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PART I

(Part II begins on page 15579)

(Part III begins on page 15587)

HIGHLIGHTS OF THIS ISSUE

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

(Continued inside)

federal register

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Contents

(Continued on next page)

List of CFR Parts Affected

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

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

3 CFR
PROCLAMATIONS:
4221 ... 15497

5 CFR
213 (3 documents) ... 15499

7 CFR
52 ... 15511
831 ... 15511
915 ... 15511
1421 ... 15514
PROPOSED RULES:
1046 ... 15519
1076 ... 15519
1421 ... 15520
1425 ... 15521

9 CFR
108 ... 15499
117 ... 15499
PROPOSED RULES:
319 ... 15519

13 CFR
PROPOSED RULES:
120 ... 15533

14 CFR
39 (2 documents) ... 15500, 15501
71 (6 documents) ... 15502, 15503
PROPOSED RULES:
39 ... 15523
71 (2 documents) ... 15524
73 ... 15525
75 ... 15525
91 ... 15526

15 CFR
PROPOSED RULES:
960 ... 15588

17 CFR
PROPOSED RULES:
240 ... 15533
241 ... 15533

21 CFR
28 ... 15503

24 CFR
1914 (2 documents) ... 15505

29 CFR
PROPOSED RULES:
1915 ... 15522
1916 ... 15522
1917 ... 15522
1918 ... 15522

32 CFR
1001 ... 15506
1003 ... 15506
1006 ... 15506
1007 ... 15506
1009 ... 15506
1011 ... 15506
1016 ... 15507
1017 ... 15507
1030 ... 15507

[illegible] CFR
401 ... 15508

36 CFR
13 ... 15515

39 CFR
137 ... 15509

41 CFR
101–4 ... 15509

43 CFR
PUBLIC LAND ORDERS:
5345 ... 15509
PROPOSED RULES:
4 ... 15518

45 CFR
PROPOSED RULES:
205 ... 15580
249 ... 15580
250 ... 15580

46 CFR
146 ... 15510

47 CFR
83 ... 15510

49 CFR
1 ... 15510
PROPOSED RULES:
1003 ... 15526
1056 ... 15526

REMINDERS

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

Rules Going Into Effect Today

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

page no. and date

JUNE 13

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION—Reporting and record-keeping of State and local governments 12604; 5–14–73

Next Week's Deadlines for Comments on Proposed Rules

JUNE 18

BUREAU OF CUSTOMS—Customs field organization; change in customs Region IX 13027; 5–18–73

CEQ—Guidelines for preparation of environmental impact statements 10856; 5–2–73

EPA—Environmental quality cost-sharing and technical assistance program; guidelines and regulations for implementation 14380; 6–1–73

—Standards of performance for new stationary sources; emissions during startup, shutdown and malfunction 10820; 5–2–73

FPC—Natural gas produced from wells; order prescribing procedure for establishing just and reasonable rates 14295; 5–31–73

NATIONAL PARK SERVICE—Shenandoah National Park; vehicles weight limitations 13028; 5–18–73

JUNE 20

FEDERAL LABOR RELATIONS COUNCIL—Council interpretations of the order and statements on major policy issues 13390; 5–21–73

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION—Policies of general applicability 13418; 5–21–73

ICC—Licensing and related activities; fees for services performed 13032; 5–18–73

JUNE 21

EPA—National primary and secondary ambient air quality standards; sulfur oxide secondary standards 11355; 5–7–73

JUNE 22

COST ACCOUNTING STANDARDS BOARD—Disclosure statements; basic requirements 13385; 5–21–73

FAA—Designation of Federal Airways, Area Low Routes, Controlled Zones, Airspace and Reporting Points 13566; 5–23–73

FCC—Amendment to FM broadcast stations in South Dakota and Minnesota 12935; 5–17–73

—Amendment to FM broadcast stations in certain cities in Missouri, Oklahoma, and Minnesota 13029; 5–18–73

—FM broadcast stations in certain cities in Kansas, Kentucky, South Dakota, and Minnesota, and East Lansing, Mich 13386–13389; 5–21–73; 13491; 5–22–73

—Permitting of the use of the vehicular radio units to act as mobile repeaters in the Forestry-Conservation and in the Power Radio Services 9834; 4–20–73

FOREST SERVICE—Cancellation of timber sale because of environmental concerns 10010; 4–23–73

REA—Rural Electrification Program; policy regarding incentive payments by REA borrowers 13565; 5–23–73

SECURITIES AND EXCHANGE COMMISSION—Record keeping obligation of self regulatory organizations 12937; 5–17–73

JUNE 24

AMS—Plant variety protection; limits of reciprocity 13751; 5–25–73

Next Week's Hearings

JUNE 23

FOREST SERVICE—Management alternatives for Popo Agie Primitive Area, to be held at Elks Club, Buena Vista St., Lander, Wyo. 11116; 5–4–73

Weekly List of Public Laws

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

S.J. Res. 112 Pub. L. 93–38
Flood insurance (June 5, 1973; 87 Stat. 73)

Presidential Documents

Title 3—The President

PROCLAMATION 4221

American Education Week, 1973

By the President of the United States of America

A Proclamation

More than physical resources or industrial capacity, this Nation's greatest asset is its people.

Americans are both a heterogeneous and a homogeneous people, diverse in our multicultural heritage, in our varied talents, in our personal goals. Yet we are also a homogeneous people in our dedication to certain national objectives, among them the goal of broadening and enriching the American experience for our children and their children. One constant theme in our national story from its very beginnings has been our faith in education and our commitment to its advancement.

Educational institutions can be strong and effective only if they receive broad public support and continuing public attention. That is why it is so appropriate that the theme for American Education Week this year is "Get Involved."

There are many ways for individual Americans to "get involved" in education. For those who hold leadership positions in their communities, getting involved can mean strong support for needed innovation. For those whose profession is education, getting involved can mean subjecting proposed reforms to the most rigorous test of all: Will they benefit students?

But "getting involved" is appropriate advice for other Americans too. For the businessman who understands the give-and-take of the marketplace, for the oceanographer who understands the mystic cycles of the sea, for the writer who understands the beauty and power of words, getting involved can mean sharing knowledge and enthusiasm with young people struggling to make their own career decisions.

Getting involved can mean taking the time to help a handicapped child learn to read. It can mean raising the aspirations of a disadvantaged child by listening to his hopes and dreams—and by caring about them. It can mean working with gifted young people to help them channel their creativity into productive outlets.

Above all, getting involved means giving support to the dedicated men and women who are entrusted with the education of our children. They

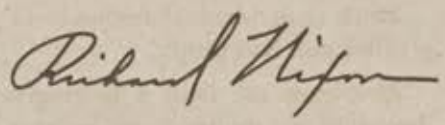
are trained professionals who welcome constructive change. They deserve our confidence.

Education should be everyone's concern, for the knowledge and values imparted to our youth today will determine our future as a people.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week of October 21–27, 1973, as American Education Week.

I urge all Americans to join with me during this period in a reaffirmation of faith in our educational system and a new dedication to helping that system meet the challenges that now confront it.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh 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.73–11870 Filed 6–11–73;12:20 pm]

Rules and Regulations

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

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

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Department of Justice

Section 213.3310 is amended to show that one position of Special Assistant to the Assistant Attorney General, Civil Rights Division, is excepted under schedule C.

Effective on June 13, 1973, § 213.3310 (q)(3) is added as set out below.

§ 213.3310 **Department of Justice.**

* * * * *

(q) *Civil Rights Division.* * * *

(3) One Special Assistant to the Assistant Attorney General for Civil Rights.

* * * * *

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

U.S. CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–11753 Filed 6–12–73;8:45 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Assistant to the Assistant Secretary for Education is excepted under Schedule C.

Effective on June 13, 1973, § 213.3316 (r)(2) is added as set out below.

§ 213.3316 **Department of Health, Education, and Welfare.**

* * * * *

(r) OFFICE OF THE ASSISTANT SECRETARY FOR EDUCATION. * * *

(2) One Confidential Assistant to the Assistant Secretary.

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

U.S. CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–11751 Filed 6–12–73;8:45 am]

PART 213—EXCEPTED SERVICE

Tariff Commission

Section 213.3339 is amended to show that one position of Administrative Assistant to the Executive Director is excepted under schedule C.

Effective on June 13, 1973, § 213.3339(c) is added as set out below:

§ 213.3339 **U.S. Tariff Commission.**

* * * * *

(c) One Administrative Assistant to the Executive Director.

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

U.S. CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73–11752 Filed 6–12–73;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 108—SANITATION AT LICENSED ESTABLISHMENTS

PART 117—ANIMALS AT LICENSED ESTABLISHMENTS

Miscellaneous Amendments

On March 22, 1973, there was published in the FEDERAL REGISTER (FR Doc. 73–5542), a notice of proposed rulemaking with respect to proposed amendments to the regulations relating to viruses, serums, toxins, and analogous products in part 108 and part 117 of title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

These amendments provide for the incorporation of regulations in § 108.3 into part 117. Provision is also made for all licensed establishments to comply with the applicable portions of the Animal Welfare Act and the regulations issued pursuant thereto.

These amendments to part 117 revoke obsolete regulations written to control the spread of diseases from hog cholera antiserum production facilities. These facilities are no longer used for this purpose and the need for these regulations no longer exists. Regulations for the admittance, maintenance, and disposition of animals used for test purposes or for production of biological products are included in these amendments. They provide safeguards for production animals and licensed products from contamination through introduction of diseased animals into licensed establishments. They also provide regulations for safe disposition of test and production animals when their usefulness has ended.

After due consideration of all relevant matters, including the proposals set forth in the aforesaid notice of rulemaking, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the amendments of part 108 and part 117 of subchapter E, chapter 1, title 9 of the Code of Federal Regulations, as contained in the aforesaid notice are hereby adopted and are set forth herein, subject to the following noted modifications:

The title of part 117 would be changed to "Animals at Licensed Establishments" to differentiate such animals from other animals under the control of Animal and Plant Health Inspection Service.

Section 117.2 would be reworded to clarify the applicability of part 108 of this chapter to animal facilities.

Section 117.2(a) would be changed to permit a veterinarian to direct a health determination of animals before being admitted.

Section 117.2(c) would be changed to permit either collective or individual identification of animals.

Section 117.2(e) would be changed to clarify the intent of the restrictions to be met when diagnostic facilities are maintained in a licensed establishment.

Section 117.5 would be changed to delete reference to a quarantine area.

Section 117.6(a) would be changed to restrict only meat-producing animals and § 117.6(b) would be changed to restrict only animals which received virulent microorganisms.

1. Section 108.3 is amended to read:

§ 108.3 [Reserved]

2. Part 117 is amended to read:

Sec.
117.1 Applicability.
117.2 Animal facilities.
117.3 Admittance of animals.
117.4 Test animals.
117.5 Segregation of animals.
117.6 Removal of animals.

AUTHORITY: 37 Stat. 832–833, 21 U.S.C. 151–158.

§ 117.1 **Applicability.**

(a) All animals used in licensed establishments in the preparation or testing of biological products shall meet the regulations in this subchapter and special requirements as may be prescribed by the Deputy Administrator to prevent the preparation, sale, and distribution of worthless, contaminated, dangerous, or harmful biological products.

(b) Unless otherwise authorized or directed by the Deputy Administrator, animals used in the preparation or testing of biological products shall be admitted to and maintained at the licensed establishment and ultimately disposed of in accordance with the regulations in this part, and with the Act of August 24, 1966 (Public Law 89-544) as amended by the Animal Welfare Act of 1970 (Public Law 91-579) and the regulations in Parts 1, 2, and 3 of this chapter. Personnel who supervise the care and welfare of such animals shall be qualified by education, training, and experience to carry out the regulations in this part.

§ 117.2 Animal facilities.

Animal facilities shall comply with the requirements provided in part 108 of this chapter.

§ 117.3 Admittance of animals.

(a) No animal which shows clinical signs or other evidence of disease shall be admitted to the premises of licensed establishments, except as provided in paragraphs (d) and (e) of this section. The health status of all animals offered for admission shall be determined by or under the direction of a veterinarian prior to admission. If the determination cannot be made prior to admission, the animals shall be kept separate from animals already on the premises and in a quarantine area to be provided by the licensee for this purpose until the animal's health status is determined.

(b) If special test requirements for admittance of the animals are specified in the Outline of Production for the product to be produced, the animals shall remain in the quarantine area until such tests have been performed and the results obtained. Animals which do not meet the requirements shall not be admitted to the production area or allowed to contact production animals.

(c) All animals admitted to the premises of a licensed establishment shall be permanently identified either collectively or individually by the licensee with tags, marks, or other means acceptable to the Deputy Administrator.

(d) When an animal which has a disease is to be used to prepare a biological product for control of such disease, the animal shall be admitted directly to the processing facilities in which the product is to be prepared but shall not be permitted contact with other animals on the premises.

(e) The Deputy Administrator may authorize the maintenance of diagnostic facilities at the licensed establishment: *Provided*, That safeguards proposed by the licensee are adequate to prevent diseased or dead animals brought into such facilities from being a threat to biological products prepared in such establishment or to other animals on the premises used in the preparation of biological products.

§ 117.4 Test animals.

(a) All test animals shall be examined for clinical signs of illness, injury, or abnormal behavior prior to the start of a test and throughout the observation period specified in the test protocol.

(b) All animals used for test purposes shall be identified either collectively or individually in a manner conducive to an accurate interpretation of the results of the test.

(c) No test animals shall be given a biological product during the preconditioning period which would affect its eligibility according to the test requirements. No treatment, with a biological product or otherwise, shall be administered to a test animal during a test period which could interfere with a true evaluation of the biological product being tested.

§ 117.5 Segregation of animals.

Animals which have been infected with or exposed to a dangerous, infectious, contagious, or communicable disease shall be kept effectively segregated at a licensed establishment until such time as they are humanely destroyed or successfully treated and removed as healthy animals.

§ 117.6 Removal of animals.

Production animals or ex-text animals which are no longer useful at the licensed establishment may be removed from the premises of the licensed establishment; provided, such removal is accomplished in a manner as shall preclude the dissemination of disease and in accordance with the following conditions:

(a) Meat-producing animals which received a biological product containing inactivated microorganisms and adjuvants within 21 days shall not be removed; or

(b) Animals which received virulent microorganisms within 30 days shall not be removed; or

(c) Only animals that are in a healthy condition as determined by a veterinarian shall be removed, except as provided in paragraph (d) of this section.

(d) Other animals that are injured or otherwise unhealthy, except when affected with a communicable disease, may be removed for immediate slaughter to an abattoir operated in accordance with the Federal Meat Inspection Act of March 4, 1907, 34 Stat. 1260, as amended by the Wholesome Meat Act of 1967, 81 Stat. 585 (21 U.S.C. sec. 601 et seq.): *Provided*, That such animals shall be properly marked for identification and the inspector in charge of slaughter operations is given due notice in advance.

(e) All animals on the premises shall be disposed of in accordance with the provisions of the regulations in this part and where specific provision is not made therefor shall be disposed of as required by the Deputy Administrator.

Effective date.—This amendment takes effect July 14, 1973.

Done at Washington, D.C., this 8th day of June 1973.

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

[FR Doc.73-11788 Filed 6-12-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 73-WE-7-AD; Amendment 39-1664]

PART 39—AIRWORTHINESS DIRECTIVES

North American Model NA-265 Series Airplanes

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted on May 16, 1973, and made effective immediately by airmail letter dated May 17, 1973, to all known U.S. operators or owners of North American Rockwell model NA-265-40 airplanes equipped with thrust reversers and all NA-265-60 and -70 airplanes. This directive superseded AD 73-10-4 (38 FR 12326), amendment 39-1635, made effective immediately by telegrams dated April 21, 1973. The AD, adopted May 16, 1973, authorizes flight operations in which the thrust reversers may be activated, provided that certain inspections and modifications were previously accomplished. AD 73-10-4 required that the thrust reversers for model NA-265 series airplanes be stowed and locked in the forward thrust position and an appropriate placard installed.

After issuance of AD 73-10-4, the manufacturer conducted an extensive test program and investigation to determine the special safety measures necessary for operation of the aircraft with the thrust reversers reactivated. The additional safety measures developed include FAA-approved modifications and inspections for the thrust reverser system, as detailed in manufacturer's service documents. However, for those aircraft which cannot meet the conditions required prior to reactivation, the operators must continue to deactivate and stow the thrust reversers in the locked forward thrust position. Revisions to the FAA-approved service bulletins or to the AD may be adopted as a result of continuing tests and investigations.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the airworthiness directive effective immediately as to all known operators or owners of North American Rockwell model NA-265 series airplanes by individual airmail letters dated May 17, 1973. These conditions still exist and the airworthiness directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of part 39 of the Federal Aviation regulations to make it effective as to all persons.

Pursuant to the authority of the Federal Aviation Act of 1958, as amended, delegated to me by the Administrator, AD 73-10-4 (38 FR 12326), amendment 39-1635, applicable to operators of North American Rockwell model NA-265-40 airplanes equipped with thrust reversers

and all model NA–265–60 and –70 airplanes, was made effective immediately by telegrams dated April 21, 1973, to all known U.S. operators. The AD was published in the FEDERAL REGISTER on May 11, 1973. AD 73–10–4 was, as indicated therein, an interim measure. Tests and investigations, either completed or in progress, have provided a basis for adoption of a program to permit reactivation of the thrust reversers, conditioned upon the accomplishment of the steps indicated below.

Therefore, AD 73–10–4 is hereby superseded by this airmail letter which is effective upon receipt by the owner/operator. This AD is issued pursuant to the authority of the Federal Aviation Act of 1958, as amended, delegated to me by the Administrator.

NORTH AMERICAN ROCKWELL.—Applies to all model NA–265–40 airplanes equipped with thrust reversers and all model NA–265–60 and –70 airplanes.

Compliance required as indicated.

To prevent unwanted thrust reverser deployment, accomplish (a), or (b), or (c), below, prior to further flight, except as provided below.

(a)(1) Stow and lock the thrust reversers in the forward thrust position and install a placard in plain view of the pilot indicating that the thrust reversers are deactivated. The thrust reversers must be locked in the stowed position in accordance with North American Rockwell report NA–62–1223, page 68E, for model NA–265–40; report NA–66–1030, operational supplement No. 8, for model NA–265–60; and report NA–69–639, section 1–47, for model NA–265–70.

(2) Pull and collar, for all affected models, the following electrical circuit breakers located on the copilot side console: "CONTROL LH"; "CONTROL RH"; "LATCH LH"; "LATCH RH"; "EMERG STOW"; and "IND LTS".

(b)(1) Incorporate the revisions, dated May 16, 1973, to the FAA-approved NA–265 series Sabreliner airplane flight manuals, Certificate Limitations, Emergency Procedures and Normal Procedures sections, pertaining to thrust reverser operation. References: NA–62–1300; NA–72–25; NA–66–1030; and NA–69–422.

(2) Prior to the first flight of each day, perform the preflight operational check in accordance with North American Rockwell service bulletin 73–10 addendum A, dated May 16, 1973, or later FAA-approved revisions of the Sabreliner 40/60 series maintenance manual TR–78–9; or –70 series maintenance manual TR–78–3. Install a placard in plain view of the pilot to require performance of this preflight thrust reverser system check.

(3) Perform the rigging inspections of the thrust reverser in accordance with service bulletin 73–10 dated May 16, 1973, or later FAA-approved revisions.

(4) Perform a one-time "Thrust Reverser 100-hour Inspection" per addendum B, service bulletin 73–10, dated May 16, 1973, or later FAA-approved revisions.

(5) Within 300 hours additional time in service, perform a one-time "Operational Check of Thrust Reverser Relays" per addendum C, service bulletin 73–10, dated May 16, 1973, or later FAA-approved revisions.

(6) Thereafter, the inspections specified in paragraphs (b) (3), (4), and (5) above, may be performed as normal maintenance procedures in accordance with the North American Sabreliner maintenance manuals applicable to the model.

(7) Accomplish the wiring change to the dimming circuit in accordance with North American service bulletin 73–6, dated May 16, 1973, or later FAA-approved revisions.

(8) Aircraft which cannot meet or otherwise comply with any of the inspection or installation requirements of paragraph (b) of this AD, can be operated only per paragraphs (a) or (c) of this AD.

(c) Equivalent inspections, maintenance procedures, and installations may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Revisions to this AD may be adopted as the result of further tests and investigainvestigations.

This amendment is effective June 16, 1973, for all persons except those to whom it was made effective immediately by airmail letter dated May 17, 1973, which contained this amendment.

(Secs. 313(a), 601, 603 of the 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 Los Angeles, Calif., on June 4, 1973.

ROBERT O. BLANCHARD,
Acting Director,
FAA Western Region.

[FR Doc.73–11700 Filed 6–12–73;8:45 am]

[Docket No. 12433, Amdt. 39–1666]

PART 39—AIRWORTHINESS DIRECTIVES

S.N.I.A.S. Alouette Model Helicopters

A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive requiring periodic inspection of the oil level in the main drive shaft and freewheel assembly, and if found to be below the appropriate level, a teardown inspection of the assembly for cracks in the fillet area between the torque shaft and the hub on S.N.I.A.S. Alouette model SA 315B, SE 3160, SA 316B, SA 316C, SA 3180, SA 318B, SA 318C, and SA 319B helicopters, was published in the FEDERAL REGISTER on December 15, 1972, at 37 FR 26736.

Interested persons have been afforded an opportunity to participate in the making of the amendment. One comment was received stating that the proposed airworthiness directive was unnecessary since service bulletins have already been issued to all operators of Alouette helicopters and the appropriate action has already been taken by these operators with regard to inspection of the main drive shaft. The FAA does not agree. The issuance of AD's through amendment of part 39 of the Federal Aviation Regulations is the method provided for in the regulations to require the corrective action the FAA determines is necessary.

(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).)

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

SOCIETE NATIONALE INDUSTRIELLE AEROSPATIALE.—Applies to all Alouette helicopter models SA 315B, SE 3160, SA 316B, SA 316C, SA 3180, SA 318B, SA 318C and SA 319B.

Compliance is required as indicated.

To prevent further failures of the main drive shaft and freewheel assembly, P/N 3160S.60.00.000 or 3160S.60.10.000, as a consequence of inadequate lubrication, accomplish the following:

(a) Within the next 25 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 25 hours' time in service from the last inspection, unsafety all eight attachment screws P/N 3160S.62.02.013 or 3160S.62.02.020 securing the freewheel shaft assembly to the clutch unit, and remove any one screw above the horizontal plane. Rotating the shaft by hand, determine the level of oil in the assembly by noting the angular position of the open screw hole, below the horizontal plane, at which oil first flows from the hole.

(b) For freewheel shaft assemblies which embody the shaft-plug, P/N 340A.32.0114.20 of Aerospatiale Modification AM 1077, or Aerospatiale Service Bulletin 65.07 for model SA 315B and Service Bulletin No. 65.85 for other affected models—

(1) If the angular position of the screw hole corresponding with the level of oil in the freewheel shaft assembly determined during an inspection performed in accordance with paragraph (a) does not exceed 15° below the horizontal plane, replace the screw, torque all eight screws to appropriate value given in paragraph (g), and resafety the screws in pairs.

(2) If the angular position of the screw hole corresponding with the level of oil in the shaft assembly determined during an inspection performed in accordance with paragraph (a) exceeds 15° below the horizontal plane, before further flight, except that the aircraft may be flown in accordance with FAR § 21.197, after compliance with paragraph (d), to a base where the work can be performed, comply with paragraph (e).

(c) For freewheel shaft assemblies which do not embody shaft plug P/N 340A.32.0114.20—

(1) If the angular position of the screw hole corresponding with the level of oil in the freewheel shaft assembly determined during an inspection performed in accordance with paragraph (a) does not exceed 45° below the horizontal plane, replace the screw, torque all eight screws to appropriate value given in paragraph (g) and resafety the screws in pairs.

(2) If the angular position of the screw hole corresponding with the level of oil in the shaft assembly determined during an inspection performed in accordance with paragraph (a) exceeds 45° below the horizontal plane, before further flight, except that the aircraft may be flown in accordance with FAR § 21.197, after compliance with paragraph (d), to a base where the work can be performed, comply with paragraph (e).

(d) Perform the following prior to flight in accordance with FAR § 21.197:

(1) Remove and inspect each of the 16 screws, P/N 3160S.62.02.013 or 3160S.62.02.020, attaching the freewheel shaft assembly for cracks, marks, and elongation. If cracks, marks, or elongation are found on any screw, replace all 16 screws with screws of the same P/N.

(2) Using dye penetrant and a glass of at least 10-power magnification, or an FAA-approved equivalent process, inspect the blend (fillet) area between the torque shaft and the hub at each end of the freewheel shaft assembly for cracks. If cracks are found, before further flight, replace the shaft in accordance with paragraph (e).

(3) With one screw hole in each coupling open and located in the horizontal plane, add gearbox oil (MIL-L-6086) to fill the freewheel shaft assembly to that level.

(4) Torque all 16 attachment screws to appropriate values given in paragraph (g), and safety the screws in pairs.

(e) Accomplish the following:

(1) For assemblies, P/N 3160S.60.00.000, replace torque shaft with a new part of modified design, P/N 3160S.60.10.001, having a fillet radius of 5 mm between the torque shaft and hub flange. Identify the modified assembly as P/N 3160S.60.10.000.

(2) For assemblies, P/N 3160S.60.10.000, other than those referred to in subparagraph (e)(1), remove the assembly and inspect the fillet between the torque shaft and the hub for cracks using dye penetrant and a glass of at least 10-power magnification, or an FAA-approved equivalent process. If cracks are found, before further flight replace the torque shaft with a new part of the same part number.

(3) Remove the coupling oil seal housings and inspect the coupling teeth; replace any part having teeth that shows signs of wear or overheating.

(4) Unless already accomplished, install provisions for lubrication of the freewheel shaft assembly independently of the main gearbox oil system (plug P/N 340A.32.0114.20) by embodying Aerospatiale Modification AM 1077 in accordance with S.N.I.A.S. Alouette Service Bulletin No. 65.07 dated November 10, 1971, for Model SA 315B, and No. 65.85 dated November 10, 1971, for other affected models, or an FAA-approved equivalent.

(5) Install reworked main drive shaft and freewheel assemblies P/N 3160S.60.10.000, using 16 new attachment screws P/N 3160S.60.02.020.

(6) With one screw hole in each coupling open and located in the horizontal plane, add gearbox oil (MIL-L-6086) to fill the freewheel shaft assembly to that level.

(7) Torque all 16 attachment screws to appropriate values given in paragraph (g), and safety the screws in pairs.

(f) For main drive shaft and freewheel assemblies reworked in accordance with paragraph (e), comply with paragraph (a) within the next 5 hours' time in service following the rework, and thereafter at intervals not to exceed 25 hours' time in service from the last inspection.

(g) Torque attachment screws P/N 3160S.62.02.013 and 3160S.62.00.020 as follows:

(1) 52 to 69 in-lb for screws P/N 3160S.62.02.01313 (the heads of which either bear no reference or are marked L9).

(2) 69 to 87 in-lb for screws P/N 3160S.62.02.020 (the heads of which are marked L11).

This amendment becomes effective July 13, 1973.

Issued in Washington, D.C., on May 31, 1973.

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

[FR Doc.73-11699 Filed 6-12-73;8:45 am]

[Airspace Docket No. 72-CE-27]

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

Designation of Transition Area

On page 24766 of the FEDERAL REGISTER dated November 21, 1972, the Federal Aviation Administration published a notice of proposed rulemaking which would amend § 71.181 of part 71 of the Federa Aviation Regulations so as to designate a transition area at Pella, Iowa.

Interested persons were given 30 days to submit written comments, suggestions, or objections regarding the proposed amendment.

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

This amendment shall be effective 0901 G.m.t., August 16, 1973.

(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 Kansas City, Mo., on May 2, 1973.

JOHN M. CYROCKI,
Director, Central Region.

In § 71.181 (37 FR 2143), the following transition area is added:

PELLA, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Pella Municipal Airport (lat. 41°24'10" N., long. 92°56'40" W.); and within 3 miles each side of the 176° bearing from the Pella Municipal Airport extending from the 5-mile radius to 8 miles south of the airport.

[FR Doc.73-11707 Filed 6-12-73;8:45 am]

[Airspace Docket No. 73-EA-21]

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

Alteration of Transition Area

On page 9593 of the FEDERAL REGISTER for April 18, 1973, the Federal Aviation Administration published a proposed rule which would alter the Wrightstown, N.J., transition area (38 FR 603).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulation is hereby adopted, effective 0901 G.m.t. August 16, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Jamaica, N.Y., on May 25, 1973.

GEORGE M. GARY,
Director, Eastern Region.

1. (a) Amend § 71.181 of the Federal Aviation Regulations by amending the description of the Wrightstown, N.J., transition area by deleting the following: "within a 5-mi radius of Trenton-Robbinsville Airport (lat. 40°12'45" N., long. 74°35'50" W.); within 2 mi north and 3 mi south of the Robbinsville VOR 278° and 098° radials extending from the Trenton-Robbinsville 5-mi-radius area to 8 mi east of the VOR" and by substituting the following in lieu thereof: "within a 5-mi radius of the Trenton-Robbinsville Airport (lat. 40°12'50" N., long. 74°36'05" W.); within 6.5 mi north and 4.5 mi south of the 278° and 098° radials of the Robbinsville VORTAC, extending from 5.5 mi west to 11.5 mi east of the VORTAC."

(b) In the description of the Wrightstown, N.J., transition area, delete the following: "excluding the portion within the New York, N.Y., transition area."

[FR Doc.73-11706 Filed 6-12-73;8:45 am]

[Airspace Docket No. 73-EA-23]

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

Alteration of Control Zone and Transition Area

On page 10011 of the FEDERAL REGISTER for April 23, 1973, the Federal Aviation Administration published proposed regulations which would alter the Salisbury, Md., control zone (38 FR 418) and transition area (38 FR 572).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted, effective 0901 G.m.t., August 16, 1973.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Jamaica, N.Y., on May 29, 1973.

GEORGE M. GARY,
Director, Eastern Region.

1. Amend § 71.171 of part 71 of the Federal Aviation Regulations so as to amend the description of the Salisbury, Md. control zone by inserting after "northeast of the VORTAC" the following:

; within 1 mi each side of the Salisbury-Wicomico County Airport localizer northwest course, extending from the 5-mi radius zone to 5.5 mi northwest of the localizer.

2. Amend § 71.181 of part 71 of the Federal Aviation Regulations so as to amend the description of the Salisbury, Md. transition area by inserting after "northeast of the VORTAC;" the following:

within 4 mi each side of the Salisbury-Wicomico County Airport localizer northwest course, extending from the 6.5-mi radius area to 10.5 mi northwest of the localizer.

[FR Doc.73-11705 Filed 6-12-73;8:45 am]

[Airspace Docket No. 73-NW-12]

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

Alteration of Control Zone

On April 17, 1973, a notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 9516) stating that the Federal Aviation Administration was considering an amendment to part 71 of the Federal Aviation Regulations that would alter the description of the Troutdale, Oreg., control zone.

Interested persons were given 30 days in which to submit written comments. No objections to the proposed amendment were received.

In consideration of the foregoing, the proposed amendment is hereby adopted without change.

Effective date.—This amendment shall be effective 0901 G.m.t., August 16, 1973.

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

Issued in Seattle, Wash., on June 4, 1973.

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

[FR Doc.73-11702 Filed 6-12-73;8:45 am]

[Airspace Docket No. 73-NW-13]

PART 71—DESCRIPTION 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 alter the description of the Portland, Oreg., control zone.

The Troutdale, Oreg., control zone airspace becomes part of the Portland control zone during the time the Troutdale control zone is not in effect. Accordingly, any changes to the Troutdale control zone must be included in the description of the Portland control zone. Because of a recent change in the description of the Troutdale control zone action is taken herein to reflect this change in the description of the Portland control zone.

Since notice and public procedures for the change in the description of Troutdale, Oreg., control zone has been accomplished (38 FR 9516), the change in the description of the Portland, Oreg., control zone becomes editorial in nature and further notice and public procedure hereon is unnecessary.

In consideration of the foregoing, § 71.171 (38 FR 351) is amended to read as follows:

PORTLAND, OREG.

Within a 5-mile radius of Portland International Airport (lat. 45°35'21" N., long. 122°35'36" W.); within a 5-mile radius of the Portland-Troutdale Airport (lat. 45°33'00" N., long. 122°23'49" W.); within 2 miles each side of the Portland VORTAC 180° radial, extending from the 5-mile radius zone to 3.5 miles south of the VORTAC; within 2.5 miles each side of the Portland runway 10R ILS localizer west course, extending from the 5-mile radius zone to 1 mile west of the OM (lat. 45°37'28" N., long. 122°41'43" W.) and within 3 miles each side of the 119° and 299° bearings from the Lake LOM (lat. 45°32'38" N., long. 122°27'49" W.) extending from the 5-mile radius to 8 miles southeast of the LOM, excluding the portion within the Troutdale control zone when it is effective.

Effective date.—This amendment will be effective 0901 G.m.t. August 16, 1973.

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

Issued in Seattle, Wash., on June 5, 1973.

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

[FR Doc.73-11711 Filed 6-12-73;8:45 am]

[Airspace Docket No. 72-SO-108]

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

Designation of Control Area

On April 10, 1973, a notice of proposed rulemaking (NPRM) was published in the FEDERAL REGISTER (38 FR 9092) stating that the Federal Aviation Administration (FAA) was considering an amendment to part 71 of the Federal Aviation Regulations that would designate additional controlled airspace within control 1232. This additional airspace will provide Miami ARTC Center with the capability to deviate traffic east of north 3 route into W-465 when necessary during poor weather conditions.

Interested persons were afforded an opportunity to participate in the proposed rulemaking through the 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 § 71.163 (38 FR 344), the description of control 1232 is amended to read:

That airspace extending upward from 2,000 feet m.s.l., bounded by a line beginning at latitude 28°41'20" N., longitude 80°35'20" W., to latitude 29°08'35" N., longitude 79°00'00" W., thence to latitude 24°40'00" N., longitude 79°00'00" W., to latitude 24°00'00" N. longitude 78°00'00" W., thence to latitude 24°00'-00" N., longitude 80°56'30" W., to latitude 24°45'40" N., longitude 80°48'20" W., thence northward 3 nautical miles from and parallel to the shoreline to point of beginning; excluding the airspace within the Nassau control area.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c).)

Issued in Washington, D.C., on May 31, 1973.

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

[FR Doc.73-11710 Filed 6-12-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 28—FRUIT PIES

Frozen Cherry Pie; Standards and Establishment of Effective Date

In the matter of establishing a definition and standard of identity (§ 28.1) and a standard of quality (§ 28.2) for frozen cherry pie: A notice of proposed rulemaking in the above-identified matter was published on the initiative of the Commissioner of Food and Drugs in the FEDERAL REGISTER of November 1, 1967 (32 FR 15116). An order adopting the proposal, with changes, was published in the FEDERAL REGISTER of February 23, 1971 (36 FR 3364), to become effective 60 days after publication unless stayed by objections filed within 30 days. An order in the FEDERAL REGISTER of June 3, 1971 (76 FR 10781), extended the effective date to June 23, 1971, in order to provide additional time to evaluate the objections that were received and a proposal that was received concerning establishment of comparable standards for other frozen fruit pies.

In response to the order published February 23, 1971, persons claiming to be adversely affected filed objections to the standards and requested a public hearing. These objections and the Commissioner's conclusions based on his evaluation of them are as follows:

1. One objection was filed concerning the requirement that the minimum weight of the fruit content be not less than 25 percent of the weight of the pie § 28.2(a)(1) (21 CFR 28.2). This objection was subsequently withdrawn.

2. Five objections were directed to § 28.2(a)(2) (21 CFR 28.2) of the order which specified the minimum weights of pies that may be distributed in pie pans of given diameters. One company objected to this weight/diameter relationship on the ground that there is no correlation between quality and the size of the pie once the percentage by weight of fruit is established. Two companies objected on the ground that this weight/diameter relationship should apply to all frozen fruit pies rather than to frozen cherry pie alone. The three companies and two interested trade associations stated that with today's mass production, high-speed filling and packaging machinery, it would not be feasible to pack frozen cherry pies of weights and diameters different from those of other basic frozen fruit pies. The Commissioner has reviewed the information submitted by the respondents and considers it to represent substantial support for their objections to § 28.2(a)(2) of the order. He therefore concludes on the basis of the data currently available that it is reasonable to delete the weight/diameter requirement from the standard of quality (21 CFR 28.2).

3. Objections were filed concerning the limitation of blemished cherries as defined in the standard of quality for

canned cherries under § 27.31, of 15 percent by count in a pie, under § 28.2(a)(3). It was brought to the attention of the Commissioner that the imposition of the blemished cherry definition in 21 CFR 27.31 (aggregate blemish area exceeding the area of a 3/16-in diameter circle) rather than the definition set forth in the U.S. Standards for Grades of Frozen Red Tart Pitted Cherries (aggregate blemish area exceeding the area of a 9/32-in diameter circle) would have an unnecessarily severe adverse economic effect upon the cherry pie industry with no commensurate benefit to consumers. In addition, information was furnished indicating that frozen cherries are used almost exclusively by the industry in the manufacture of frozen cherry pies. The Commissioner concludes that it is reasonable and in the interest of consumers to change the definition of a blemished cherry to reflect the definition set forth in the U.S. Standards for Grades of Frozen Red Tart Pitted Cherries.

Other responses which were not associated with a request for a hearing were received. These responses and the Commissioner's conclusions based on his evaluation of them are as follows:

1. There were two responses that questioned the need for the last sentence in § 28.1(d)(2) which deals with the problem of misleading pictorial representation of the cherries in the pie and one response which indicated that this requirement should be expanded. This statement was included as a reminder to all interested parties to consider carefully the relationship between the pictorial representation of the product and the actual product. The Commissioner recognizes that misleading pictorial representations are prohibited by the general provisions of the act, but concludes that incorporating the statement in the regulation as a reminder is in the interest of consumers. However, the remaining provisions of the identity standard pertaining to labeling have been replaced by a cross reference to the labeling requirements in 21 CFR part 1.

2. There were five objections to the promulgation of standards for frozen cherry pie without comparable standards for other frozen fruit pies on the grounds that the competitive position of cherry pies would be impaired. A petition proposing the establishment of identity and fill of container standards for other fruit pies was submitted. The Commissioner concludes that this petition is not acceptable for filing because the petitioner did not provide reasonable grounds in support of the proposal pursuant to 21 CFR 10.2.

3. Section 28.2(b) prescribes the method for determining compliance with the requirement for the weight of the washed and drained cherry content of the pie. Several respondents interpreted this paragraph to mean that all 24 containers or all 24 pounds that constitute the sample, depending on product weight, should be examined. They stated that this provision should be clarified and a statement included to the effect that the result shall be the mean of the entire random sample, should that be the case. The interpretation made by the respondents is correct, and the Commissioner does intend that the result shall be the average cherry content of all 24 containers or of all 24 pounds that constitute the sample. In order to clarify these points, subparagraph (1) of § 28.2(b) is amended by incorporating and defining the term "random sample," and subparagraph (8) is expanded so as to include directions for calculating the average cherry content of the entire random sample. In subparagraphs (2) and (8) the modifier of "pie" is changed from "the" to "each" in order to make clear that all pies in the sample are to be tested. Subparagraph (5) is expanded to include more explicit instructions for the washing procedure that is applied to the pie filling.

4. Respondents have requested that a time period longer than that specified in the order be granted before the general provisions of the standards become effective in order to facilitate compliance and minimize unnecessary expense. The Commissioner concludes that it is reasonable to extend the effective date of the order to December 31, 1973.

5. There were two requests for clarification of the applicability of the standards to cherry cobblers and cherry turnovers. The Commissioner concudes that the subject standards do not apply to cherry cobblers and cherry turnovers because such foods have not been represented as, nor are they generally considered to be, frozen cherry pies. (The preamble to the order published February 23, 1971, indicated that the standards do not apply to foods designed for preparation by heating in a toaster.)

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with authority delegated to the Commissioner (21 CFR 2.120):

It is ordered, That part 28 containing at this time §§ 28.1 and 28.2, as published in the FEDERAL REGISTER of February 23, 1971 (36 FR 3364), shall become effective as herein specified, with the following exceptions:

1. Section 28.1 is amended by revising paragraphs (d)(1) and (d)(2) to read as follows:

§ 28.1 Frozen cherry pie; identity; label statement of optional ingredients.

* * * * *

(d)(1) Each of the optional ingredients used shall be declared on the label as required by the applicable sections of part 1 of this chapter.

(2) The label shall not bear any misleading pictorial representation of the cherries in the pie.

2. Section 28.2 is amended by revoking paragraph (a)(2), by revising paragraph (a)(3) and by redesignating it as new paragraph (a)(2), by revising paragraphs (b)(1), (b)(2), (b)(5), and (b)(8), and by revising the first sentence of paragraph (c) to read as follows:

§ 28.2 Frozen cherry pie; quality; label statement of substandard quality.

(a) * * *

(2) Not more than 15 percent by count of the cherries in the pie are blemished with scab, hail injury, discoloration, scar tissue, or other abnormality. A cherry showing skin discoloration (other than scald) having an aggregate area exceeding that of a circle nine thirty-seconds of an inch in diameter is considered to be blemished. A cherry showing discoloration of any area but extending into the fruit tissue is also considered to be blemished.

(b) * * *

(1) Select a random sample from a lot:

(i) At least 24 containers if they bear a weight declaration of 16 ounces or less.

(ii) Enough containers to provide a total quantity of declared weight of at least 24 pounds if they bear a weight declaration of more than 16 ounces.

(2) Determine net weight of each frozen pie.

* * * * *

(5) Distribute evenly over the surface and wash with a gentle spray of water at 70°–75° F. to free the cherries and cherry fragments from the adhering material.

* * * * *

(8) The weight of the washed and drained cherries is the weight of the sieve and the cherry material less the weight of the sieve. Calculate the percent of the cherry content of each pie with the following formula, and then calculate the average percent of the entire random sample:

$$\text{Percent of the cherry content of the pie} = \frac{\text{Weight of washed and drained cherries}}{\text{Net weight of pie}} \times 100$$

(c) If the quality of the frozen cherry pie falls below the standard of quality prescribed by paragraph (a) of this section, the label shall bear the general statement of substandard quality specified in § 10.7(a) of this chapter, in the manner and form specified therein; but in lieu of the words prescribed for the second line inside the rectangle, the label may bear the alternative statement "Below standard in quality— ," the blank being filled in with the following words, as applicable: "too few cherries," or "blemished cherries". * * *

Effective date.—Sections 28.1 and 28.2 as promulgated in the FEDERAL REGISTER of February 23, 1971 (36 FR 3364), and as amended herein, shall become effective on December 31, 1973.

(Secs. 401, 701, 52 Stat. 1046, 1055–1056, as amended by 70 Stat. 919 and 72 Stat. 948; 21 U.S.C. 341, 371.)

Dated June 7, 1973.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.73-11750 Filed 6-12-73;8:45 am]

Title 24—Housing and Urban Development

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

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI-143]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
California	Yolo	Woodland, City of.				June 11, 1973, Emergency.
Illinois	Cook	Posen, Village of				Do.
Massachusetts	Bristol	Taunton, City of				Do.
Michigan	Ottawa	Park, Township of.				Do.
Do.	St. Clair	Marysville, City of.				Do.
Mississippi	Sunflower	Drew, City of				June 5, 1973, Emergency.
Missouri	St. Louis	Florissant, City of.				June 11, 1973, Emergency.
New York	Ontario	Naples, Village of				Do.
Ohio	Lorain	Lorain, City of				Do.
Wisconsin	Kewaunee	Unincorporated areas.				Do.

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

Issued June 4, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-11621 Filed 6-12-73;8:45 am]

[Docket No. FI-144]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Georgia	Cobb	Unincorporated areas.				June 12, 1973, Emergency.
Michigan	St. Clair	St. Clair, City of				Do.
Mississippi	Leflore	Greenwood, City of.				June 7, 1973, Emergency.
Do.	Grenada	Grenada, City of				Do.
New York	Orleans	Yates, Town of				June 12, 1973, Emergency.

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

Issued June 4, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-11622 Filed 6-12-73;8:45 am]

Title 32—National Defense

CHAPTER VII—DEPARTMENT OF THE AIR FORCE

SUBCHAPTER W—AIR FORCE PROCUREMENT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

This update: (1) Provides guidance for briefing unsuccessful offerors after contract award; (2) deletes Subpart Q—Clauses for Contractors for the Rental and Supplies of Equipment, which is no longer necessary; (3) deletes § 1011.352 in its entirety; (4) provides instructions to Government contractors on compliance with the requirements and time limitations imposed by the court decision; (5) prohibits a Standard Form 18 (Request for Quotation) for use in soliciting firm offers; (6) prescribes that the Standard Form 33 (Solicitation, Offer and Award) shall be used whenever a firm offer is solicited regardless of the type of contract contemplated; (7) revises the delegation of authority (Public Law 85–804, 50 U.S.C. 1431–1435); and (8) incorporates administrative changes of office symbols, responsibilities, and editorial corrections.

PART 1001—GENERAL PROVISIONS

1. Part 1001 is amended as follows:

a. Section 1001.320 is amended by: Changing, in the introductory text, the phrase "Director, Security Police" to read "Security Police activity"; and removing the "and" at the end of (5) and placing it at the end of (6).

b. Section 1001.451 is amended by changing, in the second sentence of paragraph (g)(1)(i), the phrase "to the major command" to read "to the parent major command."

c. Section 1001.905–50 is amended by changing in paragraph (e)(8)(ii) the months from "February, May, August, and November" to read "March, June, September, and December."

PART 1003—PROCUREMENT BY NEGOTIATION

2. Part 1003 is amended by adding a new subpart E to read as follows:

Subpart E—Solicitation of Proposals and Quotations

§ 1003.508 Information to offerors.

Debriefings to provide information in addition to the preaward and postaward notices required by §§ 3.508–2 and 3.508–3(a) of this title are encouraged, however, such debriefings shall not be conducted prior to contract award. Their primary objective is to assist offerors in upgrading the quality of their future proposals, thus providing benefits to both industry and the Air Force. Additionally, meaningful and factual debriefings should reduce protests against award. After a request for debriefing is received, the debriefing will be conducted as soon as practicable after contract award; if more than one request for debriefing is received, debriefings will be held sequentially.

(a) Debriefings requests in connection with the formal source selection procedures of AFR 70–15 shall be forwarded to the source selection authority (SSA) for appropriate action. Requests for debriefings shall be referred to the procuring contracting officer for procurements not employing the formal procedures of AFR 70–15.

(b) Discussions will identify and explain those deficiencies of the offeror's proposal which were major factors for the offeror not being selected. Such deficiencies should be discussed only in relation to the requirements of the solicitation, avoiding any comparison with other offerors' proposals.

(c) Deficiency reports will not be released for any purpose, either prior to, or after contract award, except as required for the purpose of conducting written or oral discussions pursuant to § 3.805–1 of this title and paragraphs 14 (ch. 2) and 11 (ch. 3), AFM 70–10 (draft), May 1971.

PART 1006—FOREIGN PURCHASES

3. Part 1006 is amended as follows:

a. Section 1006.551 is amended by changing, in paragraph (b) the two office symbols "OAR (SRGP)" and "AFSC (SCKPP)" to read "AFOSR/CCO" and "AFSC (PPPR)", respectively.

b. Section 1006.603–4, subpart F, is deleted in its entirety. "Subpart F—Duty and Claims" should be changed to read "Subpart F—[Reserved]."

PART 1007—CONTRACT CLAUSES

4. Part 1007 is amended by deleting §§ 1007.5101 through 1007.5105–9, subpart Q, in their entirety. "Subpart Q—Clauses for Contractors for the Rental and Supplies and equipment"should be changed to read "Subpart Q—[Reserved]."

PART 1009—PATENTS, DATA AND COPYRIGHTS

5. Part 1009 is amended by deleting §§ 1009.203–52 and 109.203–53 and redesignating § 1009.203–54 to § 1009.203–52.

PART 1011—TAXES

6. Part 1011 is amended as follows:

§ 1011.352 [Deleted]

a. Section 1011.352 is deleted in its entirety.

§ 1011.354 [Amended]

b. Section 1011.354 is amended by correcting, in the last sentence of (a) of the provision under paragraph (b)(3), the word "insure" to read "inure."

c. Section 1011.354–1 is amended by replacing paragraphs (f) and (g) with new paragraphs (f) through (i) to read as follows:

§ 1011.354–1 Cost-type contracts.

* * * * *

(f) Additional amounts of license taxes paid to the city of Los Angeles pursuant to these instructions should be currently reported to the contracting officer. In addition, the contracting officer should be advised, in pertinent detail, of any claim for refund which it becomes necessary to file in order to prevent expiration of statutory periods of limitation.

(g) In the case of *California Cigarette Concessions, Inc.* v. *City of Los Angeles*, 53 Cal. 2d 865, 350 2d 715, it was considered that the 2-year statute of limitations established by Section 339 Subdivision 1, California Code of Civil Procedures, applied to claims for refund of the Los Angeles License Tax. However, the California Supreme Court, in the case of *Volkswagen Pacific Inc.* v. *City of Los Angeles*, 7 Cal. 3d 48, dated May 10, 1972, subsequently held that refund claims are instead governed by the California Government Code, Division 3.6, "Claims and Actions Against Public Entities and Employees." These provisions of the California Government Code provide the following limitations:

(1) Administrative claims for refund must be filed within 1 year from the date of payment of the tax. (Sec. 911.2, Calif. Government Code.)

