, 1973, review the petition and/or file comments (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Food and Drug Administration, room 6–88, 5600 Fishers Lane, Rockville, Md. 20852. Comments should include any available information that would be helpful in determining whether the substance is, or is not, generally recognized as safe. A copy of the petition and received comments may be seen in the office of the Hearing Clerk, address given above, during working hours, Monday through Friday.

Dated June 3, 1973.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.73–11596 Filed 6–11–73;8:45 am]

PROVISIONALLY LISTED COLOR ADDITIVES

Certain Scientific Investigations; Extension of Time for Filing Final Reports

In the FEDERAL REGISTER of September 11, 1971 (36 FR 18336), the Commissioner of Food and Drugs published a notice concerning provisionally listed color additives and certain scientific investigations.

In part, the notice pertains to filing with the Food and Drug Administration reports of multigeneration reproduction studies in animals adequate to show whether for those uses of color additives listed in paragraphs (a) and (b) of § 8.501 of the color additive regulations (21 CFR 8.501) which involve ingestion because of use in products such as food, drugs for internal use, and cosmetic lipsticks the color additive produces any adverse effects on reproduction. It calls for final reports on multigeneration reproduction studies to be filed with the FDA not later than July 1, 1973. However, the revised protocol for performance of the multigeneration reproduction studies was not approved by the Food and Drug Administration until January 1972, and it is now obvious that sufficient time for completion of the studies was not granted by FDA.

The Commissioner has received requests for an extension of time in which to submit the required final reports on multigeneration reproduction studies. By virtue of the facts that the studies are underway, the results will be employed as a basis for making determinations as to whether a color additive should or should not be listed under section 706 of the Federal Food, Drug, and Cosmetic Act, considerable time is involved in carrying animal reproduction studies through a number of generations and such research study cannot be accelerated, the Commissioner finds that there are reasonable grounds for granting the requests for extension of time. The time for filing of such reports is extended to July 1, 1974.

This action is taken pursuant to provisions of title II of the Color Additive Amendments of 1960 (sec. 203(a)(2); Public Law 86–618; 74 Stat. 404 et seq.; 21 U.S.C., 376 note) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated June 6, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73–11594 Filed 6–11–73; 8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Notice of Public Meeting

Notice is hereby given, pursuant to Public Law 92–463, that the next meeting of the National Advisory Council on Vocational Education will be held on June 28, 1973, from 9 a.m. to 10 p.m., local time, and on June 29, 1973, from 9 a.m. to 5 p.m., local time, at the L'enfant Plaza Hotel, Washington, D.C.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under the act; review the administration and operation of vocational education programs under the act, including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meetings of the Council shall be open to the public. The proposed agenda includes:

June 28, 1973—Open hearings concerning vocational education in the city of Washington, D.C.

June 29, 1973—Committee reports, discussion of hearings.

Records shall be kept of all Council proceedings and shall be available for public inspection at the Office of the Council's Executive Director, located in suite 852, 425 13th Street NW., Washington, D.C. 20004.

Signed at Washington, D.C., on May 29, 1973.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.73–11634 Filed 6–11–73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Interstate Land Sales Registration

[Docket No. N–73–158; Administrative Proceedings Division File No. Z–43]

BULL RUN MOUNTAIN

Notice of Proceedings and Opportunity for Hearing

Notice is hereby given that: on August 11, 1972, the Department of Housing and Urban Development, Office of Interstate Land Sales Registration, attempted to serve upon Lucy J. Gore, president, Bull Run Development Corp., 58 South King Street, Leesburg, Va. 22075, a notice of proceedings and opportunity for hearing by certified mail and service of process was not possible since the addressee could not be located. Accordingly, pursuant to 15 U.S.C. 1706(d) and 24 CFR 1710.45(b)(1), the notice of proceedings and opportunity for hearing is being issued as follows:

NOTICE OF PROCEEDINGS AND OPPORTUNITY FOR HEARING

I. The Department's public file discloses that:

A. Bull Run Development Corp., has filed a statement of record for Bull Run Mountain, located in Virginia (OILSR No. 0–0231–54–10), effective December 30, 1969, pursuant to 24 CFR 1710.21 of the Interstate Land Sales Regulations. Said statement is still in effect.

B. Lucy J. Gore is president of the developer.

C. The address of the developer is 58 South King Street, Leesburg, Va. 22075.

D. No amendments have been filed by the developer since December 30, 1969.

II. After proper notice of proposed rulemaking published in the FEDERAL REGISTER on February 24, 1971 (36 FR 3419), and on November 3, 1971 (36 FR 21043), as required by 5 U.S.C. 553 and after consideration of all relevant comments received, the Department of Housing and Urban Development published a final revision of 24 CFR part 1710 in the FEDERAL REGISTER on January 27, 1972 (37 FR 1302), amended on February 5, 1972 (37 FR 2768), and April 1, 1972 (37 FR 6674).

These revised regulations were adopted pursuant to the Secretary's authority set forth in section 1419 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1718) and require additional material facts to be disclosed in both the statement of record and the property report which had not been required prior to January 27, 1972. Section 1710.130 of the revised regulations states that effective statements of record shall be amended to comply with these regulations not later than March 31, 1972.

III. As a result of an examination of the Department's public file and the

above-specified statement of record, the Administrative Proceedings Division of the Office of Interstate Land Sales Registration alleges that:

A. As of August 11, 1972, the amendments to the statement of record as required by the revised regulations had not been received.

B. The statement of record omits to state the material facts in the prescribed format as required by the following sections of the revised regulations, to wit:

1. Section 1710.105:
Instructions for completion of statement of record, paragraph c.
Part IV.B.2, C3.
Part IV.D.
Part VIII.A.8.d.
Part IX.A.4.
Part XI.C.
2. Section 1710.110:
Paragraph 2.a.
Paragraph 2.b.
Paragraph 8.(c).
Paragraph 8.(d).
Paragraph 15.(b).
Paragraph 15.(c).
Additional requirements for property report.

IV. In view of the allegations made by the Administrative Proceedings Division, the Secretary deems it necessary that proceedings be instituted to determine:

A. Whether the allegations set forth in section III hereof are true and in connection therewith to afford respondents an opportunity to establish any defenses to such allegations.

B. What, if any remedial action is appropriate in the public interest and for the protection of purchasers pursuant to section 1407(d) of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1706) and 24 CFR 1710.45(b)(1) of the implementing regulations.

V. If the respondent desires a hearing on the allegations set forth in section III, *It is hereby ordered*, That he must file a request for hearing accompanied by an answer within 15 days after service upon him of this notice of proceedings. The answer must be filed with the OILSR docket clerk, room 9253, HUD Building, Washington, D.C. 20410, as provided by 24 CFR 1720.140 et seq.

VI. *It is hereby ordered*, That, if requested by the respondent, a public hearing shall be held for the purpose of taking evidence on the questions set forth in section IV hereof before Administrative Law Judge Paul N. Pfeiffer, or such other judge as may be designated, in room 7233, Department of HUD Building, 451 Seventh Street SW., Washington, D.C., at such time as the Secretary of the Department of Housing and Urban Development, or his designee, may fix by further order.

VII. Respondent is hereby notified that if he fails to request a hearing within 15 days after service upon him of this notice of proceedings as set forth in section V hereof, he shall be deemed in default and the proceeding shall be determined against him, the allegations of which shall be determined to be true, and an order suspending the statement of record, herein identified, shall be issued pursuant to 24 CFR 1710.45(b)(1).

This notice is published pursuant to 44 U.S.C. 1508.

By the Secretary.

GEORGE K. BERNSTEIN,
Interstate Land Sales Administrator.

[FR Doc.73-11620 Filed 6-11-73;8:45 am]

Office of the Secretary

[Docket No. D-73-234]

DIRECTOR AND DEPUTY DIRECTOR, OFFICE OF NEW COMMUNITIES DEVELOPMENT

Delegation of Authority

The Director, Office of New Communities Development and the Deputy Director, Office of New Communities Development are each authorized to exercise the power and authority of the Secretary with respect to the Federal guarantee of up to $5,500,000 of debt obligations of Interstate Land Development Co., Inc. pursuant to title IV of the Housing and Urban Development Act of 1968 (42 U.S.C. 3901-3914), including but not limited to executing all project documents on behalf of the Secretary, affixing the facsimile signature of the Secretary to (or authorizing the printing of such signature on) the Federal guarantee no such debt obligations, and affixing the seal of the Department of Housing and Urban Development on the guarantee.

(Sec. 7(d) of the Department of HUD Act; 42 U.S.C. 3535(d).)

Effective date.—This delegation of authority is effective as of May 15, 1973.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.73-11619 Filed 6-11-73;8:45 am]

ATOMIC ENERGY COMMISSION

LEGAL ADVICE IN CERTAIN ADJUDICATORY MATTERS

Employee Responsibilities and Functions

The Administrative Procedure Act (5 U.S.C. 554), and Atomic Energy Commission regulations (10 CFR 2.719), provide, inter alia, that an employee engaged in the performance of investigative or prosecuting functions in a case may not—except as a witness or counsel in the proceeding—participate or advise in the initial or final decision or review thereof in that or a factually related case. The General Counsel of the Commission has the responsibility for advising the Commission on all legal matters. See 42 U.S.C. 2035(b); 10 CFR § 1.14. This responsibility includes furnishing of legal advice on adjudicatory matters.

On June 1, 1973, Marcus A. Rowden, Esq., was appointed General Counsel to the Commission. Mr. Rowden served the Commission as an Associate General Counsel from December 17, 1971, to May 31, 1973. In that capacity he had the responsibility for supervising attorneys assigned to the Commission's regulatory staff. The regulatory staff, through these attorneys, participated as a party in various adjudicatory proceedings.

Mr. Rowden was not in fact "engaged in the performance of investigative or prosecuting functions" in every adjudicatory proceeding pending during his tenure as Associate General Counsel. He has nonetheless chosen to abstain from advising the Commission in the course of whatever review it may undertake of such proceedings.[1]

Legal advice in these matters shall be furnished by the Solicitor who, for these purposes, shall report directly to the Commission.

Dated at Germantown, Md., this 7th day of June 1973.

By the Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-11642 Filed 6-11-73;8:45 am]

[Dockets Nos. 50-424, 50-425, 50-426, 50-427]

GEORGIA POWER CO.

Establishment of Atomic Safety and Licensing Board

On May 1, 1973, the Commission published in the FEDERAL REGISTER, 38 FR 10751, a notice of hearing to consider the application filed by the Georgia Power Co., for construction permits for the Alvin W. Vogtle Nuclear Plant, units 1, 2, 3, and 4. The notice indicated that the Safety and Licensing Board for this proceeding would be designated at a later date, and that notice of its membership would be published in the FEDERAL REGISTER.

Pursuant to the Atomic Energy Act of 1954, as amended, the regulations of title 10, Code of Federal Regulations, part 2 (rules of practice) and the notice of hearing referred to above, notice is hereby given that the Safety and Licensing Board in this proceeding will consist of Mr. Glenn O. Bright, Dr. Robert L. Holton, and Thomas W. Reilly, Esq., chairman. Mr. Ralph S. Decker has been designated as a technically qualified alternate and John F. Wolf, Esq., has been designated as an alternate qualified in the conduct of administrative proceedings.

The positions and mailing addresses of the Board members are as follows:

1. Thomas W. Reilly, Esq., chairman, an attorney member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

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[1] The abstention applies to all adjudicatory proceedings noticed for hearing prior to or during Mr. Rowden's tenure as Associate General Counsel. A list of such proceedings is available in the Public Document Room, 1717 H Street, Washington, D.C. 20545, and may also be obtained from the Secretary, Atomic Energy Commission, Washington, D.C. 20545.

2. Mr. Glenn O. Bright, a technical member of the Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545.

3. Dr. Robert L. Holton, School of Oceanography, Oregon State University, Corvallis, Oreg. 97331.

4. John F. Wolf, Esq., alternate chairman, attorney, Wolf, Sheehan & Wolf, 1015 18th Street NW., Washington, D.C. 20005.

5. Mr. Ralph S. Decker (retired)—formerly assistant manager, Space Nuclear Propulsion Office, U.S. Atomic Energy Commission—present address—Route 1, Box 190D, Cambridge, Md. 21613.

As provided in the notice of hearing, the date and place of a prehearing conference and of a hearing will be scheduled by the Board and will be published in the FEDERAL REGISTER.

Dated at Washington, D.C., this 6th day of June, 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.73-11624 Filed 6-11-73;8:45 am]

TOLEDO EDISON CO., AND CLEVELAND ELECTRIC ILLUMINATING CO.

Establishment of Atomic Safety and Licensing Board To Rule on Petitions for Intervention

Pursuant to delegation by the Commission dated December 29, 1972, published in the FEDERAL REGISTER (37 FR 28710) and §§ 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, and 2.721 of the Commission's regulations, all as amended, an Atomic Safety and Licensing Board is being established to rule on petitions and/or requests for leave to intervene in the following proceeding:

The Toledo Edison Co. and the Cleveland Electric Illuminating Co. (Davis-Besse Nuclear Power Station), docket No. 50-346.