(2) For administrative claims filed prior to January 1, 1971, court appeals must be filed within (i) 6 months after denial of the administrative claim, whether or not the city gives notice of such denial, or (ii) 1 year from the date of payment of the tax, whichever is later (sec. 945.6, Calif. Government Code, as amended 1968).

(3) For administrative claims filed after January 1, 1971, court appeals must be filed within (i) 6 months after receipt of written notice from the city rejecting the refund claim, or (ii) 2 years from the date of payment of the tax, if written notice of rejection is not given (sec. 945.6, Calif. Government Code, as amended 1970).

(4) Administrative claims for refund are deemed automatically denied if no action is taken thereon by the city within 45 days after filing of the claim (secs. 935(d), 912.4, Calif. Government Code).

(h) In view of the foregoing, Government contractors are instructed to comply with procedural requirements and time limitations imposed by Division 3.6, California Government Code. It is recognized, however, that compliance may no longer be possible in the case of taxes paid prior to January 1, 1972, due to reliance upon the decision in *California Cigarette Concessions, Inc.* v. *City of Los Angeles, supra*. As to such taxes, contractors are nevertheless instructed to institute claims and/or file court appeals, as appropriate, without further delay. Contractors should resist, on grounds of estoppel or other appropriate legal or equitable principles, any attempt by the city to apply limitations imposed by the California Government Code in bar of recovery of taxes paid prior to the *Volkswagen Pacific Inc.* decision.

(i) These instructions relate only to license taxes, the refund of which would inure to the benefit of the Government pursuant to the terms of Government contracts. Similar instructions should be

issued to affected subcontractors located in the city of Los Angeles.

PART 1016—PROCUREMENT FORMS

7. Part 1016 is amended by revising Subparts A through G—[Reserved] to read as follows:

Subpart A—Forms for Advertised and Negotiated Supply and Services Contracts

Sec.
1016.102–1 Request for Quotations (Standard Form 18).
1016.102–3 Solicitation, Offer, and Award (Standard Form 33).
1016.103 Amendment of Solicitation/Modification of Contract (Standard Form 30).

AUTHORITY.—10 U.S.C. ch. 137 and 10 U.S.C. 8012.

Subpart A—Forms for Advertised and Negotiated Supply and Services Contracts

§ 1016.102–1 Request for Quotations (Standard Form 18).

The Standard Form 18 (Request for Quotations) shall not be used to solicit firm offers, regardless of type of contract contemplatted. When the Standard Form 18 is used, the solicitation shall not include any instructions or conditions which advises the quoter that the most favorable initial quotation may be accepted without discussion.

§ 1016.102–3 Solicitation, Offer, and Award (Standard Form 33).

(a) The Standard Form 33 (Solicitation, Offer and Award) shall be used as the prescribed form whenever a firm offer is solicitated, regardless of the type of contract contemplated, except when it is contemplated that the procurement will be consummated by an order or modification to an existing contract; in such instances, a letter or message request for proposal may be used.

(b) When reproduction of the original of the resultant contract is practicable and authorized by Air Force ASPR Supplement 20–401, offerors shall be requested to return not more than one signed copy of their offers.

§ 1016.103 Amendment of Solicitation/Modification of Contract (Standard Form 30).

The Standard Form 30 (Amendment of Solicitation/Modification of Contract) shall not be used to amend Request for Quotation (Standard Form 18) (ch. 1 of this title/Air Force ASPR Supplement 3–505).

(a) Whenever there is a requirement in the contract for the issuance of a work order, job order or other authorization for the contractor to perform work over and above that required by the contract terms and conditions, the contracting officer should use the forms prescribed in the contract to approve such work. If the contract does not prescribe a specific form, local devised forms or letters of authorization may be used. Authorizations should contain all conditions including price where possible; however, urgent authorization need not be delayed because of price or other conditions. When conditions are omitted, a time should be specified when the conditions will be resolved.

(b) All work orders, job or other authorizations must be definitized by use of standard form 30. Dependent upon the frequency of authorizations or other requirements for issuance of the standard form 30, the individual authorizations can be consolidated and incorporated into the contract, but it must be remembered that the contractor cannot be paid until the standard form 30, incorporating the authorizations, has been executed by both parties.

Subparts B, C, D, E, and F—[Reserved]

PART 1017—EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

8. Part 1017 is amended by revising § 1017.203 to read as follows:

§ 1017.203 Authority of other officers and officials.

(a) The Director of Procurement Policy, DCS/S. & L., has been authorized by Secretary of the Air Force Order 640.11, dated December 9, 1971, to perform the following actions which obligate the United States for $50,000 or less:

(1) Deny any request for contractual adjustment under subpart B, part 17, chapter 1 of this title.

(2) Approve, authorize, and direct appropriate action, subject to the limitations set forth in § 17.205 of this title, and to make all determinations and findings which are necessary or appropriate, in the examples of mistake and informal commitment described in §§ 17.204–3 and 17.204–4 of this title, including, where necessary thereto, authority to modify or release unaccrued obligations of any sort and to extend delivery and performance dates; and

(3) Submit to the Air Force Contract Adjustment Board for determination, together with his recommendation—

(i) Any case where he recommends a specific adjustment which he does not have authority to approve; and

(ii) Any doubtful or unusual case.

(b) The authority cited in paragraph (a) of this section has been redelegated to the Commanders, Air Force Logistics Command, and Air Force Systems Command, with authority to make successive redelegations, under such terms, conditions, and limitations as may be deemed appropriate, to the following within their respective commands:

(1) *Air Force Logistics Command.* To the Deputy Chief of Staff and the Assistant Deputy Chief of Staff, Procurement and Production. This authority may be redelegated to Air Materiel Area Commanders in cases where the amount requested would not obligate the Government in excess of $5,000.

(2) *Air Force Systems Command.* To the Deputy Chief of Staff and the Assistant Deputy Chief of Staff, Procurement and Production.

(c) The authority cited in paragraph (a) of this section has been redelegated to the Commanders of Procuring Activities set forth in § 1.201–14 of this title (except for AFLC and AFSC) in cases where the amount requested would not obligate the Government in excess of $5,000. This authority may be further redelegated, in writing, to their respective Directors of Materiel.

(d) Requests for contractual adjustment arising under contracts of commands and separate operating agencies to which authority has not been delegated shall be transmitted for appropriate action to the Air Force Logistics Command (PPMA).

(e) Requests submitted to the Air Force Contract Adjustment Board shall be submitted in accordance with § 17.208–3 of this title and shall be accompanied by the recommendation of the following for the actions which they process:

(1) The Deputy Chief of Staff, Systems and Logistics or while he is so acting, of the person acting for the time being as Deputy Chief of Staff, Systems and Logistics, or of the Director of Procurement Policy, Office, Deputy Chief of Staff, Systems and Logistics; and

(2) The Commander Air Force Logistics Command, or the Deputy Chief of Staff, Procurement and Production, Air Force Logistics Command; or

(3) The Commander, Air Force Systems Command, or the Deputy Chief of Staff, Procurement and Production, Air Force Systems Command; or

(4) The Commander, or the Director of Materiel, of other Procuring Activities (as set forth in § 1.204–14 of this title) through which the request arose.

(f) Two copies of each redelegation made pursuant to paragraph (b) of this section shall be forwarded to the Air Force Contract Adjustment Board through HQ USAF (LGPMB).

(g) Notwithstanding the delegation of authority specified in this section, any request for information or action relative to the exercise of authority under Public Law 85–804 directed to another military department or another department or agency of the Government; and any reply prepared in the Air Force to a request received from another military department or another department or agency of the Government for information or action relative to the exercise of authority of Public Law 85–804, shall be sent to the Air Force Contract Adjustment Board through HQ USAF (LGPMB).

PART 1030—APPENDIXES TO HEADQUARTERS U.S. AIR FORCE ARMED SERVICES PROCUREMENT REGULATIONS SUPPLEMENT

9. Part 1030 is revised to read as follows:

§ 1030.5 Appendix E—Contract financing.

PART I—[RESERVED]

PART II—[RESERVED]

PART III—GUARANTEED LOANS

E-314 *Eligibility certifications.* The Director of Procurement Policy, HQ USAF, has delegated his authority to issue Certificates of Eligibility to the Commander, AFSC, with

power or redelegation not below the level of the Chief or Deputy Chief, Pricing and Financial Division (PPF), HQ USAF. Redelegation has been made.

E-315 *Procedure or Certificate of Eligibility.* (a) Certificates covering AF contracts may be requested by the Deputy Comptroller, HQ USAF, the Contract Financing Office (AF/ACC), Department of the Army or Navy. Request for certificates will be directed to HQ USAF (AF/LGPLB) for forwarding to AFSC (PPF) who will immediately collect and evaluate the necessary supporting data.

(b) All procurement activities will furnish PPF supporting data on a priority basis (normally within 5 work days).

(c) PPF will evaluate the data, including a financial analysis, and submit recommendations with supporting documents to HQ USAF (AF/LGPLB) for concurrence.

(d) AF/LGPLB will evaluate all supporting data and furnish appropriate comments to the Deputy Comptroller, HQ USAF.

PART IV—ADVANCED PAYMENTS

E-412 *Action by contracting officer—approval.* (a) The appropriate office within the Air Force is AFSC (PPF).

(b) If PPF considers that authority to make an advance payment should be requested, a letter of recommendation will be forwarded to HQ USAF/LGPLB over the signature of the Director or Deputy Director, PPF.

E-412.1 *Action by contracting officer—disapproval.* Contracting officers will forward the file to HQ USAF/LGPLB through PPF.

E-415 *Pooled advance payments.* (a) The authority and requirements for approval of advance payment pool agreements are the same as for a single contract.

(b) *Contract clause.*—Upon approval of the advance payment and receipt of authority to enter into a pool agreement, the following clause will be added to each contract which is to become part of the advance payment pool agreement:

ADVANCE PAYMENTS (JUNE 1958)

Advance payments will be made for the work called for hereunder in accordance with the findings, determinations and authorization for advance payments dated * * *. Payments made pursuant to this clause shall be governed by the terms and conditions of the Advance Payment Pool Agreement dated * * * as it may be amended from time to time between the United States of America and * * * which agreement is hereby incorporated by reference with the same force and effect as though fully set forth herein.

(c) If an advance payment pool agreement is entered into, disbursing responsibility on all contracts in the pool will be transferred to a single accounting and finance office to be designated by PPF.

(d) If a university is a party to an advance payment pool agreement under the terms of which all contracts of a designated class with the university are financed, new contracts with the university will not be entered into without prior clearance with PPF. If financing of such new contracts would require an increase in the amount of advance payment authorization, prior approval of HQ USAF must be obtained.

(10 U.S.C. ch. 137 and 10 U.S.C. 8012.)

By order of the Secretary of the Air Force.

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

[FR Doc.73-11730 Filed 6-12-73;8:45 am]

Title 33—Navigation and Navigable Waters

CHAPTER IV—ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION

PART 401—SEAWAY REGULATIONS AND RULES

Speed

NOTE.—This document was previously published on April 19, 1973, 38 FR 9667-9668. Because the tables of speed limits as printed could be misleading, the entire document is being republished for clarity.

The purpose of this document is to amend § 401.104-9, Speed, of the seaway regulations and rules by prescribing certain temporarily reduced speed limits for vessels operating in the waters of the St. Lawrence River section of the St. Lawrence Seaway, and by designating four more river reaches with corresponding speed limits. This amendment is made pursuant to the St. Lawrence Seaway Development Corporation's enabling act (33 U.S.C. 981, et seq.) and pursuant to the authority vested in the Secretary of Transportation with respect to the St. Lawrence Seaway under the Ports and Waterways Safety Act of 1972 (Public Law 92-340, 86 Stat. 424) which authority was subsequently delegated to the Administrator of the corporation in the FEDERAL REGISTER on October 17, 1972 (37 FR 21943).

Present high water levels in the St. Lawrence River section of the St. Lawrence Seaway have made it necessary to temporarily reduce the vessel speed limits for the protection of riparian property consistent with vessel safety.

The following table shows the changes being made:

River reaches		Speed limits (mph)	
From—	To—	Previous	As amended
Lower entrance South Shore Canal.[1]	Upper entrance South Shore Canal.		7 (6.1 knots).
Upper entrance South Shore Canal.[1]	Lake St. Louis Buoy 13A		12 (10.4 knots).
Lake St. Louis Buoy 13A.[1]	Lower Beauharnois Lock entrance.		18 (15.5 knots).
Upper Beauharnois Buoy 5B.	Lake St. Francis Buoy 27F	10 upbound (8.6 knots) 12 downbound (10.4 knots)	10 upbound (8.6 knots). 12 downbound (10.4 knots).
Lake St. Francis Buoy 27F.	Lake St. Francis Buoy 87F	18 (15.5 knots)	18 (15.5 knots).
Lake St. Francis Buoy 87F.	Snell Lock	10 upbound (8.6 knots) 12 downbound (10.4 knots)	9 upbound (7.8 knots). 12 downbound (10.4 knots).
Snell Lock[1]	Eisenhower Lock		7 (6.1 knots).
Eisenhower Lock	Richards Point Light 55	13 (11.3 knots)	12 (10.4 knots).
Richards Point Light 55.	Morrisburg Buoy 84	15 (13 knots)	12 (10.4 knots).
Morrisburg Buoy 84	Ogden Island Buoy 90	13 (11.3 knots)	12 (10.4 knots).
Ogden Island Buoy 90	Blind Bay ½ mile east of Light 162.	15 (13 knots)	12 (10.4 knots).
Blind Bay ½ mile east of Light 162.	Deer Island Light 186	13 (11.3 knots)	12 (10.4 knots).
Deer Island Light 186	Bartlett Point Light 227	10 upbound (8.6 knots) 12 downbound (10.4 knots)	9 upbound (7.8 knots). 12 downbound (10.4 knots).
Bartlett Point Light 227.	Tibbetts Point	15 (13 knots)	12 (10.4 knots).

[1] Additions.
Please note that the speed limits for the Welland Canal remain unchanged.

Since the high water levels presently exist, remedial action must be undertaken immediately. Therefore, notice of proposed rulemaking and public comment thereon, prior to the effective date of this amendment, is impractical and contrary to the public interest. However, the St. Lawrence Seaway Development Corporation will consider any comments received before May 15, 1973, and will make such changes as are warranted through subsequent amendments to these regulations.

Section 401.104-9 is amended as follows:

§ 401.104-9 Speed.

Maximum speed for vessels in excess of 40 feet in overall length shall not exceed that shown for designated areas in the following table and every vessel under way shall proceed at a reasonable speed, so as not to cause undue delay to other vessels.

From—	To—	Maximum speed over the bottom (mph)
Lower entrance South Shore Canal	Upper entrance South Shore Canal	7 (6.1 knots).
Upper entrance South Shore Canal	Lake St. Louis Buoy 13A	12 (10.4 knots).
Lake St. Louis Buoy 13A	Lower Beauharnois Lock entrance	18 (15.5 knots).
Upper Beauharnois Buoy 5B	Lake St. Francis Buoy 27F	10 upbound (8.6 knots). 12 downbound (10.4 knots).
Lake St. Francis Buoy 27F	Lake St. Francis Buoy 87F	18 (15.5 knots).
Lake St. Francis Buoy 87F	Snell Lock	9 upbound (7.8 knots). 12 downbound (10.4 knots).
Snell Lock	Eisenhower Lock	7 (6.1 knots).
Eisenhower Lock	Richards Point Light 55	12 (10.4 knots).
Richards Point Light 55	Morrisburg Buoy 84	12 (10.4 knots).
Morrisburg Buoy 84	Ogden Island Buoy 99	12 (10.4 knots).
Ogden Island Buoy 99	Blind Bay ¼ mile east of Light 162	12 (10.4 knots).
Blind Bay ¼ mile east of Light 162	Deer Island Light 186	12 (10.4 knots).
Deer Island Light 186	Bartlett Point Light 227	9 upbound (7.8 knots). 12 downbound (10.4 knots).
Bartlett Point Light 227	Tibbetts Point	12 (10.4 knots).
Junction of Canadian Middle Channel and Main Channel abreast of Ironsides Island.	Open waters between Wolfe and Howe Islands through the said Middle Channel.	13 (11.3 knots).
Lock 1, Welland Canal	Outer Piers, Port Weller Harbor	9 (7.8 knots).
Port Robinson	Ramey's Bend through the Welland By-Pass.	9 (7.8 knots).
All other canals		7 (6.1 knots).

(68 Stat. 92-97, 33 U.S.C. 981-990, as amended, and sec. 104, Public Law 92-340, 86 Stat. 424, 49 CFR 1.50a (37 FR 21943.)

Effective date.—April 17, 1973.

ST. LAWRENCE SEAWAY DEVELOPMENT CORPORATION,
D. W. OBERLIN,
Administrator.

[SEAL]

[FR Doc.73-11613 Filed 6-12-73;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

PART 137—OFFICIAL MAIL

Free Mailing Privileges of Former Presidents and Widows of Former Presidents

Regulations dealing with free mailing privileges of former Presidents and widows of former Presidents are amended to include the widow of former President Harry S Truman and the widow of former President Lyndon Baines Johnson.

Regulations dealing with the mailing of official matter without prepayment by the former Pan American Union are amended to reflect that the privilege is now applicable to the General Secretariat of the Organization of American States.

Accordingly, the following amendments to part 137 of this title are effective on June 13, 1973.

1. Paragraph (b) of § 137.7 is amended to read as follows:

§ 137.7 President-elect, former Presidents, widows of former Presidents, and surviving spouses of Members of Congress.

* * * * *

(b) *Former Presidents and widows of former Presidents.*—All mail of former U.S. Presidents, all mail of Jacqueline Bouvier Kennedy, widow of former President John F. Kennedy, all mail of Mamie Doud Eisenhower, widow of former President Dwight D. Eisenhower, all mail of Beth Wallace Truman, widow of former President Harry S Truman, and all mail of Lady Bird Johnson, widow of former President Lyndon Baines Johnson, shall be accepted without prepayment of postage if it bears the written signature of the sender, or a facsimile signature, in the upper right corner of the address side. Such matter may be dispatched by air if it bears the word "Airmail" on the address side.

* * * * *

§ 137.8 [Amended]

2. The title of § 137.8 is amended to read General Secretariat of the Organization of American States and Pan American Sanitary Bureau. The first sentence of § 137.8 is amended by deleting "The Pan American Union" and substituting "The General Secretariat of the Organization of American States."

(39 U.S.C. 401, 3201-3218)

ROGER P. CRAIG,
Deputy General Counsel.

JUNE 7, 1973.

[FR Doc.73-11717 Filed 6-12-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER A—GENERAL

[FPMR Amdt. A-18]

PART 101-4—PATENTS

Subpart 101-4.1—Licensing of Government-Owned Inventions

LICENSE LIMITATION

This change incorporates a phrase in § 101-4.103-3(c)(6) which was inadvertently omitted from the regulation when it was originally published on February 5, 1973.

Section 101-4.103-3 is amended by changing paragraph (c)(6) to read as follows:

§ 101-4.103-3 Limited exclusive license.

* * * * *

(c) * * *

(6) The license shall be subject to the irrevocable royalty-free right of the Government of the United States to practice and have practiced the invention by or on behalf of the Government of the United States and on behalf of any foreign government or intergovernmental organization pursuant to any existing or future treaty or agreement with the United States.

* * * * *

(Sec. 205(c), 63 Stat. 390, 40 U.S.C. 486(c); sec. 2, Presidential Statement of Government Patent Policy, Aug. 23, 1971.)

Effective date—This regulation is effective on June 13, 1973.

Dated June 7, 1973.

ARTHUR F. SAMPSON,
Acting Administrator of General Services.

[FR Doc.73-11747 Filed 6-12-73;8:45 am]

Title 43—Public Lands: Interior

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

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5345]

[Wyoming 34551]

WYOMING

Withdrawal of Middle Fork of Powder River Area

By virtue of the authority vested in the President and pursuant to Executive Order 10355 of May 26, 1952 (17 FR 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior are hereby withdrawn from all forms of appropriation under the public land laws including the mining laws, 30 U.S.C. ch. 2, but not from leasing under the mineral leasing laws, for protection of the wildlife habitat, recreational and historical values in the Middle Fork of Powder River Area:

SIXTH PRINCIPAL MERIDIAN

T. 42 N., R. 84 W.,
Secs. 15 and 17;
Sec. 18, E½NE¼, S½SE¼;
Sec. 19, lots 3, 4, SE¼SW¼, S½SE¼;
Sec. 20, E½, E½W½, W½SW¼;
Sec. 21, N½;
Sec. 22, N½NW¼, E½SE¼, SW¼SE¼;
Sec. 23, S½N½, N½S½, S½SW¼, SW¼SE¼;
Sec. 26, NW¼;
Sec. 27, N½;
Sec. 28, N½, N½SW¼;
Sec. 29;
Sec. 30, lots 1, 2, E½, E½NW¼.
T. 41 N., R. 85 W.,
Sec. 3, lots 8, 9, 12, 13, N½SW¼, and S½S½.

T. 42 N., R. 85 W.,
Sec. 2, NE¼SE¼;
Sec. 11, NW¼SW¼ and SE¼;
Sec. 12, S½;
Sec. 13, E½SW¼ and S½SE¼;
Sec. 14, S½NW¼, W½SW¼, and SE¼SE¼;
Sec. 15, SE¼NE¼, E½SW¼, SW¼SE¼, and E½ES¼;
Sec. 19, lot 3, S½NE¼, SE¼NW¼, NE¼SW¼, and SE¼;
Sec. 20, SW¼NW¼, W½SW¼, and E½SE¼;
Sec. 21, S½;
Sec. 22, NE¼, E½NW¼, and S½;
Sec. 23, NW¼ and NW¼SW¼;
Sec. 24, W½NE¼, N½NW¼, N½SE¼, and SE¼SE¼;
Sec. 25, N½N½;
Sec. 26, SE¼NE¼;
Sec. 27, SW¼SE¼;
Sec. 28, NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 29, NE¼, E½NW¼, SW¼NW¼, N½SW¼, and SE¼;
Sec. 30, lot 1, NE¼NW¼, N½NE¼, and SE¼;
Sec. 34, W½NE¼, E½NW¼, SW¼NW¼, N½SW¼, and NW¼SE¼;
Sec. 35, S½N½ and S½.
T. 42 N., R. 86 W.,
Sec. 26, S½NE¼, SE¼NW¼, and SE¼.

The areas described aggregate 10,950. Thirty-four acres in Johnson and Washakie Counties.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

JACK O. HORTON,
Assistant Secretary of the Interior.

MAY 31, 1973.

[FR Doc.73-11692 Filed 6-12-73;8:45 am]

Title 46—Shipping

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 71-53CR]

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Corrosive Materials; Postponement of Effective Date

In the December 1, 1972, issue of the FEDERAL REGISTER (37 FR 25521), the Coast Guard published an amendment to the dangerous cargo regulations to provide for the regulations of corrosive materials (solid and liquid).

Since further action is necessary on this amendment and it cannot be completed by the June 30, 1973, effective date, a delay in this effective date is necessary.

The Hazardous Materials Regulations Board has published a similar delay in the May 16, 1973, issue of the FEDERAL REGISTER.

In consideration of the foregoing, the effective date published in FR Doc. 72-20591 on page 25521 of the December 1, 1972, issue of the FEDERAL REGISTER is revised to read as follows:

Effective date.—This amendment becomes effective on December 31, 1973.

(R.S. 4472, as amended, R.S. 4417a, as amended, sec. 1, 19 Stat. 252, 49 Stat. 1889, sec. 6(b)(1), 80 Stat. 937; 46 U.S.C. 170, 391a, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).)

Dated June 7, 1973.

T. R. SARGENT,
Vice Admiral, U.S. Coast Guard,
Acting Commandant.

[FR Doc.73-11748 Filed 6-12-73;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 83—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

Frequency Available; Correction

Order. In the matter of editorial amendment of § 83.351(a) of the Commission's rules and regulations.

1. By this order, it is intended to correct an error in § 83.351(a) of the rules.

2. Authority for this amendment appears in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules and regulations. Since the amendment is editorial in nature, intended merely to correct an error, the prior notice, procedure and effective date provisions of 5 U.S.C. 553, are not applicable.

3. In view of the above: *It is ordered,* That the tabulation in § 83.351(a) of the rules is amended, effective June 15, 1973, by deleting the frequency 2582 kHz where it follows the frequency 2512 kHz and by adding the frequency 2514 kHz in its place. The reference notations following, i.e., "See section" and "Conditions of use" will remain unchanged.

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

Adopted June 6, 1973.

Released June 6, 1973.

FEDERAL COMMUNICATIONS COMMISSION,
JOHN M. TORBET,
Executive Director.

[FR Doc.73-11761 Filed 6-12-73;8:45 am]

Title 49—Transportation

SUBTITLE A—OFFICE OF THE SECRETARY OF TRANSPORTATION

[OST Docket No. 1; Amendment 1-73]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Authority With Respect to Collection and Waiver of Claims for Erroneous Payments

The purpose of this amendment is to delegate to all Administrators, with respect to matters arising within their administrations, and to the Assistant Secretary for Administration, with respect to those matters arising within the Office of the Secretary, functions vested in the Secretary by three statutes and to restrict the authority to redelegate those functions. The three statutes are—

1. 5 U.S.C. 5514, pertaining to the collection of erroneous payments made to or on behalf of members of the armed forces or their reserve components and civilian employees of the United States.

2. 5 U.S.C. 5584 (amended Public Law 92-453, section 3, October 2, 1972, 86 Stat. 760), pertaining to the waiver of claims for erroneous overpayments of pay and allowances to civilian employees.

3. 10 U.S.C. 2774 (added Public Law 92-453, section 1, October 2, 1972, 86 Stat. 758), pertaining to the waiver of claims for erroneous overpayments of pay and allowances to members or former members of the uniformed services.

Since this amendment relates to Departmental management, procedures, and practices, notice and public procedure thereon are unnecessary and it may be made effective on or before July 13, 1973.

In consideration of the foregoing, effective June 13, 1973, part 1 of title 49 of the Code of Federal Regulations is amended as follows:

1. Paragraph (a) of § 1.45 is amended by adding subdivisions (7) and (8), to read as follows:

§ 1.45 Delegations to all Administrators.

(a) * * *

(7) Determine the existence and amount of indebtedness and the method of collecting repayments from employees and members within their respective administrations and collect repayments accordingly, as provided by 5 U.S.C. 5514. Redelegation of this authority may be made only to the principal officials responsible for financial management or such officials' principal assistants.

(8) Waive claims and make refunds in connection with claims of the United States for overpayment of pay and allowances in amounts aggregating not more than $500 without regard to any repayments, as provided by 5 U.S.C. 5584 and 10 U.S.C. 2774. Redelegation of this authority may be made only to the level of regional director or district office commander.

* * * * *

2. Paragraph (c) of § 1.60 is amended by adding subparagraphs (5) and (6), to read as follows:

§ 1.60 Delegations to Assistant Secretary for Administration.

* * * * *

(c) * * *

(5) Determine the existence and amount of indebtedness and the method of collecting repayments from employees of the Office of the Secretary and collect repayments accordingly, as provided by 5 U.S.C. 5514. This authority may be redelegated only to the Chief, Accounting Operations Center.

(6) Waive, in whole or in part, claims resulting from the erroneous overpayment of pay to an employee of the Office of the Secretary, as provided by 4 CFR parts 91, 92, and 93. This authority may be redelegated only to the Director of Management Systems.

* * * * *

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

Issued in Washington, D.C., on June 6, 1973.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.73-11729 Filed 6-12-73;8:45 am]

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

U.S. Standards for Grades of Various Canned Fruits and Vegetables

Correction

In FR Doc. 73-9804 appearing at page 13321 in the issue of Monday, May 21, 1973, make the following changes:

1. In the second column on page 13322, in the fourth paragraph, delete the third line.

2. In the sixth line from the bottom of the introductory paragraph of § 52.1062 (c), "one-quarter in", should read "¼ square inch".

3. In table IX, on page 13335, the first entry should read as follows:

Pel.....	¼ sq. in. per 16 ozs. (average)..	½ sq. in. per 16 ozs. (average)..	1 sq. in. per 16 ozs. (average).

4. In table VII on page 13338, the ninth entry under the heading "X'_{min}", reading "0.1" should read "10.1".

5. Under the second table I (continued), on page 13343, under the last column reading "X_4", the sixth and seventh entry reading "17.4 and 18.9" should read "17.9 and 18.4", respectively.

6. On page 13350, in the first table I (continued), the figure "16.9" in the second column across from the entry "No. 2½ glass", should read "16.4".

7. In the fourth and fifth lines of the first incomplete paragraph in the second column on page 13352, delete "the weight of each quarter is three-fifths ounce,".

8. In the second column on page 13353, subparagraph (3) should read as follows:

(3) *Diced.*—Not more than an average of ½ square inch of peel for each pound of total contents may be present; and not more than 3 percent, by weight, of drained freestone peaches may consist of units that are blemished.

9. On page 13354, in the first column, in paragraph (g), delete the 13th line.

CHAPTER VIII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (SUGAR), DEPARTMENT OF AGRICULTURE

SUBCHAPTER E—DETERMINATION OF SUGAR COMMERCIALLY RECOVERABLE

[Rev. 1, Supp. 9, Amendment 2]

PART 831—BEET SUGAR AREA

1972 Crop; Rates of Recoverability

Pursuant to section 302(a) of the Sugar Act of 1948, as amended, § 831.19 is amended by adding the following sentence at the end of paragraph (b) to read as follows:

§ 831.19 Rates of recoverability, 1972 crop.

* * * * *

(b) * * * For those sugar beets marketed under "individual test" contracts in the Shoup factory district of the Holly Sugar Corp. in Hereford, Tex., and for which a weighted average percentage of sugar content could not be determined, the average rate of commercially recoverable sugar per ton of such beets is determined to be 0.616 hundredweight.

* * * * *

Statement of bases and considerations.—Repeated freezing and thawing conditions during the sugar beet harvest season at the Holly Sugar Corp., M. E. Shoup factory district in the Hereford, Tex., area delayed harvesting operations and resulted in severe damage to the crop. There were about 5,964.15 net tons of beets received in this district which were in an advanced state of decomposition. Deterioration in these beets was so extreme that it was not possible to obtain polarization readings to determine their percentage of sugar content. Individual tests for percentage of sugar content could not be obtained from these beets with existing laboratory equipment. In addition, it is not possible to determine the quantity of sugar actually recovered in the processing of these particular beets.

In view of these conditions, the determination of sugar commercially recoverable from the nontestable beets subject to this amendment is based upon the average hundredweight (cwt) of sugar, raw value basis, recovered per net ton from testable and nontestable beets which were sliced and processed concurrently after 8 a.m., February 15, 1973, to the time slicing of beets was finished for the campaign on February 23, 1973.

Based on company extraction data, there were 20,252.75 cwt of sugar, raw value, recovered from a total of 32,858.36 net tons of beets received which were sliced during period between February 15 and February 23. Sugar recovered from nontestable beets (3,676.32 cwt, raw value), was determined by multiplying the total sugar production for the period (20,252.75 cwt, raw value), by the percentage ratio which the net tonnage of nontestable beets bears to the total net tonnage of beets sliced during the period. The total sugar commercially recoverable determined from the nontestable beets (3,676.32 cwt, raw value), divided by the total net tonnage of such beets (5,964.51) results in the average of 0.616 cwt of commercially recoverable sugar, raw value, per net ton of nontestable beets.

The rate of 0.616 cwt of sugar commercially recoverable, raw value, times the total net tonnage of nontestable beets delivered by each grower equals the hundredweight of commercially recoverable sugar upon which each grower's Sugar Act payment will be based.

A notice of proposed rulemaking was not given for this determination as it follows mathematical formulas which make use of actual operating and production data reported by the sugar factory involved. Therefore, no discretionary decisions are involved and a public recommendation would not change the data. Public notice is, therefore, unnecessary.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Secs. 302, 303, 304, 403, 61 Stat. 930, as amended, 932; 7 U.S.C. 1132, 1133, 1134.)

Effective date.—June 13, 1973.

Signed at Washington, D.C., on June 7, 1973.

NICHOLAS H. SMITH,
Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service.

[FR Doc.73-11721 Filed 6-12-73;8:45 am]

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

[Avocado Regulation 15]

PART 915—AVOCADOS GROWN IN SOUTH FLORIDA

Limitation of Shipments

Avocado Regulation 15 prescribes during the period June 18, 1973, through April 30, 1974, the following grade and maturity requirements for fresh avocados grown in south Florida: Avocados

shipped to points outside the production area shall grade at least U.S. No. 3 and individual fruit for specified types of avocados must be at least the prescribed minimum weights or diameters by specified dates (as the maturity requirements). All types of avocados shipped to destinations within the production area are exempted from all grade requirements but such avocados must meet maturity requirements. The regulation is to become effective 1 week later than the June 11, 1973, effective date contained in the notice of proposed rulemaking, because current information indicates the crop of south Florida avocados is ripening later and will, therefore, mature 1 week later than was expected when such notice was issued.

On May 14, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 12611), regarding a proposed regulation to be made effective on June 11, 1973, pursuant to the marketing agreement, as amended, and order No. 915, as amended (7 CFR, pt. 915), regulating the handling of avocados grown in south Florida. Such proposed regulation was recommended on April 11, 1973, by the Avocado Administrative Committee established pursuant to the said marketing agreement and order. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The notice allowed interested persons until May 25, 1973, to submit written data, views, or arguments in connection with the proposed regulation.

On May 18, 1973, the Avocado Administrative Committee met to consider more current avocado crop conditions and the stage of maturity on the tree for the varieties and types of avocados specified in the proposed regulation. After careful appraisal of crop maturity, the committee found that the 1973–74 crop of avocados would ripen 1 week later than was estimated during its meeting on April 11, 1973. It, therefore, unanimously recommended that grade and maturity requirements be imposed on all avocados of the Beta variety, that the minimum weight of individual fruit of the Leona variety be increased to 18 ounces for handling during the period October 15, through October 29, 1973, and that all of the dates in the shipping schedule for the designated varieties and types of avocados be fixed 1 week (7 days) later than those published in the FEDERAL REGISTER on May 14, 1973 (§ 915.315; 38 FR 12611), and that Avocado Regulation 15 be made effective on June 18, 1973.

After consideration of all relevent matters presented, including the proposal set forth in the aforesaid notice, the additional recommendation and supplemental information submitted by the Avocado Administrative Committee (established pursuant to the marketing agreement and order), and other available information, it is hereby found and determined that the regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

The regulation hereinafter set forth is based upon an appraisal of current and prospective crop and market conditions. Total 1973–74 season production of Florida avocados is estimated at 760,000 bushels, with 720,000 expected to be shipped in fresh fruit channels, compared with 704,944 bushels so shipped in the 1972–73 season. The regulation is designed to permit the shipment of an ample proportion of the total supply of fruit to fresh markets and to assure that the avocados will be of acceptable quality and maturity, in the interests of consumers and producers, consistent with the objectives of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give further notice and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553), and good cause exists for making the provisions hereof effective as hereinafter set forth in that: (1) Shipments of the current crop of avocados are expected to begin on or about the effective date hereof, and this regulation should be applicable, insofar as practicable, to all such shipments in order to effectuate the declared policy of the act; (2) the recommendations upon which this regulation is based were developed by the committee at open meetings on April 11 and May 18, 1973, after due notice thereof, and all interested persons present were given an opportunity to express their views; (3) a notice of proposed regulation for Florida avocados was published in the FEDERAL REGISTER (38 FR 12611); (4) the regulation herein specified is a modification of the proposed regulation so published; (5) information concerning the modified provisions and the effective time of such regulation has been disseminated among the handlers of such avocados; and (6) compliance with this regulation will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

§ 915.315 Avocado Regulation 15.

(a) *Order.*—(1) During the period June 18, 1973, through April 30, 1974, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade: *Provided*, That avocados which fail to meet the requirements of such grade may be handled within the production area, if such avocados meet all other applicable requirements of this section and are handled in containers other than the containers prescribed in § 915.305, as amended (7 CFR, pt. 915; 37 FR 11314; 16930; 26729; 38 FR 1921), for the handling of avocados between the production area and any point outside thereof;

(2) On and after the effective time of this regulation, except as otherwise provided in paragraphs (a) (9) and (10) of this section, no avocados of the varieties listed in column 1 of the following table I shall be handled prior to the date listed for the respective variety in column 2 of such table, and thereafter each such variety shall be handled only in conformance with paragraph (a) (3), (4), (5), and (6) of this section.

TABLE I

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Fuchs	6-25-73	14 oz 3⅞ in	7- 9-73	12 oz 3 19/16 in	7-23-73	10 oz 2 15/16 in	8-13-73
K-5	7- 2-73	16 oz 3⅝ in	7-16-73	14 oz 3⅝ in	7-30-73		
Dr. DuPuis No. 2	6-25-73	16 oz 3⅝ in	7- 9-73	14 oz 3⅞ in	7-23-73		
Hardee	7- 9-73	16 oz 3⅝ in	7-16-73	14 oz 2 15/16 in	8- 6-73		
Pollock	7- 9-73	18 oz 3 13/16 in	7-16-73	16 oz 3⅞ in	7-30-73		
Simmonds	7- 9-73	16 oz 3⅝ in	7-16-73	14 oz 3⅞ in	7-30-73		
Nadir	7- 9-73	14 oz 3 11/16 in	7-16-73	12 oz 3 11/16 in	7-23-73	10 oz 2 15/16 in	8- 6-73
Katherine	7- 9-73	16 oz	7-23-73	14 oz	8- 6-73		
Dawn	7-23-73	12 oz 3 11/16 in	8- 6-73	10 oz 3 19/16 in	8-20-73		
Peterson	7-30-73	14 oz 3⅝ in	8-13-73	10 oz 3⅝ in	8-27-73	8 oz 2 13/16 in	9-10-73
Trapp	8-20-73	14 oz 3 19/16 in	9- 3-73	12 oz 3⅝ in	9-17-73		
Waldin	8-20-73	16 oz 3⅝ in	9- 3-73	14 oz 3⅞ in	9-17-73	12 oz 3 11/16 in	10- 1-73
Ruehle	7-23-73	18 oz 3 13/16 in	7-30-73	16 oz 3⅝ in	8- 6-73	14 oz 3⅞ in	9- 3-73
Pinelli	8- 6-73	18 oz 3 13/16 in	8-20-73	16 oz 3 19/16 in	9- 3-73		
Webb 2	7-23-73	18 oz	8- 6-73	16 oz	8-20-73		
Nesbitt	8-20-73	18 oz	8-27-73	16 oz	9-17-73		
Beta	8-20-73	18 oz	8-27-73	16 oz	9-17-73		
Tonnage	9- 3-73	14 oz 3⅝ in	9-10-73	12 oz 3⅝ in	9-17-73	10 oz 2 13/16 in	9-24-73
Booth 8	9-17-73	16 oz 3⅝ in	10- 1-73	15 oz 3⅞ in	10-15-73	13 oz 3 1/16 in	10-29-73
Fairchild	9- 3-73	16 oz 3 19/16 in	9-17-73	14 oz 3⅞ in	10- 1-73	12 oz 3⅝ in	10- 8-73
Nirody	9- 3-73	18 oz 3 15/16 in	9-17-73	16 oz 3 13/16 in	10- 1-73		
Black Prince	9-17-73	23 oz	10- 1-73	16 oz	10-22-73		
Catalina	9-17-73	24 oz	9-24-73	22 oz	10- 8-73		
Blair	10- 1-73	14 oz 3⅝ in	10-22-73				
Collinson	10- 1-73	16 oz 3 1/16 in	10-29-73				

Variety	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date	Minimum weight or diameter	Date
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
Chica	10- 1-73	12 oz 3⅞ in	10-15-73	10 oz 3⅛ in	10-29-73		
Rue	10- 1-73	30 oz 4⅜ in	10- 8-73	24 oz 3⅝ in	10-22-73	18 oz 3⅜ in	11- 5-73
Booth 5	10- 8-73	16 oz 3⅛ in	10-29-73				
Hickson	10- 8-73	15 oz 3⅜ in	10-22-73	12 oz 3⅛ in	10-29-73		
Simpson	10- 8-73	16 oz 3⅜ in	10-29-73				
Vaca	10- 8-73	16 oz 3⅜ in	10-29-73				
Sherman	10- 8-73	16 oz	10-22-73	14 oz	11- 5-73	10 oz	11-26-73
Marcus	10- 8-73	32 oz	11-19-73				
Booth 10	10-15-73	16 oz 3⅛ in	11-12-73				
Booth 7	10-15-73	16 oz 3⅛ in	10-29-73	14 oz 3⅝ in	11-12-73		
Avon	10-15-73	15 oz 3⅛ in	11- 5-73				
Booth 11	10-15-73	16 oz 3⅛ in	11- 5-73				
Leona	10-15-73	18 oz 3⅛ in	10-29-73				
Winslowson	10-15-73	18 oz 3⅛ in	11- 5-73				
Nelson	10-15-73	14 oz 3⅜ in	10-29-73	12 oz 3⅝ in	11-12-73	10 oz 3⅛ in	12- 3-73
Hall	10-15-73	26 oz 3⅛ in	10-29-73	20 oz 3⅜ in	11-12-73		
Lula	10-22-73	18 oz 3⅛ in	11- 5-73	14 oz 3⅜ in	11-19-73		
Choquette	10-22-73	24 oz 4⅛ in	11- 5-73	20 oz 3⅛ in	11-26-73		
Monroe	10-22-73	24 oz 4⅛ in	11- 5-73	20 oz 3⅛ in	11-26-73		
Herman	10-22-73	16 oz 3⅜ in	11- 5-73	14 oz 3⅜ in	11-19-73		
Murphy	10-22-73	16 oz	11- 5-73	14 oz	11-19-73	11 oz	12-10-73
Ajax (B7-B)	10-29-73	18 oz 3⅛ in	11-19-73				
Booth 1	10-29-73	16 oz 3⅛ in	11-19-73				
Booth 3	10-29-73	16 oz 3⅛ in	11-19-73				
Taylor	10-29-73	14 oz 3⅜ in	11-12-73	12 oz 3⅜ in	11-26-73		
Dunedin	11-12-73	16 oz 3⅛ in	11-26-73	14 oz 3⅜ in	12-10-73	10 oz 3⅛ in	12-31-73
Byars	11-19-73	16 oz 3⅛ in	12-10-73				
Linda	11-19-73	18 oz 3⅛ in	12-10-73				
Nabal	11-19-73	14 oz 3⅜ in	12-10-73				
Wagner	12-10-73	12 oz 3⅝ in	12-24-73	10 oz 3⅛ in	1- 7-74		
Brookslate	1-14-74	14 oz	1-28-74	12 oz	2-11-74	10 oz	2-25-74
Schmidt	1-21-74						
Itsamna	2-18-74						

(3) From the date listed for the respective variety in column 2 of table I to the date listed for the respective variety in column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 3 of such table or is of at least the diameter specified for such variety in said column 3;

(4) From the date listed for the respective variety in column 4 of table I to the date listed for the respective variety in column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 5 of such table or is of at least the diameter specified for such variety in said column 5;

(5) From the date listed for the respective variety in column 6 of table I to the date listed for the respective variety in column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in column 7 of such table or is of at least the diameter specified for such variety in said column 7;

(6) No handler shall handle (*i*) prior to June 18, 1973, any Arue variety avocados unless the individual fruit in each lot of such avocados weighs at least 17 ounces, (*ii*) during the period June 18, 1973, through July 23, 1973, any Arue variety avocados unless the individual fruit in each lot of such avocados weighs at least 14 ounces, or is at least 3$\frac{3}{16}$ inches in diameter, (*iii*) during the period October 29, 1973, through November 12, 1973, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 10 ounces, or is at least 3$\frac{1}{16}$ inches in dameter, or (*iv*) during the period November 12, 1973, through November 18, 1973, any Booth 8 variety avocados unless the individual fruit in each lot of such avocados weighs at least 8 ounces or is at least 2$\frac{13}{16}$ inches in diameter.

(7) Except as otherwise provided in paragraph (a) (9) and (10) of this section, varieties of the West Indian type of avocados not listed in table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocadoes shall not be handled prior to July 9, 1973.

(ii) From July 9, 1973, through August 5, 1973, the individual fruit in each lot of such avocados shall weigh at least 18 ounces.

(iii) From August 6, 1973, through September 9, 1973, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iv) From September 10, 1973, through October 7, 1973, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(8) Except as otherwise provided in paragraph (a) (9) and (10) of this section, varieties of avocados not covered by paragraph (a) (2) through (7) of this section shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 24, 1973.

(ii) From September 24, 1973, through October 21, 1973, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 22, 1973, through December 23, 1973, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(9) Notwithstanding the provisions of paragraph (a) (2) through (8) of this section regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than 2 ounces less than the applicable specified weight for the particular variety as prescribed in columns 3, 5, or 7 of table I or in paragraph (a) (6), (7), and (8) of this section. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(10) The provisions of paragraph (a) (2) through (9) of this section shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color for that fruit when mature.

(b) Terms used in the amended marketing agreement and order, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 3" shall have the same meaning as set forth in the U.S. Standards for Florida Avocados (7 CFR 51.3050–51.3069).

(c) The provisions of this regulation shall become effective June 18, 1973.

Dated June 7, 1973.

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

[FR Doc.73–11630 Filed 6–12–73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Texas Flaxseed Bulletin—1973 Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1973 Texas Flaxseed Purchase Program

Correction

In FR Doc. 73–10350 appearing on page 13651 in the issue of Thursday, May 24, 1973, in paragraph (b) of § 1421.643 the word "county" in the heading of subparagraph (1) and the third line from the botton should read "country".

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 THE INTERIOR

National Park Service

[36 CFR, Part 13]

ST. CROIX NATIONAL SCENIC RIVERWAY, MINNESOTA-WISCONSIN

Proposed Zoning Standards

Notice is hereby given that, pursuant to section 6(c) of the act of October 2, 1968 (82 Stat. 906; 16 U.S.C. 1271–1287), providing for the establishment of the St. Croix National Scenic Riverway, it is proposed to amend title 36, Code of Federal Regulations, by the addition of a new part specifying standards for zoning ordinances and amendments which must meet the approval of the Secretary of the Interior. The purpose of this proposed regulation is to establish general criteria or standards with which the zoning ordinances and amendments of any incorporated city or village within the riverway must comply in order to exempt improved properties within the riverway from acquisition by condemnation.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons who wish to offer comments, suggestions, or recommendations with respect to the proposed regulations may submit written comments thereon to the Director, National Park Service, Washington, D.C. 20240, within 60 days after this notice is published in the FEDERAL REGISTER.

Part 13, reading as follows, is added to chapter 1, title 36, Code of Federal Regulations.

PART 13—ST. CROIX NATIONAL SCENIC RIVERWAY: ZONING STANDARDS

Sec.

AUTHORITY.—Sec. 6, 82 Stat. 906; 16 U.S.C. 1271–1287 and sec. 3, 39 Stat. 535; 16 U.S.C. 3.

§ 13.1 Introduction.

(a) In administering, protecting, and developing the St. Croix National Scenic Riverway as described and delineated in section 3(a)(6) of the act of October 2, 1968 (82 Stat. 906) (hereinafter referred to as the Riverway), the Secretary of the Interior (hereinafter referred to as the Secretary) is required to be guided by the provisions of the aforementioned act known as the Wild and Scenic Rivers Act and the applicable provisions of the laws relating to the National Park System. The Secretary, further, may utilize any other statutory authority available to him for the conservation and development of natural resources to the extent he finds that such authority will further the purposes of the said act of October 2, 1968.

(b) In accordance with section 6(c) of the said act of October 2, 1968, the Secretary may not acquire lands by condemnation within the Riverway if such lands are located within any incorporated city, village, or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of the act. The following guidelines specify standards for local zoning ordinances, which are consistent with the purposes of this act. The standards have the object of (1) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of the said act of October 2, 1968, and (2) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

§ 13.2 General provisions.

(a) The regulations of this part 13 establish the minimal standards with which local zoning ordinances must conform if property within the Riverway which is covered by such zoning ordinances is to be exempt from acquisition by condemnation.

(b) Following final issuance of the regulations in this part, the municipalities having zoning jurisdiction within the Riverway shall submit to the Secretary for his approval all zoning ordinances and amendments thereto and an applicable land use plan which demonstrate conformity with the general and specific standards in the regulations in this part. These submissions shall include ordinances and amendments and a land use plan adopted specifically to implement the regulations in this part. The Secretary shall approve any zoning ordinance or amendment and land use plan submitted to him which conforms to the standards contained in the regulations in this part, but he shall not approve a zoning ordinance or amendment which (1) contains any provision he considers adverse to preservation and development of the Riverway, or (2) fails to provide that the Secretary shall receive notice of any proposed variance or proposed exception to be made to the application of such ordinance or amendment.

(c) If any property becomes the subject of a variance under or exception to such zoning ordinance under paragraph (b) of this section, or is subjected to any use, which variance, exception, or use fails to conform to or is inconsistent with any applicable standard contained herein, the Secretary may, in his discretion, acquire such property by condemnation.

(d) No additional or increased commercial or industrial uses are permitted in the Riverway except as provided in other provisions of this part 13. Existing nonconforming commercial or industrial uses shall be discontinued within 15 years from the effective date of the regulations of this part. The Secretary may permit such uses to be continued for an additional period of time to allow an owner a reasonable opportunity to amortize investments made on the property before the effective date of the regulations of this part. Failure to discontinue such nonconforming uses at the end of the 15-year period or extension thereof would permit the Secretary, in his discretion, to terminate the suspension of his authority to acquire such property by condemnation.

§ 13.3 Development standards.