This action is in reference to the "Notice of Receipt of Application for Facility Operating License; Notice of Consideration of Issuance of Facility License; and Notice of Opportunity for Hearing" published by the Commission in the above matter (38 FR 10661—Apr. 30, 1973).

The members of the Board are:

John B. Farmakides, Esq., Chairman.
Dr. Cadet H. Hand, Jr., member.
Mr. Frederick J. Shon, member.

Dated at Washington, D.C., this 6th day of June, 1973.

ATOMIC SAFETY AND LICENSING BOARD PANEL,
NATHANIEL H. GOODRICH,
Chairman.

[FR Doc.73-11623 Filed 6-11-73;8:45 am]

[Docket Nos. 50-416, 50-417]

MISSISSIPPI POWER & LIGHT CO. (GRAND GULF NUCLEAR STATION, UNITS 1 AND 2)

Notice and Order for Prehearing Conference

Notice is hereby given that a prehearing conference will be held by the Atomic Safety and Licensing Board (the Board) in the above-captioned proceeding on Wednesday, June 27, 1973 at 10 a.m. local time, in the courtroom of the Circuit Court of Clairborne County Courthouse, Market Street, Port Gibson, Miss. 39150. This prehearing conference will deal with the following matters:

1. The intervenor's contentions which have not yet been ruled upon, with oral argument as to whether these contentions should be admitted or excluded;

2. The petition for leave to intervene filed by Donald F. X. Quinn, with oral argument on whether good cause has been shown for the late filing of this petition, whether the petitioner has asserted a sufficient interest to sustain intervention, and whether the petitioner has presented his contention with sufficient particularity to be permitted to intervene;

4. The objections of the AEC regulatory staff to the prehearing conference order dated May 15, 1973, with oral argument on whether these objections should be overruled or sustained;

5. The status of discovery;

6. All pending motions;

7. Establishment of the schedule for further action; and

8. Such other matters as may aid in the orderly disposition of the proceeding.

The attorneys for the parties are directed to confer in advance of the prehearing conference scheduled by this notice, in such manner as they deem appropriate, and report to the Board at the prehearing conference on any stipulations regarding issues in controversy and on any other mutually agreeable procedures to expedite this proceeding.

Dated this 7th day of June 1973, at Washington, D.C

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.73-11641 Filed 6-11-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 24122]

AUTOMOTIVE CARGO INVESTIGATION

Notice of Reassignment of Administrative Law Judge

This proceeding, heretofore assigned to Administrative Law Judge Ross I. Newmann (37 FR 15444, August 2, 1972), is hereby reassigned to Administrative Law Judge Louis W. Sornson. Future communications should be addressed to Judge Sornson.

Dated at Washington, D.C., June 6, 1973.

[SEAL] ROBERT L. PARK,
Associate Chief Administrative Law Judge.

[FR Doc.73-11643 Filed 6-11-73;8:45 am]

[Docket No. 24122]

AUTOMOTIVE CARGO INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on August 7, 1973, at 10 a.m. (local time), in room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Louis W. Sornson.

In order to facilitate the conduct of the conference parties are instructed to submit one copy to each party and four copies to the Judge of: (1) Proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before July 3, 1973, and the other parties on or before July 18, 1973. The submission of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., June 6, 1973.

[SEAL] ROBERT L. PARK,
Associate Chief Administrative Law Judge.

[FR Doc.73-11644 Filed 6-11-73;8:45 am]

[Dockets Nos. 25193 and 24873]

CENTURY 2000, INC. ET AL.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 24, 1973, at 10 a.m. (local time), in courtroom 209, U.S. Post Office Courthouse, 300 Northeast First Avenue, Miami, Fla., before Administrative Law Judge Thomas P. Sheehan.

Dated at Washington, D.C., June 6, 1973.

[SEAL] ROBERT L. PARK,
Associate Chief Administrative Law Judge.

[FR Doc.73-11645 Filed 6-11-73;8:45 am]

[Docket No. 25523]

COSTA LINE, INC.

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 9, 1973, at 10 a.m. (local time), in room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Thomas P. Sheehan.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reasons for postponement on or before July 2, 1973.

Dated at Washington, D.C., June 7, 1973.

[SEAL] ROBERT L. PARK,
Associate Chief Administrative Law Judge.

[FR Doc.73-11646 Filed 6-11-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

CIVIL RIGHTS CONFERENCE PLANNING COMMITTEE TO THE COMMISSION ON CIVIL RIGHTS

Notice of Establishment

Pursuant to section 9(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), and after consultation with the Office of Management and Budget, I have determined that the establishment of a Civil Rights Conference Planning Committee to the Commission on Civil Rights is in the public interest in connection with the performance of duties imposed upon the Commission by law.

The function of this Civil Rights Conference Planning Committee will be to provide expert advice related to the holding of conferences on the civil rights of minorities and women, including plans, contents, design, implementation, and followthrough activities.

Dated at Washington, D.C., June 7, 1973.

JOHN A. BUGGS,
Staff Director.

[FR Doc.73-11663 Filed 6-11-73;8:45 am]

MINNESOTA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby gvien, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Minnesota State Advisory Committee to this Commission will convene at 9 a.m. on June 16, 1973, at the Twin Room, Curtis Hotel, 327 South Tenth, Minneapolis, Minn. 55404.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Central States Regional Office, room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

The purpose of this meeting shall be to discuss program development in connection with a proposed open meeting on correction problems in Minnesota's Indian community.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 6, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-11660 Filed 6-11-73;8:45 am]

MISSOURI STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Missouri State Advisory Committee to this Commission will convene at 9:30 a.m. on June 22, 1973, in room I-70, at the Braniff International Airport, Marriott Motel, St. Louis, Mo. 63134.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Central States Regional Office of the Commission, room 3103, Old Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

The purpose of this meeting shall be to discuss program development for followup to housing problems in Kansas City and St. Louis, Mo.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 6, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-11662 Filed 6-11-73;8:45 am]

OKLAHOMA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a planning meeting of the Oklahoma State Advisory Committee to this Commission will convene at 10 a.m. on June 22, 1973, at the Holiday Inn, 17 West Seventh Street, Tulsa, Okla. 74119.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Southwestern Regional Office of the Commission, room 249, New Moore Building, 106 Broadway, San Antonio, Tex. 78205.

The purpose of this meeting shall be to design program followup to the Indian open meeting held in Tulsa and Oklahoma City in 1972, and to discuss new programs for the Oklahoma State Advisory Committee.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 6, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-11661 Filed 6-11-73;8:45 am]

VIRGINIA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Virginia State Advisory Committee will convene at 7 p.m. on June 14, 1973, at the Sharington Fredericksburg Motor Inn, Interstate 95, Route 3, Fredericksburg, Va. 22401.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Mid-Atlantic Regional Office of the Commission in room 510, 2120 L Street NW., Washington, D.C. 20425.

The purpose of this meeting shall be to review the selection of State Advisory Committee member assignments, designate specific responsibilities, and confirm target dates for the Virginia State Advisory Committee's Administration of Justice Project on Selection of Virginia Judges.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 5, 1973.

ISAIAH T. CRESWELL, JR.,
Advisory Committee Management Officer.

[FR Doc.73-11659 Filed 6-11-73;8:45 am]

COMMISSION ON HIGHWAY BEAUTIFICATION

ALASKAN HIGHWAYS

Notice of Hearings

JUNE 8, 1973.

Notice is hereby given that the Commission on Highway Beautification will hold hearings in Alaska in July, 1973. The hearings are now scheduled for Anchorage (July 6), Tok Junction (July 7), and Fairbanks (July 9).

The Commission, authorized by Public Law 91-605 and Public Law 93-6, is due to make a final report this year.

It has 11 members—four from the Senate, four from the House of Representatives, and three appointed by the President. Congressman Jim Wright (D), Texas is the Chairman. The commissioners from the Senate are Jennings Randolph (D), West Virginia; Mike Gravel (D), Alaska; James Buckley (R), New York; and Robert Stafford (R), Vermont. The House Members are Chairman Wright; Ken Gray (D), Illinois; Don Clausen (R), California; and Wilmer Mizell (R), North Carolina. The public members are Alfred Bloomingdale, former Chairman of the Board, Diners Club, Inc., Los Angeles, Calif.; Mrs. Marion Fuller Brown, Vice Chairman

Conservation Committee, The Garden Club of America, York, Maine; and Michael Rapuano, landscape architect, Newtown, Pa., and New York City.

The authorizing legislation directs the Commission to:

1. Study existing statutes and regulations governing the control of outdoor advertising and junkyards in areas adjacent to the Federal-aid highway system;

2. Review the policies and practices of the Federal and State agencies charged with administrative jurisdiction over such highways insofar as such policies and practices relate to governing the control of outdoor advertising and junkyards;

3. Compile data necessary to understand and determine the requirements for such control which may now exist or are likely to exist within the foreseeable future;

4. Study problems relating to the control of on-premise outdoor advertising signs, promotional signs, directional signs, and signs providing information that is essential to the motoring public;

5. Study methods of financing and possible sources of Federal funds, including use of Highway Trust Fund, to carry out a highway beautification program;

6. Recommend such modifications or additions to existing laws, regulations, policies, practices, and demonstration programs as will, in the judgment of the Commission, achieve a workable and effective highway beautification program and best serve the public interest.

Two highway beautification problems of particular concern to Alaska center on needs of motorists for directional information and the removal of abandoned cars and junked equipment from areas adjacent to highways.

Some of Alaska's problems in collecting junked cars appear to be peculiar to that State because of its rugged terrain, vast distances between population centers, and remoteness from scrap consumers. The Commission hopes at the hearings, however, to examine how successful programs to collect such scrap in other States might be adapted to conditions in Alaska. The Commission also will study the importance of the export market to Alaska.

Other matters concerning highway beautification such as highway design and landscaping, will be discussed at these hearings.

Interested parties are urged to contact the Commission at 1121 Vermont Avenue NW., Washington, D.C. 20005, telephone (202) 254-3390.

LEO A. BYRNES,
Staff Director and Counsel.

[FR Doc.73-11633 Filed 6-11-73;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[I.F. and R. Docket No. 293]

MIREX

Order Fixing Parties and Order To Show Cause

Correction

In FR Doc. 73-11098, appearing at page 14708 of the issue for Monday, June 4, 1973, the address "1825 K Street NW., room 400, Washington, D.C. 20006" was inadvertently deleted from the document. It should appear just below the title of "David H. Harris", at the end of the document.

[I.F. & R. Docket No. 146; Regs. Nos. 218-586]

ALLIED CHEMICAL CO.

Determination and Order

Published herewith is my determination and order issued May 25, 1973, concerning the aerial application of products containing the insecticide "MIREX" in the State of Hawaii.

Done this 7th day of June 1973.

ROBERT W. FRI,
Acting Administrator.

DETERMINATION AND ORDER OF THE ENVIRONMENTAL PROTECTION AGENCY

Before the Environmental Protection Agency, in regard to Allied Chemical Co., Petitions, Regs. Nos. 218-586, I.F. & R. Docket No. 146.

Pursuant to section 4.c. of the Federal Insecticide, Fungicide, and Rodenticide Act (the 1947 FIFRA 7 U.S.C. 135b(c)), the Administrator issued a Determination and Order on Mirex, dated May 3, 1972, and published in the FEDERAL REGISTER on June 1, 1972 (37 FR 10987) prohibiting all broadcast application, aerial or otherwise, in coastal counties and on or near rivers, streams, lakes, ponds, and other aquatic areas. By Determination and Order on Mirex filed June 30, 1972, and published in the FEDERAL REGISTER on July 6, 1972 (37 FR 13299), the Administrator granted a stay of the May 3 order through the 1972 spraying season with respect to the prohibition of aerial spraying in Hawaii of the product registered as No. 218-586, conditioned upon the implementation of a monitoring program which was approved by this Agency. This product is used on pineapple fields in Hawaii to control mealybug wilt. It was clearly stated that this stay did not lift final prohibition which action could be undertaken only upon receipt of a petition for reconsideration and full review of the question on the merits. Allied Chemical Corp. has petitioned for reconsideration and lifting of the aerial prohibition.

A thorough review of Mirex aerial application programs, including the mealybug control program, will be undertaken in public hearings tentatively to be held in midsummer. (See Notice of Intent to Hold a Hearing of March 28, 1973; 38 FR 8616.) In the meantime, pending a final resolution of the several issues raised by the March 28 Notice, I have determined to grant an extension for the 1973 spraying season of the stay of the order which prohibits the aerial application of Mirex for the control of the Hawaiian mealybug wilt. While it is necessary to obtain a full review and satisfactory resolution of all environmental considerations as well as of the questions relating to the benefits of the Hawaiian Mirex program, the fact that such review will be completed shortly and the fact that existing monitoring data tend to indicate Mirex is not accumulating in Hawaiian aquatic species remove any risk from the granting of a brief extension.

In addition, this order and previous Mirex orders are subject to such amendment as the record of the upcoming public hearings demonstrates to be necessary.