Subject to the other provisions of this part, the following uses of property are permitted if the municipality having zoning jurisdiction over the property has issued a building or use permit in each case: (a) Single-family residence, not including a tent, or trailer, but including appurtenant structures. Also permitted is an institution such as a church or school, or a public building. Residential use, unless the property was under construction prior to the date of publication of these proposed zoning standards in the FEDERAL REGISTER, shall meet the following minimum requirements:

(1) Minimum lot size, 20,000 ft².

(2) Structures on the lands discussed in paragraph (a) of this section shall not occupy more than 25 percent of the gross lot area.

(3) Lot width shall be not less than 100 ft at the normal high water line and at the building line.

(4) Structures shall have setbacks of at lease 75 ft from the normal high water mark or 75 ft back from a bluff line as viewed from the water surface of the river, whichever distance is shorter, but subject to paragraph (a)(5) of this section.

(5) Structures shall not be permitted on slopes exceeding 12.5 percent.

(6) The clearing of natural vegetation within any lot shall be limited to no more than 30 percent of the lot area. Clear-cutting is prohibited, except that it is permitted on the ground area where structures are being built.

(7) Structure height shall not exceed 40 ft.

(8) A pier, dock, or boat launching ramp is not permitted except as hereinafter provided.

(9) Septic tank and soil absorption systems shall be set back from the normal high water mark at least 50 ft.

(b) Alteration, improvement, or moving of existing residences or accessory structures provided there is compliance with the area, frontage, setback, height, and other requirements prescribed under paragraph (a)(1-9) of this section and if the existing residential structure remains an integral part of the altered or enlarged dwelling. The exterior dwelling ance of any altered or enlarged dwelling shall conform to the style or type of architecture employed in the existing dwelling. The alteration, improvement, or moving may not alter the residential character of the premises; and accessory structures, through alteration or enlargement, may not become the dominant structure or structures on the premises. The requirements of this paragraph do not apply to alterations or improvements under construction or moving of existing residences or accessory structures commenced prior to the date of publication of these proposed zoning standards in the FEDERAL REGISTER. Any alteration, improvement, or moving of structures which violates a local zoning ordinance or amendment containing these limitations and requirements would permit the Secretary, in his discretion, to terminate the suspension of his authority to acquire such property by condemnation.

§ 13.4 Other permitted uses.

(a) Agricultural uses such as greenhouses, plant nurseries, and truck gardens are permitted providing that these uses do not require the extensive cutting or clearing of wooded areas and are not otherwise destructive of natural and recreational values: *And provided further,* That they adhere to the acreage, frontage, height, setback, slope, and other requirements which are imposed by the zoning agency, after consultation with the Secretary. The harvesting of a wild crop such as marsh hay, fern, moss, wild rice, berries, tree fruits, and tree seeds is permitted.

(b) Community outdoor recreation activities and facilities, such as playgrounds, open spaces, parks, campgrounds, and athletic fields are permitted, if such facilities are developed and operated by a governmental agency and are consistent with the purposes of the Riverway and provided such facilities adhere to the acreage, frontage, height, setback, slope, and other requirements imposed by the zoning agency after consultation with the Secretary.

(c) Public use marinas and boat launching ramps are permissible provided such facilities adhere to zoning requirements imposed by the zoning agency after consultation with the Secretary: *Provided further,* That no more than one such facility shall be located within any 1-mile distance.

(d) Signs that are related to any above permitted use are permitted, provided they do not exceed 1 ft² in area for residential occupancy and do not exceed 6 ft² for any other purpose: *Provided further,* That they are not illuminated by any neon or flashing device. A sign advertising a property for sale or rental may be placed only on the property being offered for sale or rental. For an event of short duration and public interest, such as a civic affair or church event, informational signs not over 6 ft² in area may be used on the property on which the event will occur, and a limited number of directional signs, not larger than 1 ft² in area, may be used. Such signs may be displayed only within a 30-day period before the event being advertised and they shall be removed immediately thereafter.

(e) Signs shall be subdued in appearance, harmonizing in design and color with the surroundings and shall not be attached to any tree or shrub. Nonconforming signs may continue such nonconformity until they are destroyed, moved, structurally altered or redesigned, but the period of such nonconformity shall not exceed 2 years from the date a zoning ordinance containing this limitation is adopted by the local zoning entity.

§ 13.5 Required restrictions.

Local zoning ordinances or other local laws, regulations, ordinances must contain the following restrictions:

(a) Limitations, requirements, or restrictions in regard to the burning of cover and trash and the dumping, storing, or piling of refuse, materials, equipment, or other unsightly objects which would detract from the natural scene or esthetic values of the riverway. Temporary storage of materials and equipment may be permitted, to the extent necessary to exercise a permitted use.

(b) Prohibition of the husbandry of farm animals.

(c) Prohibition of the removal of top soil or peat.

(d) Prohibition of the filling, drainage, or dredging of wetlands except in accordance with § 13.4(iii).

(e) That existing uses of undeveloped land that do not conform to the regulations of this part shall be discontinued within 2 years after the effective date of the regulations. Failure to do so would permit the Secretary, in his discretion to terminate the suspension of his authority to acquire such property by condemnation.

GUSTAF P. HULTMAN,
Superintendent,
St. Croix National Scenic Riverway.

[FR Doc.73-11734 Filed 6-12-73;8:45 am]

Office of the Secretary

[43 CFR, Part 4]

INDIAN PROBATE

Procedural Rules Regarding Purchase by Certain Indian Tribes of Decedents' Interests in Trust and Restricted Lands Under Special Laws Applicable to Particular Reservations

Notice is hereby given that, under the authority contained in 5 U.S.C. 301 (1970), and cited in the proposed regulations set forth below, the Secretary of the Interior hereby proposes to amend Department Hearings and Appeals Procedures in part 4 of title 43 of the Code of Federal Regulations by adding to the regulations in "Subpart D—Special Rules Applicable to Proceedings in Indian Probate," including hearings and appeals, procedural rules necessary for carrying out the purposes of the act of December 31, 1970 (Public Law 91-627; 84 Stat. 1874; 25 U.S.C. 607 amending section 7 of the act of August 9, 1946 (60 Stat. 968; 25 U.S.C. 607); the act of August 10, 1972 (Public Law 92-377; 86 Stat. 530; 25 U.S.C. ——); and the act of September 29, 1972 (Public Law 92-443; 86 Stat. 744; 25 U.S.C. ——). These statutes grant to the Yakima Tribes of Washington, the Confederated Tribes of the Warm Springs Reservation of Oregon, and the Nez Perce Tribe of Idaho the right to elect to exercise, at any time while the decedent's estate is pending before the administrative law judge but for not less than 2 years from the date of decedent's death, its statutory option to purchase, at fair market value as determined by the Secretary of the Interior after appraisal, certain interests in trust or restricted land which would otherwise be inherited by beneficiaries of the decedent who are not enrolled members of such tribes and, except for Warm Springs, fail to show one-fourth degree or more blood quantum of such tribes. The statutes provide further that where a surviving spouse of a decedent is prevented from acquiring a devise or inheritance, such spouse may, upon request, be determined to have a life estate in one-half of the interest acquired by the tribe, the value of the life estate to be reflected in any appraisal of the interests in trust or restricted land acquired by the tribe.

The regulations reflect the authority delegated by the Secretary of the Interior to administrative law judges of the Hearings Division of the Office of Hearings and Appeals, and to the Board of Indian Appeals in the Office of Hearings and Appeals, Office of the Secretary, to determine for the Department, after full opportunity for hearing before such judges, the entitlement of the tribes to acquire decedents' interests under the statutes concerned, the entitlement of a surviving spouse to have a life estate in one-half of the interest acquired by the tribe, and the fair market value of such interests, including the value of any reserved life estate of a surviving spouse.

As special rules within subpart D of the Department Hearings and Appeals Procedures, the proposed regulations provide also that, to the extent they are not inconsistent with the rules in subpart D, the general rules applicable to all types of proceedings before the Hearings Division and the several Appeals Boards of the Office of Hearings and Appeals, contained in subparts A and B of part 4, will be applicable to proceedings under these proposed regulations.

It is the policy of the Department of the Interior, whenever practicable, to

afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons are invited to submit written comments, suggestions, or objections. Communications should be addressed to the Director, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Va. 22203. All communications received on or before July 11, 1973, will be considered before action is taken on the proposed regulations. The proposals contained in this notice may be changed in light of comments, suggestions, or objections received.

Effective date.—If adopted, the additional procedural rules would be effective as of the date of publication in final form in the FEDERAL REGISTER and would govern all proceedings not closed, as provided in the statutes concerned.

Dated June 1, 1973.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

1. The center heading which precedes the regulations in subpart D is amended to include the subject of the additional rules proposed herein. As amended, the center heading reads as follows:

DETERMINATIONS OF HEIRS AND APPROVAL OF WILLS, EXCEPT AS TO MEMBERS OF THE FIVE CIVILIZED TRIBES AND OSAGE INDIANS; TRIBAL PURCHASE OF INTERESTS UNDER SPECIAL STATUTES

2. Section 4.200 is amended by adding a sentence at the end of the section to refer to the additional procedural rules being incorporated within the subpart, as follows:

§ 4.200 Scope of regulations.

* * * Included within §§ 4.300 through 4.309 are supplemental procedural rules applicable to determinations as to tribal purchase of certain property interests of decedents under special laws applicable to particular tribes.

3. In § 4.201, paragraph (i) is amended to include in the term "parties in interest" any tribe having a statutory option to purchase interests of a decedent. As amended, paragraph (i) of § 4.201 reads as follows:

§ 4.201 Definitions.

* * * * *

(i) The term "parties in interest" means any presumptive or actual heir, any beneficiary under a will, any party asserting a claim against a deceased Indian's estate, and any tribe having a statutory option to purchase interests of a decedent.

* * * * *

4. Section 4.202 is amended to include a reference to the authority of the administrative law judges in proceedings for determinations as to tribal purchase of property interests of decedents in accordance with applicable law. As amended, § 4.202 reads as follows:

§ 4.202 General authority of judges.

Judges shall determine the heirs of Indians who die intestate possessed of trust property, except as otherwise provided in §§ 4.205(b) and 4.271; approve or disapprove wills of deceased Indians disposing of trust property; approve or disapprove elections by tribes having a statutory option to purchase certain interests of decedents in trust property and elections by surviving spouses to reserve life estates in one-half of such interests to be acquired by the tribe, determining as necessary in connection therewith the fair market value of such interests, after appraisal, as provided in §§ 4.300 through 4.309; and allow or disallow creditors' claims against estates of deceased Indians.

5. Section 4.210 is amended by adding a new paragraph (c) to read as follows:

§ 4.210 Commencement of probate.

* * * * *

(c) Where a tribe has a statutory option to purchase interests of a decedent the superintendent shall include in the data specified in paragraph (b) of this section, a showing of the enrollment status and the blood quantum in the tribe concerned with respect to each probable heir and devisee, and the inventory shall be specially certified by the title plant designated under § 4.236(b) that it is full and accurate.

6. Section 4.211 is amended by adding a new paragraph (d) reading as follows:

§ 4.211 Notice.

* * * * *

(d) *Tribes to maintain mailing address with judge.*—When a tribe has a statutory option to purchase interests of a decedent such tribe shall maintain a mailing address on file with the judge having probate jurisdiction in such proceeding, and the judge's certificate of mailing of notice of probate hearing to the tribe at its record address shall be conclusive evidence for all purposes that the tribe had notice of decedent's death and notice of the pendency of the probate proceedings.

7. A center heading and §§ 4.300 through 4.309 are added, to read as follows:

TRIBAL PURCHASE OF INTERESTS UNDER SPECIAL STATUTES

§ 4.300 Authority and scope.

(a) The rules and procedures set forth in §§ 4.300 through 4.309 apply to proceedings in Indian probate which relate to tribal acquisition of certain interests of decedents in trust and restricted lands, as provided by:

(1) The act of December 31, 1970 (Public Law 91-627; 84 Stat. 1874; 25 U.S.C. 607), amending section 7 of the act of August 9, 1946 (60 Stat. 968; 25 U.S.C. 607), with respect to trust or restricted land within the Yakima Reservation or within the area ceded by the treaty of June 9, 1855 (12 Stat. 1951);

(2) The act of August 10, 1972 (Public Law 92-377; 86 Stat. 530; 25 U.S.C. ——), with respect to trust or restricted lands within the Warm Springs Reservation or within the area ceded by the treaty of June 25, 1855 (12 Stat. 37);

(3) The act of September 29, 1972 (Public Law 92-443; 86 Stat. 744; 25 U.S.C. ——), with respect to trust or restricted land within the Nez Perce Indian Reservation or within the area ceded by the treaty of June 11, 1855 (12 Stat. 957); and

(4) Any other applicable statute.

(b) In the exercise of probate authority administrative law judges and the Board of Indian Appeals, as appropriate, shall determine the entitlement of the tribes to acquire decedents' interests in trust or restricted lands under the statutes concerned, the entitlement of a surviving spouse to retain a life estate in one-half of the interest acquired by the tribe, and the fair market value of such interests, including the value of any life estate reserved by a surviving spouse.

(c) These rules and procedures supersede other regulations in this part to the extent of any inconsistencies.

§ 4.301 Manner of making tribal election.

(a) *Notice of election by tribe.*—A tribal election to exercise a statutory option to purchase interests in trust or restricted lands of a particular decedent shall be made by filing a written notice with the judge before whom probate of the decedent's estate is pending. The election shall apply to the entire interest of any specific heir or devisee which is subject to the option except as an affected heir or devisee may agree in writing with the tribe to exclude one or more specific tracts or interests from the option. A blanket notice intent to exercise the option filed by a tribe may be recognized but only if such notice is timely filed and supplemented in each case to show the interests in trust or restricted lands in respect of which it is made and the name of each heir or devisee concerned, including as to each named heir or devisee a clear and concise statement of the material facts relied upon.

(b) *Time limit for filing.*—Unless a timely blanket notice has been filed, the notice of election, as specified in paragraph (a) of this section, shall be filed during the time the particular decedent's estate remains pending. A notice filed late shall create no right in the tribe except that such bar shall have no application to proceedings conducted under either § 4.306 or § 4.308. Upon written request by the tribe, the judge shall keep an estate pending for not less than 2 years from the date of the decedent's death.

(c) The tribe's election may be withdrawn at any time prior to payment of the fair market value to the Superintendent, and not thereafter.

(d) *Service on affected heirs or devisees.*—Simultaneously upon the filing of the notice of intent to purchase or the supplement to a blanket notice as provided in paragraph (a) of this section, the tribe shall personnally serve upon or mail a copy to each heir or devisee concerned at his last known address. Proof of such service or mailing shall be by the written certificate of a tribal

officer which shall be filed with the judge within 15 days after service or mailing.

§ 4.302 Processing of tribal election.

(a) *Order for appraisal issued by judge.*—Upon receipt of a notice of tribal election to purchase a decedent's interests in trust or restricted lands, the judge shall issue an order to the Superintendent directing that an appraisal of the interests be made promptly by qualified appraisers if it has not already been done, on the basis of the fair market value thereof, including fixed improvements, as of the date of the filing of the tribal notice of election, or, if a blanket notice is in effect, the value shall be as of the date of death.

(b) *Submission of appraisal report to the judge; notice to tribe and affected heirs and devisees.*—The appraisal report including a summary thereof shall be filed with the judge who will deposit the report for inspection with the Superintendent of the reservation where the land is located. The judge shall promptly mail to the tribe and to each heir or devisee concerned, at his last known address, a notice of filing of the report to which he shall attach a copy of the summary. The full appraisal report may be copied by interested parties at their expense and it may be examined at the office of the Superintendent.

§ 4.303 Responses by tribe and affected heirs and devisees; hearings.

(a) Within 45 days of the mailing of the notice required by § 4.302(b) and not thereafter, any party wishing a hearing on either the appraisal or any other issue shall file a demand therefor with the judge and shall simultaneously mail a copy to all affected parties. The demand shall include a statement of the issues raised, the facts relied upon and the relief sought.

(b) The judge may consolidate hearings on all of the issues. Hearings shall be held only after notice and shall be conducted in accordance with the applicable rules in this part. The tribal records of enrollment or nonenrollment and of blood quantum shall be prima facie evidence of such fact and each party attacking the valuations of the interests as shown by the appraisal report shall have the burden of proving his own position.

(c) In the absence of timely objections and requests for hearing by any of the parties concerned, as provided in paragraph (a) of this section, the appraisal report may be accepted by the judge as conclusive on the issue of the fair market value of the interests to which it relates. The fair market value is the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and both having reasonable knowledge of relevant facts.

§ 4.304 Election by surviving spouse to reserve life estate.

When the heir whose interest is subject to the tribal option is a surviving spouse the spouse may elect to reserve a life estate in one-half of such interest. A written notice of such election shall be filed with the judge within 30 days after the mailing to the surviving spouse of the summary of the appraisal report required by § 4.302(b). A copy of the notice shall be served upon or mailed to the tribe and the spouse shall certify this has been done. The notice shall identify the interests in respect of which it is made.

§ 4.305 Determination by judge; rehearing; appeals.

(a) After a hearing the judge shall enter a final decision determining all or any separate issues including those specified in § 4.240 and he shall mail notice thereof with a copy of the decision to each party to the proceedings. If the judge determines that the tribe is entitled to purchase the interests of an heir or devisee, as sought in its notice of election, he shall specify such interests in his decision and that the tribe shall deposit with the Superintendent the amount adjudged as the fair market value of the interests concerned within 60 days from the mailing of the decision, or failing that, all rights which arose under the tribe's notice of election shall terminate without further notice, and an order to this effect shall be issued. If payment is timely made to the Superintendent, notice of that action shall be given to the judge who shall issue a supplemental order declaring the title to each interest paid for to be vested in the United States in trust for the tribe.

(b) When a decision or a partial decision by the judge, or by the Board after appeal, becomes final under these regulations, the Superintendent may be directed to make a full or a partial distribution of the estate to those parties whose rights have been finally determined.

(c) When the probate fee and unsecured claims filed against the estate are allowed by the judge pursuant to §§ 4.251 and 4.252 and there is insufficient money on hand and accrued to discharge the same, the income from the land interests acquired by the tribe shall be allocated and disbursed by the Superintendent to pay said claims the same as though the heir or devisee continued to hold the interest. On the date the estate is to be distributed the Superintendent shall withhold from the funds paid in by the tribe all or a balance equal to the unpaid portion of such claims. He has authority to and shall annually refund to the tribe an amount equal to any income it shall lose by the diversion thereof to pay claims during the period of time limited by § 4.251(d). Any funds remaining in his hands at the end of the period allowed for payment of claims shall then be distributed to the heir or devisee originally entitled thereto or his successor in interest. Any money thus refunded to the tribe shall be considered as a reduction of the fair market value of the interest purchased and paid for by the tribe.

(d) After proceedings for rehearing under § 4.241 are concluded, an aggrieved party may obtain a separate review of a final decision of separate issues upon appeal to the Board of Indian Appeals in the manner set forth in §§ 4.290 through 4.297.

§ 4.306 Omitted property. (Supplemental to § 4.272.)

(a) When, after a final decision has been issued either under § 4.240, § 4.296, or § 4.305 it appears that at his death the decedent owned interests in land which were omitted from the inventory of the estate, and that the newly discovered interests are subject to a tribe's right and option to take and pay for all or any part thereof, the superintendent shall report the matter to the judge, including a description of the land, a description of the interest, and the current address of those heirs or devisees, or their successors, whose rights might be affected by the tribe's exercise of the option to take and pay for the omitted interest.

(b) Upon receipt of a report of omitted property issued under paragraph (a) of this section, the judge shall issue and mail a notice to the tribe giving a description of the land, the decedent's interest therein and the names of the heirs or devisees, or their successors. In intestate estates where the newly discovered interest will follow the same line of descent as was previously determined in the probate proceedings, and in testate estates where the will disposes of the interest specifically or as residue, the tribe shall have 30 days in which to file notice of its intent to take and pay for the interest which is subject to its statutory option. Proceedings relative to a determination of the right of the tribe to take, the fair market value, and the rights of a surviving spouse, shall be in accord with those provided herein upon the filing of a notice under § 4.301 et seq. during a normal probate. If the notice required by § 4.301 is not timely filed in the office of the judge it shall be conclusively presumed that the tribe has waived its rights, and the judge shall order distribution to be made as in § 4.272(a).

(c) In the event that the newly discovered interest is to pass under a different line of descent than that which is already determined, and the tribe has timely filed its notice of intent to take as provided in paragraph (b) of this section, then the judge shall proceed to a determination of heirs, a determination of the tribe's right to take, a determination of the fair market value and a determination of the rights of a surviving spouse under the regulations of this part. Creditor's claims shall not be considered.

§ 4.307 Improperly included property. (Supplemental to § 4.273.)

(a) When after a decision has been issued either under § 4.240, § 4.296, or § 4.305, it shall be made to appear that the decedent did not own an interest in land which had been included in the inventory of the estate, and that the tribe had elected to and did purport to take the same upon paying the fair market value therefor under the mistaken belief that it had a statutory option to do so, the superintendent shall report the matter

to the judge, including a description of the land, a description of the interest, and the current addresses of those heirs or devisees, or their successors, who received the payment made for the interest in question.

(b) Upon receipt of a report of erroneously included property under paragraph (a) of this section, the judge shall issue and mail a notice to the tribe, giving a description of the land, a description of the interest erroneously included in the inventory of decedent's estate, the names and addresses of the heirs or devisees, or their successors, who received distribution of the funds paid by the tribe for the interest. In the notice it shall be stated that unless good cause for not doing so be shown in writing filed with the judge within 30 days, he will issue an order correcting the former order, and that thereby the tribe will be eliminated as a distributee and owner of the interest in question.

(c) If good cause shall be shown why the proposed decision should not be issued, and questions of fact are in issue, the judge may hold such hearing after due notice to the tribe and to the involved heirs or devisees as may to him seem appropriate after which he shall render a decision final for the Department, unless appealed. No petition for rehearing shall be necessary as a prerequisite to filing a notice of appeal.

§ 4.308 Reopening. (Supplemental to § 4.242.)

In any probate finally closed where reopening proceedings are initiated under § 4.242, in appropriate cases, the tribe shall be considered a party in interest entitled to notice, and it shall be subject to the decisions as in an original probate proceeding. When a probate is reopened, and the tribe elects to participate, then insofar as applicable, §§ 4.300 et seq. of this subpart shall govern the proceedings.

§ 4.309 Compromise settlement. (Supplemental to § 4.207)

If a dispute as to any issue shall arise during any of the foregoing proceedings which can be settled by a compromise pursuant to the provisions of § 4.207, the judge may order distribution to the tribe as a party without the necessity of requiring the execution and approval of deeds to or from the tribe.

[FR Doc.73-11691 Filed 6-12-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR, Part 1046]

MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

Notice of Proposed Suspension of a Certain Provision of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of a certain provision of the order regulating the handling of milk in the Louisville-Lexington-Evansville marketing area is being considered for the months of June and July 1973.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, room 112-A, Administration Building, United States Department of Agriculture, Washington, D.C. 20250, on or before June 18, 1973. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provision proposed to be suspended is as follows:

In § 1046.71, paragraph (h).

Statement of consideration. The proposed suspension would make inoperative for the months of June and July those provisions of the order that provide for the accumulation of money due producers under the "takeout-payback" plan. Under this plan, money withheld from the pool during April through July (40 cents per hundredweight in each month) is paid out to producers for deliveries of milk during September through December (one-fourth of the total in each month).

The suspension is requested by Dairymen, Inc., a cooperative association supplying the market. The primary basis for the request is to improve the relationship of the uniform price under the order to uniform prices under surrounding order markets and to the pay prices of nearby manufacturing plants during the remaining "takeout" months of June and July 1973.

Signed at Washington, D.C., on June 8, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-11723 Filed 6-12-73;8:45 am]

[7 CFR, Part 1076]

MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the eastern South Dakota marketing area is being considered.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before June 20, 1973. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

In § 1076.12(c), relating to standards for pooling a plant operated by a cooperative association, the provision "of other handlers," as it appears in the text preceding the proviso, is proposed to be suspended for the months of July through December 1973.

Statement of consideration. The order now provides pool plant status for a plant (other than a distributing plant) operated by a cooperative association if more than 50 percent of the total milk supply of producer members of such cooperative association is shipped to pool distributing plants of other handlers during the month, either directly from the farm or by transfer from the cooperative plant.

The Land O'Lakes, Inc., a cooperative association of producers on the market, requests this suspension action in order that deliveries of milk to a distributing pool plant owned by the cooperative association will be qualifying shipments pursuant to § 1076.12(c).

The provision in question has been suspended for the period August 1972 through June 1973 by orders issued August 11, 1972 (37 FR 16533), and December 18, 1972 (37 FR 28273), respectively.

Signed at Washington, D.C., on June 8, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.73-11722 Filed 6-12-73;8:45 am]

Animal and Plant Health Inspection Service

[9 CFR, Part 319]

LARD

Proposed Preparation and Labeling

Notice is hereby given that the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture is considering amending, as indicated below, the provisions in part 319 of the meat inspection regulations (9 CFR pt. 319) relating to lard and rendered pork fat, pursuant to the authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601 et seq.).

Statement of considerations.—The Department has been petitioned to amend the Federal meat inspection regulations to redefine the pork byproducts that can be used as ingredients of "Lard" and to eliminate the provisions for the production of "Rendered Pork Fat."

The product labeled "Rendered Pork Fat" was an important commodity about 30 years ago. It was purchased in volume on the basis of this name in several large areas of this country and numerous export markets, particularly, in the countries south of the United States. As the price of pork fat used in lard, and therefore the price of lard, dropped, the economic advantage of preparing both lard and rendered pork fat disappeared.

Packers generally chose to discontinue the production of rendered pork fat and concentrated their merchandising efforts on lard. Consequently, rendered pork fat ceased to be a familiar retail product. At present, very little is manufactured, and the product is virtually unknown to consumers in this country.

Lard is a popular food in many countries and is exported from the United States in significant quantities. Lard and rendered pork fat are prepared by similar processes. The different requirements for the two products are related more to the ingredients than to the finished products. Lard and rendered pork fat have similar organoleptic characteristics and their chemical and nutritional properties are essentially identical.

Provisions for the composition of lard as proposed would eliminate the need for separate rendering systems and separate storage tanks. Certain identity and quality characteristics have been included in the proposed definition for lard to insure more specific and higher quality standards for the finished product than previously required.

The principal changes proposed by the amendment in the ingredients of lard would be the authorization for use of cured and/or cooked pork tissues. This is in recognition of product processing changes that have occurred. Pork curing methods formerly involved holding pork cuts for periods of considerable length after the addition of the cure ingredients. Problems of rancidity were frequently encountered. At present, cures are added to pork cuts just prior to cooking and smoking operations. Insufficient time exists for rancidity to develop. The fat and bones from these pork cuts are sound and wholesome and make excellent rendering ingredients.

The quality factors that are specifically identified in the standard would insure that products labeled "Lard" possess the physical, chemical, and nutritional characteristics that have traditionally typified this food item.

The identity and quality characteristics of the product as identified in the proposed regulations are associated with the physical characteristics of the product as follows:

(1) Color—whiteness is an attribute associated with sound, raw materials, and good manufacturing practices.

(2) Odor and taste are subjective indicators of the freshness and wholesomeness of the raw materials used and of proper handling of the product during storage.

(3) Free fatty acid is a measure of lard quality—a high value being associated with rancidity arising from poor handling or storage of the product.

(4) Peroxide value—this is also a measure of quality. A high peroxide value is associated with oxidation and lowering of product acceptability.

(5) Moisture and volatiles—the least amount of moisture and volatiles indicates desirable production techniques while increases in moisture promote the breakdown of product which can lead to undesirable physical characteristics.

(6) Insoluble impurities—increases in insoluble impurities reflect a lack of quality control in production.

The proposed amendments would delete paragraph (b) from § 319.703 and change § 319.702 to read:

§ 319.702 Lard, Leaf Lard.

(a) Lard is the fat rendered from clean and sound edible tissues from swine. The tissues may be fresh, frozen, cured, cooked, or prepared by other processes approved by the Administrator in specific cases, upon his determination that the use of such processes will not result in the adulteration or misbranding of the lard. The tissues shall be reasonably free from blood, and shall not include stomachs, livers, spleens, kidneys, and brains, or settlings and skimmings. "Leaf Lard" is lard prepared from fresh leaf (abdominal) fat.

(b) Lard (when properly labeled) may be hardened by the use of lard stearin or hydrogenated lard or both and may contain refined lard and deodorized lard, but the labels of such lard shall state such facts, as applicable.

(c) Products labeled "Lard" or "Leaf Lard" must have the following identity and quality characteristics to insure good color, odor, and taste of finished product:

(1) Color	White when solid. Maximum 2.0 red units in a 5¼ inch cell on the Lovibond scale.
(2) Odor and taste.	Characteristic and free from foreign odors and flavors.
(3) Free fatty acid.	Maximum 0.50 (as oleic) or 1.0 acid value.
(4) Peroxide value.	Maximum 5.0 (as milliequivalents of peroxide per kilogram fat).
(5) Moisture and volatile.	By appearance of liquid
(6) Insoluble impurities.	Maximum 0.2 percent. fat or maximum 0.05 percent.

(d) Product found upon inspection not to have the characteristics specified in paragraph (a) of this section but found to be otherwise sound and in compliance with paragraph (a) of this section may be further processed for the purpose of achieving such characteristics.

(Sec. 21, 34 Stat. 1260, as amended, 21 U.S.C. 621; 37 FR 28464, 28477.)

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, before August 17, 1973.

Persons desiring opportunity for oral presentation of views should address such requests to the Product Standards Staff, Scientific and Technical Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Washington, D.C. 20250, so that arrangements may be made for such views to be presented prior to the date specified in the preceding paragraph. A transcript will be made of all views orally presented.

All written submissions and transcripts of oral views made pursuant to this notice will be made available for public inspection in the Office of the Hearing Clerk during regular hours of business, unless the person making the submission requests that it be held confidential and a determination is made that a proper showing in support of the request has been made on the grounds that its disclosure could adversely affect such person by disclosing information in the nature of trade secrets or commercial or financial information obtained from any person and privileged or confidential. If it is determined that a proper showing has been made in support of the request, the material will be held confidential; otherwise, notice will be given of denial of such a request and an opportunity afforded for withdrawal of the submission. Requests for confidential treatment will be held confidential (7 CFR 1.27 (c)).

Comments on the proposal should bear a reference to the date and page number of this issue of the FEDERAL REGISTER.

Done at Washington, D.C., on June 7, 1973.

F. J. MULHERN,
Administrator, Animal and Plant Health Inspection Service.

[FR Doc.73-11725 Filed 6-12-73;8:45 am]

Commodity Credit Corporation

[7 CFR, Part 1421]

GRAIN AND SIMILARLY HANDLED COMMODITIES

General Regulations Governing Price Support for 1970 and Subsequent Crops

Commodity Credit Corporation proposes to issue an amendment to its general regulations governing price support for the 1970 and subsequent crops of grain and similarly handled commodities (7 CFR pt. 1421) and related commodity regulations, to add barley, corn, flaxseed, grain sorghum, oats, rye, and wheat as commodities for which approved cooperative marketing associations may obtain price support on behalf of their producer members.

Interested persons may submit written comments, suggestions, or objections relating to the proposed amendment to Edward D. Hews, Director, Commodity Loan and Service Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director on or before June 28, 1973. The comments, suggestions, or objections made pursuant to this notice will be open to public inspection pursuant to 7 CFR 1.27(b).

The proposed amendment reads as follows:

§ 1421.3 Eligible producers.

* * * * *

(g) *Approved cooperative.*—A cooperative marketing association which is approved by the Executive Vice President,

CCC, pursuant to part 1425 of this chapter, to obtain price support on a crop of barley, corn, dry edible beans, flaxseed (except direct purchases under the Texas flaxseed purchase program), grain sorghum, oats, rice, rye, soybeans, tung oil, or wheat, may otbain price support on eligible production of such crop of the commodity on behalf of its members. The term "producer" as used in this subpart and on applicable forms shall refer both to an eligible producer as defined in paragraphs (a), (b), and (c) of this section and to an approved cooperative marketing association.

Signed at Washington, D.C., on June 8, 1973.

E. J. PERSON,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-11781 Filed 6-12-73;8:45 am]

[7 CFR, Part 1425]

COOPERATIVE MARKETING ASSOCIATIONS

Eligibility Requirements for Price Support

In addition to individual loans and purchases made available to producers at local county ASCS offices, Commodity Credit Corporation makes loans to and purchases from approved cooperative marketing associations with respect to eligible cotton, dry edible beans, honey, rice, soybeans, and tung oil delivered to these associations for marketing by their producer-members. To afford producers of other commodities the use of this additional marketing tool, Commodity Credit Corporation proposes to issue an amendment to the Cooperative Marketing Association's eligibility requirements for price support regulations (7 CFR, pt. 1425) to expand the listed group of commodities to add barley, corn, flaxseed, grain sorghum, oats, rye, and wheat. Commodity Credit Corporation also proposes to change the requirements for annual submission of documentation for continued approval; add provisions for suspension by CCC; and add requirements that a member's initial advance be at least equal to the gross loan value less charges and disbursements authorized by the member; and allow redistribution of retains to active members after reasonable efforts have been made to distribute such funds to inactive members.

Interested persons may submit written comments, suggestions, or objections relating to the proposed amendments to Edward D. Hews, Director, Commodity Loan and Service Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than 15 days following the date of publication of this notice in the FEDERAL REGISTER. The comments, suggestions, or objections received pursuant to this notice will be open to public inspection pursuant to 7 CFR 1.27(b).

The proposed amendments are as follows:

1. Section 1425.3 as revised is divided into seven paragraphs. Paragraph (a) provides that applications for initial approval shall now be transmitted directly to the Director, Commodity Loan and Service Division. Additional commodities of barley, corn, flaxseed, grain sorghum, oats, rye, and wheat are added thereto. Paragraph (b) now sets forth what is meant by the term "approved cooperative." In paragraphs (c) and (d) certain information is no longer requested to be submitted annually and currently. Paragraph (e) contains a new provision for suspension when it is found that an approved cooperative is not operating in accordance with the regulations in this subpart. Paragraph (f) newly provides for termination of approval by CCC and calling the loan, upon 5 days written notice and for forfeiture of unredeemed collateral. Paragraph (g) sets forth a new provision for voluntary termination of approval by the cooperative upon giving CCC written notice. The revised § 1425.3 reads as follows:

§ 1425.3 Application.

(a) *Initial approval.*—A cooperative which desires approval to obtain price support shall submit an application for a determination of eligibility with respect to each of the commodities listed herein for which approval is sought. An application form and related questionnaire and copies of the regulations appearing in this subpart may be obtained from the Commodity Loan and Service Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250. Inquires relating to such documents should also be addressed to the Commodity Loan and Service Division. The cooperative shall forward its application and required information to the Director, Commodity Loan and Service Division. Applications with respect to each of the commodities listed herein and supporting material shall be submitted on or before the applicable date listed below of the calendar year in which the cooperative requests approval to participate in the price-support program for commodities marketed thereafter, or by such later date as the Executive Vice President, CCC, may authorize to alleviate hardship. Exception: Applications for participation in 1973 crop programs may be submitted any time during the 1973 crop year.

Commodity	*Date*	*Commodity*	*Date*
Barley	June 1	Honey	July 1
Corn	Sept. 1	Oats	June 1
Cotton	Aug. 1	Rice	Aug. 1
Dry edible beans	Aug. 1	Rye	June 1
Flaxseed	June 1	Soybeans	Sept. 1
Grain sorghum	July 1	Tung oil	Aug. 1
		Wheat	June 1

Information submitted in connection with an application relative to trade secrets or financial or commercial operations or dealing with the financial condition of an applicant cooperative shall be kept confidential by the officers and employees of CCC and the Department of Agriculture and shall not be released except to the extent CCC determines such action is necessary for the conduct of the price-support program.

(b) *Approved cooperatives.*—A cooperative shall be considered as an "approved cooperative" for purposes of this paragraph (b) if:

(1) It is unconditionally approved to participate in a price-support program with respect to the 1971 or any subsequent crop of a commodity; or

(2) It is conditionally approved to participate in a price-support program with respect to the 1971 or any subsequent crop of a commodity and has satisfied the conditions of approval. An approved cooperative may participate in the price-support program for such commodity until its approval is suspended or terminated by the Executive Vice President, CCC, or his designee.

(c) *Annual information.*—An approved cooperative shall furnish annually to the Director, Commodity Loan and Service Division, not later than 30 days following its annual membership meeting:

(1) A complete audit report prepared by a certified public accountant representing an actual audit of the books and accounts of the cooperative.

(2) A statement showing the total capital interest in the cooperative owned by active members, and the total capital interest owned by inactive and nonmembers by each separate category.

(3) The names of any active members who own in excess of 10 percent of the capital of the cooperative and the amount so owned.

(4) The quantity of each commodity delivered to the cooperative for marketing and the portion thereof received from active members.

(d) *Current information.*—An approved cooperative shall furnish to the Director, Commodity Loan and Service Division, immediately:

(1) Any changes in its articles of incorporation, bylaws, resolutions, or marketing agreement.

(2) Any changes in officers, directors, or principal employees and conflict of interest statements in accordance with § 1425.8(d).

(3) Any change in pooling operations with an explanation of the change and why such change was necessary.

(4) Additional information as may be requested at any time in connection with its continued approval under this subpart.

(e) *Suspension.*—A cooperative may be suspended by CCC from further participation in the price-support program if it is determined that it has not operated in accordance with representations made in its application for approval, has not complied with the regulations, or has failed to bring into compliance deficiencies noted during a review or audit of its operations under a price-support

program. Such suspension may be lifted upon receipt of documents indicating that the condition has been corrected and that the cooperative complies with the provisions of this subpart which served as the basis of the suspension.

(f) *Termination.*—CCC shall have the right at any time, by giving the cooperative at least 5 days written notice, to terminate the right of the cooperative to tender commodities to CCC for loan and make demand for payment. If the cooperative has loans outstanding, such loans shall be redeemed within 5 days after the termination date or the commodity shall be forfeited to CCC.

(g) *Voluntary termination.* — An approved cooperative may at any time, upon written notice to CCC, voluntarily terminate its approval to participate in a price-support program: *Provided*, That the cooperative does not have any outstanding loans at the time of voluntary termination.

2. Section 1425.6(b)(3) is amended to add the commodities of barley, corn, flaxseed, grain sorghum, oats, rye, and wheat. The subparagraph reads as follows:

§ 1425.6 Financial condition.

* * * * *

(b) *Factors to consider.* * * *

(3) The ownership of an amount of net worth of the cooperative by its producer members and cooperative members which is equal to the product of the amount per unit for a commodity (as shown below) multiplied by the total number of units of such commodity handled by the cooperative during the preceding marketing year, or, if the cooperative is in its first full marketing year of operation, the estimated quantity of such commodity that it will handle during the year: *Provided*, That, if a cooperative has not been approved to participate in a price-support program for each of the 3 crop years immediately preceding the crop year for which approval is being considered, the Executive Vice President, CCC, may establish the unit total of a commodity to be used in determining the adequacy of the cooperative's net worth owned by the cooperative's producer members and cooperative members.

Commodity	Unit	Amount per unit
Barley	Bushel	$0.10
Corn	do	.10
Cotton	Bale	3.00
Dry edible beans	Hundredweight	.30
Flaxseed	Bushel	.15
Grain sorghum	Hundredweight	.15
Honey	do	.50
Oats	Bushel	.10
Rice	Hundredweight	.20
Rye	Bushel	.10
Soybeans	do	.10
Tung oil	Hundredweight	1.00
Wheat	Bushel	.10

If the amount of net worth of the cooperative which is owned by producer members and member cooperatives is less than, but at least 34 percent of, the amount computed as set forth above, and the cooperative is considered to be otherwise financially sound, the executive vice president, CCC, may determine that the operation of the cooperative is on a financially sound basis if the board of directors of the cooperative agrees to make a capital retain in the amount set forth below with respect to each unit of the commodity delivered to the cooperative by producers until such time as the net worth owned by producer members and member cooperatives is at least equal to the amount per unit provided for above, and in the case of cotton, the cooperative also agrees to deduct the full amount of the estimated expenses of handling each bale of cotton received by the cooperative.

Commodity	Unit	Amount per unit
Barley	Bushel	$0.05
Corn	do	.05
Cotton	Bale	1.00
Dry edible beans	Hundredweight	.10
Flaxseed	Bushel	.10
Grain sorghum	Hundredweight	.10
Honey	do	.15
Oats	Bushel	.05
Rice	Hundredweight	.10
Rye	Bushel	.05
Soybeans	do	.05
Tung oil	Hundredweight	.35
Wheat	Bushel	.05

The failure to carry out such an agreement shall be grounds for terminating a cooperative's approval.

3. Section 142.14 is amended to provide for initial advances of not less than gross loan value, less authorized charges and disbursements to other payees, and to permit reallocation of proceeds withheld from certain members. The amended section reads as follows:

§ 1425.14 Distribution of proceeds.

(a) *Loan advances.*—If price support is obtained from CCC on any part of the commodity in a pool, each member participating in such pool shall receive an initial advance of not less than the gross loan value of the commodity delivered, less charges authorized by the member for services performed by and/or paid for by the cooperative which are necessary to condition the commodity or put the commodity into a position for marketing. Such initial advance received by the member may be further reduced by any amount which the member designates to be disbursed to other payees by the cooperative. The provision of this paragraph (a) shall not be applicable until the 1974 crop year for those cooperatives which have been approved for price support prior to publication of this notice.

(b) *Ratable distribution.* — If price support is obtained from CCC on any part of the commodity in a pool, the proceeds of such pool shall be distributed only to members participating in such pool ratably on the basis of the quantity and quality of the commodity delivered by each member which is included in such pool or on such other fair and reasonable basis as the Executive Vice President, CCC, may approve. The cooperative shall submit with its application a detailed description of the method by which proceeds from a pool on which price support is obtained will be distributed. Such method shall assure CCC that proceeds obtained through price support will not accrue to persons other than eligible producer members.

(c) *Unclaimed funds.*—A cooperative which has attempted to distribute the applicable part of its capital interest (as defined in § 1425.4(a)) in accordance with its articles of incorporation and bylaws to producer members described in paragraph (b) of this section and has given notice of such distribution both by publication and personal letter addressed to such members, may provide for reallocation of such undistributed capital interest, to the extent permitted by the law of the State applicable to such distribution, to its members and patrons on an equitable basis if (1) the period of limitation for the payment of debts has run commencing on the date the capital interest was declared to be payable by the cooperative, (2) the cooperative, just prior to the lapse of such period of limitation has given the affected member a 30-day notice of the expiration of such period of the amount payable to him by certified mail, return receipt requested, at the member's last known address as reflected on the books of the cooperative, and (3) no claim for payment of such capital interest is made within the period of limitations described above.

(Secs. 4 and 5, 62 Stat. 1070, as amended; 15 U.S.C. 714(b) and 714(c). Interpret or apply sections 101, 103, 203, 301, 302, 63 Stat. 1051, as amended; 7 U.S.C. 1421, 1441, 1444, 1446, and 1447, as amended.)

Signed at Washington, D.C., on June 8, 1973.

E. J. PERSON,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.73-11782 Filed 6-12-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR, Parts 1915, 1916, 1917, 1918]

[S-73-5]

ACCIDENTS IN MARITIME INDUSTRIES

Proposed Reporting Procedures

On January 31, 1973, 29 CFR 1915.6 was deleted (38 FR 2967), and on March 1, 1973, §§ 1916.6, 1917.6, and 1918.7 of title 29, Code of Federal Regulations, were deleted (38 FR 5467) in order to eliminate the overlap with the regulations in § 1904.8. The effect of these deletions was to clarify the accident reporting procedures to be followed in ship repairing, shipbuilding, shipbreaking, and longshoring. However, the deletions also eliminated the requirement to report accidents resulting in the hospitalization of less than five employees. Subsequently, petitions have been received asserting the importance of requiring the reporting of accidents resulting in the hospitalization of one or more employees and urging the restoration of the requirement. The proposals set out below, would require the reporting of such accidents.

Pursuant to sections 6(b) and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat.

1593, 1600; 29 U.S.C. 655, 657) section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended; 33 U.S.C. 941), Secretary of Labor's order No. 12–71 (36 FR 8754), and 29 CFR, pt. 1911 (36 FR 17506), it is hereby proposed to amend parts 1915, 1916, 1917, and 1918 of title 29, Code of Federal Regulations, as set forth below.

Interested persons are invited to submit, prior to July 13, 1973, written data, views, and arguments concerning the proposed changes to the Office of Standards, room 500, 400 First Street NW., Washington, D.C. 20210.

PART 1915—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

1. Part 1915 is proposed to be amended by adding § 1915.6 which would read as follows:

§ 1915.6 Reporting accidents resulting in death or hospitalization.

Within 48 hours after the occurrence of an employment accident which is fatal to one or more employees or which results in hospitalization of one or more employees, the employer of any employees so injured or killed shall report the accident either orally or in writing to the nearest office of the Area Director of the Occupational Safety and Health Administration, U.S. Department of Labor. The reporting may be by telephone or telegraph. The report shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The Area Director may require such additional report, in writing or otherwise, as he deems necessary, concerning the accident.

PART 1916—SAFETY AND HEALTH REGULATIONS FOR SHIPBUILDING

2. Part 1916 is proposed to be amended by adding § 1916.6 which would read as follows:

§ 1916.6 Reporting accidents resulting in death or hospitalization.

Within 48 hours after the occurrence of an employment accident which is fatal to one or more employees or which results in hospitalization of one or more employees, the employer of any employees so injured or killed shall report the accident either orally or in writing to the nearest office of the Area Director of the Occupational Safety and Health Administration, U.S. Department of Labor. The reporting may be by telephone or telegraph. The report shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The Area Director may require such additional report, in writing or otherwise, as he deems necessary, concerning the accident.

PART 1917—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING

3. Part 1917 is proposed to be amended by adding § 1917.6 which would read as follows:

§ 1917.6 Reporting accidents resulting in death or hospitalization.

Within 48 hours after the occurrence of an employment accident which is fatal to one or more employees or which results in hospitalization of one or more employees, the employer of any employees so injured or killed shall report the accident either orally or in writing to the nearest office of the Area Director of the Occupational Safety and Health Administration, U.S. Department of Labor. The reporting may be by telephone or telegraph. The report shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The Area Director may require such additional report, in writing or otherwise, as he deems necessary, concerning the accident.

PART 1918—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

4. Part 1918 is proposed to be amended by adding § 1918.7 which would read as follows:

§ 1918.7 Reporting accidents resulting in death or hospitalization.

Within 48 hours after the occurrence of an employment accident which is fatal to one or more employees or which results in hospitalization of one or more employees, the employer of any employees so injured or killed shall report the accident either orally or in writing to the nearest office of the Area Director of the Occupational Safety and Health Administration, U.S. Department of Labor. The reporting may be by telephone or telegraph. The report shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The Area Director may require such additional report, in writing or otherwise, as he deems necessary, concerning the accident.

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

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-11784 Filed 6-12-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR, Part 39]

[Airworthiness Docket No. 73-SW-30]

BELL MODEL 205A-1 HELICOPTERS

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to Bell Model 205A-1 helicopters equipped with amphibious float landing gear. There has been an inflight fatigue failure reported in the forward cross tube at the left-hand bearing and retaining support rivet holes on the float landing gear of Bell Model 205A-1 at less than 1,000 hours time in service. The float landing gear was not equipped with friction dampers. Amendment 39-801 (34 FR 12256), AD 69-15-7 established a 1,000-hour retirement time for the aft cross tubes, P/N 204-706-053-5 or P/N 205-050-114-1. Amendment 39-1153 (36 FR 2864), AD 71-4-1 established a 1,000-hour retirement time for the forward cross tube, P/N 205-050-114-3 or -9.

Since this condition is likely to exist or develop in other cross tubes of the model 205A-1 float landing gear type design, the proposed airworthiness directive would require removal and inspection of the forward and aft cross tubes within 10 hours time in service after attaining 200 hours total time and would require certain repetitive inspections at intervals of 25 hours and 100 hours from the first inspection. Installation of cross tube friction dampers would preclude further repetitive inspections.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or comments as they may desire. Communications should identify the docket number and be submitted in triplicate to the Regional Counsel, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, Tex. 76101. All communications received on or before July 11, 1973, will be considered by the Director before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the office of Regional Counsel for examination by interested persons.

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

In consideration of the foregoing, it is proposed to amend § 39.13 of part 39 of the "Federal Aviation Regulations" by adding the following new airworthiness directive:

BELL.—Applies to model 205A-1 helicopters certificated in all categories equipped with float landing gear kit, P/N 205-706-050-1, with 200 hours or more total service time on the float gear.

Compliance required as indicated:

To detect possible cracks in the forward and aft cross tubes of the float landing gear, accomplish the following inspections specified in Bell Helicopter Co. Service Bulletin 205-02-73-1 dated February 16, 1973, or later approved revision or in accordance with an equivalent inspection approval by the Chief, Engineering and Manufacturing Branch, Flight Standards Division, Southwest Region, Federal Aviation Administration.

(a) Within the next 10 hours' time in service after the effective date of this AD, unless already accomplished, conduct the inspections specified in part I, paragraphs 3 and 4 of Bell Service Bulletin 205-02-73-1.

(b) At each 25-hour interval after the initial inspection, conduct the inspection specified in part I, paragraph 6 of Bell Service Bulletin 205-02-73-1.

(c) At each 100-hour interval after the initial inspection, conduct the inspection

specified in part I, paragraph 7 of Bell Service Bulletin 205-02-73-1.