Order.—The petition for reconsideration to permit aerial application of Mirex to the pineapple fields of Hawaii is granted for the 1973 spraying season, again conditioned upon the continuation of the monitoring program approved by this Agency. All other terms and conditions expressed in my order of March 28, remain in effect.

Dated May 25, 1973.

ROBERT W. FRI,
Acting Administrator.

[FR Doc.73-11658 Filed 6-11-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 651]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

JUNE 4, 1973.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will

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[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in domestic public land mobile radio, rural radio, point-to-point microwave radio, and local television transmission services (pt. 21 of the rules).

be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

8542–C2–P–(2)–73, Mobilfone Communications (new): C.P. for a new two-way station to operate on 454.100 and 454.275 MHz at Woods Street at Garrison Avenue, West Memphis, Ark.

8556–C2–P–(2)–73, Houston Mobilfone, Inc. (KKA343): C.P. to change antenna system and location, operating on 454.05 and 152.09 MHz at 6222 Skyline Drive, Houston, Tex.

8557–C2–P–(4)–73, Mahaffey Message Relay Inc. (new): C.P. for a new two-way station to operate on 454.200, 454.250, 454.325, and 454.350 MHz, at 1102 South Woods West, Memphis, Ark.

8558–C2–P–73, Nashville Mobilphone, Inc. (new): C.P. for a new two-way station to operate on 152.12 MHz at 322 Main Street, Clarksville, Tenn.

8559–C2–P–73, Mobilphone-Paging Radio Corp. (KCA725): C.P. for additional facilities to operate on 152.18 MHz at Falmouth Street, 300 yd from Ashby Street, Johnston, R.I.

8560–C2–P–73, Metro Fone Communications, Inc. (KRS655): C.P. add frequency: 43.22 MHz at 6 East 25th Street, Minneapolis, Minn.

8561–C2–P–73, Morris Communications, Inc. (KFL904): C.P. to change antenna system, location, power, and additional facilities, to operate on 152.12 MHz at 211 Clinckscales Street, Anderson, S.C.

8562–C2–P–73, Answer Iowa, Inc. (KFQ931): C.P. to add frequency: 152.21 MHz at 5315 West Country Club Road, Rochester, Minn.

8567–C2–P–73, Atlas Security Service, Inc. (new): C.P. for a new two-way station to operate on 152.12 and 152.21 MHz at 2255 Summit, Springfield, Mo.

8563–C2–P–(3)–73, Houston Radiophone Service (KKA344): C.P. to change antenna system and antenna location, operating on 152.03, 152.06, and 454.10 MHz at 6222 Skyline Drive, Houston, Tex.

8564–C2–P–73, Radio Dispatch, Inc. (KLB701): C.P. to change antenna system and location to 6222 Skyline Drive, Houston, Tex. (location No. 2) operating on 454.200 MHz.

8565–C2–P–(4)–73, Telephone Answering Exchange (KGC404): C.P. for additional facilities to operate on 454.025, 454.300, 454.125, and 454.325 MHz at WNEP–TV tower, Scranton, Pa.

8566–C2–P–73, Peacock Radio Service (new): C.P. to operate a new two-way station on 152.06 MHz at 701 U.S. Highway 19 South, New Port Richey, Fla.

8568–C2–P–73, Southern Bell Telephone & Telegraph Co. (KIY443): C.P. to change power, method of operation and modify transmitter, operating on 152.81 MHz at 319 Main Street, Palatka, Fla.

8569–C2–P–73, same as above (KIK575): C.P. to discontinue test transmitter, change power and method of operation to IMTS, operating on 152.69 MHz at 506 Palmetto Avenue, Melbourne, Fla.

8570–C2–P–73, same (KIY524): C.P. to change antenna system, power, replace transmitter and to change method of operation to IMTS, operating on 152.78 MHz at Nassua and Columbia Streets, Lake City, Fla.

7587–C2–P–73, Tra-Mar Communications, Inc. (new): C.P. for a new two-way station, to operate on 454.225 MHz at Sunrise Mountain, Hainesville, N.J.

Renewals of licenses expiring July 1, 1973.
Term: July 1, 1973 to July 1, 1978.

Licensee and Call signs

Cascade Telephone Co., KRM954.
The Chesapeake and Potomac Telephone Co. of Va., KFL924.
Same, KIB529.
Same, KIC347.
Same, KIG852.
Same, KIY769.
Same, KLF627.
Same, KFL628.
Clifton Forge-Waynesboro Telephone Co., KQZ730.
Continental Telephone Co. of the Northwest, KFL898.
Same, KOK413.
Clay County Rural Telephone Cooperative, Inc., KSD679.
Continental Telephone Co. of Ill., KSJ617.
Ellensburg Telephone Co., KON907.
Florida Telephone Corp., KIQ509.
Same, KQZ771.
General Telephone Co. of the Northwest, Inc., KTS244.
Glacier State Telephone Co., KWA665.
Gulf States-United Telephone Co., KFL901.
Same, KFQ939.
Same, KQZ700.
Same, KFL894.
Same, KFL863.
Idaho Telephone Co., KLF549.
Interstate Telephone Co., Inc., KIQ512.
Midland Telephone Co., KOE515.
The Midland Telephone Co., KLF567.
Mid-Penn Telephone Corp., KLF545.
Same, KGI267.
Northwestern Bell Telephone Co., KAL876.
Same, KFL887.
Same, KAA812.
Same, KLF590.
Oregon Telephone Corp., KOK332.
Palmetto Rural Telephone Cooperative, Inc., KLF583.
Southeastern Telephone Co., KIN646.
Same, KIY737.
Uintah Basin Telephone Association, Inc., KON909.
Union Springs Telephone Co., Inc., KBJ889.
Utah Telephone Company, KFL906.
Valley Telephone Co., KSW211.
Virginia Telephone and Telegraph Co., KQZ725.
Same, KIY771.
Western States Telephone Co., Inc., KJU802.
Same, KOP255.
Same, KOP305.
General Telephone Co. of the Southwest, KLB688.
Same, KLF486.
Same, KLF548.
Same, KLF564.
Same, KMM 696.
Same, KMM699.
Same, KQZ739.
Same, KQZ756.
Same, KQZ781.
Same, KRM986.
Same, KRM988.
Same, KWA659.
Same, KWA660.
Same, KSV925.
Same, KFL951.
Same, KFQ943.
Same, KJU816.
Same, KKO350.
Same, KLB326.
Same, KLB578.
Same, KKA284.
Same, KKO351.
Same, KKQ966.
Same, KLB791.
Same, KQZ724.
Same, KFL879.
Same, KFL909.
Same, KLF468.
Same, KFL875.
Same, KLB792.
Same, KLB790.
Same, KLB758.
Same, KFL905.

Major Amendments

1193–C2–P–(3)–72, Caprock Communications Inc., doing business as Caprock Dispatch. Amend to add: Control facilities on 73.22 MHz at location No. 8: 102 West First Street, Roswell, N. Mex. All other particulars to remain as reported on public notice No. 612 dated September 5, 1972.

6386–C2–P–73, Springfield Radio Communications, Inc., Springfield, Oreg. Amend to add a control station on 459.125 MHz at 5435 Highbanks Road, Springfield, Oreg., and to add a repeater station on 454.125 MHz at Buck Mountain, Springfield, Oreg. All other particulars to remain as reported on public notice No. 639 dated March 12, 1973.

Correction

7050–C2–MP–73, Ram Broadcasting of Indiana, Inc. Correct call sign to read KUC848. All other particulars remain as reported in public notice No. 642 dated April 2, 1973.

Informative

The following applications were erroneously omitted from public notice No. 650, dated June 29, 1973. See files Nos. 8442–C2–TC–73 through 8447–C2–TC–73.

8638–C2–TC–73, Ilwaco Telephone Co. (KSV897). Consent to transfer of control from Telephone Utilities, Inc., transferor to Pacific Power & Light Co., transferee. Station: KSC897, Ilwaco, Wash.

8639–C2–TC–73, Cascade Telephone Co. (KOP320). Consent to transfer of control from Telephone Utilities, Inc., transferor to Pacific Power & Light Co., transferee. Station: KOP320, Ilwaco, Wash.

POINT-TO-POINT MICROWAVE RADIO SERVICE

8474–C1–R–73, South Central Bell Telephone Co. (KZS92): Application for renewal of radio station for term: July 1, 1973, to July 1, 1974.

8475–C1–P–73, The Chesapeake & Potomac Telephone Co. (KIB24): 115 Filmore Street, Staunton, Va. Latitude 38°09'02" N., longitude 79°04'33" W. C.P. to change power and correct path length and azimuth on frequencies 5952.6V and 11,285H MHz toward Crozet, Va.

8476–C1–P–73, same (KIB23): On Bucks Elbow Mountain, 3.3 miles northwest of Crozet, Va. Latitude 38°06'07" N., longitude 78°44'51" W. C.P. to change power and correct station coordinates, path length and azimuths on frequencies 6189.8H and 11,035V MHz toward Carter Mountain, Va.; frequencies 6204.7V and 10,835H MHz toward Staunton, Va.

8477–C1–P–73, same (KIA30): On Carter Mountain, 3.5 miles south of Charlottesville, Va. Latitude 37°59'06" N., longitude 78°28'49" W. C.P. to change power and correct station coordinates, path length and azimuth on frequencies 5937.8H and 11,485V MHz toward Crozet, Va.

8478–C1–P–73, CML Satellite Corp. (new): 3 miles southeast of Independence Hill, Crown Point, Ind. Latitude 41°27'53" N., longitude 87°17'28" W. C.P. for a new station on frequencies 10,755.0V and 11,155.0V MHz toward Gary, Ind.

8479–C1–P–73, same (new): Gary National Bank Building, 504 Broadway Street, Gary, Ind. Latitude 41°36'06" N., longitude 87°-20'15" W. C.P. for a new station on frequencies 11,665.0H and 11,265.0H MHz toward Hammond, Ind.; frequencies 11,685.0V and 11,285.0V MHz toward Crown Point, Ind.

8480–C1–P–73, same (new): 3400 block of Sheffield Avenue, Hammond, Ind. Latitude 41°38'59" N., longitude 87°30'49" W. C.P. for a new station on frequencies 10,735H and 11,135.0H MHz toward Chicago South, Ill.; frequencies 10,775.0H and 11,175.0H MHz toward Gary, Ind.

8481–C1–P–73, same (new) 200 block of West 87th Street, Chicago South, Ill. Latitude 41°44'08" N., longitude 87°37'52" W. C.P. for a new station on frequencies 11,265.0V and 11,665.0V MHz toward Chicago, Ill.; frequencies 11,625.0H and 11,225.0H MHz toward Hammond, Ind.

8482–C1–P–73, United Telephone Co. of Indiana, Inc. (KSI60): State Road 25, 0.5 mile west of Warsaw, Ind. Latitude 41°14'-11" N., longitude 85°52'27" W. C.P. to change antenna system, power, replace transmitter, correction of coordinates and change frequencies from 5937.8 and 6115.7 MHz to 5945.2V MHz toward Columbia City, Ind.

8483–C1–P–73, United Telephone Co. of Indiana (KSI61): Oak Street, Columbia City, Ind. Latitude 41°10'04" N., longitude 85° 29'41" W. C.P. to change antenna system, power, alarm center location, replace transmitter, correction of coordinates and change frequencies from 6189.9 and 6367.7 MHz to 6197.2V MHz toward Warsaw, Ind.

8484–C1–R–73, Southern Bell Telephone & Telegraph Co. (KJA75): Application for renewal of radio station for term: June 14, 1973, to June 14, 1974.

(Informative: The following applications were erroneously omitted from Public Notice No. 650, dated May 29, 1973. See File Nos. 8400–C1–TC–73 through 8407–C1–TC–73.)

8527–C1–TC–(2)–73, Beaver State Telephone Co., consent to transfer of control from Telephone Utilities, Inc., transferor to Pacific Power & Light Co., transferee for stations: KPT38, Lakeview, Oreg.; WGH99, Chiloquin, Oreg.

8528–C1–TC–(2)–73, Cascade Telephone Co., consent to transfer of control from Telephone Utilities, Inc., transferor to Pacific Power & Light Co., transferee for stations: WGI58, North Bend, Wash.; WGI59, North Bend, Wash.

8529–C1–TC–73, Ilwaco Telephone Co., consent to transfer of control from Telephone Utilities, Inc., transferor to Pacific Power & Light Co., transferee for station: KYJ56, Long Beach, Wash.

8530–C1–TC–73, Olympic Telephone Co., consent to transfer of control from telephone Utilities, Inc., transferor to Pacific Power & Light Co., transferee for station: WHB45, Kingston, Wash.

8531–C1–TC–73, Vashon Telephone Co., consent to transfer of control from Telephone Utilities, Inc., transferor to Pacific Power & Light Co., transferee for station: WHB44, Vashon, Wash.

8532–C1–P–73, the Western Union Telegraph Co. (new): 3.8 miles southwest of Perris, Steele Valley, Calif. Latitude 33°45'30" N., longitude 117°18'55" W. C.P. for a new station on frequencies 11,225V, 11,465V, 11,345H and 11,585H MHz toward Perris, Calif.