(d) The repetitive inspections specified herein, with the exception of the one-time inspection in (e), are no longer required after friction dampers, P/N 205-050-127-3 and 205-050-127-5 have been installed.

(e) If friction dampers have been installed on helicopters with float kit, P/N 205-706-050-1, with cross tubes which had 200 hours or more service time at the time of damper installation, conduct the inspections specified in part II, paragraph 1 of Bell Service Bulletin 205-02-73-1 within 10 hours time in service, after the effective date of this A.D., unless already accomplished.

(f) If a crack is found in a cross tube, replace the cross tube prior to next flight.

Issued in Fort Worth, Tex., on May 31, 1973.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.73-11701 Filed 6-12-73;8:45 am]

[14 CFR, Part 71]

[Airspace Docket No. 73-EA-40]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is amending § 71.181 of part 71 of the Federal Aviation Regulations so as to alter the Princeton, N.J., transition area (38 FR 562).

A revision of the VOR instrument approach procedure for Princeton Airport, Princeton, N.J., will require controlled airspace to protect aircraft making the instrument approach to the airport.

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before July 13, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

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

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

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Princeton, N.J., proposes the airspace action hereinafter set forth.

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

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center 40°23'54" N., 74°39'31" W., of Princeton Airport, Prinecton, N.J.; within a 6-mile radius of the center of the airport, extending clockwise from a 074° bearing to a 120° bearing from the airport; within a 5.5-mile radius of the center of the airport, extending clockwise from a 191° bearing to a 225° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from a 225° bearing to a 268° bearing from the airport; within a 7.5-mile radius of the center of the airport, extending clockwise from a 268° bearing to a 310° bearing from the airport; within a 7-mile radius of the center of the airport, extending clockwise from 310° bearing to a 357° bearing from the airport; and within 3.5 miles each side of the Solberg, N.J. VOR 161° radial, extending from the 5-mile radius area to the VOR, excluding the portions which coincide with the Readington, N.J., New York, N.Y., and North Philadelphia, Pa. transition areas.

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

Issued in Jamaica, N.Y., on May 25, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-11704 Filed 6-12-73;8:45 am]

[14 CFR, Part 71]

[Airspace Docket No. 73-EA-41]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of part 71 of the Federal Aviation Regulations so as to alter the Baltimore, Md., control zone (38 FR 356) and transition area (38 FR 444).

A pending revision of the ILS runway 10 instrument approach procedure for Friendship International Airport, Baltimore, Md., and a review of the airspace requirements for the Baltimore, Md., terminal area requires alteration of the control zone and 700-ft floor transition area to provide controlled airspace in consonance with terminal instrument procedures (TERPS).

Interested parties may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attn.: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received on or before July 13, 1973, will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

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

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

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

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

Within a 5-mile radius of the center 39°10'26" N., 76°40'12" W., of Friendship International Airport, Baltimore, Md.; within a 5.5-mile radius of the center of the airport, extending clockwise from a 200° bearing to a 304° bearing from the airport; within a 6-mile radius of the center of the airport, extending clockwise from a 304° bearing to a 125° bearing from the airport; within 3.5 miles each side of the Friendship International Airport ILS localizer west course, extending from the 5-mile radius to 9 miles west of the localizer; within 3.5 miles each side of the centerline of Friendship International Airport runway 10, extended to 8.5 miles east of the end of the runway; within 2 miles each side of the Friendship International Airport ILS localizer southeast course, extending from the localizer to 4.5 miles southeast of the localizer; within 2 miles each side of the Baltimore VORTAC 314° radial, extending from the VORTAC to 10.5 miles northwest of the VORTAC.

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

That airspace extending upward from 700 ft above the surface within a 9-mile radius of the center, 39°10'26" N., 76°40'12" W., of Friendship International Airport, Baltimore, Md.; within a 15-mile radius arc of the Baltimore VORTAC extending clockwise from the Baltimore VORTAC 230° radial to the 342° radial; within 3.5 miles each side of the centerline of Friendship International Airport runway 10, extended to 8.5 miles east of the end of the runway; within 4.5 miles north and 6.5 miles south of the Friendship International Airport ILS localizer west course, extending from the OM to 11.5 miles west of the OM; within an 8.5-mile radius of the center 39°19'45" N., 76°25'00" W., of Martin Marietta Airport, Baltimore, Md., within an 18-mile radius of the center of Martin Marietta Airport, extending clockwise from a 241° bearing to a 335° bearing from the airport; within a 12.5-mile radius of the center of Martin Marietta Airport, extending clockwise from a 335° bearing to a 013° bearing from the airport; within an 11-mile radius of the center of Martin Marietta Airport, extending clockwise from a 013° bearing to a 027° bearing from the airport; within a 9-mile radius of the center of Martin Marietta Airport, extending clockwise from a 027° bearing to a 053° bearing from the airport; within 3.5 miles each side of the 132° bearing from the

Martin RBN 39°18'15" N., 76°22'45" W., extending from the 8.5-mile radius area to 11.5 miles southeast of the RBN; within a 6.5-mile radius of the center 39°05'04" N., 76°45'37" W., of Tipton AAF, Fort Meade, Md., and within 3 miles each side of the 091° bearing from the Fort Meade, Md. RBN, 39°05'04" N., 76°45'37" W., extending from the 6.5-mile radius area to 8.5 miles east of the RBN.

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

Issued in Jamaica, N.Y., on May 25, 1973.

ROBERT H. STANTON,
Acting Director, Eastern Region.

[FR Doc.73-11703 Filed 6-12-73;8:45 am]

[14 CFR, Part 73]

[Airspace Docket No. 73-SO-8]

JOINT-USE RESTRICTED AREAS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to part 73 of the "Federal Aviation Regulations" that would revoke a major portion of restricted area R-2909 and include the remaining portion, with an increased altitude limit, in the Eglin AFB, Fla., R-2915B restricted area.

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, Southern Region, attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before July 13, 1973, will be considered before action is taken on the proposed amendment. The proposal 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 U.S. Navy (USN) has requested that the portion of R-2909 west of longitude 86°51'30" W., be revoked as the using agency no longer has a requirement for that joint-use airspace. The remaining portion of R-2909 east of longitude 86°51'30" W., approximately 9 square nautical miles, is required by the U.S. Air Force in conjunction with activities conducted with the adjacent joint-use restricted area R-2915B. These activities include launching drone and weather missiles from the Santa Rosa Island facility with daily launches predominating during daylight hours. Therefore, this joint-use airspace would have an increase in ceiling from 12,000 feet m.s.l. to fL 1,200 and it would also be designated as joint-use with the same altitude, time of designation and controlling and using agencies as R-2915B.

If this proposal is adopted, R-2909, Pensacola, Fla., would be revoked and the following redesignation of R-2915B would be substituted for R-2915B as currently shown in part 73 of the Federal Aviation Regulations:

R-2915B, EGLIN AFB, FLA.

BOUNDARIES

Beginning at latitude 30°29'01" N., longitude 86°38'02" W.; to latitude 30°20'50" N., longitude 86°38'50"W.; thence 3 nautical miles from and parallel to the shoreline to longitude 86°51'30" W.; thence along longitude 86°51'30" W. to latitude 30°23'50" N., longitude 86°51'30" W.; to latitude 30°24'-20" N., longitude 86°48'00" W.; to latitude 30°26'30" N., longitude 86°51'30" W.; to point of beginning.

Designated altitudes.—Surface to fL 1,200.
Time of designation.—Continuous.
Controlling agency.—Federal Aviation Administration, Jacksonville ARTC Center.
Using agency—Commander, Armament Development and Test Center (ADTC), Elgin AFB, Fla.

This amendment is 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 May 31, 1973.

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

[FR Doc.73-11709 Filed 6-12-73;8:45 am]

[14 CFR, Part 75]

[Airspace Docket No. 73-WA-19]

RNAV ROUTES AND WAYPOINTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to part 75 of the Federal Aviation Regulations that would alter several RNAV routes and waypoints, and revoke those routes and waypoints deemed unnecessary.

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 Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before July 13, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket, for examination by interested persons.

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.

The FAA is considering the following amendments:

1. Realinement in part of J-800R (New York, N.Y., to Los Angeles, Calif.) from Chapin, Ill., via Walcott, Kans.; Enterprise, Kans.; a new waypoint, Cedar Bluff, Kans. (38°29'43" N., 100°-00'41" W.); to Granada, Colo. (This would delete Culver, Kans., waypoint.)

2. Realinement in part of J-801R (Los Angeles, Calif., to New York, N.Y.) from Cabin Creek, Colo., via Goldfield, Colo. (38°42'44" N., 105°05'24" W.); to Dresden, Kans. (This would delete Rosemont, Colo., waypoint.)

3. Realinement of J-815R (Washington, D.C., to Atlanta, Ga.) from Casanova, Va., via Copper Valley, Va.; Shining Rock, S.C. (35°18'05" N., 83°02'00" W.); to Lanier, Ga. (This would delete Fancy Gap, Va., waypoint.)

4. Revocation of J-825R (Chicago, Ill., to St. Louis, Mo.).

5. Realinement in part of J-82R (Dallas, Tex., to New York, N.Y.) from Memphis, Tenn., via Elmwood, Tenn.; to Woodbine, Ky. (This would delete Watertown, Tenn., waypoint.)

6. Realinement of J-863R (New York, N.Y., to Atlanta, Ga.) from Coyle, N.J., via Gordonsville, Va.; Galax, Va., relocated to 36°28'30" N., 80°34'05" W.; to Lanier, Ga. (This would delete Rapidan, Va., waypoint.)

7. Revocation of J-868R (Kansas City, Mo., to St. Louis, Mo.).

8. Realinement in part of J-879R (Cleveland, Ohio, to Atlanta, Ga.) from Princess, W. Va., via Rader, Tenn.; to Lanier, Ga. (This would delete Crabtree, N.C., waypoint.)

9. Realinement of J-885R (St. Louis, Mo., to Memphis, Tenn. from Festus, Mo., to Memphis, Tenn. (This would delete the St. Louis, Mo., waypoint.)

10. Revocation of J-895R (Atlanta, Ga., to New York, N.Y.).

11. Realinement in part of J-923R (Albuquerque, N. Mex., to Denver, Colo.) from Sanford, Colo., via Goldfield, Colo. (38°42'44" N., 105°05'24" W.); to Monument, Colo. (This would delete Terryal, Colo., waypoint.)

12. Realinement in part of J-927R (Chicago, Ill., to Dallas, Tex.) from Roberts, Ill., via Marine Ill.; to West Plains, Mo.

13. Realinement in part of J-929R (Atlanta, Ga., to Houston, Tex.) from Bremen, Ga., to Meridian, Miss. (This would delete Birmingham, Ala., waypoint from J-929R.)

14. Realinement in part of J-936R (Phoenix, Ariz., to Chicago, Ill.) from Mora, N. Mex., via a new waypoint Cedar Bluff, Kans. (38°29'43" N., 100°00'41" W.); to Seneca, Nebr. (This would delete Holcomb, Kans., waypoint.)

15. Realinement of J-952R (New York, N.Y., to Houston, Tex.) in part from Copper Valley, Va., via Beech Mountain, N.C.; to Trion, Ga. (This would replace Mt. Mitchell, N.C., with Beech Mountain.)

16. Realinement of J-953R (New Orleans, La., to New York, N.Y.) in part

from Montgomery, Ala., via Stone Mountain, Ga. (33°39'00" N., 84°01'00" W.); Gramling, S.C., relocated to 34°57'15" N., 82°06'05" W.; Semora, N.C.; to Atlantic City, N.J. (This would delete Texas, Ga., Sand River, Va., and Kenwood, Ga., waypoints.)

17. Realinement in part of J-956R (Memphis, Tenn., to Chicago, Ill.) from Memphis, Tenn., via Marine, Ill.; to Cantrall, Ill.

18. Realinement in part of J-958R (Washington, D.C., to Jacksonville, Fla.) from Brooke, Va., via a new waypoint, Flat Rock, Va. (37°31'42" N., 77°49'42" W.); to Society, S.C.

19. Realinement of J-991R (Minneapolis, Minn., to Greater Southwest, Tex.) from Minneapolis, Minn., via relocated Kamrar, Iowa (42°25'45" N., 93°43'56" W.); Kansas City, Mo.; Tulsa, Okla.; to Greater Southwest, Tex. (This would delete Redfield, Mo., and Woolstock, Iowa, waypoints.)

These changes would reduce chart clutter, simplify flight planning, lessen air traffic control coordination problems and improve traffic flow.

This amendment is 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 May 31, 1973.

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

[FR Doc.73-11708 Filed 6-12-73;8:45 am]

[14 CFR, Part 91]

[Docket No. 11844; Reference Notice No. 72-10]

GENERAL OPERATING AND FLIGHT RULES

Withdrawal of Advance Notice of Proposed Rulemaking

The purpose of this notice is to withdraw Advance Notice 72-10 (37 FR 7104; published April 8, 1972) in which the Federal Aviation Administration invited public participation in the identification and selection of a course or courses of action with respect to the reorganization and clarification of part 91.

Only 70 comments were received by the FAA in response to Advance Notice 72-10. This is a relatively small number of comments, considering the large number of persons engaged in aircraft operations that are subject to part 91, and 36 percent of those responding were opposed to rewriting part 91 for the purpose proposed.

Most of the comments that favored rewriting portions of part 91 for clarification, simplification, and conciseness were general in nature. Certain comments recommended more and different titles for subdivisions and relocation of some sections. In general, however, the FAA believes that most of the suggested revisions differed very little from the present part.

Certain commentators discussed the volume system by means of which part 91 is published and updated. Some objected to the fact that part 91 is combined in volume VI with parts 93, 99, 101, 103, and 105, many of which some part 91 users do not employ, and two commentators objected to the inclusion with part 91 of the preamble material. While these comments may have merit, they appear to go beyond the scope of the notice, since they are not confined to substantive organization of the part itself, but involve its organization for purposes of publication and distribution.

However, some worthwhile suggestions were made in response to the question regarding which sections of part 91 need clarification. These were carefully studied by the FAA and may be the subject of future rulemaking action.

By reason of the foregoing, the FAA has determined that further rulemaking action is not appropriate at the present time and that Advance Notice 72-10 should be withdrawn.

The withdrawal of this advance notice does not, however, preclude the FAA from issuing similar notices in the future nor does it commit the FAA to any course of action.

This withdrawal is issued under the authority of section 313(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a)), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, the advance notice of proposed rulemaking published in the FEDERAL REGISTER (37 FR 7104) on April 8, 1972, and circulated as Advance Notice 72-10, entitled "General Operating and Flight Rules," is hereby withdrawn.

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

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

[FR Doc.73-11698 Filed 6-12-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR, Parts 1003, 1056]

[Ex Parte No. MC-19 (Sub-No. 19)]

PRACTICES OF MOTOR COMMON CARRIERS OF HOUSEHOLD GOODS

Consumer Protection

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 17th day of May 1973.

It appearing that by petition filed July 24, 1972, the Department of Transportation requested this Commission to institute a rulemaking proceeding to investigate certain specified matters described in the attached report concerning consumer problems relating to the for-hire motor transportation, in interstate or foreign commerce, of household goods;

And it further appearing that investigation of the matters and things involved in this proceeding has been made and that the Commission has made and filed its interim report herein containing its tentative findings of facts and conclusions thereon, which interim report is hereby referred to and made a part hereof;

It is ordered, That a notice of the rules and regulations proposed in the said interim report be published in the FEDERAL REGISTER; and that additional written statements of facts, views, and arguments respecting the tentative conclusions reached in the said interim report, the rules and regulations proposed therein, and any other pertinent matters, are hereby invited to be submitted by any interested person, whether or not such person is already a party to this proceeding, on or before July 25, 1973.

And it is further ordered, That the petition in all other respects be, and it is hereby, denied.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

By petition filed July 24, 1972, the Department of Transportation (DOT) requested this Commission to institute a rulemaking proceeding to investigate the following matters concerning consumer problems relating to the for-hire motor transportation, in interstate or foreign commerce, of household goods:

1. The provision of a sufficient remedy for consumers who are inconvenienced by the late pickup or delivery of their household goods.

2. The practice of paying estimators or salesmen on a commission basis. Petitioner believes that this practice is likely to encourage underestimation of the total cost of the move and misrepresentation of the moving company's ability to meet promised pickup and delivery dates.

3. The present practice of cost estimation. Although it states that this Commission's recently revised regulations may have done much to alleviate this problem, it is petitioner's position that new and innovative efforts to protect the consumer should be considered.

4. A revision of consumer information practices. Petitioner represents that the consumer is often unable to obtain reliable information about household goods moving companies; and that, as a result, the consumer may be unable to make an informed choice of the carrier which will provide the type of service he desires at a price he can afford to pay.

More specifically, petitioner suggests that this Commission adopted regulations requiring household goods motor common carriers (1) to pay penalties ($25-a-day) for unexcused late pickups and deliveries or to file alternate rates with a provision for rate reductions each day a shipment is late; (2) to pay salesmen and estimators on a commission basis with a provision for reduction in commission on estimates which are exceeded by the total charges to the consumer by a certain stated percent; and (3) to charge not more than 10 percent above an estimate. It further suggests that this Commission publish annually

for distribution to consumers a comparative listing of overestimates and underestimates issued by household goods motor carriers and, in addition, a comparative service chart comparing the operational performances of such carriers.

Notice of the filing of the petition was published in the FEDERAL REGISTER on August 2, 1972, with the provision that any person desiring to participate could do so by filing, within a prescribed time, representations supporting or opposing the relief sought by petitioner. Those persons filing representations in this proceeding are listed in appendix A [1] and will be referred to in this report by their appropriate short titles.

DOT, in a pleading filed with this Commission on March 25, 1973, requests that we expedite our decision and publish a notice of proposed rulemaking. To assure a complete record in this proceeding and a healthy dialogue among members of the household goods transportation industry, governmental interests, and the consumer public, we postponed the due date for filing representations at the request of North American Van Lines and the subsequent request of Grace Polk Stern, a consumer advocate, until December 11, 1972. It should be noted that petitioner did not file its representation in this proceeding until that date. This proceeding is being handled as expeditiously as efficiency permits. We have chosen to issue this interim report in lieu of a notice of proposed rulemaking.

REPRESENTATIONS OF THE PARTIES

Consumers.—The consumers participating herein, with the exception of Mr. Chiusano, support the adoption by this Commission of the regulations proposed by petitioner. These consumers generally relate specific instances in which they experienced late deliveries, low estimates, uncompensated claims, and unfulfilled promises by carriers of household goods. Individual consumers contend that National, Aero Mayflower, Allied, United, and Global have been guilty of these offenses. Certain of these shippers also have accused Bekins of a failure to provide a reasonably adequate service.

Mrs. Zilko suggests that estimators should be required to complete a mandatory training course. Mrs. Carlisle agrees with petitioner's view that we should require estimators to work on a salary basis rather than upon commissions. Mr. Chronister supports the adoption of a regulation prohibiting a carrier from charging more than 10 percent over its estimate. Lehn & Fink, which is responsible for 85 to 100 employee moves a year, favors the adoption of all of petitioner's proposals.

Mr. Duben argues that "reasonable dispatch" as embodied in our existing regulations is too "slippery" a concept to define. He requests that regulations be promulgated so that carriers must either deliver on a due date or pay penalties for being late. Professor Shipley recommends regulations that would provide better information for the shipper. He suggests requiring that Public Advisories 1 and 3 be given to shippers by a mover's sales representative, who would be required to obtain a signed receipt for the pamphlets. He believes that agents should have to explain the method of shipping (filling vans, et cetera) to the shipper. Professor Shipley's plan for improving timely delivery is a $25-a-day penalty for lateness and a half-price reduction if a shipment is 10 working days' late. Grace Polk Stern avers that adoption of DOT's proposed rules would improve service and drive irresponsible carriers from the industry. She states that the publication of a performance rating list would allow shippers intelligently to select carriers on the basis of their past performances and that carriers on the bottom of such a list would disappear because of a lack of customers.

Mr. Chiusano, a former employee of this Commission, states that "reasonable dispatch" means the performance of transportation on the dates or during the period of time agreed upon by the carrier and the shipper, and shown on the order for service and recorded in the bill of lading. He points out that our existing regulations require carriers to transport each shipment under the conditions imposed by this definition of reasonable dispatch, and that the present regulations state that notification of delays in pickup and delivery does not affect the carrier's responsibility to comply with its obligation to provide service with "reasonable dispatch." Mr. Chiusano contends that these regulations obligate carriers to entertain claims for meals and lodging and that carriers are subject to the penalty provisions of the Interstate Commerce Act for any violation of the reasonable dispatch rule. He submits that no additional rules are necessary regarding late pickups and deliveries. Mr. Chiusano avers that the $25-a-day penalty for lateness proposed by petitioner would be a rebate or concession which is prohibited by the Interstate Commerce Act. He argues that carriers already exercise great care in preparing estimates because they are required to extend credit on amounts over 10 percent of the estimate and they experience difficulty in collecting these amounts; and that a discrepancy between estimated and actual charges based on actual weight often occurs because shippers move many additional items not initially intended to be moved and which were not originally computed on the table of measurements. Mr. Chiusano states that statistical studies would tend to deceive the public because those carriers serving the Department of Defense and national accounts will necessarily have fewer complaints than carriers relying mainly on c.o.d. shippers, while those carriers serving such problem areas as New York City, will experience more complaints because of added operational difficulties such as the unavailability of parking and security problems.

Consumer and governmental representatives.—CFA and CFC generally support DOT's proposals. CFA stresses the inconveniences to a shipper of late deliveries and contends that any delay over 24 hours should not be excused. It suggests a harsh $100-a-day penalty for late shipments plus a deduction from the freight bill of the householder's expenses necessitated by the delay. It favors reducing commissions in proportion to the percentage of overcharges, rather than compensation of the estimator on a straight salary basis. It concurs in the proposed distribution of performance rating charts and favors more investigation by this Commission into the practices of those carriers receiving numerous customer complaints. CFA proposes the establishment of a "hot line," the number of which would be published in bold print on all bills of lading, that consumers can call at the time of delivery in order to have their rights explained. CFA hopes this would eliminate many overcharges which, it believes, are generally not recovered from the carriers. The Virginia Citizens Consumer Council supports the position of CFA.

CFC has supported proposals similar to those made herein before the California Public Utilities Commission. CFC would like to see comparative carrier service records that would include warehousing and interlining data which it believes are major causes of delivery delays. CFC suggests requirements (1) that all shipments be weighed at public weighing stations, (2) that whenever a carrier splits a shipment, the carrier must inform the customer and permit the customer to assign delivery priorities, and (3) that industrywide "clearinghouses" be established at major population centers so that if one carrier cannot meet a promised pickup, the consumer has the option of employing another carrier. CFC seeks investigation of the inadequacy of the present 60 cents a pound limitation on the carrier's liability for damaged or lost household goods, and the substantial difficulties faced by the consumer in obtaining adequate additional protection by insurance.

CU, a noprofit membership organization with approximately 350,000 members throughout the Nation, publishes Consumer Reports and thereby provides general information for consumers. It has found that more than 25 percent of household goods customers rate movers' services no better than fair to poor. CU cites a 1968 Commission report demonstrating that about one of every three deliveries arrived earlier or later than scheduled, and that approximately half of all shipments involved underestimates, of which about half exceeded 10 percent of the final charge. CU points out many questionable carrier practices which it believes can be alleviated by stricter enforcement of existing regulations and by the adoption of regulations embodying petitioner's general proposals. Santa Clara County supports adoption of the DOT proposals, but contends that the consumer's biggest problem is loss or damage to his goods and that carriers should be required to investigate and

[1] Not filed with the Office of the Federal Register.

pursue a claim until a satisfactory settlement has been achieved.

Mrs. Knauer states that her office has received hundreds of complaints annually from individual shippers of household goods. More than one-third of the complaints received involve delays in pickup and delivery and grossly underestimated costs. She lists specific service complaints from consumers. The New Orleans Office of Consumer Affairs reports similar complaints. The University of Kansas-Continuing Education contends that estimators receive too large a share of revenues derived from movements of household goods. GSA notes this Commission's awareness of household goods transportation problems, our promulgation of new regulations in other proceedings which have alleviated some of these problems, and our continuing efforts to resolve existing inadequacies in this field.

In support of its original petition DOT presents evidence developed from consumer complaints it has received relating to late pickups and deliveries and underestimates. This evidence includes Commission statistics indicating that for the year ending September 30, 1972, 16 percent of interstate household goods shipments were not picked up as promised, that 32 percent of such shipments were not delivered on schedule, and that 30 percent of transportation charges were not within 10 percent of the movers estimate. Petitioner proposes the assessment of liquidated damages on the basis of a flat rate for each day of delay. It argues that this Commission has found lawful, in appropriate situations, provisions for automatic penalties or refunds for delay in transit, citing *Vegetables & Melons Transcontinental Eastbound*, 335 I.C.C. 798 (1970), wherein penalties for failure to perform service with reasonable dispatch were approved after a finding was made that such penalties did not per se constitute rebates or any other violation of either the Elkins Act or Interstate Commerce Act. Petitioner further represents that if a carrier does not provide service with reasonable dispatch, its reasonable dispatch tariff is not applicable and an alternative tariff with lower rates should apply; and that this lower tariff could be based on a predetermined difference between the service contracted for and the service received and would apply uniformly to each shipper. As an alternative, DOT recommends that movers be required to compensate consumers who are injured because of carrier delays, on the basis of actual, out-of-pocket costs incurred. It notes that, in some cases, carriers already allow such compensation on an informal basis, provided consumers adequately document their expenses. Petitioner recommends that this informaton be printed in a revised edition of form BOp 103.

Petitioner believes that estimators and salesmen often misrepresent the types of service offered and the cost of a move because they work on a commission basis. In addition to the proposals in its petition, DOT recommends requiring carriers to name underestimating salesmen on performance reports so they can easily recognize trends by an individual. Petitioner's examination of underestimating complaints has assertedly revealed instances where original estimates were from 15 to 165 percent under the actual cost. It maintains that the consumer cannot depend on estimates, as the lowest estimate received may result in the highest actual cost; and that the public should be fully informed as to the estimating performance of one carrier as compared to other carriers. Petitioner notes that household goods carriers are presently required to keep records of late deliveries and pickups and to maintain a register of loss and damage claims including supporting information. It suggests that these sources be compiled on a carrier-by-carrier basis and released to the public as part of a broad consumer information system. It also recommends that form BOp 103 be revised to include the location and phone numbers of Commission field offices, as well as the job titles of the individuals responsible for consumer complaints. A similar listing is a part of Public Advisory No. 3, but petitioner proposes that it be made an appendix to form BOp 103 to assure access to all consumers. It also recommends the adoption of the regulations set forth in appendix B [2] to achieve the ultimate goal of an informed consumer.

Industry representatives.—The motor common carriers of household goods generally oppose adoption of the proposals here under consideration. Allied contends that the proposed rules are not in the public interest and will not result in improved service. It points out that carriers are presently paying penalties for unexcused late pickups and delivery in the form of delay-cost reimbursements, and that unexcused late pickups and deliveries can be the subject of civil forfeiture claims and other Commission action. Allied states that this Commission's record of enforcement pursuant to these regulations is impressive, as major investigations against Aero Mayflower and Allied, in Nos. MC–C–7775 and MC–C–7777, respectively, are being vigorously prosecuted. It concludes that there is no need for this Commission to have any additional weapons to minimize unexcused late pickup and delivery. Allied avers that the imposition of penalties for late pickup and delivery upon motor common carriers of household goods would be arbitrary and discriminatory if not similarly imposed upon other carriers of freight; that if a system of penalties is imposed, action would be taken by carriers to avoid the penalties; and that a rate reduction system for lateness would be tantamount to a penalty and could be used as a vehicle for the granting of discriminatory treatment and rate concessions in violation of section 217 of the Interstate Commerce Act. Allied thus represents that these new regulatory burdens will result in an increase in cost to carriers and, in turn, ultimateyl to the consumer.

Allied believes that salesmen wil be aggressive no matter how they are paid because their job depends on their obtaining traffic. While their own estimators are compensated by straight salary, commission, or a combination of both, they assertedly overestimate 1.5 times more than they underestimate. Allied claims that regulations dictating how an agent is to be paid would violate a carrier's managerial prerogative and abrogate effective employment contracts in violation of the Constitution. It states that limiting charges to 10 percent of the estimate would be contrary to statutory rate requirements and thus beyond the powers of this Commission. Allied opposes publication of performance listings on the grounds that such listings would be tantamount to this Commission's endorsement of a carrier.

Dawn agrees with the arguments in opposition presented by Allied. Dawn states (1) that a shipper has sufficient grounds at present to hold a carrier liable for damage caused by failure to provide reasonable dispatch, (2) that any rule regarding how an employee is to be paid would probably be unconstitutional, (3) that a rule limiting final charges to a maximum 10 percent in excess of the estimated cost would destroy the basic intent of rate regulation, (4) that estimates clearly state that they are not to be construed as a guarantee that the actual charges will not exceed the estimate, and (5) that there is no possible way of justly ranking or rating the performance of carriers.

Garrison suggests that all persons supporting the petition herein or filing complaints are ambitious persons thriving on sensationalism. Its solution is deregulation of household goods transportation. In contrast, Fridrich applauds the present efforts to improve its industry and favors a performance listing. It believes that performance gradings will demonstrate to the public the quality services now being provided by the smaller carriers of household goods.

Neptune, which operates without agents, estimates that by far the overwhelming number of complaints involve carriers who operate wholly or extensively through agents. Because it believes agency-type carriers to be responsible for most of the industry's ills, it does not think that adoption of the present proposal would solve the industry's underlying problems. It asserts that agency-type carriers would pass the cost of penalties to their agents, and thus the impact of such penalties would be spread among many hundreds of agents and thereby lessen to a great extent the overall impact of such penalties. It firmly objects to any regulatory body involving itself in the relationship between Neptune and its employees. Neptune avers that it would be an almost impossible task to publish comparative information on the more than 3,000 certificated carriers of household goods in the Nation;

[2] Not filed with the Office of the Federal Register.

and that with the exception of approximately 15 or so carriers, all others have less than 48 States nonradial authority. It believes that there would also be a problem of evaluating the agent as opposed to its principal, especially in those areas where both have duplicating authority. Neptune contends that inaccurate estimates cause as much trouble to the carriers as to their customers because such estimates disrupt scheduling and dispatching. It emphasizes the difficulties inherent in estimating and requests that Commission personnel accompany estimators in order to understand their operations and problems. For the year ending March 31, 1972, Neptune performed a total of 2,621 moves; of these, 379 involved charges that exceeded the estimates by more than 10 percent, while 832 involved charges that were less than the estimated charges by more than 10 percent.

Santini operates as an independent motor common carrier of household goods and as an agent for United Van Lines. Santini believes that late deliveries will continue as long as the industry has a summer peak season which creates driver and van shortages. It asks by what standards and by whom would delays be considered "excused" or "unexcused" under the present DOT proposals. It argues that a salaried estimator is just as anxious to sell every customer so that he can prove his worth to his employer. Santini emphasizes the problems of accurate estimating and classifies a comparative listing of carriers' estimating performances as "meaningless additional administrative work."

Security quotes statistics developed by this Commission's Bureau of Enforcement to the effect that 27 percent of all household goods shipments were delivered late and that 32 percent of shipments for private accounts were delivered late. It points out that this Commission adopted regulations to seek to remedy this problem including 49 CFR 1056.9(a)(4) (agreed pickup and delivery dates or periods on the Order for Service), 49 CFR 1056.7 (statement in BOp 103 pamphlet that carrier is not required to deliver on any exact date, but within a reasonable time), and 49 CFR 1056.12(a) (transportation with reasonable dispatch); and that, notwithstanding these regulations, late deliveries are still a problem. Security blames gateway observations as a cause for many late deliveries.

Wheaton contends that there is no factual support for petitioner's proposals and that a conclusion similar to that reached in Practices of Motor Common Carriers of Household Goods, 111 M.C.C. 427 (1970), which found that the imposition of specific penalties for the failure of household goods carriers to perform with reasonable dispatch was not warranted and would not be in the public interest, should be adopted herein. It avers that an insufficient time has passed since the promulgation of regulations in the above-cited case to determine if new rules are necessary. Wheaton argues that carriers would have to pay penalties for delays caused by accidents, mechanical difficulties, detours, and unexpected traffic if petitioner's proposals are adopted; and that DOT's reduced-rate proposal and direct-payment proposal for late deliveries would create the opportunity for preferences and rebates. It asserts that most estimators work on a salary basis and that the method of paying employees is within the province of the National Labor Relations Board. Wheaton opposes the publication of service records as to estimates because (1) the accuracy of estimates assertedly is not a meaningful basis for rating carriers as it has no relationship to the quality of service, (2) estimating is not a precise science, and (3) such a list would favor carriers serving national accounts and the military which are required to give fewer estimates. It points out that section 1056.8 (e) of the present regulations requires carriers to report on a quarterly basis all underestimates and overestimates of more than 10 percent which assertedly puts this Commission on notice as to any posible abuses and sufficiently protects the public. Wheaton believes that it is not possible to devise a meaningful rating system which could be reduced to a simplified form capable of interpretation by potential shippers.

The American Movers Conference (AMC) represents certificated household goods carriers and related organizations. It argues that there is insufficient evidence of record to warrant the adoption of the proposals here under consideration. AMC avers that recently promulgated regulations have caused substantial improvement in timely pickups and deliveries, and that this Commission's newly adopted agency rules will force carriers to police the services being performed by their agents more closely than ever before. It contends that statistical presentations regarding estimates may unfairly favor undeserving carriers because of the manner in which they are compiled. In any event, AMC finds statistics misleading because they do not include the reasons for deviations. The Conference claims that a rule requiring carriers to charge the shipper within 10 percent of an estimate would be a clear violation of section 217 of the Interstate Commerce Act. Finally, AMC contends that the cost of publishing comparative statistics would be burdensome and would outweigh any possible benefit to the shipping public. North American adopts the Conference's arguments and adds that petitioner's proposal regarding penalties for lateness is so unrelated to actual loss, and so ill-defined, that it does not warrant further consideration.

The Household Goods Carriers' Bureau contends that institution of this rulemaking proceeding is not necessary because petitioner cannot substantiate its charges. It points out that this Commission is presently investigating six individual moving companies; and it states that we do not have the staff to rate carriers, and that the remedies suggested by DOT are either beyond our authority or hopelessly impractical. MWAA also represents motor carriers of household goods. It argues that the petition is speculative and conjectural; that the public is adequately protected by existing regulations in instances where a carrier fails to pick up or deliver a shipment; that tariffs providing for penalties will lead to illegal rebate arrangements; and that statistical compilations are misleading. It represents that a carrier having a bad record for 1 year could not improve his business because of adverse publicity even if he has taken all steps necessary to assure proper service to the shipping public.

The Impartial Chairman's Office of the Moving and Storage Industry of New York, N.Y., was established to eliminate unethical industry practices; to see that movers comply with the provisions of the State and Federal transportation law; to educate the consuming public about moving; and to provide a forum to which consumers could bring their moving disputes for adjudication without cost or obligation. It analyzes movers' estimates and if it finds a defect it asks the consumer to allow it to survey the premises so that it can obtain a count of the effects to be moved, and see what conditions exist on a job. It claims to receive less than a dozen complaints about excessive bills of "low ball" estimates out of the more than 4,000 commercial moves it handles in a year. It offers consumers free arbitration when the consumers do have complaints. It arbitrates 50 to 60 such cases a year. It objects to DOT's proposals because it believes them to be unrealistic and incapable of enforcement. It states that DOT does not define what an excusable lateness is, and it claims that New York City parking regulations seriously hamper motor carriers operating in that city. It argues that limiting bills to not more than 10 percent above the estimate would result in one of two things: either movers would attempt to overestimate the costs of moves to insulate themselves from this rule or they would underestimate and at pickup time refuse to haul any more furnishings than are covered by the estimate. The Impartial Chairman's Office contends that loss and damage claims are the industry's biggest problem, and it recommends that we require the industry to establish offices to adjudicate such claims. In cases where travel to a hearing might be a hardship, it suggests that the matter could be handled by telephone or mail. It states that the above procedure has worked in New York City and will work throughout the United States. It also suggests that we require the industry to establish an office to balance unused space on mover's vans against shipments that were not picked up on time. This would necessitate shifting van lines on occasion with the prior approval of the shipper. It also suggests that estimators be certificated by us as possessing certain minimum qualifications. Misconduct of an estimator, or his improper performance, would be cause for revocation of the Commission certification.

NFWA is an association of over 1,000 members which operate warehouses for the storage of household goods. Many of its members are motor carriers with limited operating authority as well as agents for national van lines. NFWA contends that late pickups and deliveries are often beyond the control of the carrier; that a sliding scale of rates (lower with each day of lateness) would not reduce the seasonal problem of unavailability of equipment; and that the basic causes of delays are seasonable imbalances in demands for equipment, the lack of control an estimator has over a shipment, and a need for tighter coordination between van lines and their agents. NFWA is studying a proposal that the estimator be separated from the sales function and that the estimator be trained pursuant to industrywide standards. It opposes the proposal that carriers charge no more than 10 percent above an estimate because it violates those provisions of the Interstate Commerce Act prohibiting the granting to shippers of preferences and banning discrimination among shippers. NFWA contends that the preparation of a comparative listing would be meaningless without an analysis of the causes behind poor estimates; that people do not select the services of lawyers or doctors on the averages of cases lost or won or patients that have been cured or died; and that the performance of a carrier usually depends on its agent who, it asserts, cannot be effectively controlled via the principal carrier.

NYSMWA has over 250 members which operate warehouses for the storage of household goods throughout New York State. Its members are also carriers with limited operating authority of their own as well as agents for national van lines. Its position closely parallels that of NFWA described above.

Discussion and Conclusions

Although the evidence submitted by the petitioner in support of its proposals leaves much to be desired, representations made by the other participants herein indicate a need in the public interest for new, firm, and reasonable regulations to the extent hereinafter discussed. We have long been aware of the unique problems facing both the shipper and motor carrier of household goods. See "Fernstrom Storage & Van Co. Ext.—Nationwide," 110 M.C.C. 452 (1969); and "King Van Lines, Inc., Extension—48 States," 114 M.C.C. 866 (1971). We have thus adopted an ongoing policy of requiring motor carriers of household goods to improve their operations and make their services more responsive to the public. "Practices of Motor Common Carriers of Household Goods," 111 M.C.C. 427 (1970) and 112 M.C.C. 485 (1970). By report and order entered May 23, 1972, in "Household Goods—Agency Relationships," 115 M.C.C. 628, we adopted revised regulations (49 CFR 1056.10, 1056.19, and 1056.20) designed to govern the relationship between the household goods carriers (principals) and their agents. These regulations require that principal carriers be held absolutely liable for all acts or omissions of their agents which relate to the performance of interstate transportation held out in the name of the principal or where the shipper is led to believe the transportation would be performed by the principal. Principals are also required to file with this Commission agency agreements, specific informational statement to be provided their agent, and notices of agency terminations. We concluded in that report that the regulations there promulgated should serve to make the agency system more acceptable to the public and should create better relations between carrier-principals and their agents, and among principals, agents, and the public.

These regulations governing principal-agency relationships, which have just become effective after the past peak moving season, are designed to enable the industry to improve itself under our watchful eyes. Carriers are adjusting their operations to comply with those regulations, even now, and we believe that such compliance will alleviate many of the problems raised in this proceeding. Those regulations place a greater responsibility upon the principal carriers than was imposed by the common law theory of respondeat superior. Our new regulations, unlike the common law, do not rely upon the equitable principles of estoppel or waiver as applied to the acts of the principal (including ratification) and would impose liability upon the van-lines principal even where the agent has an individual interest, apart from his agency, in a transaction. This obligation, placed upon all principal carriers, should result in the timely dismissal of inefficient and unscrupulous agents and hopefully result in an improved service to the general public.

We have also recently promulgated a series of additional regulations which should serve to improve the quality of interstate moving service available to the public. These regulations involve such matters as claims for loss or damage (49 CFR 1056.17), reservation of vehicle space by shippers (49 CFR 1056.3(d), 1056.7, and 1056.12(b)), and reasonable dispatch (49 CFR 1056.12).

The transportation industry, and in particular the moving industry, is a service industry. The latter's performance is dependent upon the competence and dedication of thousands of individuals, including drivers, estimators, warehousemen, management personnel, claims adjusters, and many others. As in any industry, not every individual is dedicated to the high quality performance standards expected of him. The interstate moving industry, however, is subject to fair and reasonable regulation in the public interest and, as it generally deals with inexperienced people on an individual, face-to-face basis, high performance standards for all of its personnel are essential. Each breach of such standards is magnified because an individual household is personally inconvenienced. Keeping this in mind, we shall now examine the specific proposals raised in this proceeding and determine the effect such proposals would have on the individual consumer, the individuals within the moving industry, and the moving industry in general.

Performance statistics.—Petitioner proposes that we adopt the regulations set forth in appendix B. These would require that potential customers be provided with specific information concerning carrier performance records relating to overestimates, underestimates, late pickups and deliveries, and loss and damage claims. Petitioner avers, and we tentatively agree, that this information would allow consumers intelligently to compare the services of competing carriers. Although we believe that the consumer is entitled to this information, we see no need for this Commission to publish such statistics for distribution to each shipper. The time and expense involved would be prohibitive, and we could not reasonably be expected timely to evaluate and grade the performances of about 3,000 carriers each quarter. Instead, all motor common carriers of household goods will be required to provide such information on a quarterly basis to each customer they solicit. A certified copy of these quarterly reports will be required to be filed, as public information, with this Commission's Bureau of Operations in Washington, D.C., and at each of the Commission's regional offices. Carriers will be required to provide supporting documentation for these statistics upon request of our Bureau of Operations.

Adoption of this approach will allow consumers to compare the competitive statistics of as many carriers as they desire. Carriers should already be maintaining much of this information; therefore, no additional undue burden is being placed upon them to publish this data and release it to the public. Some carriers claim that statistics without explanations can be misleading. We believe the excuses for poor service or estimates will generally balance out for all competing carriers, and our regulation will not preclude any factual and truthful explanation the carrier may desire to make to the public. We believe that the main reason for opposition to publicizing these statistics is the embarrassment of how poor a job the carriers may appear to be doing. This can be overcome with more efficient service and should improve with the expected refinements in the agency system noted earlier in this report.

Carriers will be required to distinguish between c.o.d., national account, and Department of Defense shipments so that the statistical information requested is not distorted. Carriers also will be required to obtain signed receipts for such information at the same time a receipt is obtained for form BOp 103. Form BOp 103 will be revised to include all pertinent information in this Commission's "Public Advisories 1 and 3." This new form will include the addresses of this Commission's local field offices so that consumers

can contact a local Commission representative if any problems arise in connection with their moves. This new booklet will also include explanations of this Commission's latest regulations affecting shippers in simplified, nonlegal language. We will require form BOp 103, as revised, to be presented by motor common carriers of household goods to all shippers and in addition, carriers will be required to distribute "Public Advisory 4," concerning loss and damage claims, to each shipper they propose to serve. For an interim period, however, carriers may distribute the present form BOp 103 plus "Public Advisories 1, 3, and 4" until existing supplies are exhausted (but not later than January 1, 1974). The proposed revised form BOp 103 is set forth in appendix C to this report.

We firmly believe that utilization of the proposed revised form BOp 103, public advisory 4, and the proposed quarterly performance reports will improve relations between the household goods transportation industry and the shipping public and protect the interests of both the carriers and the shippers. The shipper will be better informed of his rights and responsibilities and the carrier will be able to deal with a more informed shipper.

Estimates.—We believe that the adoption of the above-described reporting conditions should help to improve estimates. If estimates are not improved, then statistics distributed to the public will indicate which carriers are not bettering their performances and the public is likely to avoid utilization of such carriers. In addition, improvement of the agency system discussed above, together with the changes made recently in reporting by carriers of over- and underestimates,[3] should result in more reliable agents and estimators. As presently informed, we believe that the publicity to be accorded a carrier's estimates is added stimulus. For if a carrier fails to be reasonably accurate in its estimating practices, its more reliable competitors will divert traffic from it.

We believe that one contributing factor to inaccurate estimating may be the failure of the Commission in the past to require all carriers to use a uniform weight factor per cubic foot when estimating prospective shipments. Some carriers use 5 lb/ft³, some 6 lb, and others 7 lb. It is not hard to understand why estimates of weight vary from carrier to carrier. A weight factor of 7 lb/ft³ is presently required to be printed on estimate forms furnished by carriers to shippers for the latters' use in making their own estimates, 49 CFR 1056.8(c). It appears reasonable to require that a weight factor of 7 lb/ft³ also be used when estimates are made by carrier personnel or agents. We believe the utilization of a standard weight factor will eliminate many underestimates and, therefore, the regulations proposed in appendix C will require the use of a weight factor of 7 lb/ft³ on all estimates.

Also as set in appendix C, we propose to require estimators to provide specific tariff authority for the estimated charges. There is nothing secret about the rates and charges a carrier may lawfully assess for transportation performed and special services accorded. The statutes require that these be named in tariffs which the carrier must publish, file, and post in accordance with our regulations. The carrier may not deviate from such charges. We think it only reasonable to assume that carrier representatives making estimates have a working knowledge of their carriers' tariffs. It should not be too difficult, therefore, for an estimator to identify his carrier's tariff and appropriate provisions therein as they apply to services performed thereunder. Such identification will enable the inexperienced consumer of household transportation services to compare rates and charges of different carriers.

Although, pursuant to our prior findings in *Ex Parte No. MC–19* (sub-No. 9), supra, household goods carriers are expected to improve the qualifications and training of estimators, we are constrained to disagree at this time with petitioner's suggestion that elimination of commission payments to estimators will eliminate or reduce inaccurate estimates. We believe that an estimator, no matter how paid, will try to secure business for his employer to the best of his ability. A salaried estimator is likely to seek higher salaries or bonuses by demonstrating his ability to obtain shipments. Provided the requirements of statistical disclosure are satisfied, the public interest ought not be adversely affected by allowing the continuation of bargaining over internal management matters, including payments of employees and agents, not regulated by us. We, of course, retain the continuing ability to keep close watch over this situation and to take appropriate action should need therefor lately appear.

Timely service.—We do not believe that severe monetary penalties (ranging from $25 a day to $100 a day plus expenses) for late pickups and deliveries will solve the many problems involved in the failure of some carriers to provide timely service. We are hopeful that the required comparative statistics will force carriers to improve such services in order to remain competitive, and we are confident that our new agency regulations will go far to assure this result. Existing remedies also available to protect consumers include civil forfeiture claims and other actions against carriers. This Commission further protects the public through the initiation of investigation proceedings against those carriers which do not appear to be adequately serving the public in accordance with the provisions of their certificates and the rules and regulations of this Commission. As noted earlier in this report, many such investigation proceedings are currently in progress.[4] In those proceedings which have already been concluded it was found that the carriers had violated this Commission's consumer-protection rules. As a result of these investigations, certain operating rights of these carriers were suspended for stated periods of time and those carriers were ordered to cease all alleged violations. These carriers additionally have been warned that violation of the Commission's cease and desist orders could lead to more severe penalties, including further suspensions or even the revocation of the involved carrier's operating authority.

Carriers are presently required to transport household goods with reasonable dispatch (49 CFR 1056.1(c) and 1056.12), and can be proceeded against upon a failure to so comply with these regulations.

CFC has suggested that comparative carrier service records include data of warehousing and interlining which it believes to be major causes of delivery delays. Our rules presently require that bills of lading must inform a shipper if his shipment will be interlined. We are reasonably certain that carriers will seek to explain to potential customers reasons for delays in past deliveries; and that the required comparative statistics proposed in this report will cause carriers to better coordinate shipments requiring interlining. CFC further suggests that all shipments be weighed at public weighing stations. At the present time, however, shippers may request to be present at weighings and may request reweighings if not satisfied with the circumstances surrounding the initial weighing. Furthermore, shippers are advised in form BOp 103 that they may be present at such weighings. This constitutes sufficient protection against wrongful weighing practices and it does not appear that the public nature of a weighing station is significant in this regard.

CFC also suggests that carriers permit customers to assign delivery priorities on split shipments and that industrywide clearinghouses be established.[5] We firmly believe that our new regulations governing the relationship between principal carriers and their agents will go far to improve relations and communications between the household goods carrier industry and the public. Such improved communication should

[3] Our revision of Form BOp 101, "Quarterly Report of Underestimates and Overestimates," effective Nov. 20, 1972, now requires as identification of the individual estimators and his employer or the agent.

[4] This Commission has recently concluded investigations into the operations of six carriers: Allied Van Lines, Inc. (No. MC–C–7777), Aero Mayflower Transit Co. (No. MC–C–7775), Red Ball Van Lines, Inc. (No. MC–C–7909), Bekins Van Lines, Inc. (No. MC–C–7933), National Van Lines, Inc. (No. MC–C–7923), and American Red Ball Transit Co. (No. MC–C–8018). We are presently investigating the practices of at least three other interstate movers: United Van Lines, Inc. (No. MC–C–7874), North American Van Lines, Inc. (No. MC–C–7901), and Atlas Van Lines, Inc. (No. MC–C–7915).

[5] In 115 M.C.C. 49, effective with the quarter commencing Oct. 1, 1972, we required the filing of Form BOp 106, "Quarterly Report of Split or Divided Shipments of Household Goods."

relieve the problems of a shipper seeking to indicate the urgency of receiving one portion of a split pickup before another. As for an industrywide clearinghouse, we believe that it would be impractical for us to legislate such delicate cooperation among competing carriers. We see merit to this suggestion, however, and advise the household goods transportation industry to study this matter carefully with an eye toward the prompt and effective implementation of this essentially cooperative proposal.