8533–C1–P–73, same (new): 2.3 miles west of Perris, Calif. Latitude 33°48'00" N., longitude 117°18'43" W. C.P. for a new station on frequencies 6315.9H, 6256.5H, 6286.2V, 6404.8V MHz toward Sierra Peak, Calif.; frequencies 10.855V,. 11.095V, 10.735V, 10,975H MHz toward Steel Valley, Calif.

8534–C1–P–73, South Central Bell Telephone Co., (KLW24): Touline and Fourth Streets, Natchitoches, La. Latitude 31°45'37" N., longitude 93°05'26" W. C.P. to add frequency 4010H MHz toward Martin, La.

8545–C1–P–73, Eastern Microwave, Inc. (WDD61): 1.5 miles east-northeast of Fredericksville, Pa. (Latitude 40°27'27" N., longitude 75°39'55" W.). C.P. to change frequency to 6004.5H MHz toward Bauer Rock (WDD69), Pa., on azimuth 58°12'.

8546–C1–P–73, same (WDD69): Bauer Rock, 0.9 mile southeast of Allentown, Pa., (Latitude 40°33'58" N., longitude 75°26'06" W.). C.P. to change frequency 6256.5V MHz toward Fredericksville (WDD61), Pa., on azimuth 238°21'.

8547–C1–P–73, American Microwave & Communications, Inc. (WGI20): 4.0 miles east-northeast of Barton City (Maynard Lake), Mich. (Latitude 44°42'15" N., longitude 83°31'17" W.). C.P. to add frequency 6167.6V MHz toward Alpena, Mich., on azimuth 06°11'.

8548–C1–P–73, same (KSV60): 5.0 miles northwest of Munising, Mich. (Latitude 46°24'53" N., longitude 86°40'15" W.). C.P. to replace transmitter and to change frequency to 6412.2H MHz toward Walsh, Mich., on azimuth 99°53'.

8549–C1–MP–73, same (WQQ20): Sault Ste. Marie, Mich. (Latitude 46°29'09" N., longitude 84°20'02" W.). Modification of C.P. (7767–C1–P–71) to change polarity of frequency 6278.8 MHz to horizontal toward Trout Lake, Mich., on azimuth 234°59'.

8550–C1–MP–73, same (KSV63): 4.0 miles east of Trout Lake, Mich. (Latitude 46°11'09" N., longitude 84°56'49" W.). Modification of C.P. (7766–C1–P–71) to change polarity of frequency 5952.6 MHz to horizontal toward Sault Ste. Marie, Mich., on azimuth 54°32'.

8551–C1–P–73, same (KQL45): Bates Fire Tower, 5.5 miles northeast of Iron River, Mich. (Latitude 46°06'08" N., longitude 88°32'30" W.). C.P. to replace transmitters operating on frequencies 6162.5H MHz and 6212.5H MHz toward Covington, Mich., on azimuth 360°00'.

8552–C1–P–73, Microwave Transmission Corp. (new): Tacoma, Wash. (Latitude 47°15'06" N., longitude 122°27'34" W.). C.P. for new station—frequency 11015V MHz toward Squak Mountain, Wash., on azimuth 47°54'.

8553–C1–P–73, same (WBO58): Squak Mountain, 1.8 miles southwest of Issaquah, Wash. (Latitude 47°30'17" N., longitude 122°02'43" W.). Modification of C.P. (3394–C1–P–73) to change frequency to 11625V MHz toward Ravens Roost, Wash., on azimuth 134°00'.

8554–C1–MP–73, Tower Communications Systems Corp. (WPF49): 3.2 miles east-northeast of Stoutsville, Ohio. (Latitude 39°39'-56" N., longitude 82°46'20" W.). Modification of C.P. (5953–C1–P–72)—(a) to change station coordinates to foregoing; (b) to replace transmitters; and (c) to change azimuth toward Columbus (latitude 40°-02'28" N., longitude 82°54'37" W.), Ohio, to 346°32'.

8545–C1–P–73, Eastern Microwave, Inc. (WDD61): 1.5 miles east-northeast of Fredericksville, Pa. (latitude 40°27'27" N., longitude 75°39'55" W.): C.P. to change frequency to 6004.5H MHz toward Bauer Rock (WDD69), Pa., on azimuth 58°12'.

8546–C1–P–73, same (WDD69): Bauer Rock, 0.9 mile southeast of Allentown, Pa. (latitude 40°33'58" N., longitude 75°26'06" W.): C.P. to change frequency 6256.5V MHz toward Fredericksville (WDD61), Pa., on azimuth 238°21'.

8547–C1–P–73, American Microwave & Communications, Inc. (WGI20): 4.0 miles east-northeast of Barton City (Maynard Lake), Mich. (latitude 44°42'15" N., longitude 83°31'17" W.): C.P. to add frequency 6167.6V MHz toward Alpena, Mich., on azimuth 06°11'.

8548–C1–P–73, same (KSV60): 5.0 miles northwest of Munising, Mich. (latitude 46°24'53" N., longitude. 86°40'15" W.). C.P. to replace transmitter and to change frequency to 6412.2H MHz toward Walsh, Mich., on azimuth 99°53'.

8549–C1–MP–73, same (WQQ20): Sault Ste. Marie, Mich. (latitude 46°29'09" N., longitude 84°20'02" W.): Modification of C.P. (7767–C1–P–71) to change polarity of frequency 6278.8 MHz to horizontal toward Trout Lake, Mich., on azimuth 234°59'.

8550–C1–MP–73, same (KSV63): 4.0 miles east of Trout Lake, Mich. (latitude 46°11' 09" N., longitude 84°56'49" W.): Modification of C.P. (7766–C1–P–71) to change polarity of frequency 5952.6 MHz to horizontal toward Sault Ste. Marie, Mich., on azimuth 54°32'.

8551–C1–P–73, same (KQL45): Bates Fire Tower, 5.5 miles northeast of Iron River, Mich. (latitude 46°06'08" N., longitude 88°32'30" W.): C.P. to replace transmitters operating on frequencies 6162.5H MHz and 6212.5H MHz toward Covington, Mich., on azimuth 360°00'.

8552–C1–P–73, Microwave Transmission Corp. (new): Tacoma, Wash. (latitude 47°15' 06" N., longitude 122°27'34" W.): C.P. for new station, frequency 11015V MHz toward Squak Mountain, Wash., on azimuth 47°54'.

8553–C1–P–73, same (WBO58): Squak Mountain, 1.8 miles southwest of Issaquah, Wash. (latitude 47°30'17" N., longitude 122°02'43" W.: Modification of C.P. (3394–C1–P–73) to change frequency to 11625V MHz toward Ravens Roost, Wash. on azimuth 134°00'.

8554-C1-MP-73, Tower Communications Systems Corp. (WPF49): 3.2 miles east-northeast of Stoutsville, Ohio (latitude 39°36' 56" N., longitude 82°46'20" W.): Modification of C.P. (5953-C1-P-72)—(a) to change station coordinates to foregoing; (b) to replace transmitters; and (c) to change azimuth toward Columbus (latitude 40° 02'28" N., longitude 82°54'37" W.), Ohio, to 346°32'.

8535-C1-P-73, South Central Bell Telephone Co. (KLW26): 0.5 mile south of Martin, La. Latitude 32°04'28" N., longitude 93°-13'12" W. C.P. to add frequency 3710V MHz toward Natchitoches, La.; frequency 3970V MHz toward Ringgold, La.

8536-C1-P-73, same (KLW25): Approximately 5 miles southwest of Ringgold, La. Latitude 32°17'09" N., longitude 93°21'41" W. C.P. to replace transmitter, change frequency from 3930 MHz to 3930H MHz toward Martin, La.; add frequency 3750H MHz toward Martin, La.; frequency 4010H MHz toward Shreveport, La.

8537-C1-P-73, same (KLW27): 602 Crockett Street, Shreveport, La. Latitude 32°30'37" N., longitude 93°44'56" W. C.P. to change alarm center location and add frequency 3970H MHz toward Ringgold, La.

8539-C1-P-73, Southwestern Bell Telephone Co. (new), Bud Avenue, Sullivan, Mo. Latitude 38°13'21" N., longitude 91°10'05" W. C.P. for a new station on frequency 6286.2V MHz toward Gray Summit, Mo.; frequency 6286.2V MHz toward new point of communication at Rosati, Mo.

8540-C1-P-73; same (KPP54): 4.2 miles north of Pacific, Gray Summit, Mo. Latitude 38°32'21" N., longitude 90°45'03" W. C.P. to add antennas, correct coordinates and add frequency 6034.2H MHz toward new point of communication at Sullivan, Mo.

8541-C1-P-73, same (new): 1.5 miles northeast of Rosati, Mo. Latitude 38°02'26" N., longitude 91°30'53" W. C.P. for a new station on frequency 6034.2H MHz toward Sullivan, Mo.; frequency 6034.2V MHz toward Rolla, Mo.

8542-C1-P-73, same (new): 1207 Elm, Rolla, Mo.: Latitude 37°57'14" N., longitude 91°46'14" W. C.P. for a new station on frequency 6286.2H MHz toward Rosati, Mo.

Correction

8180-C1-P-73, the Bell Telephone Co. of Pennsylvania. Correct Call Sign to read: (KGP36). (All other particulars same as reported in Public Notice No. 649, dated May 21, 1973.)

Major Amendments

4575-CP-70, Southwest Texas Transmission Co. (KKY46): Las Moras, 3 miles northeast of Brackettville, Tex. (latitude 29°21'-33" N., longitude 100°23'11" W.): Application amended to add audio subcarrier toward Del Rio, Tex.

721-C1-P-73, Mountain Microwave Corp. (new): Miller, 5 miles northeast of Montrose, S. Dak. (latitude 43°43'39 N., longitude 97°05'06" W.): Application amended (a) to relocate receive site at Sioux Falls, S. Dak., to latitude 43°30'45" N., longitude 96°44'02" W., and (b) to change azimuth toward Sioux Falls to 104°03'.

6296-C1-P-73, Eastern Microwave, Inc. (KEM58): Helderberg Mountain, 1.75 miles northwest of New Salem, N.Y. (latitude 42°38'12" N., longitude 73°59'45" W.: Application amended (a) to relocated receive site at Troy, N.Y., to latitude 42°45'14" N., longitude 73°40'07" W.; (b) to change polarity of frequencies 11,625 and 11,305 MHz to horizontal; (c) to change antenna system; and (d) to change azimuth toward Troy, N.Y., to 63°59'.

5567-C1-P-73, United Video, Inc. (new): 1 mile northeast of Flat Rock, Va. (latitude 37°31'30" N., longitude 77°48'07" W.): Application amended to change frequency to 6286.2V MHz toward Richmond, Va., on azimuth 86°07'.

5548-C1-P-73, Frank K. Spain, doing business as Microwave Service Co. (new): 1.3 miles south-southwest of Louisa, Va. (latitude 38°00'37" N., longitude 78°01'14" W.): Application amended to change frequencies to 5974.8H and 6093.5H MHz toward Charlottesville, Va., on azimuth 266°-04'.

5549-C1-P-73, same (new): 2.7 miles southwest of Charlottesville, Va. (latitude 37°59'04" N., longitude 78°28'52" W.): Application amended to change frequencies to 11,385V and 11,545V MHz toward Waynesboro, Va., and to change frequencies to 6004.5V and 6123.1V MHz toward Spears Mountain, Va., on azimuths 287°-10' and 208°34', respectively.

6499-C1-P-70, Microwave Corp., doing business as United Video/Louisiana: 0.6 mile west of Donaldsonville, La., at latitude 30°06'27" N., longitude 91°01'22" W. Application amended to change frequency toward Bayou Sorrel, La., from 6286.2H to 6226.9V MHz.

6500-C1-P-70, same: Within the Baton Rouge, La, incorporated area at latitude 30°26'56" N., longitude 91°11'20" W. Application amended to change frequency toward Bayou Sorrel, La., from 6286.2V to 6226.9V MHz.

761-C1-P-73, Western Union Telegraph Co. (latitude 38°44'56" N., longitude 90°26' 42" W.): Change proposed station location to the above coordinates. Also changes municipal location from Bridgeton, Mo., to Champ, Mo.

666-C1-P-71, The Western Union Telegraph Co. (KNJ72): Change all frequencies and points of communications to: 5945.2H, 6063.8H, 6034.2V, and 6152.8V toward Los Angeles, Calif., and 5974.8H, 6034.2H, 6093.5H, and 6152.8H MHz toward Perris, Calif.

668-C1-P-71, same (KNJ70): Change all frequencies and points of communication to: 6226.9H, 6345.5H, 6286.2H, and 6406.8H toward Sierra Peak, Calif. (All other particulars the same as reported in public notice FCC 70-953, dated Sept. 3, 1970.)