Loss and damage.—Aside from timely service, probably the greatest irritant to the shipper of household goods is the filing and settling of loss and damage claims. This Commission recently concluded a penetrating, 2-year investigation into this problem in *Loss and Damage Claims*, 340 ICC 515 (1972). We found in that report that we are without statutory power to adjudicate disputed claims or to order carriers to pay or decline specific claims. But we found that we are empowered to regulate the processing of claims and, in an effort to exercise this power to the fullest extent possible, we prescribed comprehensive regulations (now codified at 49 CFR 1005) to monitor the proper form of claims, their prompt investigation and disposition, and the maintenance of certain minimum records on claims, salvage property, and the proceeds from the sale of salvage. We also ordered all carriers under our jurisdiction to publish, in appropriate tariffs and other pertinent documents filed with us, all their rules and practices with respect to the processing of all loss and damage claims.

We then examined the legal remedies which are presently available to aggrieved shippers whenever their claims are disputed or denied by regulated carriers. Such claims, unfortunately, are often denied arbitrarily. Litigation of claims in courts of law, we concluded, is to slow and too expensive. Based largely upon the extremely limited utilization of commercial arbitration over the past 50 years, this Commission also found that such arbitration, too, is ineffective as a comprehensive remedy for resolving claims disputes.

As we stated in the report on *Loss and Damage Claims*, supra, what is essential to the realization of a marked improvement in the current crisis in claims is the implementation of a comprehensive national plan that would provide an effective legal remedy and, at the same time, lend itself to the development of a meaningful claims prevention program. Thus, in addition to our regulations which became effective July 1, 1972, we proposed legislation which we believe will do much to achieve our overall goals in this area. This legislation, if enacted, would empower this Commission to adjudicate claims involving loss and damage to shipments in an economic, efficient, and expeditious manner.

We note, finally, that CFC suggests increasing the existing 60 cents per pound released rate pertaining to the interstate motor transportation of household goods. Although this Commission is deeply concerned with this matter, we do not believe that the instant proceeding represents a proper vehicle for the study of this matter. Complaints received by this Commission regarding this matter have been generally few in number and do not appear to be of significant import to warrant action at this time. It should be noted further in this regard that since the implementation of our current household goods regulations, these complaints have declined even more substantially. Should such criteria appear necessary at any time in the future, however, we have the power, and hereby declare our willingness, to institute an appropriate proceeding looking toward the prescription of remedial action in this area.

SUMMARY

We do not believe that the regulations proposed to be promulgated in this proceeding will erode the household goods transportation system. Rather, these added requirements should, we think, aid that system to continue its orderly growth and development. These regulations hopefully will make the household goods transportation industry more acceptable to the public and should create better relations between the carriers and a more informed public.

As presently informed, we are of the opinion that the rules proposed in this report (see appendix C) are reasonable and necessary and, furthermore, will in no way be unduly burdensome to the involved motor carriers. We also believe the proposed rules and their implementation to be simple, and that such rules will positively serve the public convenience and necessity.

In this interim report, we have attempted to indicate our present inclinations as to the problems raised in this proceeding and to declare the considerations which have led us to these provisional judgments. As previously stated, we believe that the issues discussed and rules proposed are of importance to the public and to the regulated moving industry which serves it. Accordingly, this entire interim report will be published in the FEDERAL REGISTER, and we invite the parties and other interested persons to file statements, relating to any of the matters discussed in this interim report, making any suggestions that might better serve the interests of the carriers and the public they serve, and generally, continuing the meaningful and healthy public dialog which is occurring in this proceeding. We expressly intend in this proceeding to give further consideration to direct measures, which are to some degree self-executing, such as those suggested by the petitioner to deal with unreasonable delays in pickups and deliveries; deliberate underestimates or wantonly careless estimating practices; and the injustices resulting from widespread variances between estimated and actual charges. Thus, not only are further representations in support of and in opposition to the suggested measures appropriate in any future filing, but also any variations and refinements submitted that would make them more workable, more equitable, or more enforceable will also be considered.

An appropriate order will be entered.

REGULATIONS PROPOSED IN THIS REPORT

49 CFR 1056.7 shall be revised and amended to read as follows:

§ 1056.7 Information for shippers.

(a) Except as otherwise provided herein, each carrier of household goods shall cause to be given to every prospective shipper the summary of information set forth in form BOp 103 (§ 1003.1 of this chapter), a copy of this Commission's Public Advisory No. 4, and a summary of its last past quarterly performance report containing the information set forth in paragraph (b) of this section, and obtain a receipt therefor. If no personal interview is had with a prospective shipper, the carrier shall cause form BOp 103, the copy of Public Advisory No. 4, and the summary of its last past quarterly performance report to be delivered to the shipper and obtain a receipt therefor prior to the day on which the order for service is placed. Such receipt shall be preserved as a part of the record of shipment, if the shipment is subsequently accepted by the carrier. For the application of this section the owner of the household goods to be shipped, or his representative, shall be deemed to be the shipper. The requirements of this section shall not apply in those instances where the carrier has actual notice that the shipper has previously received the information set forth above.

(b) Each motor carrier of household goods shall on or before the 30th day following the termination of each quarter of year cause to be filed with the Commission's Bureau of Operations, Washington, D.C., and each of the Commission's regional offices, a summary of its service record for the previous calendar quarter (3 months) providing the following information:

(1) Name of motor carrier and domicile.

(2) Operating authority and certificate numbers.

(3) By type of account (c.o.d. shipper, national account, Department of Defense) specify the following:

(i) Number of shipments transported.

(ii) Number of shipments on which there occurred a 10 percent or greater overestimation of charges.

(iii) Number of such shipments on which there occurred a 10 percent or greater underestimation of charges.

(iv) Number of shipments picked up more than 5 days later than specified in the order for service.

(v) Number of shipments picked up 1 to 5 days later than specified in the order for service.

(vi) Number of shipments delivered more than 5 days later than specified in the order for service.

(vii) Number of shipments delivered 1 to 5 days later than specified in the order for service.

(viii) Number of shipments on which a $50 or greater claim for loss or damages was filed.

(ix) Number of claims filed for delay-cost reimbursement.

(x) Average length of time to settle claims for loss or damage.

(xi) The percentage of claims for the calendar year to date settled prior to:
(a) Institution of judicial process.
(b) Completion of judicial process.

(xii) The percentage of claims carried to the completion of the judicial process and entering of a final decree.

Copies of this report shall be served upon potential shippers as provided in paragraph (b)(1) of this section. Carriers shall have available supporting documentation required for the compilation of such statistics and shall make such documentation available to this Commission's Bureau of Operations upon request.

49 CFR 1056.8(a) shall be revised to read as follows:

§ 1056.8 Estimates of charges.

(a) *Estimates by the carrier.*—Every motor common carrier engaged in the transportation of household goods, in interstate or foreign commerce, shall upon request of a shipper of household goods cause to be given to such shipper an estimate of the charges for proposed services, including specific tariff authority for such charges, in the manner and form specified below. The estimate shall be made only after a visual inspection of the goods by the estimator, and a weight factor of not less than 7 pounds per cubic foot shall be used. Across the top of each form there shall be imprinted, in red letters not less than ½ inch high, the words "Estimated Cost of Services." The form shall be fully executed as appropriate in each case and in accordance with this paragraph shall be delivered to the shipper; and a copy thereof shall be maintained by the carrier as part of its record of shipment.

§ 1003.1 [Amended]

49 CFR 1003.1 shall be revised by adding the following language following the title of form BOp 103: "(as revised 1973)."

[FR Doc.73-11728 Filed 6-12-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Parts 240, 241]

[Release No. 34-10201; File No. 57-452]

"AFFILIATED PERSON"

Proposed Interpretations

The Commission announced that on May 31, 1973, the New York Stock Exchange submitted to the Commission interpretations which the exchange proposes to issue with respect to the definition of the term "affiliated person," as that term is used in Securities Exchange Act Rule 19b-2 (17 CFR 240.19b-2), as well as in the exchange's rule 318. The interpretations are intended to clarify when a control relationship exists between a customer and a money manager where investment discretion is exercised in respect of the account of the customer.

Because of the significance of the term "affiliated person" in determining the eligibility of a broker-dealer for exchange membership and in determining whether the 40-percent nonmember access discount is available for a particular account, and in view of the importance of having any interpretations of its meaning applied on a uniform basis, the Commission has determined to solicit public comments with respect to the proposed interpretations prior to arriving at its own conclusions as to their consistency with the intent of rule 19b-2. In the meantime, the Commission has indicated that it has no objection to the issuance of the proposed interpretations, so long as it is clearly understood that they are subject to revision as a result of any conclusions the Commission may reach as to their appropriateness after it has had an opportunity to study any comments which may be submitted.

The interpretations will be available for public inspection in the Commission's public reference room, located at the address below, and all interested persons are invited to submit written comments thereon. All comments should be directed to the Office of the Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, on or before July 6, 1973, and should refer to file No. S7-452.

(Secs. 2, 6, 11, 17, 19, 23(a); 48 Stat. 881, 885, 891, 897, 898, 901; 49 Stat. 704, 1379; 52 Stat. 1379; 75 Stat. 465; 76 Stat. 247; 78 Stat. 580; 82 Stat. 453; 83 Stat. 141; 84 Stat. 862 15 U.S.C. 78b, 78f, 78k, 78q, 78s, and 78w(a).)

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

JUNE 5, 1973.

[FR Doc.73-11682 Filed 6-12-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR, Part 120]

LOAN POLICY

Proposed Basis of Determination and Frequency of Change of Maximum Permissible Interest Rates

Pursuant to authority contained in section 5 of the Small Business Act (15 U.S.C. 634), notice is hereby given that the Small Business Administration proposes to amend, as set forth below, § 120.3(b)(2)(vi). Prior to adoption of such amendment, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in triplicate, to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416, on or before July 3, 1973.

Information.—Section 120.3(b)(2)(vi) of SBA rules and regulations presently provides that "From time to time SBA may publish in the FEDERAL REGISTER notices of the maximum rates acceptable to SBA under the immediate participation and guaranty programs." Since January 1971 SBA has established a maximum permitted interest rate quarterly after considering a variety of factors. The proposed amendment would adopt a specific formula pegging SBA's maximum permissible rates to the cost of money to the Government for 7-year maturities as certified monthly by the Secretary of the Treasury. The maximum guaranty rate would be established at 2¼ percent per annum over the "peg" rate. The maximum rate on immediate participation loans would be 1 percent per annum below the guaranty rate. The maximum permissible rates would be published monthly. The data set forth in the following columns are useful in comparing the actual published maximum guaranty rate since January 1971 with what the rate would have been using the above-described formula:

Date	Average market yield for 7-year maturities from Department of Treasury	Rate as determined by "peg" plus 2¼ percent	SBA's actual published maximum guaranty rate
	Percent	*Percent*	*Percent*
January 1971	6⅛	8⅜	8
April 1971	5½	7¾	7½
July 1971	6½	8¾	8½
October 1971	6¼	8½	8¼
January 1972	6	8¼	8¼
April 1972	5⅞	8⅛	8
May 1972	6¼	8½	8
June 1972	6⅛	8⅜	8
July 1972	6	8¼	8¼
August 1972	6	8¼	8¼
September 1972	6⅛	8⅜	8¼
October 1972	6¼	8½	8½
November 1972	6¼	8½	8½
December 1972	6¼	8½	8½
January 1973	6¼	8½	8¼
February 1973	6⅜	8⅝	8½
March 1973	6⅜	8¾	8¼
April 1973	6¾	9	9¼
May 1973	6⅞	9⅛	9¼

It is proposed to amend part 120 by changing § 120.3(b)(2)(vi) to read as follows:

Each month SBA will publish in the FEDERAL REGISTER notice of the maximum rates of interest acceptable to SBA under the guaranty and immediate participation programs. SBA will establish the maximum acceptable rate of interest for the guaranty program by the formula 2¼ percent per annum over the cost of money to the Government for 7-year maturities as certified monthly by the Secretary of the Treasury. The maximum acceptable rate of interest for the immediate participation program will be 1 percent per annum below the rate established for the guaranty program. These maximum rates do not apply to revolving line of credit loans. When participating financial institutions avail themselves of the option of utilizing a fluctuating rate of interest, the change in the rate of the note shall be equivalent to, and measured by, the change in the rate published by SBA in the case of all new loans. Where the fluctuating rate in outstanding loans is based upon any other option previously acceptable to SBA, then the formula in the outstanding note remains in full force and effect. The imposition of a fluctuating interest rate shall be set forth in the note at the time it is originally executed and this provision shall not be changed thereafter without the prior written approval of the borrower and of SBA. Fluctuations in the rate of interest must rise and fall on the same basis. The rate will not be adjusted more often than semiannually.

The original rate of interest stated in the note shall be the effective rate for at least the first 6 months of the note. Participating financial institutions may select either (1) January 1 and July 1, or (2) April 1 and October 1 as adjustment dates for fluctuating interest rate purposes.

When SBA shall purchase its guaranteed portion of a loan the fluctuation in interest rate shall cease and become fixed as follows: at the rate in effect on the initial date of default where SBA purchases after default in payment by the borrower; or at the rate in effect on the date of purchase by SBA where the borrower is not in default in payment on the date of purchase by SBA. In immediate participation loans the fluctuation in interest rate shall cease and become fixed at the rate in effect on the date that SBA shall become the holder of the note.

Dated June 8, 1973.

THOMAS S. KLEPPE,
Administrator.

CATALOG OF FEDERAL DOMESTIC ASSISTANCE PROGRAMS

No. 59.012, Small Business Loans.
No. 59.013, State and Local Development Company Loans.
No. 59.014, Coal Mine Health and Safety Loans.
No. 59.017, Meat and Poultry Inspection Loans.
No. 59.018, Occupational Safety and Health Loans.
No. 69.001, Displaced Business Loans.
No. 59.003, Economic Opportunity Loans for Small Businesses.

[FR Doc.73-11836 Filed 6-12-73;8:45 am]

Notices

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

DEPARTMENT OF DEFENSE

Defense Civil Preparedness Agency

CIVIL DEFENSE ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given, pursuant to Public Law 92–463, that the first meeting of the Civil Defense Advisory Committee will be held during the hours of 9 a.m. to 12 noon on Wednesday, June 27, 1973, at the Defense Civil Preparedness Agency Headquarters, Pentagon, room 3E333.

The committee was established for the purpose of advising the Secretary of Defense on the development and execution of the civil defense program and is composed of DOD officials, and representative State and local civil defense officials.

Matters to be discussed include those related to the execution of the national civil defense program.

The meeting will be open to the public and members of the public will be accommodated on a first-come, first-served basis. Any person may file with the committee a written statement concerning the matters to be discussed.

Anyone desiring further information concerning this meeting or who wishes to file a statement may contact Mr. Oliver J. Williford, Defense Civil Preparedness Agency, Pentagon, Washington, D.C. 20301, telephone 202–OX5–9384.

Dated June 4, 1973.

JOHN E. DAVIS,
Chairman, Civil Defense Advisory Committee.

[FR Doc.73–11732 Filed 6–12–73;8:45 am]

Department of the Army

ARMY ADVISORY PANEL ON ROTC AFFAIRS

Notice of Meeting

In accordance with Public Law 92–463 dated October 6, 1972, notice is given of a meeting of the Army Advisory Panel on ROTC Affairs, as follows:

Date of Meeting: June 22, 1973.

Place: Room 642, Infantry Hall (building 4), Fort Benning, Ga.

Time: From 0800–1200 hours and 1300–1500 hours.

Proposed agenda:

0800–0815	Opening remarks and introductions, chairman.
0815–0845	Presentation of ROTC status report, DA briefer.
0845–0900	Discussion of ROTC status report, chairman.
0900–1200	General discussion on selected topics, chairman.
1200–1300	Adjournment for lunch.
1300–1500	General discussion on selected topics, chairman.
1500	Panel adjourns.

Proposed discussion topics:

1. Reorganization of the Army Advisory Panel on ROTC Affairs.
2. Increased support for Army ROTC by host institutions during freshman orientation week.
3. Discussion of the Illinois State Army ROTC Law.
4. Support for ROTC by State Governors.
5. Effect of degree requirements on enrollment in military science.
6. National ROTC Minority Officer Procurement Conference.
7. Interface of Army panel with DOD panel on ROTC affairs.
8. Expanding the Department of the Army public speaking program.

This meeting will be open to the public.

LARRY P. MCDONALD,
Lieutenant Colonel, GS, Executive Secretary, Army Advisory Panel on ROTC Affairs.

JUNE 5, 1973.

[FR Doc.73–11733 Filed 6–12–73;8:45 am]

Department of the Navy

DREDGING OF THAMES RIVER, NEW LONDON, CONN.

Notice of Postponement of Public Hearings

The two public hearings on the draft environmental impact statement, to dredge the Thames River Channel, near the Naval Submarine Base, New London, Conn., which were scheduled for Thursday, June 14, 1973, at Kingston, R.I., and Friday, June 15, 1973, at Groton, Conn., are postponed indefinitely. Previous notice concerning these hearings was published in 38 FR 14176, on May 30, 1973, and in 38 FR 14299, on May 31, 1973.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy, Acting Judge Advocate General.

JUNE 1, 1973.

[FR Doc.73–11896 Filed 6–12–73;8:45 am]

DEPARTMENT OF JUSTICE

Law Enforcement Assistance Administration

REGIONAL CRIMINAL JUSTICE PLANNING BOARDS

Notice of Proposed Guideline

Issuance purpose of notice.—The Law Enforcement Assistance Administration (LEAA) is considering an amendment to its current guidelines governing regional criminal justice planning boards. The amendment under consideration would require appointment of a majority of the regional board membership by the local elected executive officials of the cities and counties within the region. This notice is designed to elicit full public comment and consideration of the proposal.

Background.—The law enforcement and criminal justice planning function under the Omnibus Crime Control and Safe Streets Act (Act) (Public Law 90–351, as amended by Public Law 91–644, 42 U.S.C. secs. 3701 et seq.) is carried out by professional staff at the State and local governmental level. These staff members operate under the policy direction of supervisory boards or councils at the State level and, in most States, similar boards at the regional level.

Current LEAA policy with respect to the planning function is set forth in LEAA Guideline Manual M 4100.1. This manual is titled "State Planning Agency Grants", and is dated August 22, 1972. Chapter 1, section 2, paragraph 20 of this guideline sets forth the LEAA policy on regional supervisory board composition. It is set forth as follows:

20. *Regional criminal justice planning.*—The Act requires that units of general local government or combinations of such units participate in the formulation of the comprehensive State plan. As a means of meeting this requirement LEAA encourages the creation of regional planning units by State planning agencies to assist in the development of the annual comprehensive plan.

a. *Definition.*—A regional planning unit is any body so designated such as a combination of units of general local government to administer planning funds and undertake law enforcement planning activities under the Act for a number of geographically proximate counties and municipalities, or for a total metropolitan area.

b. *Supervisory Boards.* — Where States establish regional planning units as combinations of local government to receive planning funds and participate in the formulation of the State plan as provided in section 203(c) of the Act, such regional units must operate under the supervision and general oversight of a supervisory board.

(1) *Composition.*—The composition of the supervisory board shall incorporate the representative character elements prescribed for supervisory boards of State planning agencies (see par. 14) with the following modifications:

(a) Where the governments comprising the regional unit do not have significant responsibility for a particular segment of law enforcement (e.g., operation of courts, provision of police services, conduct of correctional programs), representation of that particular element need not be included.

(b) Representation by elective or appointive policymaking officials must include at least one representative of the largest city and county in the region and of any unit

of government of more than 100,000 population within the region. (This need not be the senior official himself but may be someone named by him as his representative.)

(c) Those representative character requirements concerning State agency representation or State/local balance are not deemed applicable to regional units, although locally based State officials (e.g., State judges within the region, directors of local branches of State correctional departments etc.) may be considered appropriate candidates for membership on regional supervisory boards and, indeed, can often make a valuable contribution to comprehensive planning at the regional/local level.

(d) Those units of government which have the major share of law enforcement responsibilities within the region, in terms of their population, their contribution to the total amount of crime withn the region, their budget for law enforcement, or other factors, shall have fair and adequate representation.

(2) *Advisory Groups.*—Where a general purpose agency is selected to serve as the regional planning unit, the governing body of the agency does not include representation of all required elements, an advisory group consisting of the missing elements may be established to achieve compliance with this requirement. In determining whether there is compliance with this subparagraph, the totality of advisory and governing body membership will be taken into account only if the advisory body has direct access to the governing body for presentation of views.

Proposed Amendment.—It is proposed that the following new language be added to paragraph 20.b.(1)(d):

Fair and adequate representation includes a requirement that the majority of the membership of any regional board (or any executive committee exercising the major functions of the board) be appointed by local elected executive officials of units of government which have the major share of law enforcement responsibilities within the region or other designated planning area.

Authority.—General regulatory authority is contained in section 501 of Public Law 90–351, as amended by Public Law 91–644, 42 U.S.C. section 3751.

The proposed issuance is consistent with the purpose and intent of section 203(c) (42 U.S.C. section 3723), section 303(3) (42 U.S.C. section 3733) of the above cited statute.

State planning agencies established pursuant to section 203 have the primary authority to decide the conditions upon which planning funds are allocated to local units of government. Among other factors, this authority is contingent upon the duty of each agency to develop a comprehensive statewide plan that will "encourage local initiative in the development of programs and projects for improvements in law enforcement * * *" (sec. 303(3)). This authority is also contingent upon the duty of each agency to provide for such local input by the allocation of 40 percent of all Federal funds available for performance of the planning function; and in the case of the major cities and counties within the State, and assurance that these major units receive planning funds to develop comprehensive plans and coordination functions at the local level (sec. 203(c)).

Each of these provisions (for input and funding) take on meaning only when the local planning mechanism is subject to the control of the local units of government.

For this reason, LEAA finds that the intent and purpose of the Act to provide for local governmental input into the State plan requires that the elected officials of the major units in each planning subdivision exercise the appointment authority necessary to assure that local input is provided to the State.

Compliance with the proposed provision would be a condition to the receipt of planning funds.

Clearance process and effective date.—Publication of this guideline in the FEDERAL REGISTER is supplemental to the normal consultation process of section 501 of the Act and Office of Management and Budget Circular A–85. It is hoped that all interested parties will submit written data, views, and arguments including oral presentation so that full consideration can be given to the proposal. A meeting will be scheduled with representatives of the governmental units for oral presentation and discussion. Written views may be sent to, or other information may be obtained from: Charles A. Lauer, Office of General Counsel, Law Enforcement Assistance Administration, Washington, D.C. 20530 (area code 202–386–3344).

This guideline or any agreed upon modification shall be effective August 13, 1973.

DONALD E. SANTARELLI,
Administrator.
RICHARD W. VELDE,
Associate Administrator.
CLARENCE M. COSTER,
Associate Administrator.

[FR Doc.73–11783 Filed 6–12–73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Arizona A–5942–A; Power Site Classification 239; Cancellation 302; Opening Order (943)]

ARIZONA

Order Providing for Opening of Public Lands

By published notice (38 FR 4422, Feb. 14, 1973) the U.S. Geological Survey canceled Power Site Classification No. 239, Arizona No. 4, of August 26, 1929, as to the lands described therein.

The purpose of this order is to restore to the operation of applicable public land laws the unreserved public lands involved in that notice.

Under the authority delegated by Bureau of Land Management Order No. 701 dated July 23, 1964 (29 FR 10526), as amended, it is ordered as follows:

1. The following described lands are hereby restored to disposition under applicable public land laws, subject to valid existing rights:

GILA AND SALT RIVER MERIDIAN, ARIZONA

All lands in the following described areas in Arizona, lying within 50 ft of each side of the centerline of the constructed transmission line of the New Cornelia Copper Co., as shown on maps filed with its application (Phoenix 031547), and incorporated in its final permit under the act of February 15, 1901 (31 Stat. 790), issued by the Secretary of the Interior on May 23, 1918:

T. 11 S., R. 6 W.,
Sec. 35, E½SE¼;
Sec. 36, W½NW¼ and NW¼SW¼.
T. 12 S., R. 6 W.,
Sec. 2, lot 1, SE¼NE¼, N½SE¼, and SW¼SE¼;
Sec. 11, W½NE¼, SE¼NW¼, E½SW¼, and NW¼SE¼;
Sec. 14, W½SW¼NW¼.

All lands in the following described tracts in Arizona lying within 20 ft of each side of the centerline of the constructed transmission line of the Christmas Copper Co., transferee of the Gila Copper Sulphide Co., as shown on map exhibit J–2, filed with its application (Phoenix 038467), and incorporated in its grant under the act of March 4, 1911 (36 Stat. 1235, 1253), issued by the Secretary of the Interior on September 27, 1918:

T. 5 S., R. 15 E.,
Sec. 1, lots 1 and 2, SW¼NE¼, E½SW¼, and NW¼SE¼;
Sec. 12, lots 1 and 2.

The areas described aggregate approximately 55 acres in Gila and Pima Counites.

Date June 5, 1973.

JOE T. FALLINI,
State Director.

[FR Doc.73–11738 Filed 6–12–73;8:45 am]

Geological Survey

DISPOSAL OF OUTER CONTINENTAL SHELF ROYALTY OIL

Allocation Procedures

On January 12, 1972, regulations (30 CFR pt. 225a) were published in the FEDERAL REGISTER (37 FR 441) which govern the disposal of royalty oil which the United States elects to take in kind from Federal oil and gas leases embracing submerged lands of the Outer Continental Shelf. Prior to the onset of the excessively tight supply situation with respect to crude oil, the demand by small refiners for royalty oil produced by OCS leases did not exceed the supply. However, the present supply situation has accelerated the submission of requests for the delivery of Federal royalty oil from OCS leases. The volume now requested exceeds the volume of royalty oil available.

Section 225a.3 of such regulations provides, in part, as follows:

When applications are filed by two or more small refiners for the same oil, the oil will be allocated among such applicants by a drawing or on an equitable prorated basis as determined by the Supervisor prior to execution of contracts for sale of such oil.

In order to assure an equitable distribution of Federal royalty oil to the small refiners requesting delivery of a share of such oil, the Supervisor of the Gulf of Mexico area has been instructed to allocate royalty oil from OCS oil and gas leases in accordance with the following guidelines:

(1) *Allocation of royalty oil from leases for which applications were received by the Supervisor of the Gulf of Mexico area on or before April 20, 1973.*—Allocation of royalty oil from leases for which applications were received by the Supervisor of the Gulf of Mexico area on or before April 20, 1973, shall be made by:

(a) allocating the oil from each such lease among applicants for the royalty oil from that lease whose applications were received by the Supervisor of the Gulf of Mexico area on or before April 20, 1973, giving priority to the applicant whose application was received first; and by

(b) allocating royalty oil not allocated pursuant to (a) among applicants whose applications were received after April 20, 1973, and on or before June 30, 1973, by drawing or on an equitable prorated basis without regard to time of filing.

(2) *Allocation of royalty oil from leases for which no applications were received by the Supervisor of the Gulf of Mexico area on or before April 20, 1973.*—Allocation of royalty oil from leases for which no applications were received by the Supervisor of the Gulf of Mexico area on or before April 20, 1973, and for which applications are received on or before June 30, 1973, shall be made by drawing or on an equitable prorated basis without regard to the time of filing.

Dated June 5, 1973.

STEPHEN A. WAKEFIELD,
Assistant Secretary of the Interior.

[FR Doc.73-11737 Filed 6-12-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 73-48]

CLAY MINING CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Clay Mining Co., Inc., has filed a petition to modify the application of 30 CFR 75.313 to its mine No. 1 located in Buchanan County, Va.

30 CFR 75.313 reads as follows:

Section 75.313. Methane monitor. The Secretary or his authorized representative shall require, as an additional device for detecting concentrations of methane, that a methane monitor, approved as reliable by the Secretary after March 30, 1970, be installed, when available, on any electric face cutting equipment, continuous miner, longwall face equipment, and loading machine, except that no monitor shall be required to be installed on any such equipment prior to the date on which such equipment is required to be permissible under §§ 75.500, 75.501, and 75.504. When installed on any such equipment, such monitor shall be kept operative and properly maintained and frequently tested as prescribed by the Secretary. The sensing device of such monitor shall be installed as close to the working face as practicable. Such monitor shall be set to deenergize automatically such equipment when such monitor is not operating properly and to give a warning automatically when the concentration of methane reaches a maximum percentage determined by an authorized representative of the Secretary which shall not be more than 1.0 volume percent of methane. An authorized representative of the Secretary shall require such monitor to deenergize automatically equipment on which it is installed when the concentration of methane reaches a maximum percentage determined by such representative which shall not be more than 2.0 volume percent of methane.

Petitioner requests that the application of the mandatory standard be modified as it applies to a 14 BU 7 Joy loading machine. In support of its petition, petitioner states that the loader is Bureau of Mines approved and is maintained in permissible condition, but that Bureau of Mines inspectors contend that the loader in question must have a methane monitor installed. Petitioner contends that the mine is nongassy and it is permitted to use nonpermissible equipment in the face until March 1974.

As an alternative method petitioner would use the loader without installation of a methane monitor until such time as all face equipment shall be required by law to be Bureau of Mines approved or permissible. The mine is equipped with methane spotters and methane tests are taken every 20 minutes, before and after leaving or entering a place. Petitioner states that it is permitted by Federal inspectors to use a nonpermissible or open-type cutting machine in conjunction with the loader and open-type or nonpermissible face haulage equipment, until all such face equipment is required to be permissible.

Petitioner avers that installation of a methane monitor would not afford the miners any more protection than they have at the present time.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 13, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

MAY 30, 1973.

[FR Doc.73-11690 Filed 6-12-73;8:45 am]

[Docket No. M 73-50]

PHOENIX BIG VEIN COAL CO., INC.

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), Phoenix Big Vein Coal Co., Inc., has filed a petition to modify the application of 30 CFR 77.403 to its Hoffa No. 5 Strip Mine located at Barton, Md.

30 CFR 77.403 reads as follows:

§ 77.403 *Mobile equipment; canopies and roll protection.*—Forklift trucks, front-end loaders, and bulldozers shall be provided with substantial canopies and roll protection when necesary to protect the operator.

Petitioner requests the application of the mandatory safety standard be modified as it applies to one 645 front loader and to two A.C. HD-21 bulldozers. In support of its request for modification petitioner states that there are only five people working the mine, which has a 25-foot high wall, and all are very careful. Petitioner states that there have never been any hazardous conditions and that it has a good safety record.

As an alternative petitioner wishes to continue using its equipment as it presently exists. Petitioner contends that the equipment has sturdy cabs and these provide adequate safety. Petitioner admits that the roll bars offer protection in the event the equipment overturns, but petitioner avers that the roll bars are hazardous for personnel on the ground and that they obstruct the operator's view.

Petitioner states that its present equipment offers protection to the miners that is equal to the mandatory standard and that, in fact, the application of the mandatory standard may result in a diminution of safety to the miners.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 13, 1973. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 4015 Wilson Boulevard, Arlington, Va. 22203. Copies of the petition are available for inspection at that address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

MAY 29, 1973.

[FR Doc.73-11689 Filed 6-12-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

GRAINS AND SIMILARLY HANDLED COMMODITIES

Deferred Repayment Option for Farm Storage Loans on Barley, Corn, Grain Sorghum, Oats, Rye, Soybeans, and Wheat

Notice is hereby given that in certain areas, in accordance with the announcement previously made by the Department of Agriculture, producers of barley, corn, grain sorghum, oats, rye, soybeans, and wheat mortgaged to the Commodity Credit Corporation (CCC) under its regular farm storage loan programs and under its farm storage reseal programs may arrange to defer the final date for repayment of such loans for an initial period of 30 days beyond their maturity or anniversary dates and such additional 30-day periods as may be authorized by CCC. Additional requirements are more fully set forth below.

Notwithstanding the terms and conditions for liquidation of farm storage

loans as contained in the program regulations, the Farm Storage Note Chattel Mortgage and Security Agreement, and the Reseal of Farm Storage Loan, the county ASC committee may designate areas and authorize deferment of the final date for repayment of current and reseal loans for an initial period of 30 days beyond the current maturity or anniversary dates, as applicable. This deferment option is available only to producers who intend to repay their loans. The county ASC committee may authorize additional extensions of the deferred payment period beyond such initial 30-day period when deemed necessary.

CCC will not be obligated to pay storage after the maturity or anniversary date on any loan on which the producer elects the deferred repayment option. All other terms and conditions of the program regulations, the Farm Storage Note Chattel Mortgage and Security Agreement, and the reseal of Farm Storage Loan shall continue to apply.

Written requests for deferred repayment must be made to the local county ASCS office by the dates specified below:

Barley—In Alaska, Idaho, Minnesota, Montana, North Dakota, South Dakota, Washington, Wisconsin, and Wyoming.	May 31, 1973	1968, 1969, 1970, 1971, and 1972 crops.
Barley—In all other States	Apr. 30, 1973	Do.
Corn—All States	May 31, 1973	1969, 1970, and 1971 crops.
Corn—All States	July 31, 1973	1972 crop.
Grain sorghum—Texas and Oklahoma	June 30, 1973	1969 crop.
Grain sorghum—All other States	July 31, 1973	Do.
Grain sorghum—In the following counties in Texas and all counties in Texas south thereof: Austin, Bexar, Caldwell, Colorado, Comal, Galveston.	Apr. 30, 1973	1970, 1971, and 1972 crops.
Grain sorghum—In Oklahoma, and all counties in Texas north of the counties with a maturity date of April 30 listed above.	June 30, 1973	Do.
Grain sorghum—In all other States	July 31, 1973	Do.
Oats—In Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.	May 31, 1973	1968, 1969, 1970, 1971, and 1972 crops.
Oats—In all other States	Apr. 30, 1973	Do.
Rye—All States	do	1971 and 1972 crops.
Soybeans—All States	June 30, 1973	1972 crop.
Wheat—In Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming.	May 31, 1973	1968, 1969, 1970, 1971, and 1972 crops.
Wheat—In all other States	Apr. 30, 1973	Do.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 401, 403, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1421, 1423, 1425.)

Effective date.—June 12, 1973.

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

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

[FR Doc.73-11651 Filed 6-12-73;8:45 am]

Forest Service

NORTHEASTERN FORESTRY RESEARCH ADVISORY COMMITTEE

Notice of Meeting

The Northeastern Forestry Research Advisory Committee will meet 1-4:40 p.m., June 27; 9-12 a.m., June 28; and 9-11:30 a.m., June 29, at Wentworth-by-the-Sea, Portsmouth, N.H.

The purpose of this meeting is to review the forest research program of the Durham Laboratory of the Northeastern Forest Experiment Station, U.S. Forest Service.

The meeting will be open to the public. Persons who wish to attend should notify Dr. W. T. Doolittle, Northeastern Forest Experiment Station, U.S. Forest Service, 6816 Market Street, Upper Darby, Pa. 19082; telephone No. 215-352-5800, extension 425. Written statements may be filed with the committee after the meeting.

Dated May 29, 1973.

W. T. DOOLITTLE,
Director.

[FR Doc.73-11740 Filed 6-12-73;8:45 am]

OKANOGAN NATIONAL FOREST GRAZING ADVISORY BOARD

Notice of Meeting

The Okanogan National Forest Grazing Advisory Board will meet at 1:30 p.m. on Thursday, June 14, in the Forest Supervisor's office, Okanogan, Wash. 98840.

This meeting has been called at the request of the Board to discuss the current status of various Forest Service reorganization proposals.

The meeting is open to the public.

L. C. WINKLE,
Acting Forest Supervisor.

JUNE 8, 1973.

[FR Doc.73-11884 Filed 6-12-73;8:45 am]

OREGON DUNES NATIONAL RECREATION AREA ADVISORY COUNCIL

Notice of Meeting

The Oregon Dunes National Recreation Area Advisory Council will meet at 10 a.m., on Friday, June 22, 1973. The meeting place is not firm. However, it will be in the Dunes NRA.

This meeting will be a 2-day field trip, June 22 and 23, with an overnight stay in the area.

The meeting will be open to the public. Persons wishing to attend should notify the Siuslaw National Forest, P.O. Box 1148, Corvallis, Oreg. 97330. The telephone number is 503-752-4211, extension 502. Those persons wishing to attend should plan to provide their own transportation.

The committee has established the following rules for public participation: Written statements may be filed with the council, before or after the meeting. Public participation will be a regular order of business with this council. Persons to speak will be recognized by the chairman.

Dated May 22, 1973.

SPENCER T. MOORE,
Forest Supervisor.

[FR Doc.73-11739 Filed 6-12-73;8:45 am]

Rural Electrification Administration

DAIRYLAND POWER COOPERATIVE

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 application from Dairyland Power Cooperative of LaCrosse, Wis. This loan application requests REA loan funds to finance the purchase and installation of two 65 MW gas turbine generating units near Colby, Wis. and related 69 kV transmission facilities.

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 on or before July 13, 1973 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 7th day of June 1973.

E. C. WEITZELL,
Acting Administrator,
Rural Electrification Administration.

[FR Doc.73-11726 Filed 6-12-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-348]

AMBULK SHIPPING, INC.

Withdrawal of Application

In FR Doc. 73-9297 appearing in the FEDERAL REGISTER on May 10, 1973 (38 FR 12246), notice was given that Ambulk Shipping, Inc. (Ambulk), had filed an application for operating-differential subsidy on six new dry bulk carriers (to be constructed) of approximately 51,000 deadweight tons each for operation in worldwide service in the carriage of full cargoes and parcel lots of bulk cargoes and neo-bulks.

Said notice invited any party having any interest in Ambulk's application to file written comments on or before May 18, 1973, with the Secretary of the Maritime Subsidy Board and various comments were submitted in response to said invitation.

On June 7, 1973, John P. Meade, Esq., vice president of Ambulk, filed a letter with the Secretary in which it was stated, "Ambulk Shipping, Inc., hereby withdraws its application for operating-differential subsidy for bulk carriage filed with your office on April 18, 1973."

Accordingly, said application is withdrawn, the notice appearing in the FEDERAL REGISTER on May 10, 1973, as referenced above, is cancelled and the proceeding identified as docket No. S-248 is terminated.

Dated June 8, 1973.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-11787 Filed 6-12-73;8:45 am]

[Docket No. S-360]

ATLANTIC RICHFIELD CO.

Notice of Application

Notice is hereby given that application has been filed under the Merchant Marine Act of 1936, as amended (the Act) for operating-differential subsidy with respect to bulk cargo carrying service in the U.S. foreign trade, principally between the United States and the Union of Soviet Socialist Republics, to expire on June 30, 1973 (unless extended only for subsidized voyages in progress on that date). Inasmuch as the below listed applicant, and/or related persons or firms, employ ships in the domestic intercoastal or coastwise service, written permission of the Maritime Administration under section 805(a) of the Act will be required if its application for operating-differential subsidy is granted.

The following applicant has requested permission involving the domestic intercoastal or coastwise services described below:

Name of applicant.—Atlantic Richfield Co.

Description of domestic service and vessels.—Applicant owns, operates, and charters vessels engaged in domestic, intercoastal, and coastwise services and has requested written permission for it and related companies to continue operations in the domestic service. The following wholly owned subsidiaries own vessels, chartered to applicant, which engage in domestic, intercoastal and coastwise services; namely, Philadelphia Tankers, Inc., and Tankers Leasing Corp.

U.S.-flag vessels owned, chartered to, and operated by applicant are listed below:

ARCO Prudhoe Bay.
ARCO Sag River.
Atlantic Endeavor.
Atlantic Enterprise.
Atlantic Communicator.
Atlantic Heritage.
Atlantic Navigator.
Atlantic Prestige.
Atlantic Trader.
David E. Day.
Sinclair Texas.
Chancellorsville.
Texan.

Written permission is now required by the applicant, Atlantic Richfield Co., notwithstanding that a voyage in the proposed service for which subsidy is sought would not be eligible for subsidy if the vessels carried domestic commerce of the United States on that voyage.

Interested parties may inspect this application in the Office of the Secretary, Maritime Administration, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in the application and desiring to be heard on issues pertinent to section 805(a) or desiring to submit comments or views concerning the application must, by close of business on June 20, 1973, file same with the Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for 10 a.m. on June 22, 1973, in room 4896, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (*a*) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal services, or (*b*) would be prejudicial to the objects and policy of the Act.

Dated June 8, 1973.

By order of the Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.73-11786 Filed 6-12-73;8:45 am]

National Oceanic and Atmospheric Administration

MARINE MAMMAL PROTECTION ACT

Notice of Issuance of Letter of Exemption

Notice is hereby given that on June 1, 1973, as authorized by section 101(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq., 86 Stat. 1027 (1972)), and § 216.13 of the Regulations Governing the Taking and Importing of Marine Mammals (37 FR 28177, 28182, Dec. 21, 1972), a letter of exemption from the provisions of the act on grounds of undue economic hardship was issued to the following named person, authorizing him to engage in the following described activities, subject to the conditions specified in the letter:

Dr. Robert Elsner, professor of physiological ecology, Institute of Marine Science, University of Alaska, Fairbanks, Alaska 99701, to take, by shooting, the following animals for scientific research: 20 harbor seals (*Phoca vitulina*), 10 ringed seals (*Pusa hispida*), 5 ribbon seals (*Histriophoca fasciata*), 10 bearded seals (*Erignathus barbatus*), and 10 Steller sea lions (*Eumetopias jubatus*). The animals will be taken during a research cruise of the vessel *Alpha Helix* in the Bering Sea during July and August 1973, and tissues, organs, and blood will be removed from the animals for scientific and medical research.

A detailed summary of the application was published in the FEDERAL REGISTER on April 23, 1973 (38 FR 10031), at which time the applicant was an assistant professor of physiology, Scripps Institution of Oceanography, P.O. Box 109, La Jolla, Calif. 92037. A public hearing to consider the application was held in San Diego on May 9, 1973, after having been announced in the FEDERAL REGISTER on May 3, 1973 (38 FR 10974).

Copies of the application for the exemption, of the letter of exemption and of all supporting documents except documents containing information exempt from public disclosure pursuant to the Freedom of Information Act (5 U.S.C. 552(b)), are available for inspection at the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, and at the National Marine Fisheries Service regional offices. The regional offices are located at the following addresses: Southwest Region, 300 South Ferry Street, Terminal Island, Calif. 90731, telephone 213-831-9575; Northeast Region, Federal Building, 14 Elm Street, Gloucester, Mass. 01930, telephone 617-281-0640; Southeast Region,

William C. Cramer Federal Office Building, 144 First Avenue South, St. Petersburg, Fla. 33701, telephone 813–893–3141; Northwest Region, Law Union Building, 1700 West Lake Avenue North, Seattle, Wash. 98109, telephone 206–442–7575; Alaska Region, P.O. Box 1668, Juneau, Alaska 99801, telephone 907–586–7221.

Dated June 8, 1973.

ROBERT W. SCHONING,
Acting Director, National Marine Fisheries Service.

[FR Doc.73–11780 Filed 6–12–73;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the GSA Patent Licensing Regulations.

Copies of patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Va. 22151, at the prices cited. Requests for copies of patent applications must include the patent application number and the title. Requests for licensing information should be directed to the address cited with each copy of the patent application.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each. Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. ATOMIC ENERGY COMMISSION, Assistant General Counsel for Patents, Washington, D.C. 20545.

Patent application 194,963: Method for Detecting and Monitoring a Fuel Element Failure in a Nuclear Reactor; filed Nov. 2, 1971; PC $3/MF $1.45.

Patent Application 164,431: Technetium Labeling; filed July 20, 1971; PC $3/MF $0.95.

Patent application 180,354: Compact Dialyzer; filed Sept. 14, 1971; PC $3.50/MF $1.45.

Patent application 203,747: Gas Leak Valve; filed Dec. 1, 1971; PC $3/MF $1.45.

Patent application 243,786: Tissue Collector; filed Apr. 13, 1972; PC $3/MF $1.45.

Patent application 256,233: Technetium Bone Scanning Medium; filed May 24, 1972; PC $3/MF $1.45.

Patent application 807,083: Method of Secretly Marking a Surface; filed Mar. 3, 1969; PC $3/MF $1.45.

Patent application 200,840: Cross-Flow Filtration Process for Removal of Total Organic Carbon and Phosphates from Aqueous Sewage Effluents; filed Nov. 22, 1971; PC $3/MF $0.95.

Patent application 135,763: Dual-Layer Hyperfiltration Membrane and Process for Using Same; filed Apr. 20, 1971; PC $3/MF $0.95.

Patent application 144,953: Improved Gas Bearing and Method of Making Same; filed May 19, 1971; PC $3/MF $0.95.

Patent application 147,489: Plasma Production Apparatus Having Droplet Production Means and Laser Pre-Pulse Means; filed May 27, 1971; PC $3/MF $0.95.

Patent application 148,132: Process for Treatment of Aqueous Suspensions; filed May 28, 1971; PC $3/MF $0.95.

Patent application 269,003: Indium-Sesquioxide Vacuum Gauge; filed July 5, 1972; PC $3/MF $0.95.

Patent application 57,029: Truxene Polymer and Method for Its Preparation; filed June 10, 1970; PC $3.50/MF $0.95.

Patent 3,675,022: Kerr Cell System for Modulating a Laser Beam; filed May 21, 1970, patented July 4, 1972; not available NTIS.

Patent 3,675,072: Fast-Closing Valve System for Cyclotrons; filed Jan. 28, 1971, patented July 4, 1972; not available NTIS.

Patent 3,676,677: Variable Sensitivity Visual Displayer for Infrared Laser Beams; filed Aug. 11, 1970, patented July 11, 1972; not available NTIS.

Patent 3,677,825: Thermoelectric Generator; filed Oct. 30, 1968, patented July 18, 1972; not available NTIS.

Patent 3,677,935: Treatment of Sewage; filed May 4, 1964, patented July 18, 1972; not available NTIS.

Patent 3,678,061: 2,6-Bis (Picrylamino)-3, 5-Dinitropyridine and a Method for its Preparation; filed Mar. 26, 1971, patented July 18, 1972; not available NTIS.

Patent 3,698,996: Method of Detecting the Presence of a Defective Lithium-Aluminate Target in a Reactor; filed Nov. 24, 1970, patented Oct. 17, 1972; not available NTIS.

Patent 3,688,843: Nuclear Explosive Method for Stimulating Hydrocarbon Production from Petroliferous Formations; filed Nov. 16, 1970, patented Sept. 5, 1972; not available NTIS.

Patent 3,697,329: Radioisotope Heat Source System; filed June 4, 1971, patented Oct. 10, 1972; not available NTIS.

Patent 3,697,441: Method for Preparing Stable Actinide Peroxide Sols.; filed Dec. 8, 1970, patented Oct. 10, 1972; not available NTIS.

Patent 3,699,338: Oscillating Monitor for Fissile Material; filed Aug. 5, 1971, patented Oct. 17, 1972; not available NTIS.

Patent 3,700,892: Separation of Mercury Isotopes; filed Aug. 25, 1971, patented Oct. 24, 1972; not available NTIS.

Patent 3,702,163: Device for Compression Heating of Tokamak Discharges; filed Apr. 15, 1970, patented Nov. 7, 1972; not available NTIS.

Patent 3,702,803: Fuel Assembly for a Fast Reactor; filed Feb. 12, 1971, patented Nov. 14, 1972; not available NTIS.

Patent 3,706,630: Nuclear Chimney Radioactive Waste Disposal; filed May 12, 1971, patented Dec. 19, 1972; not available NTIS.

Patent 3, 706,941: Random Number Generator; filed Oct. 28, 1970, patented Dec. 19, 1972; not available NTIS.

U.S. DEPARTMENT OF COMMERCE, Assistant General Counsel for Administration, Washington, D.C. 20230.

Patent Application 177,725: Apparatus for Measuring the Rate at Which Vapors are Evolved from Materials During Thermal Degradation; filed Sept. 3, 1971; PC $3/MF $0.95.

Patent 3,510,649: System for Producing Two Simultaneous Records of High Energy Electrons in an Electron Microscope; filed Oct. 3, 1967, patented May 5, 1970; not available NTIS.

Patent 3,627,241: Projected Image Viewer Support; filed June 2, 1970, patented Dec. 14, 1971; not available NTIS.

Patent 3,672,664: Reversible Bypassable Aperture Card Reader; filed June 2, 1970, patented June 27, 1972; not available NTIS.

Patent 3,299,009: Chemically Crimped Nylon Fibers; filed Apr. 18, 1963, patented Jan. 17, 1967; not available NTIS.

Patent 3,295,118: Read-Out Circuit for Flux-Gate Reproducer Heads; filed May 2, 1963, patented Dec. 27, 1966; not available NTIS.

Patent 3,282,187: Fast-Operating, Large Aperture Shutter; filed Mar. 9, 1965, patented Nov. 1, 1966; not available NTIS.

Patent 3,276,062: Mercury-Absorbent Retrieving Devices; filed Feb. 5, 1965, patented Oct. 4, 1966; not available NTIS.

Patent 3,417,350: Variable Impedance Coaxial Device with Relative Rotation Between Conductors; filed Sept. 13, 1965, patented Dec. 17, 1968; not available NTIS.

Patent 3,400,330: Refractometer That Measures the Difference in Refractive Indices of a Gas at Two Frequencies; filed May 13, 1965, patented Sept. 3, 1968; not available NTIS.

Patent 3,331,656: Chemically Crimping Nylon Fibers Through Formation of Disulfide Bonds Therein; filed Nov. 22, 1961, patented July 18, 1967; not available NTIS.

Patent 3,366,562: Method of Conducting Electrolysis in a Solid Ionic Conductor Using an Electron Beam; filed Apr. 29, 1965, patented Jan. 30, 1968; not available NTIS.