Applications filed pursuant to section 214 of the Communications Act of 1934, as amended:

TELEGRAPH WIRE FACILITIES

T-C-2519, Western Union International, Inc., formal (§ 63.01): For authority to permit customers, by use of customer-provided equipment, to derive additional channels from leased channels between the U.S. mainland and Hawaii and between Hawaii and Hong Kong.

T-C-2586, Western Union International, Inc., formal (§ 63.01): For authority to acquire facilities to provide a leased voice-grade circuit for service to Singapore.

T-C-2587, Western Union International, Inc., formal (§ 63.01): For authority to acquire facilities to provide a leased voice-grade circuit for service to Singapore.

T-C-2588, TRT Telecommunication Corp., formal (§ 63.01): For authority to lease and operate facilities to provide direct service between the United States and the Republic of the Philippines and points beyond.

T-C-2462-4, TRT Telecommunications Corp., formal (§ 63.01): For authority to share in the lease and operation of one Satellite voice circuit to provide communication services between the United States and Costa Rica and beyond.

[FR Doc.73-11573 Filed 6-11-73;8:45 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RI73-259; RI73-297]

PHILLIPS PETROLEUM CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JUNE 1, 1973.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] MARY B. KIDD, *Acting Secretary.*

[1] Does not consolidate for hearing or dispose of the several matters herein.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Million cubic feet*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI73-259..	Phillips Petroleum Co.....	485	[1] 1 to 6	El Paso Natural Gas Co. (Lusk Plant, Lea County, N. Mex., Permian Basin).	$2,842	5-4-73	5-13-73	[3] Accepted	[2] 26.85	[2] 27.0	RI73-259.
RI73-297..	Amoco Production Co.....	369	8	Northern Natural Gas Co. (North Puckett Field, Pecos County, Tex., Permian Basin).	2,580	5-4-73	.....	7-5-73	16.06	17.06	

*Unless otherwise stated, the pressure base is 14.65 lb/in² a.
[1] Substitute increase for increase to 27.2¢ filed Mar. 12, 1973, and suspended in docket No. RI73-259 until Oct. 1, 1973.
[2] Subject to British thermal unit adjustment.
[3] Accepted, subject to refund in docket No. RI-73-259, as of May 13, 1973.

Phillips Petroleum Company proposes to substitute a reduced rate that does not exceed the rate limit for a 1-day suspension for a prior increase that was suspended for 5 months. The notice requirement for a 1-day suspension has not expired since the substitute increase was filed within 60 days of the original filing. The substitute increase is accepted subject to the existing suspension proceeding to be effective on the date the original increase would become effective if suspended for only 1 day.

The proposed increase of Amoco Production Co. is suspended for 1 day since it does not exceed the rate limit for a 1-day suspension.

The producer's proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, ch. I, pt. 2, § 2.56).

The rate increases granted in these cases have been reviewed in the light of and are consistent with the Economic Stabilization Act of 1970, as amended, Executive Order No. 11695, and the rules and regulations issued thereunder.

[FR Doc.73-11545 Filed 6-11-73;8:45 am]

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

NOTICE OF PUBLIC MEETING

Notice is hereby given, Public Law 92-463, that the next meeting of the National Advisory Council on the Education of Disadvantaged Children will be held at 1 p.m. to 8:30 p.m., June 22, 1973 and from 9 a.m. to 4 p.m. on June 23, 1973, located in room 261, 1717 H Street NW, Washington, D.C. 20006.

The National Advisory Council on the Education of Disadvantaged Children is established under section 148 of the Elementary and Secondary Education Act (20 U.S.C. 2411) to advise the President and the Congress of the effectiveness of compensatory education to improve the educational attainment of disadvantaged children.

The meeting is called to discuss Council activities for fiscal year 1974 and current pending education legislation.

Because of limited space for the public meeting of June 22 and 23, all persons wishing to attend should call for reservations at area code 202-632-5221 by June 18, 1973.

Records shall be kept of all Council proceedings and shall be available for pubic inspection at the Office of the National Advisory Council on the Education of Disadvantaged Children, located in room 202, 1717 H Street NW., Washington, D.C. 20006.

Signed at Washington, D.C. on June 6, 1973.

ROBERTA LOVENHEIM,
Executive Director.

[FR Doc.73-11592 Filed 6-11-73;8:45 am]

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[73-49]

WAGE COMMITTEE

Notice of Meeting

Pursuant to the provisions of section 10 of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a meeting of the National Aeronautics and Space Administration Wage Committee will be held on June 22, 1973.

The meeting will convene at 10 a.m. and will be held in room 226, 600 Independence Avenue, Washington, D.C. 20546.

The Committee's primary responsibility is to consider and make recommendations to the Director of Personnel, National Aeronautics and Space Administration, on all matters involved in the development and authorization of a wage schedule for the Cleveland, Ohio wage area pursuant to Public Law 92-392.

The approved agenda of the Committee provides that it will consider wage survey data, local reports, recommendations, and statistical analyses, and proposed wage schedules derived therefrom.

Under the provisions of section 10(d) of Public Law 92-463 and 5 U.S.C. 552 (b)(4), the Associate Administrator, National Aeronautics and Space Administration, has determined that this meeting will be closed to the public.

However, members of the public who may wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the Committee's attention. Additional information concerning this meeting may be obtained by contacting the Chairman, National Aeronautics and Space Administration Wage Committee, mail stop 3-9, Lewis Research Center, National Aeronautics and Space Administration, 21000 Brookpark Road, Cleveland, Ohio 44135.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.73-11636 Filed 6-11-73;8:45 am]

[Notice 73-48]

APPLICATIONS COMMITTEE

Notice of Meeting

The NASA Applications Committee will meet on June 14, 1973, at the Headquarters of the National Aeronautics and Space Administration. The meeting will be held in room 226 of Federal Office Building 10B, 600 Independence Avenue SW., Washington, D.C. 20546. Members of the public will be admitted to the meeting beginning at 9:15 a.m., on a first come first served basis up to the seating capacity of the room, which can accommodate about 35 persons. The approved agenda for the meeting is noted below.

The NASA Applications Committee serves in an advisory capacity only. It is concerned with the total range of applications of space-derived, space-related technology including communications, meteorology, earth resources survey (includes agriculture/forestry, cartography, geography, geology/hydrology, oceanography), earth and ocean physics, solar energy conversion, space processing, and other technology applications. Currently, the Committee comprises 11 members, and a recording secretary, Louis B. C. Fong, who can be contacted for further information at 202-755-2070.

The following is the approved agenda and schedule for the June 14, 1973, meeting of the Space Program Advisory Council Applications Committee:

Time	*Topic*
9:15 a.m....	The Earth Resources Survey Program and its Relation to Biological Vectors (Purpose: The overall status and plans for this program will be presented to the Committee members for their comment.)
10:45 a.m....	Major Thrusts in the 1980's (Purpose: To elicit from the Committee members their recommendations on specific areas of emphasis for the Applications Program in the 1980's.)
1:30 p.m....	Major Thrusts in the 1980's (Continuation of discussions.)
2:30 p.m....	Executive Session (Closed Session) (Purpose: To discuss and evaluate the qualifications of new members for the Committee.)
3:30 p.m....	Adjourn.

HOMER E. NEWELL,
Associate Administrator, National Aeronautics and Space Administration.

[FR Doc.73-11635 Filed 6-11-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

EQUITY FUNDING CORP.

Order Suspending Trading

JUNE 5, 1973.

The common stock, $0.30 par value, of Equity Funding Corp. of America, being traded on the New York Stock Exchange, the Midwest Stock Exchange, the Pacific-Coast Stock Exchange, the Philadelphia-Baltimore-Washington Stock Exchange, the Boston Stock Exchange; warrants to purchase the $0.30 par value common stock being traded on the American Stock Exchange and the Philadelphia-Baltimore-Washington Stock Exchange; 9½ percent debentures due 1990, being traded on the New York Stock Exchange; and 5½ percent convertible subordinated debentures due 1991, being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934, and all other securities of Equity Funding Corp. of America, being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 6, 1973 through June 15, 1973.

By the Commission.

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

[FR Doc.73-11609 Filed 6-11-73;8:45 am]

[File No. 500-1]

GIANT STORES CORP.

Order Suspending Trading

JUNE 5, 1973.

The common stock, 10-cent par value, of Giant Stores Corp., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934, and all other securities of Giant Stores Corp., being traded otherwise than on a national securities; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to sections 15(c)(5) and 19(a)(4), of the Securities Exchange Act of 1934, that trading in such securities on the above mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 6, 1973, through June 15, 1973.

By the Commission.

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

[FR Doc.73-11607 Filed 6-11-73;8:45 am]

[File No. 500-1]

INDUSTRIES INTERNATIONAL, INC.

Order Suspending Trading

JUNE, 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Industries International, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 6, 1973 through June 15, 1973.

By the Commission.

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

[FR Doc.73-11610 Filed 6-11-73;8:45 am]

[70-5347]

JERSEY CENTRAL POWER & LIGHT CO. AND NEW JERSEY POWER & LIGHT CO.

Notice of Proposed Intrasystem Sale of Assets

Notice is hereby given that Jersey Central Power & Light Co. (J.C.P. & L.) and New Jersey Power & Light Co. (N.J.P. & L.), Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, electric utility subsidiary companies of General Public Utilities Corp., a registered holding company, have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 9(a), 10, and 12(f) of the Act and rule 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

N.J.P. & L. proposes to sell to J.C.P. & L., for cash, and J.C.P. & L. proposes to acquire from N.J.P. & L., certain utility assets now owned by N.J.P. & L. consisting of land and a series of easements for electric lines located in Mercer and Hunterdon Counties, N.J. The proposed consideration for the assets to be transferred is the original cost thereof, namely $576,713.76. It is stated that N.J.P. & L. desires to sell the aforementioned utility assets since they have ceased to be useful in the operation of its utility business and that J.C.P. & L. desires to purchase said assets because they are needed in the operation of its utility business.

The Board of Public Utility Commissioners of the State of New Jersey has jurisdiction over the proposed sale of property by N.J.P. & L. It is stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. Fees and expenses to be incurred in connection with the proposed transactions are estimated at $1,800, including legal fees of $1,600.

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-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

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

[FR Doc.73-11608 Filed 6-11-73;8:45 am]

[File No. 500-1]

NORTH AMERICAN RESOURCES CORP.

Order Suspending Trading

JUNE 4, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.05 par value, and all other securities of North American Resources Corporation, 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 3 p.m., e.d.t., on June 4, 1973, and continuing through June 13, 1973.

By the Commission.

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

[FR Doc.73-11611 Filed 6-11-73;8:45 am]

[File No. 500-1]

TRIONICS ENGINEERING CORP.

Order Suspending Trading

JUNE 5, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Trionics Engineering Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, That trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 6, 1973, through June 15, 1973.

By the Commission.

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

[FR Doc.73-11612 Filed 6-11-73;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

Classification Procedure

The "Registrants Processing Manual" is an internal manual of the Selective Service System. The following portions of that manual are considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER. Therefore, these materials are set forth in full as follows:

CHAPTER 623

CLASSIFICATION PROCEDURE

Table of Contents

CHAPTER 623

CLASSIFICATION PROCEDURE

SECTION 623.1 *Commencement of classification.*—1. Each registrant shall be administratively assigned to class 1-H as of the time of his registration and thereafter shall have his classification reopened and considered anew by his local board whenever:

(a) His random sequence number (RSN) is equal to or below the administrative processing number (APN) established by the Director of Selective Service for his year-of-birth group, or

(b) He files new information with his local board which would qualify him for a classification lower than 1-H.

2. The registrant's classification shall be determined on the basis of the official forms of the Selective Service System and other written information in his file, oral statments by the registrant at his personal appearance before the local board, appeal board, or National Selective Service Appeal Board, and oral statements by the registrant's witnesses at his personal appearance before the local board.

No written summary of the oral information presented at a registrant's personal appearance that was prepared by a member of the local board or compensated employee of the Selective Service System will be considered by the local board or placed in the registrant's file folder unless a copy of it has been furnished to the registrant. No information in any other document in the registrant's file shall be considered in classifying the registrant into a class available for military or alternate service unless that document was supplied by the registrant or a copy of it or a fair résumé of its contents has been furnished to him by the Selective Service System.

SEC. 623.2 *Consideration of classes.*—Every registrant who is being considered for induction shall be placed in class 1-A except that when grounds are established to place a registrant in one or more of the classes listed in the following table, the registrant shall be classified in the lowest class for which he is determined to be eligible, with class 1-AM considered the highest class and class 4-A considered the lowest class according to the following table:

Class:	Class:
1-AM.	4-B.
1-A-O.	4-C.
1-A-OM.	4-D.
1-O.	1-H.
1-OM.	4-G.
2-A.	4-F.
2-C.	4-W.
2-S.	1-D.
2-D.	1-W.
2-M.	1-C.
3-A.	4-A.