Patent 3,375,387: Fluid Cooled Multi-Foil Radiation Beam Window for High Power Beam Tubes; filed Jan. 24, 1967, patented Mar. 26, 1968; not available NTIS.

Patent 3,366,951: Waveform Averaging and Contouring Device for Weather Radars and the Like; filed Apr. 4, 1967, patented Jan. 30, 1968; not available NTIS.

Patent 3,575,507: Automatic Camera and Loose Sheet Turner Using Vacuum Conveyor Belts; filed May 9, 1969, patented Apr. 20, 1971; not available NTIS.

Patent No. 3,515,001: Instrument for Measuring the Adiabatic Saturation Temperature (Thermodynamic Wet-Bulb Temperature) of a Vapor-Gas Mixture; filed Jan. 8, 1969, patented June 2, 1970; not available NTIS.

Patent No. 3,511,028: Continuous Gas-Liquid Chromatography Method Utilizing Annual Open Columns; filed Jan. 15, 1969, patented May 12, 1970; not available NTIS.

Patent No. 3,449,087: Purification by Selective Crystallization and Remelt; filed June 27, 1966, patented June 10, 1969; not available NTIS.

Patent No. 3,522,434: Photocell and Control Circuit for an Automatic Page Turner; filed Nov. 12, 1968, patented Aug. 4, 1970; not available NTIS.

Patent No. 3,477,023: Apparatus for Measuring the Energy and Current of an Accelerator Electron Beam Including Apertured Incident and Exit Electrodes; filed Jan. 16, 1968, patented Nov. 4, 1969; not available NTIS.

Patent No. 3,490,041: Electronic Fault Finding System Using Acceptable Limits Testing; filed Aug. 28, 1964, patented Jan. 13, 1970; not available NTIS.

Patent No. 3,524,065: Semiconductor Light Attenuator and Utilization Device; filed Feb. 1, 1967, patented Aug. 11, 1970; not available NTIS.

Patent No. 3,600,090: Extended Range Optical Distance Measuring Instrument; filed Sept. 26, 1969, patented Aug. 17, 1971; not available NTIS.

Patent No. 3,424,531: Distance Measuring Instrument Using a Pair of Modulated Light Waves; filed Sept. 17, 1965, patented Jan. 28, 1969; not available NTIS.

Patent No. 3,428,890: System for Determining the Type of Atmospheric Precipitation by Detecting Meteorological Parameters; filed May 23, 1966, patented Feb. 18, 1969; not available NTIS.

Patent No. 3,437,820: Optical Distance Measuring Equipment Utilizing Two Wavelengths of Light in Order to Determine and Compensate for the Density of the Air; filed May 9, 1967, patented April 8, 1969; not available NTIS.

Patent No. 3,437,821: Radio-Optical Refractometer for Measuring Integrated Water Vapor Refractivity; filed Nov. 8, 1966, patented Apr. 8, 1969; not available NTIS.

Patent No. 3,487,305: Electrothermic Instruments for Measuring Voltage or Current; filed Aug. 4, 1967, patented Dec. 30, 1969; not availble NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Bldg., Bethesda, Md. 20014.

Patent application No. 307,202: Universal Wheelchair for the Severely Disabled; filed Nov. 16, 1972; PC $4/MF $1.45.

Patent application No. 328,074: Process for the Preparation of Dehydroberbinium Salts; filed Jan. 30, 1973; PC $3/MF $1.45.

Patent application No. 342,703: The Effect of Diphenylhydantoins and Related Compounds on Glaucoma; filed Mar. 19, 1973; PC $3/MF $1.45.

Patent application No. 326,554: Use of Temperature-Sensitive Mutant or Recombinant Viruses for Prevention of Respiratory Disease in Man; filed Jan. 24, 1973; PC $3/MF $0.95.

Patent application No. 291,347: Lymphocyte Stroma Adsorbent; filed Sept. 22, 1972; PC $3/MF $1.45.

Patent application No. 289,287: Oximeter for Monitoring Oxygen Saturation in Blood; filed Sept. 15, 1972; PC $3/MF $1.45.

Patent No. 3,692,899: Inhibition of Transplanted Tumor Growth By Polyinosinic-Polyctidylic Acid in Mice; filed Dec. 17, 1969, patented Sept. 19, 1972; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Steets NW., Washington, D.C. 20240.

Patent application No. 342,921: Sedimentation of Phosphate Slimes; filed Mar. 19, 1973; PC $3/MF $1.45.

Patent application No. 148,206: Magnetofluids and Their Manufacture; filed May 28, 1971; PC $3/MF $1.45.

Patent No. 3,639,222: Extraction of Mercury from Mercury-Bearing Materials; filed Oct. 30, 1970, patented Feb. 1, 1972; not available NTIS.

Patent No. 3,668,145: Production Activated Carbon in Dual Pulse Jet Engine System; filed Nov. 9, 1970, patented June 6, 1972; not available NTIS.

Patent No. 3,713,918: Urea Stabilized Gelled Slurry Explosive; filed No. 18, 1970, patented Jan. 30, 1973; not available NTIS.

Patent No. 3,714,325: Recovery of Molybdenite; filed Nov. 17, 1970, patented Jan. 30, 1973; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP-2, Washington, D.C. 20546.

Patent No. 3,398,667: System for Stabilizing Torque Between a Balloon and Gondola; filed Mar. 24, 1971, patented Oct. 17, 1972; not available NTIS.

Patent No. 3,702,775: Diffuse Reflective Coating; filed Feb. 12, 1971, patented Nov. 14, 1972; not available NTIS.

Patent No. 3,702,463: Data Processor with Conditionally Supplied Clock Signals; filed Dec. 23, 1970, patented Nov. 7, 1972; not available NTIS.

Patent No. 3,702,951: Electrostatic Collector for Charged Particles; filed Nov. 12, 1971, patented Nov. 14, 1972; not available NTIS.

Patent No. 3,700,868: Logical Function Generator; filed Dec. 16, 1970, patented Oct. 24, 1972; not available NTIS.

Patent No. 3,702,898: Electronic Video Editor; filed Aug. 4, 1970, patented Nov. 14, 1972; not available NTIS.

Patent No. 3,698,659: Ferry System; filed Aug. 24, 1970, patented Oct. 17, 1972; not available NTIS.

Patent No. 3,699,811: Flow Velocity and Directional Instrument; filed July 27, 1971, patented Oct. 24, 1972; not available NTIS.

Patent No. 3,699,807: Apparatus for Vibrational Testing of Articles; filed Aug. 3, 1971, patented Oct. 24, 1972; not available NTIS.

Patent No. 3,699,645: Method of Making Apparatus for Sensing Temperature; filed May 26, 1971, patented Oct. 24, 1972; not available NTIS.

Patent No. 3,698,412: Differential Pressure Control; filed June 26, 1970, patented Oct. 17, 1972; not available NTIS.

Patent No. 3,702,808: Process for the Production of Star Tracking Reticles; filed Oct. 12, 1970, patented Nov. 14, 1972; not available NTIS.

Patent No. 3,702,791: Method of Forming Superalloys; filed Apr. 20, 1970, patented Nov. 14, 1972; not available NTIS.

Patent No. 3,702,575: Redundant Hydraulic Control System for Actuators; filed June 1, 1971, patented Nov. 14, 1972; not available NTIS.

Patent No. 3,702,841: Intumescent Paint Containing Nitrile Rubber; filed Feb. 12, 1971, patented Nov. 14, 1972; not available NTIS.

Patent No. 3,702,735: Multispectral Imaging System; filed May 12, 1971, patented Nov. 14, 1972; not available NTIS.

Patent No. 3,702,933: Device and Method for Determining X Ray Reflection Efficiency of Optical Surfaces; filed July 31, 1970, patented Nov. 14, 1972; not available NTIS.

Patent No. 3,702,536: Rocket Thrust Throttling System; filed Jan. 18, 1971, patented Nov. 14, 1972; not available NTIS.

Patent No. 3,700,192: Vortex Breech High Pressure Gas Generator; filed Jan. 22, 1971, patented Oct. 24, 1972; not available NTIS.

Patent No. 3,702,520: Foldable Construction Block; filed Jan. 18, 1971, patented Dec. 18, 1972; not available NTIS.

Patent No. 3,698,385: Reaction Tester; filed Oct. 7, 1970, patented Oct. 17, 1972; not available NTIS.

Patent No. 3,701,894: Apparatus for Deriving Synchronizing Pulses from Pulses in a Single Channel PCM Communications System; filed Sept. 11, 1970, patented Oct. 31, 1972; not available NTIS.

Patent No. 3,702,979: Rotary Vane Attenuator Wherein Rotor has Orthogonally Disposed Resistive and Dielectric Cards; filed Oct. 29, 1971, patented Nov. 14, 1972; not available NTIS.

Patent No. 3,700,005: Gas Flow Control Device; filed Aug. 10, 1971, patented Oct. 12, 1972; not available NTIS.

Patent No. 3,702,532: Electrolytic Gas Operated Actuator; filed Mar. 29, 1971, patented Nov. 14, 1972; not available NTIS.

Patent No. 3,697,968: Dual Purpose Momentum Wheels for Spacecraft with Magnetic Recording; filed Apr. 16, 1971, patented Oct. 10, 1972; not available NTIS.

Patent No. 3,699,799: Variable Direction Force Coupler; filed Aug. 28, 1970, patented Oct. 24, 1972; not available NTIS.

Patent No. 3,698,848: Extrusion Can; filed Mar. 29, 1971, patented Oct. 17, 1972; not available NTIS.

Patent No. 3,702,972: Atomic Hydrogen Maser with Bulb Temperature Control to Remove Wall Shift in Maser Output Frequency; filed Sept. 23, 1971, patented Nov. 14, 1972; not available NTIS.

Patent No. 3,702,764: Method for Distillation of Liquids; filed Dec. 14, 1970, patented Nov. 14, 1972; not available NTIS.

Patent No. 3,700,961: Phototransistor Imaging System; filed Aug. 9, 1971, patented Oct. 24, 1972; not available NTIS.

Patent No. 3,699,511: Display Research Collision Warning System; filed June 25, 1971, patented Oct. 17, 1972; not available NTIS.

Patent No. 3,705,406: Multiple Reflection Conical Microwave Antenna; filed Nov. 22, 1971, patented Dec. 5, 1972; not available NTIS.

Patent No. 3,705,316: Temperature Compensated Light Source Using a Light Emitting Diode; filed Dec. 27, 1971, patented Dec. 5, 1972; not available NTIS.

Patent No. 3,137,082: Character Indicating Display Device; filed July 13, 1962, patented June 16, 1964; not available NTIS.

Patent No. 3,704,659: Cyclically Operable Optical Shutter; filed Oct. 15, 1970, patented Dec. 5, 1972; not available NTIS.

Patent No. 3,700,603: Heat Detection and Compositions and Devices Therefor; filed June 25, 1969, patented Oct. 24, 1972; not available NTIS.

Patent No. 3,706,221: Parallel-Plate Viscometer with Double Diaphragm Suspension; filed May 12, 1971, patented Dec. 19, 1972; not available NTIS.

Patent No. 3,705,288: Butt Welder for Fine Gauge Tungsten/Rhenium Thermocouple Wire; filed Dec. 31, 1970, patented Dec. 5, 1972; not available NTIS.

Patent No. 3,705,255: Hermetically Sealed Semiconductor; filed Oct. 27, 1970, patented Dec. 5, 1972; not available NTIS.

Patent No. 3,706,583: Thermal Shock Resistant Hafnia Ceramic Material; filed Oct. 14, 1971, patented Dec. 19, 1972; not available NTIS.

Patent No. 3,706,970: Head-Up Attitude Display; filed May 12, 1970, patented Dec. 19, 1972; not available NTIS.

Patent No 3,706,281: Method and System for Ejecting Fairing Sections from a Rocket Vehicle; filed Apr. 1, 1971, patented Dec. 19, 1972; not available NTIS.

Patent No. 3,702,688: Space Shuttle Vehicle and System; filed Jan. 4, 1971, patented Nov. 14, 1972; not available NTIS.

Patent No. 3,706,230: Rotary Actuator; filed Jan. 5, 1971, patented Dec. 19, 1972; not available NTIS.

Patent No. 3,714,332: Process for Making Diamonds; patented Jan. 30, 1973; not available NTIS.

Patent No. 3,713,290: Gas Turbine Engine Fuel Control; patented Jan. 30, 1973; not available NTIS.

Patent application No. 326,327: Battery Testing Device; filed Jan. 24, 1973; PC $3/MF $0.95.

Patent application No. 329,958: Low Distortion Automatic Phase Control Circuit; filed Feb. 5, 1973; PC $3/MF $0.95.

Patent application No. 328,795: Disconnect Unit; filed Feb. 1, 1973; PC $3/MF $0.95.

U.S. DEPARTMENT OF TRANSPORTATION, Patent Counsel, 400 Seventh St. SW., Washington, D.C. 20590.

Patent application No. 211,597: Microwave Crash Sensor for Automobiles; filed Dec. 23, 1971; PC $3 MF $0.95.

[FR Doc.73-11605 Filed 6-12-73;8:45 am]

Office of Import Programs

UNIVERSITY OF CHICAGO ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before July 3, 1973.

Amended regulations issued under cited act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00498-33-46040. Applicant: University of Chicago, department of pathology, 950 East 59th Street, Chicago, Ill. 60637. Article: Electron microscope, model EM 201. Manufacturer: Philips Electronic Instrument NVD, the Netherlands. Intended use of article: The article is intended to be used for the study of the appearance of the various cancerous tissues as removed by surgery, radioautography of cancer cells (removed during surgery and exposed in vitro to radioisotopes), immunoelectron microscopy for the study of oncogenic viral antigens and electron microscopic cytochemistry. The article will also be used in the haematopathology training course for medical doctors who have already completed their training in pathology and teaching of residents and interns in the division of surgical pathology in the use of the electron microscope, including the diagnosis of light microscopically difficult cases. Application received by Commissioner of Customs May 2, 1973.

Docket No. 73-00518-01-61000. Applicant: Miami University, Oxford, Ohio 45056. Article: Pulmac zero span tester. Manufacturer: Pulmac Instruments, Ltd., Canada. Intended use of article: The article is intended to be used to study the properties of paper and the pulp from which the paper is made. The article will be used to measure the tensile strength at very small but precise distances between the jaws until a theoretical zero distance is used. The article will also be used by graduate students to study structure in connection with various research problems directed toward obtaining basic information which will be useful in developing paper with greater strength and durability. Application received by Commissioner of Customs May 11, 1973.

Docket No. 73-00522-33-63550. Applicant: Midland Macromolecular Institute, 1910 West St. Andrews Drive, Midland, Mich. 48640. Article: Jasco recording spectropolarimeter, model J-20. Manufacturer: Japan Spectroscopic Co., Japan. Intended use of article: The article is intended to be used for fundamental studies on the conformation and/or configuration of synthetic and naturally occurring (biological) macromolecules in solution. These will be determined from the optical rotatory dispersion (ORD) and circular dichroism (CD) properties of the macromolecules. Studies will be made by subjecting polymer samples to changes in solvent, temperature, and chemical treatment. Related polymer samples with differing chemical or biological histories will be similarly evaluated. Application received by Commissioner of Customs May 10, 1973.

Docket No. 73-00523-33-46500. Applicant: Stanford University Hospital, 820 Quarry Road, Palo Alto, Calif. 94304. Article: Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used in the processing and cutting of myriad types of tissue for various members of the faculty. The article will also be used for analyzing all routine renal biopsies for the hospital. Application received by Commissioner of Customs May 8, 1973.

Docket No. 73-00526-01-90000. Applicant: University of Wisconsin, department of biochemistry, 420 Henry Hall, Madison, Wis. 53706. Article: Rotating anode X-ray generator, model GX-6. Manufacturer: Elliott Automation Radar Systems, Ltd., United Kingdom. Intended use of article: The article is intended to be used to make X-ray diffraction studies of single crystals of macromolecules like proteins and nucleic acids. The intensities of the thousands of reflections made by X-rays from the generator passing through the crystal will be photographically recorded and then processed to aid in the calculation of an electron density map which reveals the three-dimensional architecture of these giant molecules. Application received by Commissioner of Customs May 14, 1973.

Docket No. 73-00528-33-46500. Applicant: Hamilton College, Clinton, N.Y. 13323. Article: Ultramicrotome, model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used to study the fine structural relations between germ cells and somatic cells in different classes of vertebrates, at different times in the life cycle of the animal, and under different environmental conditions, particularly in relation to the endocrine system. The emphasis of the studies will be an attempt to correlate the changes in the fine structure of the germ cells (primordial germ cells, spermatocytes, oocytes) with that of the immediately adjacent somatic cells (mesenchymal cells, sertoli cells, follicular cells) and of both cell types as they are influenced by hormones, and other pharmacological agents. The article will also be used in the course biology 35F, cellular ultrastructure, with emphasis on the preparation and interpretation of electron micrographs in the understanding of the cellular level of biological organization. Application received by Commissioner of Customs May 16, 1973.

Docket No. 73-00529-33-46040. Applicant: National Cancer Institute, NIH, Frederick Cancer Research Center, Fort Detrick, Frederick, Md. 21701. Article: Electron microscope, model HU-12A. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: the article is intended to be used in a study of the attachment of virus particles to specific site locations on the surface of cells. Application received by Commissioner of Customs May 16, 1973.

Docket No. 73-00530-01-77040. Applicant: University of Utah, purchasing department, building 40, Salt Lake City, Utah 84112. Article: Mass spectrometer, model MS-30. Manufacturer: Associated Electrical Industries, Ltd., United Kingdom. Intended use of article: The article is intended to be used for the analysis and characterization of gaseous, liquid, and solid materials both alone and in conjunction with gas chromatographic and liquid chromatographic analysis of the respective substances. It will provide two ionization modes simultaneously for the same sample and will provide the most advanced analytical mass spectrometry techniques presently available for characterizing compounds. The article will also be used for education purposes to train personnel in analytical mass spectrometry in the following areas: (1) Structural studies which include reaction products and intermediates, (2) correlation studies, and (3) natural products. Application received by Commissioner of Customs May 15, 1973.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-11755 Filed 6-12-73;8:45 am]

UNIVERSITY OF CINCINNATI

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 73-00408-33-43780. Applicant: University of Cincinnati, Clifton Avenue, Cincinnati, Ohio 45221. Article: HI-MED-HG-100 series digital stimulator programer. Manufacturer: Hivotronic Ltd., United Kingdom. Intended use of article: The article is intended to be used as the master timing unit and electrical stimulator in a basic neurophysiology research laboratory. The research in this laboratory involves an investigation into the properties of nerve cells and neuronal interactions, for example synaptic transmission, in vertebrate and invertebrate preparations. The experiments conducted routinely entail intracellular recordings from one or more neuronal elements. The article will allow accurate measurements of time-dependent conductance changes following synaptic activation. Application received by Commissioner of Customs February 26, 1973.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, in being manufactured in the United States.

Reasons: The applicant's use in neurophysiological research to determine alterations in neural membrane during seizure requires the degree of digital control and the capability to program and control multiple instruments provided by the foreign article. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated May 16, 1973, that the capabilities described above are pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as the article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-11756 Filed 6-12-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

National Institutes of Health

AD HOC PATIENT CARE COSTS COMMITTEE

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the ad hoc Patient Care Costs Committee, National Cancer Institute, June 20, 1973, 1 p.m., National Institutes of Health, building 31, conference room 5. This meeting will be open to the public from 1 p.m. to 5 p.m., June 20, 1973, to discuss matters relating to what extent the cancer control program should support the costs of patient care that are incidental to demonstration projects. Attendance by the public will be limited to space available.

Mr. Frank Karel, Associate Director for Public Affairs, NCI, building 31, room 10A31, National Institutes of Health, Bethesda, Md. 20014 (301-496-1911), will furnish summaries of the open meeting and roster of committee members.

Mr. James R. Gregg, Executive Secretary, building 31, room 10A21, National Institutes of Health, Bethesda, Md. 20014 (301-496-1946), will provide substantive program information.

Dated June 6, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-11688 Filed 6-12-73;8:45 am]

EXTRAMURAL PROGRAMS SUBCOMMITTEE, BOARD OF REGENTS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Extramural Programs Subcommittee of the Board of Regents, National Library of Medicine, on June 20, 1973, from 2 to 5 p.m., in conference room B of the National Library of Medicine, Bethesda, Md. The meeting will be closed to the public for grant review in accordance with the provisions set forth in section 552(b)4 of title 5, United States Code and section 10(d) of Public Law 92-463.

The information officer, who will furnish a meeting summary, a roster of members, and substantive information, is: Mr. Robert B. Mehnert, Chief, Office of Public Information and Publications Management, National Library of Medicine, room M-122, 8600 Rockville Pike, Bethesda, Md. 20014, telephone 301-496-6308.

Dated June 6, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-11687 Filed 6-12-73;8:45 am]

LISTER HILL CENTER SUBCOMMITTEE, BOARD OF REGENTS

Notice of Meeting

Pursuant to Public Law 92-463, notice is hereby given of the meeting of the Lister Hill Center Subcommittee of the Board of Regents, National Library of Medicine, on June 20, 1973, from 11:30 a.m. to 4 p.m., in conference room A of the National Library of Medicine, Bethesda, Md. The meeting, open to the public, is for a general review of Lister Hill Center activities. Attendance by the public will be limited to space available.

The information officer, who will furnish a meeting summary, a roster of members, and substantive information, is: Mr. Robert B. Mehnert, Chief, Office of Public Information and Publications Management, National Library of Medicine, room M-122, 8600 Rockville Pike, Bethesda, Md. 20014, telephone 301-496-6308.

Dated June 6, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73-11686 Filed 6-12-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting

On June 20, 1973, the National Motor Vehicle Safety Advisory Council will hold an open meeting at the Holiday Inn, 32035 Van Dyke, Warren, Mich. The Advisory Council is composed of 22 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Secretary of Transportation consults with the Advisory Council on motor vehicle safety standards promulgated under the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1381 et seq.).

The following meeting, subject to the approval of the Secretary of Transportation, will be held in the Banquet Room of the Holiday Inn.

The full Advisory Council will meet in regular session from 4 p.m. to 6:15 p.m. with the following agenda:

Status of Second International Congress on Automotive Safety.
Report on implementation of DOT audit recommendations.
Report of Awards Committee (Excalibur and Speno Awards).
Trip reports.
Status of pending resolutions.
New business.

This notice is given pursuant to section 10(a)(2) of Public Law 92-463, Federal Advisory Committee Act (FACA) effective January 5, 1973.

For further information, contact Executive Secretariat, room 5215, 400 Seventh Street SW., Washington, D.C., telephone 202-426-2872.

Issued on: June 5, 1973.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.73-11785 Filed 6-12-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-324, 50-325]

CAROLINA POWER & LIGHT CO.

Notice of Availability of Applicant's Amendments to Environmental Report and AEC Draft Environmental Statement

Pursuant to the National Environmental Policy Act of 1969 and the Atomic

Energy Commission's regulations set forth in appendix D to 10 CFR part 50, notice is hereby given that documents entitled "Applicant's Amendment No. 1 through Amendment No. 6 to Environmental Report" (collectively known as the "reports"), submitted by the Carolina Power & Light Co. have been placed in the Commission's public document room at 1717 H Street NW., Washington, D.C., and in Southport, Brunswick County Library, 109 West Moore Street, Southport, N.C. 28461. The reports are also available at the Office of the Planning Coordinator, Clearinghouse and Information Center, P.O. Box 1351, Raleigh, N.C. 27602, and the Cape Fear Council of Local Governments, room 509, C.P. & L. Building, Wilmington, N.C. 28401.

Notice of availability of the applicant's environmental report was published in the FEDERAL REGISTER on January 19, 1972 (37 FR 820).

The reports have been analyzed by the Commission's Directorate of Licensing, and a draft environmental statement, related to the proposed construction and the proposed issuance of operating licenses for the Brunswick Steam Electric Plant Units 1 and 2—located in the town of Southport, Brunswick County, N.C.—has been prepared and is available for public inspection at the locations designated above. Copies of the Commission's draft environmental statement may be obtained upon request addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Pursuant to appendix D to CFR part 50, interested persons may, on or before July 13, 1973, submit comments for the Commission's consideration on the report and supplements, on the draft environmental statement, and on the proposed actions. Federal and State agencies are being provided with copies of the draft environmental statement (local agencies may obtain this document on request), and when comments thereon of the Federal, State, and local officials are received, they will be made available for public inspection at the above-designated locations. Comments on the draft environmental statement from interested members of the public should be addressed to the U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., June 8, 1973.

For the Atomic Energy Commission.

GORDON K. DICKER,
Chief, Environmental Projects Branch 2, Directorate of Licensing.

[FR Doc.73-11765 Filed 6-12-73;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary, Program Development and Budget, Office of the Secretary.

U.S. CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc. 73-11859 Filed 6-12-73;8:45 am]

TRANSPORTATION DEPARTMENT

Notice of Grant of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Transportation to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary/Director, Office of Federal Contract Compliance, Employment Standards Administration.

U.S. CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.73-11754 Filed 6-12-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[FCC 73-583]

CABLE TELEVISION TECHNICAL ADVISORY COMMITTEE (CTAC)

Private Funding for Certain Activities

JUNE 1, 1973.

In accordance with the provisions of section 12(b) of the Federal Advisory Committee Act (Public Law 92-463, Oct. 6, 1972) the Commission has authorized the Cable Television Technical Advisory Committee (CTAC) to solicit private funds in the amount of $150,000 per year for the purpose of administering specified activities of the committee.

The advisory committee is composed of a steering committee and nine panels, with a total membership of approximately 150 persons who have particular expertise in various technical phases of cable television. Members of the committee represent diverse elements of industry, government, and the public, with each individual working group balanced in membership so as to assure that the deliberations and recommendations to the Commission will not be appropriately influenced by any special interests.

Since the areas of study by the various working panels are interrelated, the substantial output of technical papers will require cross-distribution among many, if not all, of the CTAC panels. Special laboratory testing and the conduct of credible subjective viewing tests will require additional expenditures. The Commission recognizes the need to support testing and evaluation procedures and for a paid industry administrator with full-time clerical assistance to expedite the work of the advisory committee and its panels and to avoid the loss of momentum resulting from limitations of manpower and facilities in the Cable Television Bureau. Lacking sufficient funds for the designated purposes, the Commission has determined that in the interests of efficiency and expediency of the CTAC working panels, solicitation and utilization of private funds is warranted and proper.

The CTAC steering committee proposes solicitation of a $150,000 per year budget from various non-Government sources. Procedures for solicitation and administration of funds have been formulated to the extent set forth herein below. Changes or refinements in either solicitation or administrative procedures will be a matter of public record, available for inspection in the offices of the Commission's Cable Television Bureau, located at 2025 M Street NW., Washington, D.C. Solicitation of funds will be accomplished as follows:

1. Solicitation will be carried on by mail, utilizing a letter describing the work of CTAC, and the need of and projected use of donated funds.
2. The committee will use its own stationery for the solicitation letter.
3. FCC authorization for non-Government funding, in the form of this public notice, will be attached to each letter of solicitation.
4. No corporation or individual will be permitted to contribute in excess of 15 percent of the total amount solicited.
5. The names of contributors and amounts donated will be a matter of public record in the appropriate files of the Cable Television Bureau.
6. Stringent procedures will be enforced in the access and administration of all funds, with appropriate accounting to be a matter of public record.
7. Periodic audits of committee funds will be performed as prescribed by the Commission's advisory committee management officer.
8. Contributors will exercise no control or influence over CTAC functions or the editorial content of its reports and recommendations, by virtue of their contributions.
9. Upon termination of the functions of the executive secretary, any funds remaining will be returned to the contributors on a pro rata basis.

Funds will be used for the following purposes:

1. Salaries for executive secretary and staff.
2. Rental of office space, furniture, and fixtures.
3. Supplies, reproduction of documents, and postage.
4. Administrative expenses.

5. Staff expenses to attend all meetings of CTAC committee and working panels, and recordation of minutes of such meetings.
6. Rental of conference space when meetings are scheduled in locations other than Washington, D.C.
7. Special laboratory testing and evaluation.

Interested persons are permitted to attend, appear before, or file statements with the advisory committee. Copies of committee minutes, reports, studies, and other documents which were made available to or prepared for or by the advisory committee shall be available for public inspection and copying in the offices of the Cable Television Bureau.

Action by the Commission May 31, 1973. Commissioners Burch (Chairman), Robert E. Lee, Reid, Wiley, and Hooks with Commissioner H. Rex Lee concurring and Commissioner Johnson dissenting.

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

[FR Doc.73-11759 Filed 6-12-73;8:45 am]

STEERING COMMITTEE OF THE FEDERAL/STATE-LOCAL ADVISORY COMMITTEE

Notice of Meeting

JUNE 6, 1973.

The Steering Committee of the Cable Television Federal/State-Local Advisory Committee will hold an open meeting on June 18, 1973, from 2 p.m. to 5 p.m. The meeting will be held in the Costa Mesa, room No. 12 of the Anaheim Convention Center, Anaheim, Calif.

The agenda for this meeting will be a discussion of the language written for part I of the final report.

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

[FR Doc.73-11760 Filed 6-12-73;8:45 am]

FEDERAL MARITIME COMMISSION

ALL PORTS HOUSEHOLD FORWARDERS, INC. ET AL.

Independent Ocean Freight Forwarder License Applicants

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission applications for licenses as independent ocean freight forwarders pursuant to section 44(a) of the Shipping Act, 1916 (75 Stat. 522 and 46 U.S.C. 841(b)).

Persons knowing of any reason why any of the following applicants should not receive a license are requested to communicate with the Director, Bureau of Certification and Licensing, Federal Maritime Commission, Washington, D.C. 20573.

All Ports Household Forwarders, Inc., 25-56 31st Street, Astoria, N.Y. 11102.

OFFICERS

Pasquale Gasparre, secretary.
Robert Robotti, president.

International Activities Corp., 2355 Devon Avenue, Elk Grove Village, Ill. 60007.

OFFICERS AND DIRECTORS

Roger D. Kolda, president/director.
Hugh Polanco, vice president/director.
Gilbert Riedweg, secretary/treasurer.
Louis Severini, director.

Seaways Forwarding Corp., 305 South Street, Newark, N.J. 07114.

OFFICERS

Andre Marsella, president.
Richard J. Davis, executive, vice president.
Phillip Davis, secretary/treasurer.
Howard Wofsy, vice president.
Irwin Wofsy, vice president.

Landair Corp., 4920 East Fifth Avenue, Columbus, Ohio 43219.

OFFICERS AND DIRECTORS

Allan M. Miller, president/treasurer.
Blanche E. Miller, vice president/secretary.
Murray Landers, director.
Marvin A. Katz, director.

Thomas Lanier, doing business as Lanier Shipping Co., 645 East 28th Street, Paterson, N.J. 07504.

Celeste Hernandez de Acosta, No. 402 Comercio Street, Old San Juan, Puerto Rico.

Dated June 8, 1973.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-11767 Filed 6-12-73;8:45 am]

CITY OF LONG BEACH AND CRESCENT TERMINALS INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 3, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:
Leonard Putnam, Esq., city attorney, city of Long Beach, suite 600, City Hall, Long Beach, Calif. 90802.

Agreement No. T-2800, between the city of Long Beach (City) and Crescent Terminals, Inc. (Crescent), is a 7-year nonexclusive preferential assignment agreement providing for Crescent's use of certain areas at Pier F, Long Beach, Calif., which Crescent will operate as a public marine terminal. All charges assessed by Crescent shall conform as nearly as possible with charges published in the Port of Long Beach Tariff. Crescent's rates, rules and regulations shall be subject to review and control by City, and Crescent shall make no changes therein without the prior written approval of City. In lieu of filing a tariff with City, Crescent may elect to use and be bound by the Port of Long Beach Tariff. Crescent does not have the exclusive right to perform stevedoring services upon the premises. As compensation for the first 2 years, Crescent will pay City all applicable tariff charges subject to a minimum annual payment of $280,800; thereafter, the revenue earned from the operation of Crescent will be apportioned as follows: 25 percent of dockage and wharfage charges (excluding wharfage on bunkers) to City and 75 percent to Crescent; 100 percent of storage and demurrage charges to Crescent; with all other tariff charges accruing to City. The minimum obligation of Crescent will be subject to negotiation for each of the last five 12-month periods of the assignment. Agreement No. T-2800 supersedes agreement No. T-2394 between the parties.

Dated June 7, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-11769 Filed 6-12-73;8:45 am]

COMPANHIA DE NAVEGACAO LLOYD BRASILEIRO ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 3, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce

evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

COMPANHIA DE NAVEGACAO LLOYD BRASILEIRO, COMPANHIA DE NAVEGACAO MARITIMA NETUMAR S/A AND MOORE-MCCORMACK LINES, INC.

Notice of agreement filed by:

Mr. Hubert P. Carr, Vice President and Secretary, Moore-McCormack Lines, Inc., 2 Broadway, New York, N.Y. 10004.

Agreement No. 10054, among Companhia De Navegacao Lloyd Brasileiro, Companhia De Navegacao Maritima Netumar S/A and Moore-McCormack Lines, Inc., common carriers by water operating in the trade between U.S. Atlantic Coast ports and ports of Brazil, provides for the establishment of a cooperative working arrangement whereby the parties intend to confer with each other concerning the following matters:

(1) Preparation of a detailed study of the present, near future and long-term valuation and volume of containerized, unitized, break-bulk and neo-bulk requirements.

(2) Discussion of joint or mutual interest in common berthing, shore equipment, container equipment and facilities in United States and Brazil.

(3) Performance of joint surveys of trade needs, present and future.

(4) Consideration of conference tariff actions that will best serve the identifiable trade requirements.

(5) Consideration of pooling of equipment to meet container needs of shippers.

(6) Planning of feeder and distribution systems.

(7) Rationalization of sailings and port call patterns.

(8) Cooperation with Government agencies in evaluation and planning for long-term commitments.

The purpose of the agreement is to promote the commerce between the nations involved and to provide more efficient service for shippers. The agreement may be modified, amended, or supplemented subject to any required governmental approvals.

Dated June 4, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-11771 Filed 6-12-73;8:45 am]

PORT OF SEATTLE AND PUGET SOUND TERMINALS INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 3, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Robert E. Tobin, Manager, Industrial & Marine Rentals, Port of Seattle, P.O. Box 1209, Seattle, Wash. 98111.

Agreement No. T-2798, between the Port of Seattle (Port) and Puget Sound Terminals, Inc. (PST), provides for the 5-year lease to PST of a portion of the South Transit Shed at Pier 42 for the purpose of general warehousing and distribution. As compensation, the Port is to receive $6,457 per month in addition to all applicable Port tariff charges.

Dated June 7, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-11768 Filed 6-12-73;8:45 am]

TRANS PACIFIC PASSENGER CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., room 1015; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 3, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Mr. Ronald C. Lord, general manager, Trans-Pacific Passenger Conference, 311 California Street, San Francisco, Calif. 94104.

Agreement No. 131-257 filed by the Trans-Pacific Passenger Conference modifies rule E-2, concerned with standards applicable to conference appointed travel agents, by revising the standards with respect to location and staff, sections A and B respectively.

Agreement No. 131-257 also modifies rule E-6, section B, paragraph 3, which is concerned with the payment of override commissions for promotional programs to be paid travel agents including wholesalers.

These modifications will also be made in exhibit D to rule E-1 entitled "Rules of the Trans-Pacific Passenger Conference Affecting Travel Agencies."

Dated June 5, 1973.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.73-11770 Filed 6-12-73;8:45 am]

FEDERAL POWER COMMISSION

CITIES SERVICE GAS CO.

Notice of Proposed Changes in Rates and Charges

JUNE 8, 1973.

Take notice that on May 7, 1973, Cities Service Gas Co. (Cities) tendered for filing as part of its FPC gas tariff, original volume No. 2, an amendment to rate X-16 consisting of original sheet No. 143B. Cities states that the tariff sheet amends the exchange agreement, dated June 11, 1971, to provide for an additional delivery point in Woodward

County, Okla. (Baird Exchange Point) for delivery of gas from Arkansas Louisiana Gas Co. (Arkla) to Cities. Cities states further that the delivery of volumes through the Baird Exchange Point will not result in an increase in exchange volumes between Cities and Arkla over and above the 10,000 M ft³ per day provided for in the original exchange agreement. Cities request an effective date of June 15, 1973, for this sheet.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 11, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11714 Filed 6-12-73;8:45 am]

[Docket No. E-8125]

KANSAS POWER & LIGHT CO.

Order Accepting for Filing and Suspending Proposed Rate and Tariff Schedule Changes, Setting the Matter for Hearing, and Permitting Intervention

MAY 31, 1973.

On April 13, 1973, Kansas Power & Light Co. (KPL) tendered for filing a rate schedule to supersede the present FPC designated rate schedules [1] for service to 17 cooperative customers (Coops).[2] The rate schedule includes the form of contract between KPL and each cooperative, and the tariff schedule, Wholesale Service—Rural Electric Cooperative RCW-73, applicable to this class of service, which supersedes RCW-67. The rate level reflected in the rate schedule was arrived at, according to KPL, through negotiations between KPL and the Coops.

The proposed rate schedules will, according to the company, increase revenues from this class of service by $675,997 based on sales for the test-year 1972. Among other adjustments made in the rate schedule, the fuel adjustment base has been updated. The company indicates that the rate of return under the present rate schedule is 3.67 percent, while under the proposed rate schedules the rate of return would be 6.14 percent. KPL states that the present rate of return is inadequate to insure continued service at existing quality without the possibility of impairing service to all customers of the company. KPL requests an effective date of May 15, 1973.

[1] See attached appendix for list of cooperative and rate schedule designations.
[2] Ibid.

The filing was noticed on April 25, 1973, with protests and petitions to intervene due on or before May 7, 1973. On May 8, 1973, a protest and petition to intervene was filed by all 17 of KPL's cooperative customers. These petitioners protest various provisions of the rate schedules tendered for filing by KPL. The Coops state that:

(1) Reference is improperly made in various places, in the contract tendered by KPL to the State Corporation Commission of Kansas, since the Federal Power Commission has exclusive jurisdiction over sales by KPL to the Coops.

(2) The first sentence of paragraph (b) of article I of the contract is in conflict with the second sentence in that the former states that the company agrees to supply power at a point of delivery in an area other than one certified if there is no conflict with an existing contract the Coop has with another company and KPL is granted authority from the Kansas Corporation Commission, while the second sentence states that the company, after 30 days notice, shall notify the Coop whether it is willing to supply such power.

(3) The third paragraph of article I of the contract and certain words in the "applicable" provision of sheet 1 of schedule RCW-73 should be deleted in that they require a co-op to agree to use electric energy purchased under the contract for its own consumption or for resale at retail solely to ultimate customers located in areas having rural characteristics for which the Coop has a certificate of convenience issued by the Kansas Corporation Commission.

(4) Article VI is a "save harmless" clause which should be deleted because it creates an exposure to liability for the co-op which is not covered by its regular public liability policy.

(5) Article III of the contract would permit KPL to unilaterally file for a higher rate with the Commission while article IX would bind the petitioners to their contracts for a period of 5 years. If the article III provision is approved, an increase of rates by the company should terminate the contract.

(6) The fuel adjustment clause set forth on sheet 2 of proposed schedule RCW-73 does not comply with § 35.14(a) of the regulations under the Federal Power Act in that it includes costs of emission control and transportation. The clause should also be modified to take into consideration future improvement in efficiency.

(7) The words "contract capacity", which appear in the paragraph on sheet 2 of schedule RCW-73 entitled "minimum", should be defined, but are not defined in either the contract or schedule RCW-73.

The petitioners request that they be allowed to intervene and that the Commission require that the proposed contract and schedule RCW-73 be modified, pursuant to the petitioner's objections as previously discussed, before they are accepted by the Commission. If the Commission is not willing to require such modifications, the petitioners request a hearing and further request that the Commission suspend the operation of the proposed contracts and rate schedule for the statutory period.

On May 9, 1973, a deficiency letter was sent to KPL, in which the company was directed to cure certain procedural defects. Also on May 9, 1973, KPL, upon its own motion, filed copies of the form of contract and tariff for each of the Coops which had the effect of curing the deficiency. On May 14, 1973, KPL filed an "application and motion for assignment of filing date or waiver of notice requirement," in which KPL requests, among other things, that the Commission permit the rate schedules to become effective for deliveries of power and energy on or after May 15, 1973. Because of the nature of the deficiency and the time in which it was cured, we shall grant waiver of our notice requirements to permit the proposed increase to be made effective after the 1-day suspension hereinafter ordered.

Our review of the filing indicates that rates and charges included therein have not been shown to be just or reasonable. However, the objections to the terms and conditions of the service contract set forth in the Coop's protest and petition to intervene raise questions which may require further investigation in an evidentiary hearing. In these respects, the filing has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful. Accordingly, we will suspend the effectiveness of the proposed rates for 1 day. We also will grant the waiver of the notice requirements of our regulations to permit the proposed rates to go into effect subject to refund one day after the proposed effective date.

With respect to the fuel adjustment clause, we will permit it to become effective on May 16, 1973, subject to the condition that KPL file a revised fuel clause in conformance with New England Power Co. docket No. E-7541 Opinion No. 633.

The Commission finds

(1) The rate increase proposed by KPL has not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory, preferential, or otherwise unlawful.

(2) It is necessary and proper in the public interest and in carrying out the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in KPL's FPC rate and tariff schedules as proposed to be amended in this docket, and that the revised tariff sheets filed herein be suspended, and the use thereof deferred as hereinafter ordered.

(3) Good cause exists to permit the Coops to intervene in the aforementioned proceeding.

(4) Good cause exists to waive the notice requirements of our regulations.

The Commission orders

(A) Pursuant to the authority of the Federal Power Act and the Commission's rules and regulations, a public hearing shall be held, commencing with a prehearing conference on June 29, 1973, at 10 a.m., e.d.t., in a hearing room of the

Federal Power Commission, Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in KPL's FPC rate and tariff schedules, as proposed to be amended herein.

(B) Pending such hearing and decision thereon, KPL's revised tariff sheets as hereinbefore designated are suspended for 1 day and the use thereof deferred until May 16, 1973, and until such time as they are made effective in the manner provided in the Federal Power Act. KPL shall file a revised fuel clause in conformance with New England Power Co., docket No. E-7541, opinion No. 633, on or before August 13, 1973.

(C) At the prehearing conference on June 29, 1973, the company's prepared testimony (statement P) together with its entire rate filing shall be admitted into the record subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of § 1.18 of the Commission's rules of practice and procedure.

(D) On or before July 22, 1973, the Commission staff shall serve its prepared testimony and exhibits. Any prepared testimony and exhibits of the intervenors shall be served on or before August 2, 1973. Any rebuttal evidence by KPL shall be served on or before August 9, 1973. Cross-examination of the evidence filed shall commence at 10 a.m., e.d.t., on August 21, 1973, in a hearing room of the Federal Power Commission.

(E) A presiding administrative law judge to be designated by the Chief Administrative Law Judge for that purpose (see delegation of authority, 18 CFR 3.5 (d)) shall preside at the hearing initiated by this order, and shall conduct such hearing in accordance with the Federal Power Act, the Commission's rules and regulations, and the terms of this order.

(F) The Cooperative petitioners for intervention shall be permitted to intervene in the aforementioned proceeding, subject to the Commission's rules and regulations; *Provided, however,* that the admission of such intervenor shall not be construed as recognition by the Commission that they might be aggrieved by any orders entered in this proceeding and *Provided, further,* that the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in their petition to intervene.

(G) The notice requirements of our regulations are hereby waived.

(H) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

APPENDIX A—DOCKET NO. E-8125

THE KANSAS POWER AND LIGHT COMPANY

Present Contracts for Service

Cooperative and address	Designated	Dated
Ark Valley Electric Cooperative Association, Inc., P.O. Box 1246, Hutchinson, Kans. 67501.	FPC No. 100 as supplemented	Mar. 25, 1968
Brown-Atchison Electric Cooperative Association, Inc., P.O. Box 230, Horton, Kans. 66439.	FPC No. 101	Mar. 30, 1968
Butler Rural Electric Cooperative Association, Inc., P.O. Box 1242, El Dorado, Kans. 67042.	FPC No. 102	Mar. 25, 1968
The C & W Rural Electric Cooperative Association, Inc., P.O. Box 513, Clay Center, Kans. 67432.	FPC No. 103	Do.
Coffey County Rural Electric Cooperative Association, Inc., P.O. Box 229, Burlington, Kans. 66839.	FPC No. 104 as supplemented	Do.
D. S. & O. Rural Electric Cooperative Association, Inc., P.O. Box 286, Solomon, Kans. 67480.	FPC No. 105 as supplemented	Do.
Doniphan Electric Cooperative Association, Inc., P.O. Box 588, Troy, Kans. 66087.	FPC No. 106	Mar. 28, 1968
Flint Hills Rural Electric Cooperative Association, Inc., P.O. Box B, Council Grove, Kans. 66846.	FPC No. 107 as supplemented	Apr. 8, 1968
The Kaw Valley Electric Cooperative Co., Inc., P.O. Box 4286, Topeka, Kans. 66604	FPC No. 108 as supplemented	Mar. 25, 1968
Leavenworth-Jefferson Electric Cooperative, Inc., P.O. Box 636, McLouth, Kans. 66054.	FPC No. 109 as supplemented	Do.
Lyon County Electric Cooperative, Inc., P.O. Box 964, Emporia, Kans. 66801	FPC No. 110 as supplemented	Apr. 8, 1968
Nemaha-Marshall Electric Cooperative Association, Inc., Axtell, Kans. 66403	FPC No. 111 as supplemented	Mar. 25, 1968
Ninnescah Rural Electric Cooperative Association, Inc., P.O. Box 967, Pratt, Kans. 67124.	FPC No. 112 as supplemented	Apr. 8, 1968
P. R. & W. Electric Cooperative Association, Inc., P.O. Box 5, Wamego, Kans. 66547	FPC No. 113 as supplemented	Mar. 26, 1968
The Smoky Hill Electric Cooperative Association, Inc., P.O. Box 125, Ellsworth, Kans. 67439.	FPC No. 114	Mar. 28, 1968
The Smoky Valley Electric Cooperative Association, Inc., P.O. Box 409, Lindsborg, Kans. 67456.	FPC No. 95 as supplemented	Oct. 12, 1967
The Twin Valley Electric Cooperative, Inc., P.O. Box 385, Altamont, Kans. 67330.	FPC No. 115	Apr. 8, 1968

[FR Doc. 73-11544 Filed 6-12-73;8:45 am]

[Dockets Nos. G-8820, etc]

TEXACO INC. ET AL

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

MAY 31, 1973.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 18, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commisison will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per M ft³	Pressure base
G-8820 D 5-14-73	Texaco, Inc., P.O. Box 2420, Tulsa, Okla. 74102.	Natural Gas Pipeline Co. of America, Camrick Southeast Field, Texas, and Beaver Counties, Okla. and Blakemore Area, Hansford County, Tex.	(1)	.....
G-12568 D 5-14-73	do	Kansas-Nebraska Natural Gas Co., Inc., Camrick Field, Texas County, Okla.	(1)	.....
G-1232 D 5-9-73	Mobil Oil Corp., 3 Greenway Plaza East, suite 800, Houston, Tex. 77046.	Michigan Wisconsin Pipe Line Co., Laverne Field, Harper County, Okla.	(2)	.....
C162-458 D 5-14-73	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	Columbia Gas Transmission Corp., acreage in McDowell County, W. Va.	Undeveloped	.....
C169-284 D 5-14-73	Mobil Oil Corp	Arkansas Louisiana Gas Co., Red Oak Area, Latimer, Le Flore, et al. Counties, Okla.	Unproductive	.....
C165-7 C 5-7-73	Arkla Exploration Co., P.O. Box 1734, Shreveport, La. 71151.	Arkansas Louisiana Gas Co., acreage in Haskell County, Okla.	16.255	14.65
C165-669 D 5-14-73	Texaco, Inc	Panhandle Eastern Pipe Line Co., Sampsel Northeast Field, Cimarron County, Okla.	(3)	.....
C167-651 D 5-17-73	Mobil Oil Corp	Trunkline Gas Co., Lake Misere Field, Cameron Parish, La.	Unproductive	.....
C173-759 A 5-3-73	Chevron Oil Co., Western Division, P.O. Box 599, Denver, Colo. 80201.	El Paso Natural Gas Co., Fowler Upper Yeso Pool, Lea County, N. Mex.	25.0	14.65
C173-764 A 5-7-73	Cities Service Oil Co., P.O. Box 300, Tulsa, Okla. 74102.	El Paso Natural Gas Co., acreage in Apache County, Ariz.	[4] 33.46	15.025
C173-767 A 5-14-73 [5]	Cabot Corp., P.O. Box 1101, Pampa, Tex. 79065	El Paso Natural Gas Co., Walton Gasoline Plant, Winkler County, Tex.	19.5	14.65
C173-769 A 5-14-73	Amoco Production Co., P.O. Box 591, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Gonzales Mesa Verde Field, Rio Arriba County, N. Mex.	[6] 31.5	15.025
C173-770 (C162-825) F 5-3-73 [6]	Gulf Oil Corp. (successor to Mobil Oil Corp.), P.O. Box 1589, Tulsa, Okla. 74102.	El Paso Natural Gas Co., Rojo Caballos, South (Ellenburger) Field, Pecos County, Tex.	[7] 31.0	14.65
C173-771 (C163-1123) F 4-30-73	Husky Oil Co. of Delaware (successor to Harry T. Thorson), P.O. Box 380, Cody, Wyo. 82414.	Mountain Fuel Supply Co., Salt Wells, Sweetwater County, Wyo.	[7] 13.0	15.025
C173-772 4-30-73	Herman Lang, 625 North 11th St., Garden City, Kans. 67846.	Kansas Nebraska Natural Gas Co., Inc. Bradshaw Field, Hamilton County, Kans.		
F (C164-679)	(Successor to LVO Corp.)		[7] 13.5	14.65
F (C164-1054)	(Successor to Frank Martin Porter Estate).		[7] 13.5	14.65
C173-773 (G-14252) F 4-30-73	PDI, Inc. (successor to Exxon Corp.), 510 Hightower Bldg., Oklahoma City, Okla. 73102.	Panhandle Eastern Pipeline Co., acreage in Beaver County, Okla.	35.54	14.65
C173-774 (G-7672) F 5-3-73	Robert R. Price (successor to Cities Service Oil Co.), P.O. Box 45442, Tulsa, Okla. 74145.	Consolidated Gas Supply Corp., New Milton District, Doddridge County, W. Va.	0.2917	14.73
C173-775 (C160-139) F 5-3-73	do	Consolidated Gas Supply Corp., acreage in Preston County, W. Va.	26.0	15.325
C173-776 (G-7085) F 5-3-73	Robert R. Price (successor to Cities Service Oil Co.).	Columbia Gas Transmission Corp., acreage in Garrett County, Md. and Preston County, W. Va.	30.0	15.325
C173-777 (C170-1942) F 5-3-73	do	Consolidated Gas Supply Corp., Sandy River District, McDowell County, W. Va.	30.0	15.325
C173-778 (C164-921) F 5-7-73	Kenneth D. Luff (successor to Champlin Petroleum Co.), 520 Patterson Bldg., Denver, Colo. 80202.	Colorado Interstate Gas Co., Patrick Draw Area, Sweetwater County, Wyo.	23.86	14.65
C173-779 (C171-285) F 5-7-73	Earl R. Bruno, d.b.a. RPL Oil Co., Inc. (successor to Cities Service Oil Co.), P.O. Box 5456, Midland, Tex. 79701.	El Paso Natural Gas Co., Citgo-University Unit, Terrell County, Tex.	27.2	14.65
C173-780 (G-11860) F 5-7-73	Elba Oil Corp. (successor to Mobil Oil Corp.), 300 McFarlin Bldg., Tulsa, Okla. 74103.	Cities Service Gas Co., North Rhodes Field, Barber County, Kans.	[7] 15.0	14.65
C173-782 A 5-14-73	H. L. Hunt (Operator) et al., 1401 Elm St., Dallas, Tex. 75202.	Montana-Dakota Utilities Co., Stoneview Field, Burke and Divide Counties, N. Dak.	[8] 36.0	14.73

[1] Leases have expired or been released.
[2] Acreage assigned to Marlin Oil Corp.
[3] Including up to 4.5c/M ft³ gathering and delivery allowance and 0.96c/M ft³ upward British thermal unit adjustment.
[4] Applicant proposes to resell gas purchased under a percentage contract from Gulf Oil Corp., who was permitted in Docket No. C171-612 (Opinion No. 656) to abandon the percentage sale to another processor.
[5] Includes 3.5c/M ft³ upward British thermal unit adjustment. The wells involved herein were commenced prior to Jan. 1, 1973.
[6] Applicant proposes to sell gas from a newly discovered reservoir underlying previously committed acreage.
[7] Subject to downward British thermal unit adjustment.
[8] Subject to upward and downward British thermal unit adjustment.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.73-11543 Filed 6-12-73;8:45 am]

[Docket No. CP73-311] [1]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Petition for Emergency Relief

JUNE 6, 1973.