SEC. 623.3 *Action to be taken when classification determined.*—1. Within 10 working days after the local board has classified or reclassified a registrant (except a registrant who is classified in class 1-C because of his entry into active service in the Armed Forces), it shall mail him a Status Card (SSS Form 7). When a registrant is classified in class 2-A, 2-C, 2-D, 2-M, 2-S, or 3-A, the date of termination of the deferment shall be entered on the SSS form 7. When mailing a status card to a registrant classified in class 1-O, the local board shall include a Conscientious Objector Skills Questionnaire (SSS Form 152) together with a return envelope preaddressed to the local board.

2. After each local board meeting, the effective date of the classification, the class, and the date of termination if applicable, will be entered on page 1 of SSS form 101. The effective date of classification, if different than the date of classification, as well as the class and date of classification, the vote, and the date of mailing the SSS form 7, will be entered on page 8 of the SSS form 100, if present in the file folder, or on page 2 of the SSS form 101. The class and the date of mailing of the SSS form 7 will also be entered on the SSS form 102.

3. A notice of all classification actions, including administrative assignments to class 1-H, for each local board will be posted in a conspicuous place in the local board office for a period of 60 days. This posting requirement will be met by use of the RIB output report, "List of Classifications" (LOC), a copy of which should be posted on the local board bulletin board following verification. For those registrants born prior to 1953 who were classified during the period covered by the LOC, the local board shall type the classification actions on copies 1 and 2 of the LOC, or on a supplemental list in the same format for posting in the local board office, for retention in the local board files, and for submission to the State Director. This will replace the SSS form 112-A effective upon receipt of this revised chapter.

4. When a person is unable to ascertain the current classification of a specific registrant from this posted notice, an employee of the local board, upon request, shall consult the Classification Record (SSS Form 102) and shall furnish the person making the inquiry the current classification of such registrant.

5. In the event the local board classifies a registrant in a class other than that which he requested, it shall record its reasons on a Report of Information (SSS Form 119) which shall be signed by a local board member who was present at the meeting at which the registrant was classified and filed in the registrant's file. The local board shall inform the registrant of such reasons in writing at the time it mails to him a Status Card (SSS Form 7). (Sample letter for this purpose is attachment 623-1 to this chapter.)

SEC. 623.4 *Issuing a Replacement Status Card (SSS Form 7).*—The SSS form 7 shall be issued to a registrant by the local board with which he is registered, upon his written request, as a replacement for the registration certificate, the notice of classification, or the status card, which has been lost, destroyed, mislaid, stolen, or surrendered to the Armed Forces upon his entry on active duty. (See chapter 613.)

SEC. 623.5 *Registrants transferred for classification.*—1. After completing the Registration Card (SSS Form 1), and before the local board of record (the registrant's own local board) has undertaken the classification of a registrant, other than his initial assignment into class 1-H, he may be transferred to another local board by the State Director for classification if he is so far from his local board as to make complying with notices a hardship.

2. After completing the SSS form 1, a registrant may be transferred to another local board by the Director or State Director for classification at any time (1) when the local board cannot act on his case because of disqualification, or (2) when a majority of the members of the local board, or a majority of the members of every panel thereof if the board has separate panels, withdraws from consideration of the registrant's classification because of any conflicting interest, bias, or other reason, or (3) when the State Director deems such transfer to be necessary in order to assure equitable administration of the selective service law.

SEC. 623.6 *Procedure upon transfer for classification.*—1. The local board from which the registrant is transferred shall prepare, in triplicate, an Order for Transfer for Classification (SSS Form 114), shall send one copy thereof to the registrant, and shall transmit the original to the local board to which the registrant is transferred, together with all papers pertaining to the registrant except the Registration Card (SSS Form 1) and the remaining copy of the SSS form 114. The local board from which the registrant is transferred shall, with red ink, note the transfer in the "Remarks" column of the SSS form 102.

2. The local board to which the registrant is transferred shall classify the registrant. It shall follow the same procedure as in the case of one of its own registrants if a request for a personal appearance, a request for reopening, or an appeal is filed. It shall give the same notices and maintain the same records as are sent and maintained for its own registrants, except that it shall use a separate page in its SSS form 102 for transferred registrants and shall make all entries on that page in red ink. The local board to which the registrant is transferred shall prepare a duplicate SSS form 101. After the classification, after the personal appearance, when requested, and after the determination on appeal, when taken, the local board to which the registrant is transferred shall return to the local board of record all papers pertaining to the registrant except the duplicate SSS form 101 and the SSS form 114, and file the duplicate SSS form 101 as instructed in section 603.1. In the proper column of the SSS form 102 the local board to which the registrant is transferred shall note the date of the returning of the papers.

3. The classification made by the local board to which a registrant is transferred shall be appealed through that local board only. The local board of record shall accept and enter on the Classification Record (SSS Form 102) and the Minutes of Local Board Meeting (SSS Form 112), without any change, the classification reported by the board which classified the registrant. If the local board of record receives new information that might affect the registrant's classification, the board shall send the information and the registrant's file to the board to which he was transferred, for further consideration: *Provided*, That if the reason for the disqualification of the local board or other reason for the original transfer for classification no longer exists, the local board of record may consider the new information and classify the registrant in the same manner as if he had never been transferred for classification.

SAMPLE LETTER REGARDING DENIAL OF REQUESTED CLASSIFICATION AND REASONS THEREFOR

[Local Board Stamp]

(Date of mailing)

To: ---

SSN: ---

DEAR ---: This is to advise you that the classification you requested has been denied by the local board. A new Status Card (SSS Form 7) reflecting your classification is enclosed.

The reason for denial of the requested classification is as follows:

(Authorized signature)

Enclosure(s).

[Temporary Instruction Appendix 1–5]

Issued May 15, 1973.

Subject: Interim use of Notice of Classification (SSS Form 110) (OCR).

1. *General.*—a. Existing supplies of the Notice of Classification (SSS Form 110) (OCR) are to be utilized in the following manner:

(1) The Notice of Classification (SSS Form 110) (OCR) will be used to provide the registrant information bank (RIB) with notice of any change of address for any registrant born in 1953 or later. This need not be done if the new address has been included on an SSS form 7, 120, 204, 204A, or 220 which has been submitted to the Computer Service Center (CSC).

(2) The Notice of Classification (SSS Form 110) (OCR) will also be used to notify a registrant born in 1952 or earlier of his new classification, unless he has previously been issued a Status Card (SSS Form 7), in which case an SSS form 7 will be used. A registrant separated from the Armed Forces will be issued an SSS form 7 upon request. The SSS form 110 (OCR) will not be used as a notice of classification for medical specialists.

2. *Acceptability of the form.*—When used as a notice of change of address, copy 1 of the SSS form 110 (OCR) is to be sent to the Computer Service Center (CSC). The local board will use only an SSS form 110 (OCR) in which copy 1 has definite and distinct "skip-to" marks (solid black marks in the left margin of the form) and "field separators" (the vertical black lines separating the boxes within a block). This will prevent the rejection of the form by the scanner.

3. *Preparation.*—a. The following specific typing instructions will apply when preparing SSS form 110 as a change of address notice (see attachment 1 [1]):

(1) *Block 1.*—(a) Complete boxes 1 and 2 of line 1, and type the upper case letter A in box 6 (Change).

(b) Complete lines 4 and 5, by typing address.

No other entries will be made in this block.

(2) *Block 2.*—(a) Type the registrant's name on lines 1 and 2.

(b) Type the registrant's selective service number and the date of mailing of this form on line 3.

No other entries will be made on this form.

b. Only blocks 1 and 2 shall be completed when the SSS form 110 (OCR) is used as a notice of classification for registrants born prior to 1953. (See attachment 2.[1])

4. *Distribution.*—a. When the SSS form 110 (OCR) is used as a notice of change of address, copy No. 1 will be submitted to the CSC. Copies 2 and 3 shall be destroyed, as verification by the local board will not be required.

b. When the SSS form 110 (OCR) is used as a notice of classification for registrants, other than medical specialists, born in 1952, or earlier, copy No. 1 will be destroyed. Copy No. 2 will be mailed to the registrant and copy No. 3 will be retained and processed in accordance with Temporary Guide 73–2 which will reach the field in the near future.

c. Any local board having an inadequate supply of SSS forms 110 (OCR) on hand shall immediately contact their State headquarters for a supply of forms. Any State headquarters having an inadequate supply of SSS forms 110 (OCR) on hand shall immediately contact National Headquarters, attention: AA for a supply.

d. Local boards shall not send any OCR forms to the CSC for registrants born prior to 1953, except medical specialists.

5. *Inventory of SSS form 110 (OCR).*—a. Each local board will furnish the State headquarters with a report of the number of acceptable SSS forms 110 on hand not later than May 18, 1973.

b. Each State headquarters will furnish National Headquarters, Operations Division, attention OOPR, by May 25, 1973, a report stating the number of acceptable SSS forms 110 on hand.

This temporary instruction will terminate when the total Selective Service System supply of SSS forms 110 (OCR) is depleted.

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[1] Filed as part of the original document.

[Temporary Instruction No. 600–4]

Issued May 24, 1973.

Subject: Distribution of "Registrants Processing Manual."

1. Effective immediately, all RPM issuances will be distributed in accordance with table No. 600–1, which is attached to chapter 600 of the RPM.

2. RPM chapters, revisions, and temporary instructions (including this temporary instruction) will be distributed directly to the State headquarters for further distribution to recipients 1 through 9, listed in table 600–1. Recipients 10 through 12 will receive distribution from National Headquarters.

3. Temporary Instruction No. 600–3 is rescinded.

This temporary instruction will terminate upon implementation, inasmuch as the distribution is contained in table 600–1 on a continuing basis.

BASIC FIELD DISTRIBUTION SCHEDULE FOR REGISTRANTS PROCESSING MANUAL

The authorized distribution of RPM chapters and revisions, temporary instructions, forms, and procedural directives, is shown below:

1. State Director	1
2. State operations staff member	1
3. Inspector	1
4. Area Office Administrator and/or Area Supervisor	1
5. Supervisory Executive Secretary	1
6. Local board with not more than 2 full-time employees	1
7. Local board with not more than 4 full-time employees	2
8. Local board with 5 or more full-time employees	3
9. Appeal Board (or panel)	1
10. Service Center	1
11. Reserve or National Guard Unit	1
12. Presidential Appeal Board and National Advisory Committee	1

All RPM issuances for recipients 1 through 9, above, will be sent directly to the State headquarters for further distribution to each. The State Director may reduce the distribution at his descretion in local board group sites where the number of local boards exceeds the number of full-time employees. Recipients 10 through 12 will receive distribution from National Headquarters.

[Temporary Instruction No. 631–11]

Issued June 1, 1973

Subject: Assignment to priority selection groups (reference: Secs. 1631.6(c), 1622.18(a), SSR).

1. Registrants born prior to 1953, who are in deferred or exempt classes above 1–H, other than medical specialists and those classified in classes 4–C and 4–D, shall have their classifications reopened, be classified into class 1–H and assigned to a lower priority selection group.

2. Registrants born prior to 1953, who are in the 1973 first priority selection group (FPSG), other than medical specialists, shall immediately be assigned to a lower priority selection group.

3. Every registrant now in the extended priority selection group (EPSG) shall immediately be assigned to a lower priority selection group.

4. Each registrant referred to in the above paragraphs shall be promptly notified by letter of the change in his status. (A sample of the form letter which will be distributed by National Headquarters to each State headquarters is attached.[1])

5. a. All registrants who are now in, or who enter a selection group below the FPSG, including those assigned in accordance with

paragraphs 1, 2, and 3 of this temporary instruction, will be assigned to specific priority selection groups as follows:

(1) Registrants born in 1952 shall be assigned to the second priority selection group.

(2) Registrants born in 1951 shall be assigned to the third priority selection group.

(3) Registrants born in 1950 shall be assigned to the fourth priority selection group.

(4) Registrants born in 1949 shall be assigned to the fifth priority selection group.

(5) Registrants born in 1948 shall be assigned to the sixth priority selection group.

(6) Registrants born in 1947 (and not yet 26 years of age) shall be assigned to the seventh priority selection group.

b. An entry will be made on page 1 of the Registrant File Folder (SSS Form 101) for each registrant who enters a selection group below the FPSG, showing assignment to the appropriate selection group.

6. The above provisions will not apply to registrants who failed to report for induction or alternate service, violators who have agreed to report for induction or alternate service, parolees, or certified unsatisfactory reservists.

7. No action will be taken with respect to registrants whose induction has been restrained as a result of civil litigation without prior approval of the Office of the General Counsel, National Headquarters.

8. Upon completion of the above actions, the 1973 FPSG will consist only of registrants born in 1953, except for medical specialists, and there should be no registrants remaining in the EPSG.

This temporary instruction will terminate on July 1, 1973.

[Temporary Instructions Nos. 631–9, 632–15, 660–10]

Issued May 15, 1973.

Subject: Termination of inductions and assignments to alternate service (reference: Secs. 1631.7, 1660.7, SSR).

1. No order to report for induction, continuing duty letter order or initial assignment to alternate service shall be issued with a reporting date after July 1, 1973.

2. There are to be no inductions of any kind nor initial assignments to alternate service after July 1, 1973. This will apply to all registrants including violators, parolees, certified unsatisfactory reservists, and registrants whose inductions have been restrained as a result of civil litigation.