Public notice is hereby given that a petition for emergency relief was filed on April 27, 1973, by the Town of Utica, Miss. (Utica) pursuant to § 1.7(b) of the Commission's rules of practice and procedure and terms of the Commission's order denying rehearing and stay issued January 24, 1973. Utica is seeking an increased annual allotment of at least 10,653 M ft³ from its sole supplier, Texas Eastern Transmission Corp.

Utica claims that its current annual allotment of 57,800 M ft³ is not sufficient to meet the projected demands of the Town's users. Utica has presented data from the last 2 years on which its present projection is based. Stating that it used 46,953 M ft³ from September 1, 1972 to February 28, 1973, Utica claims that it must have 68,453 M ft³ for the 12 months ending August 31, 1973.

Utica states that virtually all of its customers are residential and small commercial users. Only three users, says Utica, fall outside of priority-of-service category (1) established by Commission Order No. 467-B issued March 2, 1973, in docket No. R-469. They are listed as Utica Junior College, which uses gas for space heating, and two industrial users, Movie Stars and Kitchen Bros., who use gas for space heating only. Utica states that none of the three has alternate fuel capability.

Utica claims that unless the requested relief is granted, it will be forced either to curtail service to its customers or to pay penalty charges of $3 per thousand cubic feet in order to meet its demand. Payment of such a charge, says Utica, would potentially bankrupt its gas system.

Any person desiring to be heard or to make protest with reference to said petition should on or before June 11, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petititons to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11713 Filed 6-12-73;8:45 am]

[1] The Town of Utica's petition for emergency relief was originally filed in docket Nos. RP71-130 and RP72-58.

FEDERAL RESERVE SYSTEM

FIRST PENNSYLVANIA CORP.

Order Approving Acquisition of Performance Associates, Inc.—Colorado

First Pennsylvania Corporation, Philadelphia, Pa., a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y, for permission to acquire all the issued and outstanding common stock of Performance Associates, Inc.—Colorado, Denver, Colo. (Performance), a company registered with the Securities and Exchange Commission under the Investment Advisers Act of 1940, which provides portfolio investment advisory and portfolio investment management services, primarily to individuals and institutions. Such activity has been determined by the Board to be closely related to banking (12 CFR 225.4(a)(4) and (5)).[1]

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 3628). The time for filing comments and views has expired and none has been timely received.

Applicant controls one bank, the First Pennsylvania Banking & Trust Co., Bala Cynwyd, Pa. (Bank), which, as of June 30, 1972, was the 19th largest bank in the United States, the second largest in Pennsylvania, and the largest in the Philadelphia market area, with total deposits of $2.6 billion. One of its nonbanking subsidiaries,[2] Vestaur Corp. (Vestaur), provides investment advisory services to individuals, corporations, and institutions in the Philadelphia area, where its only office is located. Bank also provides investment advisory services, 80 percent of which business orgniates in the State of Pennsylvania. It has only one client in the area where Performance operates, an individual residing in Tucson, Ariz.

Performance has its only office in Denver, Colo. It derives 66 percent of its business from the two States of Colorado and Wyoming and 80 percent of its business from the eight-State area comprised of Colorado, Wyoming, Nebraska, New Mexico, South Dakota, Utah, Idaho, and Arizona. It competes with approximately 20 investment advisory firms located in Colorado and with an undetermined larger number of such firms in the eight-State area, from which it derives most of its income. Because of the distances separating Applicant's existing investment advisory businesses and Performance, the proposed acquisition would not appear to eliminate any significant existing competition.

Performance is a small company with assets of $67,853, as of August 31, 1972. It began operations September 10, 1969, and, as is not unusual in the investment advisory business, sustained losses in its first 3 years. The deficit decreased for the year ended August 31, 1972, however, and profitable operations are anticipated in the near future. The proposed affiliation, making available to Performance the financial resources of Applicant and the research facilities of Vestaur, should enable Performance to expand and improve its services, to the benefit of the public.

Although Applicant has the financial resources to enter the geographic market where Performance operates, on a de novo basis, there are no significant barriers to entry, and a large number of other potential entrants are available to enter the market. In view of these circumstances, and the small size and limited financial resources of Performance, it appears unlikely that the proposed acquisition would have any adverse effects on probable future competition.

There is no evidence in the record that consummation of the acquisition would result in any undue concentration of resources, unfair competition, conflicts of interest, unsound banking practices, or other adverse effects.

Applicant proposes to have Vestaur acquire the Performance stock for cash. Vestaur was acquired by Applicant June 17, 1970, before the 1970 Amendments to the Bank Holding Company Act, and under section 4(a)(2) of the Act may not be retained beyond December 31, 1980, without Board approval. Applicant has not as yet filed an application to retain the Vestaur shares, nor has the Board in its consideration of the instant proposal, passed on the merits of such retention. Under these circumstances, the Board believes that it would be in the public interest to approve the acquisition of Performance on condition that Applicant maintain the assets of Performance separate and apart from those of Vestaur, and, upon consummation of the acquisition, operate Performance as a separate business entity. This condition may be lifted at such time as the Board has an opportunity to make a determination on an application subsequently filed to retain the shares of Vestaur.

Accordingly, the application is hereby approved on the condition that Applicant maintain the assets of Performance separate and apart from those of Vestaur and operate Performance as a separate business entity. This determination is further subject to the conditions set forth in § 225.4(c) of regulation Y and the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

By order of the Board of Governors,[3] effective May 31, 1973.

[SEAL] TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-11668 Filed 6-12-73;8:45 am]

[1] Applicant has indicated that management services does not include the right to vote any securities and that in no event will the securities be in the name of Performance.

[2] Applicant also has nonbanking subsidiaries engaged in mortgage banking, data processing, equipment leasing, and consumer financing.

PAN AMERICAN BANCSHARES, INC.

Acquisition of Bank

Pan American Bancshares, Inc., Miami, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)), to acquire 50 percent or more of the voting shares of Pan American Bank of Inverrary, Lauderhill, Fla., a proposed new bank. The factors that are considered in acting on the application are set forth in the section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than June 20, 1973.

Board of Governors of the Federal Reserve System, June 5, 1973.

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

[FR Doc.73-11695 Filed 6-12-73;8:45 am]

PAN AMERICAN BANCSHARES, INC.

Acquisition of Bank

Pan American Bancshares, Inc., Miami, Fla., has applied for the Board's approval under section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of Volusia County National Bank at Ormond Beach, Ormond Beach, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than June 27, 1973.

Board of Governors of the Federal Reserve System, June 5, 1973.

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

[FR Doc.73-11696 Filed 6-12-73;8:45 am]

PAN AMERICAN BANCSHARES, INC.

Acquisition of Bank

Pan American Bancshares, Inc., Miami, Fla., has applied for the Board's approval under section 3(a)(3) of the

[3] Voting for this action: Chairman Burns and Governors Daane, Brimmer, Sheehan, and Bucher. Absent and not voting: Governor Mitchell.

Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of First National Bank of DeBarry, DeBarry, Fla. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Atlanta. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than June 27, 1973.

Board of Governors of the Federal Reserve System, June 5, 1973.

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

[FR Doc.73-11697 Filed 6-12-73;8:45 am]

VALLEY VIEW BANCSHARES, INC.

Formation of Bank Holding Company

Valley View Bancshares, Inc., Overland Park, Kans., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Valley View State Bank, Overland Park, Kans. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than June 20, 1973.

Board of Governors of the Federal Reserve System, June 5, 1973.

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

[FR Doc.73-11694 Filed 6-12-73;8:45 am]

WHITMORE BANCORPORATION, INC.

Order Approving Formation of Bank Holding Company

Whitmore Bancorporation, Inc., Corning, Iowa, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 80 percent or more of the voting shares of The Page County State Bank, Clarinda, Iowa (Bank).

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and none has been received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, recently organized for the purpose of becoming a holding company, has engaged in no business activities and has no subsidiaries. Bank (deposits of $12.9 million) is slightly the larger of the two banks in Clarinda and is the largest of the five banks in Page County, accounting for 24 percent of the aggregate deposits held by the five banks. (All banking data are as of June 30, 1972.) The transaction is merely a reorganization whereby the shareholders who control Bank directly at the present time will control Bank indirectly through applicant. Accordingly, the Board concludes that consummation of the proposal will not eliminate any existing nor potential competition, increase concentration of banking resources, nor have an undue adverse effect on the other banks in the relevant area.

The management, financial condition, and prospects of Bank are all considered satisfactory. The management of applicant is essentially the same as that of Bank; and the financial condition of applicant and its prospects, which will depend largely upon Bank at least initially, appear to be satisfactory. The ability of Bank to meet any need that develops in the area for a broader range of financial services may be enhanced as a result of the flexibility afforded by the holding company structure. Hence, considerations relating to the convenience and needs of the communities to be served are consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be consummated (a) before the 13th calendar day following the effective date of this order or (b) later than 3 months after the effective date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] effective June 1, 1973.

TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-11693 Filed 6-12-73;8:45 am]

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

LOWER RIO GRANDE FLOOD CONTROL PROJECT, TEXAS

Notice of Availability of Environmental Statement and Request for Comments From State and Local Agencies and Private Interests

Pursuant to the National Environmental Policy Act of 1969, notice is hereby given that this agency has prepared a draft statement which discusses environmental considerations relating to proposed increasing height of levees along the Rio Grande upstream from Retamal Dam and along Main and North Floodways, Lower Rio Grande Flood Control project, in Hidalgo, Cameron, and Willacy Counties, Tex. A copy of the statement is being placed in the office of the Country Director for Mexico, room 3906-A, Department of State, 21st Street and Virginia Avenue NW., Washington, D.C., in the office of the Project Superintendent, U.S. Section, International Boundary and Water Commission, 208 South F Street, Harlingen, Tex., and in the office of the U.S. Section, Chief of Planning and Reports, 809 Southwest Center, El Paso, Tex. The environmental analysis statement was prepared as a part of the study of the necessary improvements to the existing flood control project being undertaken by the two countries.

Comments are particularly invited from State and local agencies or groups 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 specifically requested.

Copies of the draft environmental statement have been sent to the Department of Agriculture, Office of the Secretary, Soil Conservation Service; Corps of Engineers, Office of Chief Engineer, Galveston District; Department of the Interior, Office of the Secretary, Bureau of Sports Fisheries and Wildlife, Bureau of Outdoor Recreation, National Park Service; Environmental Protection Agency; Advisory Council on Historic Preservation; Department of Health, Education, and Welfare; Executive Department, State of Texas; Lower Rio Grande Development Council; Commissioner's Courts, Hidalgo, Cameron and Willacy Counties, Tex.; and various conservation associations in Texas.

Comments are requested by July 20, 1973. If any such State, local or Federal agency which has not received a specific request for comments fails to provide the U.S. Section with comments by July 20, 1973, it will be presumed the agency has no comments to make.

Comments are also requested from any interested individual or association by July 20, 1973.

Comments concerning the environmental effect of the construction proposed should be addressed to D. D. McNealy, Principal Engineer, U.S. Section, International Boundary and Water Commission, P.O. Box 1859, El Paso, Tex. 79950.

Copies of the draft statement, dated May 29, 1973, and the comment thereon of Federal and State agencies (whose comments are being separately requested by the U.S. Section) will be supplied to such local agencies, individuals or associations upon request addressed to the Commissioner, U.S. Section, International Boundary and Water Commission, P.O. Box 1859, El Paso, Tex. 79950.

[1] Voting for this action: Chairman Burns and Governors Daane, Brimmer, Sheehan and Bucher. Absent and not voting: Governor Mitchell.

Dated at El Paso, Tex., this 30th day of May 1973.

FRANK P. FULLERTON,
Special Legal Assistant.

[FR Doc.73-11670 Filed 6-12-73;8:45 am]

NATIONAL ADVISORY COUNCIL FOR DRUG ABUSE PREVENTION

NOTICE OF MEETING

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the National Advisory Council for Drug Abuse Prevention on June 21, and 22, 1973, at the Sheraton Half Moon Inn, 2303 Shelter Island Drive, San Diego, Calif. The principal purposes of the meeting will be to continue development of projects on early identification of and intervention with drug abusers, the relationship of treatment to law enforcement, and evaluation of drug abuse prevention programs; and to assess the extent of and trends in drug abuse in the Western United States.

This meeting is open to the public. Any member of the public wishing to attend should contact the Executive Director of the Council, V. Rodger Digilio, at 726 Jackson Place NW., Washington, D.C. 20506, telephone 202-456-6772.

Dated June 4, 1973.

JAMES Q. WILSON,
Chairman.

[FR Doc.73-11763 Filed 6-12-73;8:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

ILLINOIS

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Illinois, dated April 27, 1973, and published May 3, 1973 (38 FR 11013), amended May 4, 1973, and published May 10, 1973 (38 FR 12260), amended May 14, 1973, and published May 18, 1973 (38 FR 13063), and amended May 30, 1973, is hereby further amended to include the following town among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of April 26, 1973:

The Town of Dayton (La Salle County).

Dated June 7, 1973.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

ELMER F. BENNETT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-11716 Filed 6-12-73;8:45 am]

MISSOURI

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Missouri, dated April 20, 1973, and published April 26, 1973 (38 FR 10334), amended April 27, 1973, and published May 3, 1973 (38 FR 11014), and amended May 16, 1973, and published May 22, 1973 (38 FR 13512), is hereby further amended. Notice is hereby given that on June 4, 1973, the President amended his declaration of a major disaster of April 19, 1973, for Missouri as follows:

I have determined that the damages in those areas of the State of Missouri adversely affected by severe storms, heavy rains, and flooding beginning on or about March 6, 1973, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Missouri. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

In order to provide Federal assistance, you are hereby authorized to allocate, from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

The purpose of this amendment is to authorize Federal assistance for the city of Joplin, and Jasper and Newton Counties to alleviate damage from severe storms occurring on May 11.

Dated June 6, 1973.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

ELMER F. BENNETT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-11715 Filed 6-12-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

BROKER-DEALER MODEL COMPLIANCE PROGRAM ADVISORY COMMITTEE

Notice of Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770, the Securities and Exchange Commission announces the following public advisory committee meetings.

The Commission's Advisory Committee on a Model Compliance Program for Broker-Dealers, established on October 25, 1972 (Securities Exchange Act Release No. 9835), will hold meetings on June 26-27, 1973, at the Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. The meetings will commence at 9 a.m., local time.

This advisory committee was formed to assist the Commission in developing a model compliance program to serve as an industry guide for the broker-dealer community. Assisted by this committee's work, the Commission plans to publish a guide to broker-dealer compliance under the securities acts in order to advise broker-dealers of the standards to which they should adhere if investor confidence in the fairness of the marketplace is to to warranted and sustained. The committee's recommendations are not intended to result in the expansion of Commission rules governing broker-dealers, but to inform broker-dealers as to the existing requirements and how they may comply with them.

The committee's scheduled meetings will be for the purpose of reviewing drafts and proposals concerning the committee's proposed report to the Commission on these compliance guidelines for broker-dealers.

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

[SEAL] RONALD F. HUNT,
Secretary.

JUNE 5, 1973.

[FR Doc.73-11683 Filed 6-12-73;8:45 am]

[70-5338]

AMERICAN ELECTRIC POWER CO., INC.

Notice of Proposed Issue and Sale of Notes to Banks and Dealer in Commercial Paper by Holding Company

JUNE 6, 1973.

Notice is hereby given that American Electric Power Co., Inc. (AEP), 2 Broadway, New York, N.Y. 10004, a registered holding company, has filed an application-declaration and amendments thereto with this Commission pursuant to the Public Utility Holding Company Act 1935 (Act), designating sections 6(b) and 12 of the act and rule 50(a)(5) 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.

AEP requests, pursuant to section 6(b) of the act, that it be authorized to issue and sell, from time to time, prior to December 31, 1974, short-term notes (including commercial paper) in an aggregate face amount of not more than $150 million to be outstanding at any one time. None of such notes shall mature later than December 31, 1975. The amount of bank notes and commercial paper to be outstanding includes any such previously authorized notes which may be outstanding (file No. 70-5029).

The proceeds from the sale of the short-term notes are to be applied by AEP, together with other funds, to make additional investments in certain of its public-utility subsidiary companies to assist them in financing the costs of their respective construction programs and for other corporate purposes. AEP requests authority to make capital contributions from time to time, prior to December 31, 1974, to three of its public-utility subsidiary companies, as follows: $85 million to Ohio Power Co. (Ohio), $40 million to Appalachian Power Co. (Appalachian), and $70 million to Indiana & Michigan Electric Co. (I&M). The construction programs of the three subsidiary companies for 1973 and 1974 are estimated as follows: $440 million for Ohio, $385 million for Appalachian, and $325 million for I&M. It is stated that AEP may, in the alternative, choose to make portions of the proposed investments in the equity of the above-named utility subsidiaries through the purchase of additional shares of common stock of

such subsidiaries. The issuance and purchase of such common stock would be subject to further regulatory approvals, including the authorization of this Commission.

The notes to be sold to banks will bear interest not greater than the prime commercial rate then in effect, will mature not more than 270 days from the date of issue or reissue thereof, and will be prepayable at any time without premium or penalty. AEP will file with the Commission by amendment a list of the banks to which it proposes to issue and sell the proposed notes. Such amendment will also indicate compensating balances, if any, required to be maintained in connection with the borrowings and the effective annual cost of said borrowings. No notes will be issued and sold prior to the issuance of a supplemental order by the Commission in connection therewith.

AEP proposes to issue and sell, from time to time, prior to December 31, 1974, commercial paper to a dealer in commercial paper (dealer). The commercial paper notes will be of varying maturities with no such notes maturing more than 270 days after the date of issue, and none will be prepayable prior to maturity. Such notes, in denominations of not less than $50,000 and not more than $5 million, will be issued and sold by AEP directly to the dealer at a discount rate which will not be in excess of the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and maturity. No commercial paper notes will be issued having a maturity of more than 90 days if such commercial paper notes would have an effective interest cost which exceeds the effective interest cost at which AEP could borrow from banks. The dealer will reoffer the commercial paper notes to not more than 200 of such dealer's customers, identified and designated in a nonpublic list prepared by the dealer in advance, at a discount rate of one-eighth of 1 percent per annum less than the discount rate to AEP. It is expected that such customers of the dealer will hold the commercial paper notes to maturity, but, if any such customer wishes to resell such commercial paper prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase such commercial paper sold by it and reoffer it to other customers on the list.

It is stated that AEP will retire any notes to banks or commercial paper issued and sold pursuant to the authorization of the Commission in this proceeding on or before June 30, 1975, from internal cash resources and with the proceeds of the sale of common stock and such other securities as the Commission may authorize.

AEP requests an exception from the competitive bidding requirements of rule 50 for the proposed issue and sale of its commercial paper. AEP states that it is not practical to invite competitive bids for commercial paper. AEP also requests authority to file certificates under rule 24 with respect to the issue and sale of commercial paper hereafter consummated pursuant to this proceeding on a quarterly basis.

The application-declaration states that fees and expenses of approximately $2,500 are to be incurred by AEP in connection with the proposed transactions. It is further stated that the capital contributions of AEP to Appalachian require authorization by the State Corporation Commission of Virginia and the Public Service Commission of West Virginia, that such authorizations are to be filed by amendment, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 28, 1973, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further 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.73-11675 Filed 6-12-73;8:45 am]

[70-5354]

AMERICAN NATURAL GAS CO.

Application for Exemption From Competitive Bidding Requirements

JUNE 8, 1973.

Notice is hereby given, that American Natural Gas Co., 30 Rockefeller Plaza, suite 4950, New York, N.Y. 10020 (American Natural), a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 12(d) of the Act and rule 50(a)(5) promulgated thereunder as applicable to the following proposal. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposal.

American Natural states that it is considering the sale of all of the outstanding common stock (Common Stock) of its wholly owned gas utility subsidiary company, Central Indiana Gas Co., Inc. (Central Indiana), and in the present application-declaration requests exception from the competive bidding provisions of rule 50. As an alternative to the sale of the Common Stock, American Natural is willing to consider the sale by Central Indiana of all of the business and assets (Assets) of Central Indiana and the assumption by the purchaser of all of Central Indiana's liabilities, followed by the liquidation and dissolution of Central Indiana. As of December 31, 1972, the gas properties of Central Indiana had a book value (net of depreciation) of approximately $47,519,000 and operating revenues for the 12 months ended as of that date amounted to approximately $36,249,000.

American Natural states that exception from the competitive bidding procedures of rule 50 would afford American Natural flexibility to obtain the best terms for the disposition of its interest in Central Indiana and would enable American Natural to explore all possibilities by talking freely with all interested persons.

It is stated that American Natural and Central Indiana have proposed a plan for the sale of the Central Indiana Common Stock or Assets and that copies of said plan, along with an invitation letter, will be mailed to all gas and electric utilities in the State of Indiana with net assets of $20 million or more. At the time of such mailing and in each of the 3 weeks thereafter, American Natural will publish an advertisement in the Wall Street Journal, Indiana newspapers of general circulation, and in a utility industry trade publication. Upon completion of the preliminary discussions with interested parties, American Natural will designate the parties who have expressed continuing interest and appear to have the financial capability to consummate the purchase after competitive negotiations. Upon receipt of the requested order granting the exception from the competitive bidding requirements of rule 50, American Natural and Central Indiana will enter into detailed discussions with each designated party and will request definitive proposals for the acquisition of the Common Stock or Assets,. Prior to the submission of such proposals, American Natural will make available to each of the designated parties the same basic information concerning Central Indiana's business and properties. American Natural further states that upon receipt of proposals it and, in the case of a proposed sale of the Central Indiana Assets, Central Indiana, may accept any one, may reject all, or

may designate one or more as evidencing an adequate basis for further negotiation. Any further negotiations would also be conducted under competitive conditions.

No sale of Central Indiana's Common Stock or Assets will be consummated until a declaration under section 12(d) of the Act has been filed with the Commission notifying it of the results of the negotiations, and a further order has been entered by the Commission permitting the declaration to become effective.

Fees, commissions, and expenses paid or to be incurred, directly or indirectly, in connection with this application-declaration are estimated at approximately $5,500 including counsel fees for $2,500. It is further stated that no State commission and no Federal Commission, other than this Commission, has jurisdiction over the proposal contained herein.

Notice is further given that any interested person may, not later than June 29, 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 (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the 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.73-11735 Filed 6-12-73;8:45 am]

[70-5351]

APPALACHIAN POWER CO.

Notice of Proposed Issue and Sale of Notes to Banks and Dealers in Commercial Paper

JUNE 6, 1973.

Notice is hereby given that Appalachian Power Co. (Appalachian), 40 Franklin Road, Roanoke, Va. 24009, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Appalachian requests that from the date of the granting of this application to December 31, 1974, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased to the extent necessary to cover the issuance and sale of notes to banks and to dealers in commercial paper but not to exceed the maximum amount allowable under its articles of association and as authorized by its preferred stockholders. The notes are to be issued from time to time prior to December 31, 1974, as funds are required; *Provided*, That none of the notes will mature later than June 30, 1975.

The proceeds from the issue and sale of the notes will be used by Appalachian to reimburse its treasury for past expenditures made in connection with its construction program, to pay part of the cost of its future construction program, and for other corporate purposes. Such construction expenditures for the years 1973 and 1974 are estimated to total $125 and $105 million, respectively. The application states that, unless otherwise authorized by the Commission, all of the short-term debt of Appalachian will be retired by June 30, 1975, from internal cash resources, debt or equity financing, or cash capital contributions.

Each note payable to a bank to be issued by Appalachian will be dated as of the date of the borrowing which it evidences and will mature not more than 270 days after the date of issuance or renewal thereof. Each such note will bear interest no greater than the prime rate of commercial banks at the time of issuance or in effect from time to time and will be prepayable at any time without premium or penalty. It is stated that Appalachian will not pay any fees or charges to any of the banks in connection with the issuance and sale of such notes. Sufficient bank balances to meet operating and financial needs are kept at such banks to satisfy any compensating balance requirements in connection with the borrowings. If the average of such bank balances were maintained solely in order to fulfill the prevailing compensating balance requirements of such banks, generally between 15 and 20 percent, the effective interest cost to Appalachian of the issuance and sale of such notes to banks would be approximately 1½ percent above the current prime commercial rate of 7¼ percent or about 8¾ percent. The names of the banks and the amounts to be borrowed from each are to be filed by amendment.

The commercial paper will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5 million and will be of varying maturities, with no maturity more than 270 days after the date of issue; none will be prepayable prior to maturity. The commercial paper notes of Appalachian will be sold directly to not more than two dealers at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity. No commercial paper notes will be issued having a maturity of more than 90 days at an effective interest cost which exceeds the effective interest cost at which Appalachian could borrow from banks. The dealers will reoffer the commercial paper notes to not more than 100 of their customers identified and designated in a list (nonpublic) prepared in advance. It is expected that Appalachian's commercial paper notes will be held by each dealer's customers to maturity, but if the customers wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others in its group of 100 customers.

Appalachian requests exception from the competitive bidding requirements of rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof on the grounds that it is not practicable to invite competitive bids for commercial paper. Appalachian also requests authority to file certificates under rule 24 with respect to the issue and sale of commercial paper hereafter consummated pursuant to this proceeding on a quarterly basis.

The application states that expenses related to the proposed transactions are estimated not to exceed $4,500. It is further stated that the Virginia State Corporation Commission has jurisdiction over the transactions proposed by Appalachian and that no other State commission and no Federal Commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 28, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as

amended or as it may be further amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-11677 Filed 6-12-73;8:45 am]

[70-5356]

ARKANSAS POWER & LIGHT CO.

Notice of Proposed Charter Amendment and Solicitation of Proxies in Connection Therewith

JUNE 6, 1973.

Notice is hereby given that Arkansas Power & Light Co. (Arkansas), Ninth and Louisiana Streets, Little Rock, Ark. 72203, a public-utility subsidiary company of Middle South Utilities, Inc. (Middle South), a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a)(2), 7, and 12(e) of the Act and rule 62 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Arkansas proposes to amend its agreement of consolidation or merger (Charter) to increase the number of authorized shares of its common stock and preferred stock. Arkansas is authorized to have 20 million shares of common stock, of which 17,790,000 shares are presently issued and outstanding, and 1 million shares of preferred stock, of which 863,500 shares are presently issued and outstanding. The outstanding preferred stock consists of a series of 70,000 shares of 4.32 percent preferred stock, a series of 93,500 shares of 4.72 percent preferred stock, a series of 75,000 shares of 4.56 percent preferred stock, a series of 75,000 shares of 4.56 percent preferred stock (1965 series), a series of 100,000 shares of 6.08 percent preferred stock, a series of 100,000 shares of 7.32 percent preferred stock, a series of 150,000 shares of 7.80 percent preferred stock, and a series of 200,000 of 7.40 percent preferred stock. Arkansas now proposes to increase the number of authorized shares of common stock and preferred stock to 50 million shares and 2,500,000 shares, respectively, and states that, in order to maintain a satisfactory capitalization ratio and flexibility in financing its construction program during the next few years, it is necessary that sufficient numbers of authorized shares of common stock and preferred stock be available for issuance and sale.

Arkansas intends to submit the proposed amendment of its Charter to its shareholders for their approval at a special meeting of shareholders to be held on September 20, 1973. In connection therewith, Arkansas proposes to solicit proxies from the holders of its common stock and preferred stock through use of solicitation material which sets forth the proposed amendment in detail. The declaration states that under the applicable provisions of the Arkansas Business Corporation Act, the proposed amendment requires (1) the affirmative vote of the holders of at least two-thirds of all of the outstanding shares of Arkansas' common stock and preferred stock; (2) the affirmative vote of the holders of at least two-thirds of all of the outstanding shares of Arkansas' common stock voting separately from the preferred stock as one class; and (3) the affirmative vote of the holders of at least two-thirds of all of the outstanding shares of Arkansas' preferred stock voting separately from the common stock as one class. Middle South, holder of all of the outstanding shares of Arkansas' common stock and 95.4 percent of all outstanding shares of all stock of Arkansas, has indicated that all such shares will be voted in favor of the proposed amendment.

The fees and expenses to be incurred in connection with the proposed transactions are estimated at $25,000, including counsel fees of $4,000. The declaration states that the Arkansas Public Service Commission has jurisdiction over the proposed Charter amendment and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 29, 1973, request in writing that a hearing be held with respect to the proposed transactions, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective 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.73-11680 Filed 6-12-73;8:45 am]

[812-3464]

BLYTH EASTMAN DILLON & CO., INC.

Notice of Application for Order of Exemption

JUNE 6, 1973.

Notice is hereby given that Blyth Eastman Dillon & Co., Inc. (Applicant), 1 Chase Manhattan Plaza, New York, N.Y. 10005, a registered broker-dealer, in connection with a proposed public offering of shares of common stock of American Express Income Shares, Inc. (Company), a registered closed-end diversified management investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order of the Commission exempting Applicant and its counderwriters from section 30 (f) of the Act to the extent that such section adopts sections 16 (a), (b), and (c) of the Securities Exchange Act of 1934 (1934 Act) with respect to their transactions prior to completion of the public offering of Company shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is one of the prospective representatives (Representatives) of a group of underwriters (Underwriters) being formed in connection with the proposed public offering.

The application states that each Underwriter will execute an agreement among underwriters, and the Representatives, acting both for themselves and as Representatives of the several Underwriters, will execute an underwriting agreement with the Company, its investment manager, American Express Asset Management Co. (the Investment Manager), and American Express Investment Management Co. (AEIMCO), which owns all the outstanding capital stock of the Investment Manager. It is also contemplated that one or more dealers, among whom one or more of the Underwriters may be included, will offer to sell certain of the shares, and in connection with such offers and sales, each such dealer will execute a selected dealers agreement.

The application also states that the several Underwriters intend to make a public offering of all of the Company's shares which such Underwriters are to purchase under the underwriting agreement at the price therein specified as

soon on or after the effective date of the Company's Registration Statement on form S-4 (Registration Statement) as the Representatives deem advisable, and such shares are initially to be offered to the public at the price to the public set forth in the prospectus incorporated in the Registration Statement (Prospectus) at the time the Registration Statement becomes effective under the Securities Act of 1933.

Applicant states that it is not possible to determine until just prior to the effective date of the Registration Statement the exact number of shares to be offered by the underwriting group and by each Underwriter. Although 5,500,000 shares have been included for registration in the Registration Statement, the actual number of shares which may be the subject of the proposed public offering may be increased or decreased by the Representatives and the Company, because of market conditions or otherwise, shortly before the effective date of the Registration Statement and the proposed public offering, and thereafter depending upon the exercise of an overallotment option granted to the Underwriters. In addition to purchases of shares from the Company and sales of shares to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization.

Applicant also states that it is possible that the original purchase obligation of any one or more of the Underwriters, including each of the Representatives, may exceed 10 percent of the aggregate number of shares of the Company's common stock to be outstanding after the purchase by the several Underwriters pursuant to the underwriting agreement or upon the completion of the initial public offering or at some interim time. Applicant further states that it is contemplated that it will purchase, prior to the effective date of the Registration Statement, 100 shares of common stock of the Company and that, as a result, it will own more than 10 percent of the Company's outstanding shares prior to the public offering. Such shares will be purchased for investment and not for resale or future distribution. Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and liabilities as those imposed by section 16 of the 1934 Act with respect to the transactions in the securities of the Company, such Underwriter or Underwriters would become subject to: (i) The reporting requirements of section 16(a) of the 1934 Act; (ii) upon resale to their customers of the shares purchased by them, the liabilities imposed by section 16(b) of the 1934 Act; and (iii) the prohibition of section 16(c) of the 1934 Act against short sales of the shares. Applicant states that no purpose would be served by requiring the filing of reports under section 16(a) of the 1934 Act in view of the disclosures in the Prospectus, the availability of records retained by the Representatives or Underwriters and the exemption of their transactions sought from the application of sections 16 (b) and (c).

Rules 16b-2 and 16c-2 under the 1934 Act exempt certain transactions in connection with a distribution of securities from the operation of sections 16(b) and 16(c) of the 1934 Act. Applicant states that the purpose of the purchase of the shares by the Underwriters will be for resale in connection with the initial distribution of the shares. Applicant also states that such purchases and sales, therefore, will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of rule 16b-2 and, to the extent that there occur any short sales subject to section 16(c), within the purpose and spirit of rule 16c-2.

Applicant states that it is possible that one or more of the Underwriters, through their participation in the distribution of the Company's shares, may acquire more than 10 percent of the shares, and that they may fail to meet the requirement stated in rules 16b-2(a)(3) and 16c-2(b) that the aggregate participation of persons not within the purview of sections 16(b) and 16(c) of the 1934 Act be at least equal to the aggregate participation of persons receiving the exemption under rules 16b-2 and 16c-2, since it is possible that one or more of such Underwriters may together be obligated to purchase more than 50 percent of the shares being offered.

Applicant states that there is no material inside information in existence because the Company, prior to the initial distribution of the shares, will have no assets other than cash, nor business of any sort, and all material facts with respect to the Company will be set forth in the Prospectus. Applicant also states that none of the Representatives nor any of their directors or officers is or is expected to become an officer, director, member of an advisory board, investment adviser, or affiliated person of an investment adviser of the Company, other than Joseph H. King, a director and officer of Applicant who since 1949 has been a director of American Express Company which, through its ownership of all of the outstanding capital stock of AEIMCO, is an affiliated person of the Investment Manager; and further states that it does not know of any partner, director, or officer of any other Underwriter who is or is expected to become a director, officer, member of an advisory board, investment adviser, or affiliated person of an investment adviser of the Company.

Section 6(c) of the Act permits the Commission, upon application, to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from the provisions of the Act and rules and regulations promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicant contends that the transactions sought to be exempted cannot lend themselves to the practices section 16 of the 1934 Act and section 30(f) of the Act were enacted to prevent, and submits that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 26, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in the matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-11681 Filed 6-12-73;8:45 am]

[File No. 500-1]

COASTAL STATES GAS CORP.

Order Suspending Trading

JUNE 5, 1973.

The common stock, $0.33⅓ par value; $1.19 cumulative convertible preferred series A, $0.33⅓ par value; and $1.83 cumulative convertible preferred series B, $0.33⅓ par value of Coastal States Gas Corp. being traded on the New York Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Coastal States Gas Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary

suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 19 (a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 1:30 p.m., e.d.t., June 5, 1973, through June 14, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-11672 Filed 6-12-73;8:45 am]

[70-5352]

EASTERN UTILITIES ASSOCIATES, ET AL.

Notice of Proposed Issue and Sale of Notes to Banks and Open Account Advances to Subsidiary Companies

JUNE 5, 1973.

In the matter of Eastern Utilities Associates, P.O. Box 2333, Boston, Mass. 02107; Blackstone Valley Electric Co., P.O. Box 1111, Lincoln, R.I. 02865; Brockton Edison Co., 36 Main Street, Brockton, Mass. 02403; Fall River Electric Light Co., 85 North Main Street, Fall River, Mass. 02722; Montaup Electric Co., P.O. Box 391, Fall River, Mass. 02722.

Notice is hereby given that Eastern Utilities Associates (EUA), a registered holding company, and its four electric utility subsidiary companies, Blackstone Valley Electric Co. (Blackstone), Brockton Edison Co. (Brockton), Fall River Electric Light Co. (Fall River), and Montaup Electric Co. (Montaup), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a)(1), 7, 12(b), and 12(f) of the act and rule 45(a) 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.

During the period ending January 21, 1974, EUA, Blackstone, Brockton, Fall River, and Montaup propose to issue and sell short-term, unsecured promissory notes to banks, and in the cases of Blackstone, Brockton, and Fall River to also receive open-account advances from EUA, in the maximum aggregate amounts to be outstanding at any one time as shown below:

	EUA	Blackstone	Brockton	Fall River	Montaup
The Chase Manhattan Bank (N.A.), New York, N.Y.	$30,000	$1,000	$1,500	$2,000	$5,000
Industrial National Bank of Rhode Island, Providence, R.I.		1,920			
Rhode Island Hospital Trust National Bank, Providence, R.I.		1,910			
The First National Bank of Boston, Mass.	15,930		2,800	2,690	13,900
State Street Bank and Trust Co., Boston, Mass.			1,200		5,000
The National Shawmut Bank of Boston, Mass.					10,000
Plymouth-Home National Bank, Brockton, Mass.			400		
First County National Bank, Brockton, Mass.			400		
B.M.C. Durfee Trust Co., Fall River, Mass.				650	
Fall River Trust Co., Fall River, Mass.				700	
Fall River National Bank, Fall River, Mass.				250	
Total from banks	35,930	4,830	6,300	6,290	33,900
From EUA		22,940	26,790	1,700	
Maximum amount of aggregate short-term borrowings from banks and advances from EUA to be outstanding at any one time	35,930	26,870	33,090	7,990	33,900

It is proposed that the borrowings of any company from any particular bank may at times be increased to twice the amount shown above in respect of that bank, provided that the aggregate bank borrowings of that company shall at no time exceed its total amount of bank borrowings set forth above.

The notes to banks will be dated as of the date of issuance, will mature no later than January 2, 1974, and will be prepayable in whole or in part without penalty. It is represented that some of the lending banks will require compensating balances and that others will not. With respect to notes for which compensating balances are required, the notes will bear interest at not in excess of the prime rate charged by the lending bank on the date of issuance. Assuming a 15 percent compensating balance and a prime rate of 7.25 percent per annum, the effective interest cost on such notes would be 8.529 percent per annum. Notes as to which no compensating balances are required will bear interest at the lending bank's prime rate plus an adjustment equivalent to an imputed 15 percent compensating balance requirement. Such adjusted interest rate would be 8.529 percent per annum, assuming a prime rate of 7.25 percent.

The advances by EUA to Blackstone and Brockton will be subordinated to the rights of the preferred stockholders of Blackstone and Brockton, respectively, to receive dividends and liquidaton payments if, and so long as (*a*) preferred stock dividends are in arrears (or in the event of liquidation, the liquidation rights of preferred stockholders have not been satisfied) and (*b*) the sum of the advances from EUA, the notes payable to banks and all other securities representing unsecured debt, maturing in less than 10 years, exceeds 10 percent of the company's secured debt, capital stocks, premium, and surplus. The advances will bear interest payable on October 1, 1973, and January 2, 1974, at not in excess of the prime rate in effect at the First National Bank of Boston and at the Chase Manhattan Bank except that to the extent advances which have been or are made hereunder from the proceeds of issuance by EUA of its 5-year unsecured promissory note (Holding Company Act Release No. 17085), such advances shall bear interest payable at the rate incurred by EUA on the 5-year note. Since the subsidiary companies are to maintain a 15 percent compensating balance with the banks lending to EUA, the effective interest cost for the open account advances would be 8.529 percent per annum, assuming a prime rate of 7.25 percent, except that the effective rate would be 9.706 percent with respect to advances related to EUA's 5-year note.

It is stated that the proceeds from the proposed notes and advances will be used to meet cash requirements for construction, to make investment in permanent securities of Montaup by Blackstone, Brockton, and Fall River, to provide funds for compensating balances with lending banks through January 2, 1974, and to pay outstanding short-term loans. On July 2, 1973, Blackstone, Brockton, Fall River, and Montaup expect to have outstanding short-term loans of $18,100,000 (including $13,400,000 advance from EUA to Blackstone) $11,800,000 (including $6,600,000 advance from EUA to Fall River), and $18 million respectively.

Blackstone, Brockton, or Fall River may prepay its notes to banks, in whole or in part, by the use of an advance from EUA, or may repay an advance from EUA with the proceeds of notes issued to banks. If the interest rate on a note issued to a bank for the purpose of obtaining funds to repay an advance from EUA shall exceed the rate on the advance being repaid, EUA shall reimburse or credit Blackstone, Brockton, or Fall River, as the case may be, for the added interest required for the term of the note so issued.

In the event of any permanent financing by any of the borrowing companies (with the exception of permanent financing by EUA the proceeds of which are applied to the payment of prepayment of its 5-year note), the net cash proceeds therefrom will be applied to the payment of its short-term note indebtedness or advances from EUA then outstanding, and the maximum amount of short-term note indebtedness and advances to be outstanding at any one time, as proposed herein, will be reduced by the amount of the proceeds of such permanent financing.

The application-declaration states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be incurred in connection with the proposed

transactions are to be supplied by amendment.

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 the filing which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses 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.73-11606 Filed 6-12-73;8:45 am]

[70-5348]

GENERAL PUBLIC UTILITIES CORP., ET AL.

Notice of Proposed Increase in Authorized Common Stock of Subsidiary Company, Additional Shares of Common Stock of Subsidiary to Holding Company, Capital Contribution by Holding Company to Subsidiary, Assumption of Assets, Liabilities, Obligations of One Subsidiary by Other Subsidiary and Redemption by Subsidiary of Its Outstanding Preferred Stock To Effect Merger

JUNE 6, 1973.

Notice is hereby given that General Public Utilities Corp. (GPU), 80 Pine Street, New York, N.Y. 10005, a registered holding company, and two of its utility subsidiary companies, Jersey Central Power & Light Co. (Jersey Central) and New Jersey Power & Light Co. (New Jersey), Madison Avenue at Punch Bowl Road, Morristown, N.J. 07960, have filed an application-declaration with this Commission designating sections 6(a), 7, 9(a), 10, and 12 of the Public Utility Holding Company Act of 1935 (Act) and rules 42, 43, and 45 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.

GPU owns all the outstanding common stock of both New Jersey and Jersey Central. It is proposed that New Jersey be merged into Jersey Central, which would remain as the surviving company. In order to effect this merger, Jersey Central proposes to issue 8,392,500 additional shares of its common stock to GPU, these additional shares having a par value of $10 per share. After such issuance, the aggregate par value of the additional shares of Jersey Central common stock will be equal to GPU's carrying value of the New Jersey common stock at the date of the merger.

GPU states that promptly after the merger it will deliver a cash capital contribution of $3,138,574 to Jersey Central, said amount being the excess of GPU's carrying value for the New Jersey common stock over New Jersey's related net assets applicable thereto so that Jersey Central can, on its books, write off such excess. To issue the additional shares of common stock, Jersey Central proposes to amend its certificate of incorporation to increase the authorized number of shares issuable thereunder from 7 to 16 million shares with a $10 par value per share.

Jersey Central states that as a part of the merger, Jersey Central will receive all of New Jersey's assets and assume all of New Jersey's liabilities and obligations, including those under: (a) New Jersey's mortgage and deed of trust, dated as of March 1, 1944, to Guaranty Trust Co. of New York (now Morgan Guaranty Trust Co. of New York), as said mortgage and deed of trust have been amended and supplemented, (b) New Jersey's indenture, dated as of July 1, 1964, to the Chase Manhattan Bank (now the Chase Manhattan Bank (National Association)), as said indenture has been heretofore amended and supplemented, (c) New Jersey's certificate of incorporation, as amended to date, (d) New Jersey's outstanding notes evidencing bank loans, (e) New Jersey's franchises and other instruments binding upon it, and (f) all outstanding contracts and agreements of New Jersey.

Applicants represent that the proposed merger may be effected without requiring the consent of the holders of any outstanding bonds or debentures of either Jersey Central or New Jersey and that the New Jersey properties to be acquired by Jersey Central as a result of the merger will constitute property additions under the Jersey Central bond debenture. It is further stated that under the New Jersey State statute governing mergers, no consent of the holders of Jersey Central's preferred stock is required and that such holders do not have appraisal rights. The application-declaration also states that under the aforesaid statute, the favorable vote of the holders of two-thirds of the outstanding shares of New Jersey would be required. It is stated that it is unlikely that the holders of such outstanding shares of New Jersey would grant such a favorable vote, and therefore New Jersey proposes to redeem all of its outstanding preferred stock at the respective optional redemption prices of $105 per share for the 4 percent series and $103.25 per share for the 4.05 percent series plus any dividend to the date of redemption. New Jersey proposes to deposit in trust the funds required to effect this redemption prior to the proposed merger.

The applicants represent that the proposed merger will not adversely effect the customers of either New Jersey or Jersey Central since the present rates of both companies are substantially similar and since it is expected that a pending rate proceeding will result in identical rates. It is also stated that the merger will not adversely affect the operations of the two companies. It is represented that the merger will be beneficial in permitting some reduction in record keeping, facilitating future financing and in reducing the per unit cost of such financing.

Fees and expenses to be incurred in connection with the proposed transaction are to be supplied by amendment. The application-declaration states that the proposed transactions are subject to the jurisdiction of the New Jersey Public Utility Commission, that a petition seeking such approval is being filed, and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than 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 (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated addresses, 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.73-11679 Filed 6-12-73;8:45 am]

[70-5332]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Proposed Issue and Sale of Notes to Banks and Dealers in Commercial Paper

JUNE 6, 1973.

Notice is hereby given that Indiana & Michigan Electric Co. (I. & M.), 2101 Spy Run Avenue, Fort Wayne, Ind. 46801, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

I. & M. requests that from the date of the granting of this application to December 31, 1974, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act, relating to the issue of short term notes, be increased to the extent necessary to cover the issuance and sale of notes to banks and to dealers in commercial paper but not in excess of the maximum amount allowable under its articles of acceptance and as authorized by its preferred stockholders. I. & M. proposes to issue short term notes to banks and commercial paper dealers in an aggregate amount not to exceed $125 million outstanding at any one time, including short term notes presently outstanding, such amount being the maximum allowable as of April 1, 1973. The notes are to be issued from time to time prior to December 31, 1974, as funds are required, provided that none of the notes will mature later than June 30, 1975.

The proceeds from the issue and sale of the notes will be used by I. & M. to repay short term debts presently outstanding, to pay part of the cost of its future construction program, and for other corporate purposes. Such construction expenditures for the years 1973 and 1974 are estimated to total $170 million and $150 million respectively. The application states that, unless otherwise authorized by the Commission, all of the short term debt of I. & M. will be retired prior to June 30, 1975, from internal cash resources, debt or equity financing, or cash capital contributions.