3. After July 1, 1973, reassignment of registrants performing alternate service will be in accordance with section 660.11 of the "Registrants Processing Manual."

This temporary instruction will terminate upon receipt of the appropriate revision to chapters 631, 632, and 660 of the "Registrants Processing Manual."

BYRON V. PEPITONE,
Director.

JUNE 4, 1973.

[FR Doc.73–11603 Filed 6–11–73;8:45 am]

DEPARTMENT OF LABOR

Office of the Secretary

JOHNSON SHOES, INC.

Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

After reviewing the Tariff Commission's report on its investigation of the petition for adjustment assistance filed on behalf of workers formerly employed by Johnson Shoes, Inc., Manchester, N.H. (Report No. TEA–W–186), under section 301(c)(2) of the Trade Expansion Act of 1962, and in which report the Commission being equally divided, made no finding with respect to women's footwear, the President decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission. Accordingly, he has advised the Secretary of Labor that he may certify the group of workers involved as eligible to apply for adjustment assistance.

In view of the Tariff Commission's report, the President's authorization, and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 FR 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted an investigation, as provided in 29 CFR 90.5 and this notice. The investigation related to the determination of whether any of the group of workers covered by the Tariff Commission report should be certified as eligible to apply for adjustment assistance, provided for under title III, chapter 3, of the Trade Expansion Act of 1962, including the determination of related subsidiary subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivision of the firm involved to be specified in any certification to be made, as more specifically provided in subpart B of CFR, part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigations to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210 on or before June 25, 1973.

Signed at Washington, D.C. this 5th day of June 1973.

GLORIA G. VERNON,
Director, Office of Foreign Economic Policy.

[FR Doc.73–11631 Filed 6–11–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 271]

ASSIGNMENT OF HEARINGS

JUNE 7, 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 78786 sub-268, Pacific Motor Trucking Co., extension of common carrier operations, now being assigned July 16, 1973, at Portland, Oreg. in room 524, Federal Courthouse, Broadway and Main; July 19, 1973, at Phoenix, Ariz. in room 7012, Federal Building, 230 North First Avenue; July 23, 1973, at Los Angeles, Calif. in room 8544, Federal Building, 300 North Los Angeles Street.

MC–F–11636 Briggs Transportation Co.—purchase (portion)—Hennis Freight Lines, Inc., of Nebraska, MC–F–11694, All-American Transport, Inc.—purchase (portion)—Hennis Freight Lines, Inc., of Nebraska & MC–F–11702 Illinois-California Express, Inc.—purchase (portion)—Hennis Freight Lines, Inc., of Nebraska, now assigned July 9, 1973, will be held in Judge Larson's Courtroom No. 4, Federal Building and U.S. Courthouse, 316 Robert Street, St. Paul, Minn.

MC–F–11636, Briggs Transportation Co.—purchase (portion)—Hennis Freight Lines, Inc., of Nebraska, MC–F–11694 All-American Transport, Inc.—purchase (portion)—Hennis Freight Lines, Inc., of Nebraska, MC–F–11702 Illinois-California Express, Inc.—purchase (portion)—Hennis Freight Lines, Inc., of Nebraska, now assigned July 16, 1973. Will be held in room 807 Federal Building, 106 South 15th Street, Omaha, Nebr.

MC 78786 sub-268, Pacific Motor Trucking Co., extension of common carrier operations, now assigned July 9, 1973, at San Francisco, Calif., will be held in room 2041, U.S. Court of Claims, Federal Building, 450 Golden Gate Avenue.

MC 134922 sub-37, B. J. McAdams, Inc., now assigned June 12, 1973, at Washington, D.C., is canceled and the application is dismissed.

AB–8 sub-2, Denver & Rio Grande Western Railroad Co., abandonment between Montrose and Ridgeway, Montrose and Ouray Counties, Colo., now assigned July 10, 1973, is advanced to July 9, 1973 (3 days), in city hall council chambers, 433 South First Street, Montrose, Colo.

MC–104523 sub-53, Huston Truck Line, Inc., now assigned July 13, 1973, will be held in room 15036, Federal Building, 1961 Stout Street, Denver, Colo.

MC 138232, Inquisitor's Club, now assigned June 28, 1973, at Seattle, Wash., is canceled and the application is dismissed.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–11637 Filed 6–11–73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 7, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

FSA No. 42696.—Salt from Manistee, Mich. Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No.

3038), for interested rail carriers. Rates on salt, common (sodium chloride), in bulk, in covered hopper cars, as described in the application, from Manistee, Mich., to Charlotte and Henderson, N.C.

Grounds for relief.—Market competition.

Tariff.—Supplement 100 to Traffic Executive Association-Eastern Railroads, agent, tariff C/S-533-G, I.C.C. No. C-262. Rates are published to become effective on July 6, 1973.

FSA No. 42697.—Soda ash to Decatur, Ill. Filed by Western Trunk Line Committee, agent (No. A-2684), for interested rail carriers. Rates on soda ash, in bulk, in hopper cars, as described in the application, from Alchem, Stauffer, and Westvaco, Wyo., to Decatur, Ill.

Grounds for relief.—Market competition and rate relationship.

Tariff.—Supplement 21 to Western Trunk Line Committee, agent, tariff 129-L, I.C.C. No. A-4868. Rates are published to become effective on July 10, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-11638 Filed 6-11-73;8:45 am]

[Notice No. 291]

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 July 2, 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 matter relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-74313. By order of May 22, 1973, the Motor Carrier Board approved the transfer to Carl Rakoskie, doing business as Ludwig Rakoskie & Sons, Glendale, W. Va., of certificate No. MC-25162 issued June 15, 1951 to Ludwig Rakoskie and Carl Rakoskie, doing business as Ludwig Rakoskie & Son (above address), authorizing the transportation of: Such bulk commodities as are transported in dump trucks, between points in specified counties in Ohio and West Virginia. D. L. Bennett, Practitioner, 129 Edgington Lane, Wheeling, W. Va. 26003.

No. MC-FC-74331. By order of May 29, 1973, the Motor Carrier Board approved the transfer to Pioneer Petroleum Products, Inc., Turners Falls, Mass., of the operating rights in permits Nos. MC-75212 and MC-75212 (sub-No. 3) issued April 13, 1964, and February 18, 1970, respectively, to Shanahan Trucking, Inc., Turners Falls, Mass., authorizing the transportation of bituminous material (oil and tar), in bulk and tank vehicles, from Everett, Mass., to points in New Hampshire; from Providence, and East Providence, R.I., to points in Massachusetts; between points in New Hampshire; and between points in Massachusetts; and gasoline, kerosene, fuel oil, lubricating oil, and distillates, in bulk, in tank vehicles, from Rensselaer, N.Y., to Salem, Haverhill, Taunton, Hyannis, Attleboro, Fitchburg, Greenfield, and Boston, Mass., and Warwick, R.I., for the account of American Oil Co. Frank J. Weiner, 15 Court Square, Boston, Mass. 02108. Attorney for applicants.

No. MC-FC-74425. By order of May 30, 1973, the Motor Carrier Board approved the transfer to Big Six Truck Service, Inc., St. Peters, Mo., of the operating rights in certificate No. MC-33670 issued November 23, 1960, to TL, Inc., Staunton, Ill., authorizing the transportation of calves, poultry, machinery, and machinery parts, over specified routes, from Mount Olive, Ill., to St. Louis, Mo., serving specified intermediate and off-route points; general commodities, with exceptions, from St. Louis, Mo., over specified routes to Mount Olive, Ill., serving specified intermediate and off-route points, and over specified routes between Livingston, Ill., and St. Louis, Mo., serving intermediate and off-route points within 6 miles of Livingston, and also, from St. Louis, Mo., to points in Macoupin County, Ill., and those in Madison County, Ill. on U.S. Highway 66 and Illinois Highway 112; and livestock and agricultural commodities, from points in Macoupin County, Ill., and those in Madison County, Ill. on U.S. Highway 66 and Illinois Highway 112, to St. Louis, Mo. Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101, representative for applicants.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-11640 Filed 6-11-73;8:45 am]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

[Notice 75]

JUNE 6, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of *Ex parte MC-67* (49 CFR pt. 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19945 (sub-No. 37 TA), filed May 21, 1973. Applicant: BEHNKEN TRUCK SERVICE, INC., Rural Route 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flue dust*, in bulk, in dump vehicles, from the plantsite of Laclede Steel Co. at Alton, Ill., to Agrico Chemical Co. at or near Walnut Ridge, Ark., for 180 days. Supporting shipper: James H. Nelson, traffic representative, Laclede Steel Co., Equitable Building, St. Louis, Mo. 63102. Send protests to: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, 527 East Capitol Avenue, room 414, Springfield, Ill. 62701.

No. MC 103798 (sub-No. 7 TA), filed May 8, 1973. Applicant: MARTEN TRANSPORT, LTD., Route 3, Mondovi, Wis. 54755. Applicant's representative: Glen L. Gissing (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hydrolized vegetable water*, from Chicago, Ill., to Boyceville and Oconomowoc, Wis.; and (2) *hydrolized vegetable protein*, from Boyceville and Oconomowoc, Wis., to Chicago, Ill., for 180 days. Supporting shipper: Precision Foods Co., Highway 100 at West 23d Street, Minneapolis, Minn. 55416. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 111729 (sub-No. 388 TA), filed May 23, 1973. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success (NHP-PO), N.Y. 11040. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Business papers, records, audit and accounting media of all kinds, moving therewith*, (1) between Peoria, Ill., on the one hand, and, on the other, points in Indiana, Iowa, and Wisconsin; (2) between Indianapolis, Ind., on the one hand, and, on the other, Milwaukee, Wis., and points in Indiana; and

(3) between Evansville, Ind., and Chicago, Ill., for 180 days. Suporting shippers: (1) McDonnell Douglas Automation Co., 1124 North Berkely Avenue, Peoria, Ill. 61603; (2) IBM, 301 Southeast Sixth Street, Evansville, Ind. 47708; and (3) Inland Container Corp., Indianapolis, Ind. 46206. Send protests to: Anthony D. Giaimo, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113436 (sub-No. 3 TA), filed May 21, 1973. Applicant: AUTOMOBILE CARRIERS INC., 3401 North Dort Highway, P.O. Box 128, Flint, Mich. 48501. Applicant's representative: Walter N. Bieneman, 1 Woodward Avenue, suite 1700, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as described in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial movements, in truckaway service, from Janesville, Wis., to points in the Lower Peninsula of Michigan, for 180 days. Supporting shipper: E. R. Wiseman, director, Traffic Planning and Rates, General Motors Logistics Operations, General Motors Corp., 30007 Van Dyke Avenue, Warren, Mich. 48090. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations and Compliance, room 1110, David Broderick Tower Building, 10 Witherall Street, Detroit, Mich. 48226.

No. MC 113908 (sub-No. 268 TA), filed May 23, 1973. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale, P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard*, in bulk, in tank and hopper-type equipment, from Arvada and Denver, Colo., to Albuquerque, N. Mex. and San Francisco, Calif., for 180 days. Supporting shipper: Sigman Meat Co., Inc., P.O. Box 5292 T.A., Denver, Colo. 80217. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 113908 (sub-No. 269 TA), filed May 24, 1973. Applicant: ERICKSON TRANSPORT CORP., 2105 East Dale Street, P.O. Box 3180, Glenstone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, neutral and distilled spirits*, in bulk, in tank and hopper-type vehicles, from Gretna and Westwego, La., to Springfield, Mo., for 180 days. Supporting shipper: Publicker Industries, Inc., 1429 Walnut Street, Philadelphia, Pa. 19102. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 114106 (sub-No. 98 TA), filed May 29, 1973. Applicant: MAYBELLE TRANSPORT CO., 1820 South Main Street, Lexington, N.C. 27292. Applicant's representative: David L. Morgan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Charlotte, N.C., to points in South Carolina and Georgia, for 180 days. Supporting shipper: International Salt Co., New Orleans, La. Send protests to: Terrell Price, Bureau of Operations, Interstate Commerce Commission, 800 Briar Creek Road, room CC516, Charlotte, N.C. 28205.

No. MC 114789 (sub-No. 42 TA), filed May 23, 1973. Applicant: NATIONWIDE CARRIERS, INC., P.O. Box 104, Maple Plain, Minn. 55359. Applicant's representative: Allen L. Timmerman (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Floor coverings, stair treads, wall tile, countertop coverings and mouldings, and materials and supplies* used in the installation, maintenance, and repair of the commodities described above; (1) From Cambridge, Ohio, to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin, limited to a transportation service to be performed under a continuing contract or contracts with General Floor Covering Co. of Minneapolis, Minn.; and (2) from Dalton, Ohio; Minerva, Ohio; and Baltimore, Md. (on import traffic), to points in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin, limited to a transportation service to be performed under a continuing contract or contracts with Minnesota Tile Supply of Minneapolis, Minn., for 180 days. Supporting shippers: General Floor Coverings Co., 1900–1910 Washington Avenue North, Minneapolis, Minn. 55411, and Minnesota Tile Supply, 4825 France Avenue North, Minneapolis, Minn. 55429. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building, and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 115130 (sub-No. 4 TA), filed May 22, 1973. Applicant: PAULSON TRUCK LINES, INC., 2008 Northeast Airport Road, Roseburg, Oreg. 97407. Applicant's representative: Norman E. Sutherland, 1200 Jackson Tower, Portland, Oreg. 97205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Heavy machinery and other commodities*, the transportation of which because of size or weight requires the use of special equipment, and (2) *related machinery parts, equipment and supplies*, when the transportation thereof is incidental to the transportation of heavy machinery and other commodities by reason of size or weight, require the use of special equipment, between points in Jackson and Josephine Counties, Oreg., on the one hand, and, on the other, points in Del Norte, Humboldt, Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Mendocino, Plumas, and Butte Counties, Calif., restricted to traffic originating at or destined to points in the Oregon and California counties named, for 180 days. Supporting shippers: Cal-Ore Machinery Co., P.O. Box 33, Medford, Oreg. 97501; Northwest Roads, 3610 North Pacific Highway, Medford, Oreg. 97501; Elliott Equipment Co., P.O. Box 967, Medford, Oreg. 97501; Spalding & Son, Inc., P.O. Box 438 Grants Pass, Oreg. 97526; Pape Brothers, Inc., Roseburg, Oreg.; Cubed Equipment, Inc., P.O. Box 1511, Medford, Oreg. 97501; Top Line Equipment Co., 5241 Northeast 82d Avenue, Portland, Oreg. 97220; Howard-Cooper Corp., P.O. Box 819, Medford, Oreg. 97501; Inland Equipment Co., 2660 Vine Street, Grants Pass, Oreg. 97526. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, Oreg. 97204.

No. MC 118159 (sub-No. 133 TA), filed May 22, 1973. Applicant: NATIONAL REFRIGERATED TRANSPORT, INC., 1925 National Plaza, Tulsa, Okla. 74151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass and plastic containers, glassware, plastic caps, covers and tops, and corrugated boxes and containers*, from Muskogee, Okla., to points in Colorado, for 180 days. Supporting shipper: Brockway Glass Co., Inc., Morris Hatley, Traffic Manager, Muskogee, Okla. Send protests to: C. L. Phillips, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 123048 (sub-No. 259 TA), filed May 23, 1973. Applicant: DIAMOND TRANSPORTATION SYSTEM, 1919 Hamilton Avenue, P.O. Box A, Racine, Wis. 53401. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except truck tractors) *and parts, implements, attachments, accessories and supplies therefor*, when moving in straight or mixed loads, from Jacksonville, Fla. and Savannah, Ga., to points in Louisiana, Missouri, Illinois, Iowa, Wisconsin, Kentucky, Indiana, Ohio, the lower peninsula of Michigan, Virginia, West Virginia, Maryland, Delaware, New Jersey, and Pennsylvania, for 180 days. Supporting shipper: J. I. Case Company, 700 State Street, Racine, Wis. 53404 (Robert L. Hendersong, manager, corporate traffic). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, room 807, Milwaukee, Wis. 53203.

No. MC 124078 (sub-No. 548 TA), filed May 23, 1973. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street,

Milwaukee, Wis. 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean flour*, from Champaign, Decatur, and Danville, Ill., to Muscatine, Iowa, for 180 days. Supporting shipper: Grain Processing Corp., P.O. Box 341, Muscatine, Iowa 52761 (Thomas D. Donis, Traffic Manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, room 807, Milwaukee, Wis. 53203.

No. MC 124144 (sub-No. 4 TA), filed May 23, 1973. Applicant: ROBERT N. TOOMEY, doing business as ROBERT N. TOOMEY TRUCKING CO., 1516 South George Street, York, Pa. 17403. Applicant's representative: Charles E. Creager, 816 Easley Street, Silver Spring, Md. 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass screening*, from Compton, Calif., and its commercial zone, to Chicago, Ill.; Elkhart, Ind.; Miami, Fla.; and Dallas, Tex., and their commercial zones, for 180 days. Supporting shipper: Oxford Mills, Inc., Division of New York Wire Co., Compton, Calif. 90220. Send protests to: Robert W. Ritenour, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 508 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 128256 (sub-No. 19 TA), filed May 23, 1973. Applicant: O. W. BLOSSER, doing business as BLOSSER TRUCKING, 215 North Main Street, Middlebury, Ind. 46540. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, plywood and accessories and supplies* used in the installation thereof, from the plant site of the Abitibi Corp. at Chicago, Ill., to points in Iowa, Nebraska, Minnesota, and South Dakota, for 180 days. Supporting shipper: Abitibi Corp., Building Products Division, 1400 North Woodward, P.O. Box 501, Birmingham, Mich. 48012. Send protests to: District Supervisory J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, room 204, Fort Wayne, Ind. 46802.

No. MC 129727 (sub-No. 6 TA), filed May 23, 1973. Applicant: CARROLL TRUCK LINES, INC., Box 4, West, Miss. 39192. Applicant's representative: Fred W. Johnson, Jr., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products and mineral feed ingredients*, from Baldwin, La., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Mississippi, Missouri, North Carolina, South Carolina, Oklahoma, Tennessee, Texas, and Virginia, for 180 days. Supporting shipper: The Carey Salt Co., P.O. Box 1728, Hutchinson, Kans. 67501. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 212, 145 East Amite Building, Jackson, Miss. 39201.

No. MC 133478 (sub-No. 9 TA), filed May 23, 1973. Applicant: HEARIN TRANSPORTATION, INC., 8565 Southwest Beaverton Hillsdale Highway, P.O. Box 25448, Portland, Oreg. 97225. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, Six Ten Southwest Alder Street, Portland, Oreg. 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Albany, Oreg., to Santa Ana, Calif., for 180 days. Supporting shipper: Hearin Products, Inc., P.O. Box 25448, Portland, Oreg. 97225. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, Oreg. 97204.

No. MC 133491 (sub-No. 3 TA), filed May 17, 1973. Applicant: PETRO TRANSPORT, INC., 7200 Inkster Road, Taylor, Mich. 48180. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Heavy fuel oil and bunker oil*, in bulk, in tank vehicles, from the port of entry on the international boundary line between the United States and Canada at or near Detroit, Mich., to points in Michigan located on and south of Michigan Highway 59 and on and east of U.S. Highway 23 and to Comstock, Mich., for 150 days. Supporting shipper: Petro Products, Inc., 7200 Inkster Road, Taylor, Mich. 48180. Send protests to: Melvin F. Kirsch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1110 Broderick Tower Building, 10 Witherell Street, Detroit, Mich. 48226.

No. MC 134084 (sub-No. 1 TA), filed May 22, 1973. Applicant: CLIFFORD M. SHROCK, Route 1, Box 23, Woodburn, Oreg. 97071. Applicant's representative: Robert R. Hollis, Commonwealth Building, Portland, Oreg. 97204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from points in Clackamas County, Oreg., to points in Multnomah County, Oreg., and Clark and Cowlitz Counties, Wash., restricted to traffic having a subsequent movement by water, for 180 days. Supporting shippers: Avison Lumber Co., P.O. Box 597, Molalla, Oreg. 97038 and Brazier Forest Products, P.O. Box 5, Molalla, Oreg. 97038. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, Oreg. 97204.

No. MC 134460 (sub-No. 9 TA), filed May 17, 1973. Applicant: AMERICAN TRANSPORT SYSTEM, INC., 871 Charter Street, Redwood City, Calif. 94063. Applicant's representative: Daniel W. Baker, 100 Pine Street, San Francisco, Calif. 94111. Authority sought to operate as a *common carrier*, by motor vehicle, over irrgeular routes, transporting: *Frozen meats*, in vehicles equipped with mechanical refrigeration, from San Francisco, Calif., to Fresno, Calif., for 180 days. Supporting shipper: Emmet Purcell & Associates, sales agents-import-export, 100 Bush Street, San Francisco, Calif. 94104. Send protests to: District Supervisor Claud W. Reeves, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 134467 (sub-No. 5 TA), filed May 21, 1973. Applicant: POLAR EXPRESS, INC., P.O. Box 691, Springdale, Ark. 72764. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, Denver, Colo. 80202. Authority sought to operaate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and commodities*, exempt from economic regulation under setcion 203(b) of the Interstate Commerce Act, as amended, when moving in the same vehicle with frozen foods, from Shelbyville and Humboldt, Tenn.; Bentonville, Berryville, and North Little Rock, Ark.; Monett, Mo., to points in Georgia, Arkansas, Florida, Alabama, South Carolina, Virginia, New Jersey, New York, Texas, Arizona, California, Washington, Minnesota, Illinois, Indiana, Michigan, Wisconsin, Missouri, Kansas, Colorado, Oklahoma, Maryland, and Pennsylvania, for 180 days. Restriction: Traffic from all points other than Shelbyville, Tenn., is limited to shipments having a prior or subsequent stop-in-transit in Shelbyville, Tenn., for partial loading. Supporting shipper: Tysons Foods, Inc., P.O. Drawer E, Springdale, Ark. 72764. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 700 West Capitol, 2519 Federal Office Building, Little Rock, Ark. 72201.

No. MC 134477 (sub-No. 31 TA), filed May 21, 1973. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, Minn. 55118. Applicant's representative: Paul Schanno (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Matches and woodenware*, from Oakland and Dixfield, Maine, and Springfield, Mass., to Cloquet and St. Paul-Minneapolis, Minn.; Milwaukee, Wis.; and Chicago, Ill., for 180 days. Supporting shipper: Diamond International Corp., 733 Third Avenue, New York, N.Y. 10017. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Court House, 110 South 4th Street, Minneapolis, Minn. 55401.

No. MC 134726 (sub-No. 1 TA), filed May 31, 1973. Applicant: ELMER W. MOORE, doing business as ERW FILM SERVICE, 7804 Aley Road, Camp Springs, Md. 20031. Applicant's representative: Nicholas A. Addams, 1707 N

Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motion picture films, paper, trailers, and the like, projectors and parts and equipment and materials* incidental to the operation of motion picture theaters, between points in Washington, D.C., and its commercial zone; Garrett, Allegany, and Washington Counties, Md.; and the city of Westminister, Md.; Berkeley, Jefferson, and Morgan Counties, W. Va.; and the city of Keyser, W. Va., for 180 days. Supporting shippers: There are approximately 24 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th Street and Constitution Avenue NW., Washington, D.C. 20423.

No. MC 135124 (sub-No. 5 TA), filed May 23, 1973. Applicant: DRESSING TRANSPORT, INC., Lake Street, Wilson, N.Y. 14172. Applicant's representative: Kenneth T. Johnson, Bankers Trust of Jamestown Building, Jamestown, N.Y. 14701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, from Port Allegany, Pa., to Elkhart, Ind.; Chicago, Ill.; Jefferson City, Mo.; Iowa City, Iowa; Cedar Rapids, Iowa, and Detroit, Mich., for 180 days. Supporting shipper: Pierce Glass, Port Allegany, Pa. Send protests to: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 135364 (sub-No. 5 TA), filed May 22, 1973. Applicant: MORWALL TRUCKING, INC., Rural Delivery 3, Box 76–C, Moscow, Pa. 18444. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter*, from Brattleboro, Vt., and Plympton, Clinton, Lowell, Forge Village, Ludlow, Taunton, and Norwood, Mass., to Dunmore, Pa., for the account of Harper & Row, Publishers, Inc., for 150 days. Supporting shipper: Harper & Row, Publishers, Inc., Keystone Industrial Park, Scranton, Pa. 18512. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 136899 (sub-No. 6 TA), filed May 25, 1973. Applicant: HIGGINS TRANSPORTATION, LTD., 824 Valley View Drive, Richland Center, Wis. 53581. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Expandable polystyrene products*, from Sparta, Wis., to points in Iowa, Minnesota, and Illinois, and (2) *refused or rejected shipments* of expandable polystyrene products on return, from points in Iowa, Minnesota, and Illinois, to Sparta, Wis., for 180 days. Supporting shippers: Plastronic Packaging Corp., Box 200, Stevensville, Mich., and plant location: 1326 South Water Street, Sparta, Wis. Send protests to: Barney L. Hardin, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 139 West Wilson Street, room 202, Madison, Wis. 53703.

No. MC 138572 (sub-No. 1 TA), filed May 25, 1973. Applicant: BRUNSWICK PETROLEUM TRANSPORT, LTD., Ashburn Lake Road, St. John, New Brunswick, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chlorate*, in bulk, in tank vehicles, from port of entry at or near Houlton, Maine, to Jay, Maine and Berlin, N.H., for 90 days. Supporting shipper: Canso Chemicals Ltd., P.O. Box 10, Montreal, Quebec, Canada. Send protests to: Donald G. Weiler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 307, 76 Pearl Street, P.O. Box 167, PSS, Portland, Maine 04112.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–11639 Filed 6–11–73;8:45 am]

CUMULATIVE LISTS OF PARTS AFFECTED—JUNE

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 June.

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