Each note payable to a bank to be issued by I. & M. will be dated as of the date of the borrowing which it evidences and will mature not more than 270 days after the date of issuance or renewal thereof. Each such note will bear interest no greater than the prime rate of commercial banks at the time of issuance or in effect from time to time and will be prepayable at any time without premium or penalty. It is stated the I. & M. will not pay any fees or charges to any of such banks in connection with the issuance and sale of the notes. Sufficient bank balances to meet operating and financial needs are kept at the banks to satisfy and compensating balance requirements of such banks in connection with the borrowings. If the average of such banks, generally between 15 percent solely in order to fulfill the prevailing compensating balance requirements of such banks, generally between 15 percent and 20 percent, the effective interest cost to I. & M. of issuance and sale of such notes to the banks would be approximately 1½ percent above the current prime commercial rate of 7¼ percent or about 8¾ percent. At the present time, I. & M. proposes to issue and sell its notes to a group of 28 banks in an aggregate amount of $16,665,000. I. & M. will not effect any further borrowings from banks pursuant to this application until an amendment thereto has been filed setting forth the name or names of the banks from which such borrowings are to be effected and such amendment shall have been granted by order of the Commission.

The commercial paper will be in denominations of not less than $50,000 nor more than $5 million and will be of varying maturities, with no maturity more than 270 days after the date of issue; none will be prepayable prior to maturity. The commercial paper notes will be sold directly to not more than two dealers at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity. No commercial paper notes will be issued having a maturity more than 90 days at an effective interest cost which exceeds the effective interest cost at which I. & M. could borrow from banks. The dealers will reoffer the commercial paper notes to not more than 100 of their customers identified and designated in a list (nonpublic) prepared in advance. It is expected that I. & M.'s commercial paper notes will be held by each dealer's customers to maturity, but if the customers wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others in its group of 100 customers.

I. & M. requests exception from the competitive bidding requirements of rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof on the grounds that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper of prime borrowers such as I. & M. are published daily in financial publications. I. & M. also requests authority to file certificates under rule 24 with respect to the issue and sale of commerical paper and notes to banks hereafter consummated pursuant to this proceeding on a quarterly basis.

The application states that expenses related to the proposed transactions are estimated at $2,500. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested persons may, not later than June 28, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing), upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate), should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-11676 Filed 6-12-73;8:45 am]

[812-3469]

LIFE STOCK RESEARCH CORP. ET AL.

Notice of Filing of Application for Exemption and Order of Temporary Exemption Pending Determination of Application

JUNE 1, 1973.

Notice is hereby given that Life Stock Research Corp. (Life Stock), James Cowdon Bradford (Bradford), James Cowdon Bradford, Jr. (Bradford, Jr.), J. C. Bradford & Co. (Bradford & Co.), J. C. Bradford & Co., Inc. (Bradford & Co., Inc.), and Capital Planning Services, Inc. (Capital) (Applicants), 170 Fourth Avenue, North, Nashville, Tenn. 37219, have filed an application pursuant to section 9(c) of the Investment Company Act of 1940 (the Act) for an order exempting Applicants from the provisions of section 9(a) of the Act, and for an order temporarily exempting Life Stock, Bradford, Bradford, Jr., and Capital from section 9(a) pending the Commission's determination of the application. All interested persons are referred to the application on file with the Commission

for a statement of the representations made therein which are summarized below.

Life Stock is an investment adviser registered under the Investment Advisers Act of 1940 and serves as investment adviser to Life Insurance Investors, Inc. (LII), an open-end, diversified management investment company, registered under the Act under the terms of an agreement dated June 7, 1972. Life Stock has no other clients. Bradford is president and a director of LII and vice president and a director of Life Stock. Bradford and Bradford, Jr., are partners in Bradford & Co., a broker-dealer, and president and vice president, respectively, and directors of Bradford & Co., Inc., a broker-dealer all of the outstanding stock of which is owned by partners of Bradford & Co. Capital is principal distributor of the shares of LII, and 68 percent of the voting stock of Capital is owned by Eleanor A. Bradford, wife of Bradford and mother of Bradford, Jr. A majority of the remaining stock of Capital is owned by members of the families of partners of Bradford & Co.

On November 10, 1972, the Commission filed a complaint in the U.S. District Court for the Southern District of New York against Bradford, Bradford, Jr., Bradford & Co., Bradford & Co., Inc., and Life Stock alleging certain violations of section 10(b) of the Securities Exchange Act of 1934 (the 1934 Act) and rule 10b–5 promulgated thereunder in connection with certain purchases of the common stock of the Old Line Life Insurance Co. of America (Old Line) by Bradford, Bradford, Jr., and Life Stock. On May 31, 1973, such parties entered into a stipulation agreeing to the entry by the court of injunctions enjoining the defendants from violating section 10(b) of the 1934 Act or section 10b–5 thereunder in connection with the purchase or sale of securities of Old Line, its subsidiaries, affiliates, or successors without trial or adjudication of any issue of fact or law raised by the complaint and without admission or denial of any of the allegations therein.

Section 9(a)(2) of the Act, as here pertinent, makes it unlawful for any person who, by reason of any misconduct, is permanently or temporarily enjoined by order, judgment, or decree of any court of competent jurisdiction from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security to serve or act in the capacity of investment adviser or depositor of any registered investment company, or principal underwriter for any registered open-end company, registered unit investment trust, or registered face-amount certificate company. Section 9(a)(3) makes it unlawful for a company, any affiliated person of which is ineligible by reason of section 9(a)(2), to serve or act in the enumerated capacities.

Section 9(c) provides that upon application the Commission by order shall grant an exemption from the provisions of section 9(a) either unconditionally or on an appropriate temporary or other conditional basis, if it is established that the prohibitions of section 9(a), as applied to the applicant, are unduly or disproportionately severe or that the conduct of such person has been such as not to make it against the public interest or protection of investors to grant such application.

Applicants contend that the prohibitions of section 9(a) of the Act as applied to them are unduly and disproportionately severe and that the conduct of such persons has been such as not to make it against the public interest or protection of investors to grant their application.

In support of the application, Applicants state: Life Stock, Bradford, and Bradford, Jr., have placed in escrow amounts equal to their profits in connection with their purchases of the common stock of Old Line, which profits were the subject of the Commission's complaint, and such amounts are to be distributed to sellers of such stock as directed in the injunction decree.

Bradford and Bradford, Jr., have consented to the entry by the Commission of an order under the provisions of the 1934 Act and the Investment Advisers Act suspending Bradford for a period of 60 business days and Bradford, Jr., for a period of 20 business days from being associated with a broker-dealer or investment adviser. In addition, Life Stock has agreed that for a period of 45 consecutive calendar days following the entry of the order of temporary exemption requested herein, it will serve as investment adviser to LII without compensation.

The prohibition of section 9(a) would deprive LII and its shareholders of the services of an investment adviser and its principal distributor, as well as the services of Bradford and Bradford, Jr., as officers and directors.

Applicants have never been the subject of any disciplinary proceeding or injunction under the Securities Act of 1933 or the 1934 Act, and have never before been required to seek an exemption under section 9(a).

The Commission has considered the matter and finds that: (1) The prohibitions of section 9(a) might be unduly or disproportionately severe as applied to Life Stock, Bradford, Bradford, Jr., and Capital; and (2) their conduct has been such as not to make it against the public interest or protection of investors to grant the application for a temporary exemption from section 9(a) pending determination of the application.

Accordingly, *it is ordered, pursuant to section 9(c) of the Act,* that Life Stock, Bradford, Bradford, Jr., and Capital be and they are hereby temporarily exempted from the provisions of section 9(a) of the Act, operative as a result of the entry of the injunction against Applicants in *Securities and Exchange Commission* v. *Bradford, et al.*, pending determination by the Commission of Applicants' application for an order unconditionally exempting them from the provisions of section 9(a) operative as a result of the entry of such injunction.

Notice is further given that any interested person may, not later than June 29, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address set forth above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided in rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–11685 Filed 6–12–73;8:45 am]

[70–5350]

OHIO POWER CO.

Notice of Proposed Issue and Sale of Notes to Banks and Dealers in Commercial Paper

JUNE 6, 1973.

Notice is hereby given that Ohio Power Co. (Ohio), 301 Cleveland Avenue SW., Canton, Ohio 44701, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Ohio requests that from the date of the granting of this application to December 31, 1974, the exemption from the provisions of section 6(a) of the Act afforded to it by the first sentence of section 6(b) of the Act, relating to the issue of short-term notice, be increased to the extent necessary to cover the issuance and sale of notes to banks and to dealers in commercial paper but not in

excess of the maximum amount allowable under its articles of incorporation and as authorized by its preferred stockholders. As of April 30, 1973, the maximum amount of short-term indebtedness which Ohio could incur was $193 million. Ohio proposes to issue short-term notes to banks and commercial paper dealers in an aggregate amount not to exceed $170 million outstanding at any one time, including short-term notes presently outstanding. The notes are to be issued from time to time prior to December 31, 1974, as funds are required, provided that none of the notes will mature later than June 30, 1975.

The proceeds from the issue and sale of the notes will be used by Ohio to reimburse its treasury for past expenditures made in connection with its construction program, to pay part of the cost of its future construction program, and for other corporate purposes. Such construction expenditures for the years 1973 and 1974 are estimated to total $380 and $220 million, respectively. The application states that, unless otherwise authorized by the Commission, all of the short-term debt of Ohio will be retired prior to June 30, 1975, from internal cash resources, debt, or equity financing, or cash capital contributions.

Each note payable to a bank to be issued by Ohio will be dated as of the date of the borrowing which it evidences and will mature not more than 270 days after the date of issuance or renewal thereof. Each such note will bear interest no greater than the prime rate of commercial banks at the time of issuance or in effect from time to time and will be prepayable at any time without premium or penalty. It is stated that Ohio will not pay any fees or charges to any of the banks in connection with the issuance and sale of such notes. Sufficient bank balances to meet operating and financial needs are kept at such banks to satisfy any compensating balance requirments in connection with the borrowings. If the average of such bank balances were maintained solely in order to fulfill the prevailing compensating balance requirements of such banks, generally between 15 and 20 percent, the effective interest cost to Ohio of the issuance and sale of such notes to banks would be approximately 1½ percent above the current prime commercial rate of 7¼ percent, or about 8¾ percent. The names of the banks and the amounts to be borrowed from each are to be filed by amendment.

The commercial paper will be in denominations of not less than $50,000 nor more than $5 million and will be of varying maturities, with no maturity more than 270 days after the date of issue; none will be prepayable prior to maturity. The commercial paper notes will be sold directly to not more than two dealers at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity. No commercial paper notes will be issued having a maturity more than 90 days at an effective interest cost which exceeds the effective interest cost at which Ohio could borrow from banks. The dealers will reoffer the commercial paper notes to not more than 100 of their customers identified and designated in a list (nonpublic) prepared in advance. It is expected that Ohio's commercial paper notes will be held by each dealer's customers to maturity, but if the customers wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others in its group of 100 customers.

Ohio requests exception from the competitive bidding requirements of rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof on the grounds that it is not practicable to invite competitive bids for commercial paper. Ohio also requests authority to file certificates under rule 24 with respect to the issue and sale of commercial paper hereafter consummated pursuant to this proceeding on a quarterly basis.

The application states that expenses related to the proposed transactions are estimated at $4,500. It is further stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 28, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-11678 Filed 6-12-73;8:45 am]

[811-2083]

SHEARSON GROWTH FUND, INC.

Notice of Proposal To Terminate Registration

JUNE 6, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that Shearson Growth Fund, Inc. (Fund), 14 Wall Street, New York, N.Y., a corporation organized under the laws of the State of Delaware, and registered under the Act as an open end, diversified management investment company, has ceased to be an investment company.

Fund was organized in Delaware on June 22, 1970, and filed a notification of registration on form N-8A and a registration statement on form N-8B-1 with the Commission on June 30, 1970.

Fund has never conducted any business operations other than initial organizational activities; it presently has no assets or board of directors or other form of management; its registration statement under the Securities Act of 1933 was withdrawn on July 24, 1972; and it has abandoned any intention of making a public offering of its shares.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 27, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may requested that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 mi from the point of mailing) upon the Fund at the address stated above. Proof of service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-11674 Filed 6-12-73;8:45 am]

[812-3468]

SHEARSON, HAMMILL, & CO., INC.

Notice of Filing of Application Pursuant to Section 6(c) of the Act for an Order of Exemption From Section 30(f) of the Act

JUNE 6, 1973.

Notice is hereby given that Shearson, Hammill, & Co., Inc. (Applicant), 14 Wall Street, New York, N.Y. 10005, a registered broker-dealer, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order of the Commission exempting Applicants, and its counderwriters in a proposed offering of preference shares and common shares of S-G Securities, Inc. (Company), a registered, closed-end diversified management investment company, from section 30(f) of the Act with respect to their transactions incidental to the distribution of the Company's shares. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicant is one of the prospective representatives (Representatives) of a group of underwriters (Underwriters) being formed in connection with the proposed public offering.

Preference shares and common shares of the Company are to be purchased by the Underwriters pursuant to an underwriting agreement (Underwriting Agreement), to be entered into between the Company and the Underwriters, represented by the Representatives. It is intended that the several Underwriters will make a public offering of all the Company's shares which such Underwriters are to purchase under the Underwriting Agreement, at the prices therein specified, as soon on or after the effective date of the Company's Registration Statement on form S-4 (Registration Statement) as the Representatives deem advisable, and such shares are initially to be offered to the public at per share public offering prices and subject to the underwriting discounts to be specified in the prospectus constituting a part of the Registration Statement at the time the Registration Statement becomes effective under the Securities Act of 1933.

The underwriting commitment of any one or more of the Underwriters, including the Applicant and the other Representatives, may exceed 10 percent of the aggregate number of preference shares of the Company and/or 10 percent of the aggregate number of common shares of the Company to be outstanding after the purchase by the several Underwriters pursuant to the Underwriting Agreement or upon the completion of the initial public offering or at some interim time. Since section 30(f) of the act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and liabilities as those imposed by section 16 of the Exchange Act with respect to transactions in the securities of the Company, any Underwriter or Underwriters owning more than 10 percent of the preference or common shares of the Company would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, subject to the obligations imposed by section 16(b) of the Exchange Act.

Rule 16b-2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) of the Exchange Act. Applicant states that the purpose of the purchase of the shares by the Underwriters will be for resale in connection with the initial distribution of shares of the Company. In addition to purchases from the Company and sales of shares to customers, there may be the usual transactions of purchases or sales incident to a distribution, such as stabilizing purchases, purchases to cover overallotments or other short positions created in connection with such distribution, and sales of shares purchased in stabilization. Applicant states that all such purchases and sales will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of rule 16b-2 under the Exchange Act.

However, it is possible that one or more of the Underwriters, through their participation in the distribution of the Company's shares, may not be exempted from section 16(b) of the Exchange Act by the operation of said rule 16b-2 because they may fail to meet the requirement for exemption stated in rule 16b-2 (a) (3) that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of persons receiving the exemption under rule 16b-2.

Applicant states that no director, officer, or employee of any Underwriter is a director, officer, or employee of the Company or Sonnenblick-Goldman Management Corp., the Company's investment adviser. Applicant also states that there is no inside information concerning the Company in existence and therefore, no possibility of any Underwriter using inside information.

Applicant submits that the transactions sought to be exempted cannot lend themselves to the insider trading practices which section 16 of the Exchange Act and section 30(f) of the Act were enacted to prevent and that the requested exemption from the provisions of section 30(f) of the Act is, therefore, necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provision of the Act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 25, 1973, at 12:30 p.m., submit to the Commission in writing a request for a hearing on this matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 mi from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-11671 Filed 6-12-73;8:45 am]

[811-2081]

SHEARSON INSTITUTIONAL FUND, INC.

Notice of Proposal to Terminate Registration

JUNE 6, 1973.

Notice is hereby given that the Commission proposes, pursuant to section 8(f) of the Investment Company Act of 1940 (Act), to declare by order upon its own motion that Shearson Institutional Fund, Inc. (Fund), 14 Wall Street, New York, N.Y., a corporation organized under the laws of the State of Delaware, and registered under the Act as an open-end, diversified management investment company, has ceased to be an investment company.

Fund was organized in Delaware on June 22, 1970, and filed a notification of

registration on form N–8A and a registration statement on form N–8B–1 with the Commission on June 30, 1970.

Fund has never conducted any business operations other than initial organizational activities; it presently has no assets or board of directors or other form of management; its registration statement under the Securities Act of 1933 was withdrawn on July 24, 1972; and it has abandoned any intention of making a public offering of its shares.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, on its own motion, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order, which may be issued upon the Commission's own motion where appropriate, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 27, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communications should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Fund at the address stated above. Proof of service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–11673 Filed 6–12–73;8:45 am]

[File No. 500–1]

STAR-GLO INDUSTRIES, INC.

Order Suspending Trading

JUNE 7, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $.10 par value, and all other securities of Star-Glo Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period June 8, 1973, through June 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73–11736 Filed 6–12–73;8:45 am]

[22–4051]

WARNER-LAMBERT CO.

Notice of Application and Opportunity for Hearing

JUNE 4, 1973.

Notice is hereby given that Warner-Lambert Co. (Company) has filed an application under clause (ii) of section 310(b)(1) of the Trust Indenture Act of 1939 (the Act) for a finding by the Commission that the trusteeship of the Irving Trust Co. (Irving Trust) under an indenture dated March 1, 1966 (the 1966 Indenture), which was qualified under the Act, that the trusteeship of Irving Trust under indentures dated August 1, 1968 (the 1968 Indenture) and April 2, 1972 (the 1972 Indenture) both of which were not qualified under the Act, and the trusteeship of Irving Trust under a new indenture to be dated as of April 2, 1973 (the New Indenture), which will not be qualified under the Act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify the Irving Trust from acting as trustee under any of said indentures.

Section 310(b) of the Act provides in part that if a trustee under an indenture qualified under the Act has or shall acquire any conflicting interest (as defined in such section), it shall within 90 days after ascertaining that it has such conflicting interest either eliminate such conflicting interest or resign. Subsection (1) of such section provides, inter alia, that with certain exceptions, a trustee under a qualified indenture shall be deemed to have a conflicting interest if such trustee is trustee under another indenture under which any other securities of the same obligor (as defined in the Act) are outstanding. However, under clause (ii) of subsection (1), there may be excluded from the operation of this provision another indenture under which other securities of such obligor are outstanding, if the burden of proving shall be sustained, on application to the Commission and after opportunity for hearing thereon, that the trusteeship under such qualified indenture and such other indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one of such indentures.

The Company alleges that:

(1) As of December 31, 1972, there were outstanding $2,889,000 principal amount of 4¼ guaranteed debentures due 1981; issued under an indenture dated March 1, 1966, among Warner-Lambert International Corp. (International), the Company, and Irving Trust which was qualified under the Act. The 1966 Debentures are guaranteed by the Company.

(2) As of December 31, 1972, Warner-Lambert Overseas, Inc. (Overseas), a wholy owned subsidiary of the Company, had outstanding $10,859,000 principal amount of its 4½ convertible guaranteed debentures due 1988 issued under an indenture dated August 1, 1968, among Overseas, the Company, and Irving Trust, which was not qualified under the Act. The 1968 Debentures are also guaranteed by the Company.

(3) As of December 31, 1972, there were outstanding $40 million principal amount of 4½ percent convertible debentures due 1987 issued under an indenture dated April 2, 1972, between the Company and Irving Trust which were sold outside the United States and the indenture under which the debentures were issued who was not qualified under the Act.

(4) Under an indenture, to be dated as of April 2, 1973, between the Company and Irving Trust, the Company proposes to issue $30 million principal amount of its 4¼ convertible debentures due 1988 (the New Debentures) for sale to purchasers who are not nationals or residents of the United States. In the opinion of the Company's counsel, the New Debentures need not be registered under the Securities Act and the New Indenture need not be qualified under the Act.

(5) The 1966 Indenture, the 1968 Indenture, and the 1972 Indenture are, and the New Indenture will be wholly unsecured and the Company and International are not in default under the 1966 Indenture and the Company and Overseas are not in default under the 1968 Indenture, and the Company is not in default under the 1972 Indenture. The rights of the holders of the debentures issued under the 1966 Indenture and the 1968 Indenture pursuant to the guarantees thereof by the Company, and the rights of the holders of the debentures issued under the 1972 Indenture and the rights of the holders of the New Debentures rank equally with each other.

(6) Such differences as exist among the 1966 Indenture, the 1968 Indenture, the 1972 Indenture, and the New Indenture are not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify Irving Trust from acting as trustee under any of said indentures.

The Company has waived notice of hearing and any and all rights to specify procedures under the rules of practice of the Securities and Exchange Commission in connection with the matter.

For a more detailed statement of the matters of fact and law asserted here, all persons are referred to said application, which is a public document on file in the offices of the Commission, at 500 North Capitol Street, Washington, D.C. 20549.

Notice is further given that any interested person may, not later than June 27, 1973, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. At any time after said date, the Commission may issue an order granting the application, upon such terms and conditions as the Commission may deem necessary or appropriate in the public interest and the interest of investors, unless a hearing is ordered by the Commission.

For the Commission, by the Division of Corporation Finance, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-11684 Filed 6-12-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Notice of Disaster Loan Area 978; Amendment 2]

ARKANSAS

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Arkansas as a major disaster area following severe storms and flooding, beginning on or about April 1, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties: Ashley, Clay, Crittenden, Desha, Drew, Lawrence, Lincoln, Mississippi, and Randolph. Applications will be processed under provisions of Public Law 92-385. (See 38 FR 12178 and 38 FR 13586)

Applications may be filed at the:

Small Business Administration, District Office, 600 West Capital Avenue, Little Rock, Ark. 72201

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than July 16, 1973.

Dated May 21, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-11743 Filed 6-12-73;8:45 am]

[Notice of Disaster Loan Area 990]

FLORIDA

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Florida as a major disaster area following severe storms and flooding beginning on or about April 1, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following counties: Baker, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Leon, Levy, Madison, Nassau, Suwannee, and Wakulla.

Applications may be filed at the:

Small Business Administration, District Office, 51 Southwest First Avenue, Miami, Fla. 33130

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92-385.

Applications for disaster loans under this announcement must be filed not later than July 31, 1973.

Dated June 1, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-11746 Filed 6-12-73;8:45 am]

[Notice of Disaster Loan Area 979; Amdt. 1]

KANSAS

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Kansas as a major disaster area following severe storms and flooding, beginning on or about March 5, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional counties (see 38 FR 12853): Douglas, Franklin, Greenwood, Leavenworth, McPherson, Osage, Republic, Wabaunsee, Woodson, and Wyandotte.

Applications may be filed at the:

Small Business Administration, Regional Office, 911 Walnut Street, Kansas City, Mo. 64106.

and at such temporary offices as are established. Such addresses will be announced locally.

Applications for disaster loans under this announcement must be filed not later than July 31, 1973.

Dated June 1, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-11744 Filed 6-12-73;8:45 am]

[Notice of Disaster Loan Area 977, Amdt. 2]

LOUISIANA

Amendment to Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Louisiana as a major disaster area following severe storms and flooding beginning on or about March 24, 1973, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following additional parishes: Cameron, East Baton Rouge, Iberia (wards 3, 4, and 8), Orleans, Ouachita, Plaquemines, Richland, St. Bernard, and West Baton Rouge. (See 38 FR 12179 and 38 FR 13587.)

Applications may be filed at the:

Small Business Administration, District Office, Plaza Tower, 17th floor, 1001 Howard Avenue, New Orleans, La. 70113.

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 92-385.

Applications for disaster loans under this announcement must be filed not later than July 23, 1973.

Dated May 25, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-11742 Filed 6-12-73;8:45 am]

[Declaration of Disaster Loan Area 986]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1973, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Harris, Orange, Montgomery, and Jefferson Counties, Tex., suffered damage or destruction resulting from heavy rains and flooding during the month of April 1973.

Small Business Administration, District Office, Niels Esperson Building, room 1210, 808 Travis Street, Houston, Tex. 77002.

2. Applications for disaster loans will be processed under the provisions of Public Law 92-385. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to July 25, 1973.

Dated May 25, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-11745 Filed 6-12-73;8:45 am]

[License No. 06/06-0163]

VENTURTECH CAPITAL, INC.

Notice of Issuance of License To Operate as a Small Business Investment Company

On May 9, 1973, a notice was published in the FEDERAL REGISTER (38 FR 12180) stating that Venturtech Capital, Inc., suite 602, Republic Tower, 5700 Florida Boulevard, Baton Rouge, La. 70806, had filed an application with the Small Business Administration (SBA),

pursuant to § 107.102 of the SBA Rules and Regulations governing small business investment companies (13 CFR 107.102 (1973)) for a license to operate as a small business investment company (SBIC).

Interested parties were given to the close of business May 24, 1973, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued license No. 06/06-0163 to Venturtech Capital, Inc., pursuant to section 301(c) of the Small Business Act of 1958, as amended.

Dated June 5, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.73-11741 Filed 6-12-73;8:45 am]

COST OF LIVING COUNCIL

FOOD INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Closed Meeting

As previously announced, the Food Industry Wage and Salary Committee will meet on June 20, 1973.

The agenda will be a consideration of specific wage cases and a discussion of specific phase III policy issues.

Since the above-stated meeting will consist of discussions of wage cases currently pending before the Cost of Living Council and of phase III policy matters, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the meeting would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Notice is hereby given that the July 4, 1973, meeting, as previously announced on March 28, 1973, will be canceled due to the holiday.

Issued in Washington, D.C., on June 12, 1973.

HENRY H. PERRITT, Jr.,
Executive Secretary, Cost of Living Council.

[FR Doc.73-11928 Filed 6-12-73;11:06 am]

HEALTH INDUSTRY WAGE AND SALARY COMMITTEE

Notice of Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770), notice is hereby given that the Health Industry Wage and Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section (4)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet at 10 a.m., on June 20, 1973, in room 8112, 2025 M Street NW., Washington, D.C.

The agenda will be a discussion of the wage cases currently pending before the Cost of Living Council.

Since the above-stated meeting will consist solely of discussions of wage cases currently pending before the Cost of Living Council, pursuant to authority granted me by Cost of Living Council Order 25, I have determined that the above-stated meeting would fall within exemption (5) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with the operation of the Committee.

Issued in Washington, D.C., on June 12, 1973.

HENRY H. PERRITT, Jr.,
Executive Secretary, Cost of Living Council.

[FR Doc.73-11929 Filed 6-12-73; 11:07 am]

INTERSTATE COMMERCE COMMISSION

[Notice 272]

ASSIGNMENT OF HEARINGS

JUNE 8, 1973.

Cases assigned for hearing, postponement, cancellation, or oral arugment 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.

AB-1 sub 11, Chicago & North Western Transportation Co. Abandonment between Hayfield and Austin, in Dodge and Mower Counties, Minnesota, now assigned July 12, 1973, will be held in Mower County Courthouse, conference room 2, Austin, Minn.

AB-1 sub 12, Chicago & North Western Transportation Co. Abandonment between Albert Lea, Minn., and Lake Mills, Iowa, in Freeborn County, Minn., and Winnebago and Worth Counties, Iowa, now assigned July 10, 1973, will be held in council chambers, City Center, 221 East Clark Street, Albert Lea, Minn.

MC 136537, D. M. T. Trucking, Inc., contract carrier application, now assigned June 25, 1973, at Washington, D.C., is postponed to July 16, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11716, Smith's Transfer Corp., purchase, Trans-Illinois Express, Inc., and MC-110683 sub 88, Smith's Transfer Corp. now assigned June 16, 1973, will be held in room 1743, tax court, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Ill.

MC-108207 sub 365, Frozen Food Express, Inc., now assigned July 16, 1973, will be held in room 1086A, Everett McKinley Dirksen Building, 219 South Dearborn Street, Chicago, Ill.

MC 114211 sub 187, Warren Transport, Inc., now being assigned August 6, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC-F-11318, Superior Trucking Co. Inc., purchase (portion), Daniel Hamm Drayage Co., MC-F-11631, Ace Doran Hauling & Rigging Co., purchase (portion), Daniel Hamm Drayage Co. and MC-F-11742, Ace Hauling & Rigging Co., control, Daniel Hamm Drayage Co., now being assigned hearing July 23, 1973 (1 week), at St. Louis, Mo., in a hearing room to be later designated.

MC 135691 sub 7, Dallas Carriers Corp., now being assigned August 6, 1973, at Dallas, Tex., in a hearing room to be later designated.

AB-43 sub 2, Illinois Central Gulf Railroad Co. Abandonment between Packton, Winn Parish, and Concordia Junction, Concordia Parish. Abandonment of operations from Concordia Junction to Vidalia, Concordia Parish. Abandonment of ferry facilities, Vidalia, all within the State of Louisiana, now being assigned hearing July 16, 1973 (1 week), at Jena, La., in a hearing room to be later designated.

AB-52 sub 2, Atchison, Topeka & Santa Fe Railway Co. Abandonment from west of Ardmore to Ringling, also between Cobalt Junction and Healdton, in Carter and Jefferson Counties, Okla., now being assigned August 1, 1973, at Ardmore, Okla., in a hearing room to be later designated.

MC-74321 B. F. Walker, Inc., now being assigned hearing July 13, 1973 (1 day), in room 15036, Federal Building, 1961 Stout Street, Denver, Colo.

MC 108207 sub 364, Frozen Food Express, Inc., now being assigned August 8, 1973, at Dallas, Tex., in a hearing room to be later designated.

AB-73 Baltimore & Annapolis Railroad Co. Abandonment of operations between Clifford Junction, Baltimore City, and Annapolis, in Baltimore and Anne Arundel Counties, Md., now assigned July 10, 1973, will be held in U.S. Customs courtroom, room 707-709, Appraisers Stores Building, Gay and Lombard Streets, Baltimore, Md.,

No. 35735 *Publication Corporation* v. *The Baltimore & Annapolis Railroad Company* now assigned July 10, 1973, will be held in U.S. Customs courtroom, room 707-709, Appraisers Stores Building, Gay and Lombard Streets, Baltimore, Md.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-11774 Filed 6-12-73;8:45 am]

[Notice 14]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 8, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's revised deviation rules—"Motor Carriers of Passengers, 1969" (49 CFR 1042.2(c)(9)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not

operate to stay commencement of the proposed operations unless filed on or before July 13, 1973.

Successively filed letter-notices of the same carrier under the Commission's revised deviation rules—"Motor Carriers of Property, 1969," will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (deviation No. 656), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed May 31, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From Hartford, Conn., over Interstate Highway 84 to New Britain, Conn. (exit 35), and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Hartford, Conn., over U.S. Highway 5 to junction Connecticut Highway 175, thence over Connecticut Highway 175 to Newington, Conn., thence over Connecticut Highway 174 to New Britain, Conn., and return over the same route.

No. MC-1515 (deviation No. 657), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, Ohio 44113, filed May 31, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage*, and *express* and *newspapers* in the same vehicle with passengers, over a deviation route as follows: From the junction of unnumbered highway and U.S. Highway 41 at Carlisle, Ind., over U.S. Highway 41 to junction unnumbered highway approximately 6 miles north of Vincennes, Ind., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: from Carlisle, Ind., over unnumbered highway (formerly U.S. Highway 41) via Oaktown, Busseron, and Emison, Ind., to junction U.S. Highway 41 approximately 6 miles north of Vincennes, Ind., thence over U.S. Highway 41 to Vincennes, Ind., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-11773 Filed 6-12-73;8:45 am]

[Notice 21]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 8, 1973.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's revised deviation rules—"Motor Carriers of Property, 1969" (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed on or before July 13, 1973.

Successively filed letter-notices of the same carrier under the Commission's revised deviation rules—"Motor Carriers of Property, 1969," will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-35320 (deviation No. 18), T.I.M.E.-DC, INC., P.O. Box 2550, Lubbock, Tex. 79408, filed May 16, 1973. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From St. Helens, Oreg., over U.S. Highway 30 to Portland, Oreg., and return over the same route, applicable only on traffic moving between St. Helens, Oreg., on the one hand, and, on the other, points in California, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent regular routes as follows: (1) from St. Helens, Oreg., over U.S. Highway 30 to Rainier, Oreg., thence by bridge over the Columbia River to Longview, Wash., thence over Washington Highway 4 (formerly U.S. Highway 830) to Kelso, Wash., thence over Interstate Highway 5 (formerly portion U.S. Highway 99) to junction Washington Highway 507 (formerly Washington Highway 1), thence over Washington Highway 507 to junction unnumbered highway, thence over unnumbered highway via Toledo, Marys Corner, Forest, Chehalis, Centrailia, Grand Mound, and Tenino, Wash., to Tumwater, Wash., thence over Interstate Highway 5 (formerly portion U.S. Highway 99) via Olympia, Wash., to Seattle, Wash., and (2) from Portland, Oreg., over Interstate Highway 5 (formerly portion U.S. Highway 99) to Kelso, Wash., and return over the same routes.

No. MC-59135 (deviation No. 5), RED STAR EXPRESS LINES OF AUBURN, INC., 24-50 Wright Avenue, Auburn, N.Y. 13021, filed May 31, 1973. Carrier's representative: John P. Doyle, Jr., same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Auburn, N.Y., over U.S. Highway 20 to Skaneateles, N.Y., thence over New York Highway 41 to Cortland, N.Y., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: from Auburn, N.Y., over New York Highway 38 to Groton, N.Y., thence over New York Highway 222 to Cortland, N.Y., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-11775 Filed 6-12-73;8:45 am]

[Notice 45]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 8, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new special rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 12951 (sub-No. 1) (republication), filed August 7, 1972, published in the FEDERAL REGISTER issue of October 12, 1972, and republished this issue. Applicant: GEORGE K. NERVIG, doing business as, NERVIG TRAVEL SERVICE, 569 Harrison Avenue, Panama City, Fla. 32401. Applicant's representative: Acie W. Matthews, 801 National Bank of South Dakota Building, Sioux Falls, S. Dak. 57102. An order of the Commission, Operating Rights Board, dated April 25, 1972, and served May 31, 1973, finds that operation by applicant as a *broker* at Panama City, Fla., in arranging for transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage*, in round trip special and charter operations, beginning and ending at Panama City, Fla., and extending to points in the United States (including Alaska but excluding Hawaii); will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations

thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a license in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 30837 (sub-No. 448) (republication), filed December 13, 1971, published in the FEDERAL REGISTER issue of January 13, 1972, and republished this issue. Applicant: KENOSHA AUTO TRANSPORT CORP., 4200 39th Avenue, Kenosha, Wis. 53140. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. An order of the Commission, Review Board No. 3, dated November 7, 1972, and served November 20, 1972, found that the present and future public convenience and necessity required operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *trucks, truck tractors, chassis,* and *station-wagon-type vehicles* on truck chassis designed to transport passengers and property, with or without bodies and parts thereof, in secondary movements, in truckaway service, from Framingham, Mass., to points in Connecticut, Maine, Massachusetts, New Hampshire, and Rhode Island, restricted to the transportation of vehicles manufactured or assembled at International Harvester Co. plants which have had an immediately prior movement by rail; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. That by subsequent order of the Commission, Division 1 acting as an Appellate Division, dated May 17, 1973, and served May 29, 1973, this proceeding was reopened for modification in that applicant sought authority to provide service from points within a 20-mile radius of Framingham, Mass.; that the evidence submitted in the form of a supplemental verified statement by the supporting shipper indicated that as of February 5, 1973, or within 30 days thereafter, shipper intended to change the distribution point of the subject traffic from the railhead at Framingham to one at Westboro, Mass.; that there is no evidence of record of shipper's need for service from any point other than Westboro; that the area from which applicant now proposes to provide service is extensive and includes most of the metropolitan areas of Boston and Worcester, Mass.; and that the said order of November 7, 1972, be, and it is hereby, modified, by deleting Framingham, Mass., as the point of origin and substituting Westboro, Mass., in lieu thereof.

Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 87720 (sub-No. 123) (republication), filed December 20, 1971, published in the FEDERAL REGISTER issues of January 20, 1972, and May 18, 1972 (as amended), and in third publication this issue. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, N.Y. 10006. A notice of the Commission dated May 21, 1973, and served June 1, 1973, (1) finds that the report and recommended order of the Commission, served March 13, 1973, shall become the effective order of the Commission; and (2) finds that operation by the applicant as a *contract carrier*, by motor vehicle, over irregular routes, in interstate or foreign commerce, under a continuing contract with Fisher Scientific Co., in the transportation of: *Laboratory and hospital equipment and chemicals*, except in bulk, from Bridgewater Township, Somerset County, N.J., to Boston, Mass., King of Prussia and Pittsburgh, Pa., Washington, D.C., and Cleveland and Cincinnati, Ohio, and *damaged or defective shipments* of the above commodities on return, will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations promulgated thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 113067 (sub-No. 14) (republication), filed November 17, 1972, published in the FEDERAL REGISTER issue of December 20, 1972, as North Carolina docket No. T-681 (sub-No. 37), and republished this issue. Applicant: HELMS MOTOR EXPRESS, INC., P.O. Drawer 700, Albemarle, N.C. 28001. Applicant's representative: J. Ruffin Bailey, Bailey, Dixon, Wooten & McDonald, P.O. Box 2246, Raleigh, N.C. 27602. An order of the Commission, Operating Rights Board, dated May 25, 1973, and served June 5, 1973, finds that a certificate of registration should be issued to applicant, to engage in operations in interstate or foreign commerce, as a *common carrier*, by motor vehicle, to perform a transportation service solely within the State of North Carolina, pursuant to the amendment to common carrier certificate No. C-3 dated December 23, 1958, authorized by order dated February 8, 1973, as corrected by supplemental order dated April 11, 1973, issued by the North Carolina Utilities Commission, authorizing the transportation of *group 21, flat glass and glass glazing units*, over irregular routes, in the territory described, as from points and places in Sampson County and Scotland County, N.C., to all points and places throughout the State of North Carolina, and *return of racks, containers, or other devices* used in the handling and movement of flat glass and glass glazing units to the point of origin. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 119919 (sub-No. 7) (republication), filed October 31, 1971, published in the FEDERAL REGISTER issue of December 7, 1972, and republished this issue. Applicant: BLAINE ALBERT WILLETTS, doing business as WILLETTS' CHARTER SERVICE, Box 29, Frostburg, Md. 21532. Applicant's representative: S. Harrison Kahn, suite 733, Investment Building, Washington, D.C. 20005. An order of the Commission, Operating Rights Board, dated May 23, 1973, and served June 5, 1973, finds that the present and future public convenience and necessity require operation by applicant in interstate or foreign commerce as a *common carrier*, by motor vehicle, over irregular routes, of *passengers and their baggage*, in the same vehicle with passengers, in round trip charter and special operations, in round trip sightseeing and pleasure tours, beginning and ending at points in Mineral County, W. Va., and at Berkeley Springs, Moorefield, Petersburg, and Romney, W. Va., and extending to all points in the United States (including Alaska but excluding Hawaii). Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date

of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 121060 (sub-No. 19) (republication), filed August 9, 1972, published in the FEDERAL REGISTER issue of September 7, 1972, and republished this issue. Applicant: ARROW TRUCK LINES, INC., P.O. Box 5568, Birmingham, Ala. 35207. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. An order of the Commission, Review Board No. 3, dated May 15, 1973, and served May 25, 1973, finds (a) that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier*, by motor vehicle, over irregular routes, of *construction materials* (except commodities in bulk), from the facilities of the Celotex Corp., at Charleston, Ill., to points in Missouri, Iowa, Wisconsin, Indiana, Michigan, Ohio, West Virginia, Virginia, Pennsylvania, Maryland, and Delaware; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder; and (b) that in light of the fact that the supporting shipper, in its statements made prior to the filing of the instant application, in support of applicant's sub-No. 10 application, discussed the possibility of using that authority in conjunction with interlining carriers at Charleston to perform a through service to Midwestern States, applicant's statement in the FEDERAL REGISTER publication of the instant application that it had no present intention to tack is of questionable good faith; that because carriers not parties to the instant proceeding may have been misled by the disclaimer into misunderstanding the nature of the authority sought, the grant of authority herein is republished in the FEDERAL REGISTER, coupled with a statement that applicant intends to tack this authority with authority presently held to perform a through service from points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, over the involved plantsite to points in the destination States involved herein, and issuance of a certificate shall be withheld for a period of 30 days from the date of the publication, during which period any proper party in interest who may have relied upon the prior notice may file an appropriate petition for leave to intervene or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 134145 (sub-No. 32) (republication), filed October 16, 1972, published in the FEDERAL REGISTER issue of November 30, 1972, and republished this issue. Applicant: NORTH STAR TRANSPORT, INC., P.O. Box 51, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. An order of the Commission, Operating Rights Board, dated April 24, 1973, and served May 14, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier*, by motor vehicle, over irregular routes, of (1) *sound reproducing equipment*, from Rochester, Minn., to points in Alabama, Arkansas, California, Colorado, Florida, Georgia, Illinois, Indiana, Kansas, Massachusetts, Michigan, Mississippi, Missouri, New Jersey, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Utah, Washington, Wisconsin, and the District of Columbia, and (2) *parts, materials, and supplies* used in the manufacture of the commodities described in (1) above from points in Arkansas, California, Connecticut, Iowa, Illinois, Indiana, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Washington, and Wisconsin, to Rochester, Minn., under a continuing contract or contracts with Waters Conley Co., a subsidiary of Telax Corp., of Rochester, Minn., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 135142 (sub-No. 2) (notice of filing of petition for territorial expansion), filed May 11, 1973. Petitioner: K & R TRANSPORTATION, INC., 253 East 21st South, Salt Lake City, Utah 84115. Petitioner's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Petitioner presently holds motor *contract carrier* authority in permit No. MC-135142 (sub-No. 2) issued July 7, 1972, authorizing transportation in interstate or foreign commerce, over irregular routes, of *foodstuffs*, (A) from points in New York, New Jersey, Pennsylvania, Massachusetts, Maine, Maryland, Illinois, Virginia, and Ohio, to San Francisco, Calif., and points in Salt Lake County, Utah, with no transportation for compensation on return except as otherwise authorized, (B) from points in Salt Lake County, Utah, to San Francisco, Calif., with no transportation for compensation on return except as otherwise authorized, and (C) from points in California, to points in Salt Lake County, Utah, with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, in (A), (B), and (C) above with Holly World Foods, Inc., of San Francisco, Calif. By the instant petition, petitioner seeks (1) to modify its territorial description in (A) above to include Los Angeles, Calif., as a destination point; and (2) to redescribe its authority in (B) and (C) above to read: "Between New Orleans, La., and Salt Lake County, Utah, San Francisco, and Los Angeles, Calif." These modifications would authorize the following additional operations: (a) From points in those origin States named in (A) above, to Los Angeles, Calif.; (b) between New Orleans, La., and Los Angeles, Calif.; (c) between New Orleans, La., and San Francisco, Calif.; (d) between New Orleans, La., and points in Salt Lake County, Utah; (e) from points in Salt Lake County, Utah, to Los Angeles, Calif.; and (f) between San Francisco and Los Angeles, Calif. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135364 (sub-No. 2) (notice of filing of petition to add a shipper), filed April 23, 1973. Petitioner: MORWALL TRUCKING, INC., rural delivery No. 3, Box 76-C, Moscow, Pa. 18444. Petitioner's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Petitioner presently holds a motor *contract carrier* permit in No. MC-135364 (sub-No. 2) issued December 14, 1972, authorizing transportation, over irregular routes, in interstate or foreign commerce, of (a) *enameled, glazed, and surface coated paper*, from Moosic, Pa., to points in the United States (except Alaska, Hawaii, Wisconsin, Minnesota, Montana, Wyoming, Florida, and Pennsylvania), with no transportation for compensation on return except as otherwise authorized; and (b) *materials and supplies* used in the manufacture of the above-specified commodities (except commodities in bulk), from points in New Jersey, New York, Ohio, Michigan, Massachusetts, West Virginia, Delaware, Virginia, Vermont, Maine, California, and New Hampshire, to Moosic, Pa., with no transportation for compensation on return except as otherwise authorized, under a continuing contract, or contracts, in (a) and (b) above with Fitchburg Coated Products, Inc. By the instant petition, petitioner seeks to add Fitchburg Paper Co. as an additional contracting shipper to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

NOTICE OF FILING OF PETITION

No. MC-135647 (notice of filing of petition for modification of certificate to remove a restriction), filed March 7, 1973. Petitioner: ROBERT EMANUEL AND MARGARET EMANUEL, doing business

as EMANUEL'S EXPRESS, Kirklyn, Pa. Petitioner's representative: Robert B. Einhorn, 1540 PSFS Building, 12 South 12th Street, Philadelphia, Pa. 19107. Petitioner holds certificate No. MC-135647, authorizing operation as a *common carrier* by motor vehicle, over irregular routes, of *general commodities* (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment), between points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Maryland, and the District of Columbia, restricted to the transportation of shipments weighing 5,000 lb or less from one consignor at one location to one consignee at another location during a single day. By the instant petition, petitioners seek removal of the aforementioned weight restrictions from the certificate. Any interested person desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 99610 (sub-No. 14), filed May 2, 1973. Applicant: ROSS NEELY EXPRESS, INC., 1500 Second Street, Pratt City, Birmingham, Ala. 35214. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Avenue, and 13th Streets NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier* by motor vehicle, over regular and irregular routes, transporting: (I) *General commodities*, regular routes: (1) Between Birmingham, and Tuscaloosa, Ala.: From Birmingham over U.S. Highway 11 to Tuscaloosa, and return over the same route, serving all intermediate points; (2) between Birmingham and Tuscaloosa, Ala.: From Birmingham over Interstate Highway 20/59 to Tuscaloosa, and return over the same route, serving all intermediate points; (3) between Tuscaloosa, and Reform, Ala.: From Tuscaloosa over Alabama Highway 6 and U.S. Highway 82 to Reform, and return over the same route, serving all intermediate points, and as off-route points all points located within 10 miles of any point along said described route; (4) between Reform and Aliceville, Ala.: From Reform over Alabama Highway 17 to Aliceville, and return over the same route, serving all intermediate points; (5) between Aliceville and Eutaw, Ala.: From Aliceville over Alabama Highway 14 to Eutaw and return over the same route, as an alternate route for operating convenience only in connection with applicant's regular-route operations, serving no intermediate points; (6) between Tuscaloosa and Thomasville, Ala.: From Tuscaloosa over U.S. Highways 11 and 43 to Eutaw, Ala., thence over U.S. Highway 43 to Thomasville, and return over the same route, serving all intermediate points; (7) between Thomasville and Mobile, Ala.: From Thomasville over U.S. Highway 43 to Mobile, and return over the same route, serving all intermediate points and the off-route points of St. Stephens, Frankville, Suggsville, Gosport, Manila, West Bend, Coffeeville, Carlton, Gainestown, Walker Springs, Rockville, Whatley, and Salitpa, Ala.;

(8) Between Tuscaloosa and Greensboro, Ala.: From Tuscaloosa over U.S. Highway 43 to Eutaw, Ala., thence over Alabama Highway 14 from Eutaw to Greensboro and return over the same route, serving all intermediate points and the off-route point of Akron, Ala.; (9) between Greensboro and Tuscaloosa, Ala.: From Greensboro over Alabama Highway 69 to Tuscaloosa, and return over the same route, serving all intermediate points; (10) between Eutaw and Livingston, Ala.: From Eutaw over U.S. Highway 11 to Livingston, and return over the same route, serving all intermediate points; (11) between Demopolis and Livingston, Ala.: From Demopolis over U.S. Highway 80 to the intersection of U.S. Highway 80 and Alabama Highway 17, thence over Alabama Highway 17 to York, Ala., thence to Livingston over U.S. Highway 11, and return over the same route, serving all intermediate points; (12) between Thomasville, and Kimbrough, Ala.: From Thomasville at or near the intersection of U.S. Highway 43 and Alabama Highway 5, thence over Alabama Highway 5 to the intersection of Alabama Highways 5 and 162, thence over Alabama Highway 162 to Kimbrough, and return over the same route, serving all intermediate points; (13) between Birmingham and Gadsden, Ala.: From Birmingham over U.S. Highway 11 to the intersection of U.S. Highway 11 and Alabama Highway 53, thence over Alabama Highway 53 to Asheville, Ala., thence over U.S. Highway 411 to Gadsden, and return over the same route, serving all intermediate points; (14) between Birmingham and Gadsden, Ala.: From Birmingham over U.S. Highway 11 to Attalla, Ala., thence over U.S. Highway 431 from Attalla to Gadsden, and return over the same route, serving all intermediate points; (15) between Birmingham and Gadsden, Ala.: From Birmingham over Interstate Highway 59 to Gadsden, and return over the same route, serving all intermediate points; (16) between Birmingham, and Cullman, Ala.: From Birmingham over U.S. Highway 31 to Cullman, and return over the same route, serving all the intermediate points;

(17) Between Birmingham and Cullman, Ala.: From Birmingham over Interstate Highway 65 to the intersection of Interstate Highway 65 and U.S. Highway 278, thence over U.S. Highway 278 to Cullman, and return over the same route, serving all the intermediate points; (18) between Birmingham and Decatur, Ala.: From Birmingham over U.S. Highway 31 to Decatur, and return over the same route, serving all intermediate points; (19) between Birmingham and Ardmore, Ala.: From Birmingham over Interstate Highway 65 to Holland Gin, Ala., thence over Alabama Highway 53, to Ardmore, and return over the same route, serving all intermediate points; (20) between Birmingham and Hamilton, Ala.: From Birmingham over U.S. Highway 78 to Hamilton and return over the same route, serving all intermediate points; (21) between Birmingham and Sulligent, Ala.: From Birmingham over U.S. Highway 78 to Guin, Ala., thence over Alabama Highway 118 to Sulligent and return over the same route, serving all intermediate points; (22) between Birmingham and Florence, Ala.: From Birmingham over U.S. Highway 78 to Eldridge, Ala., thence over Alabama Highway 13 and U.S. Highway 43 to Florence, and return over the same route, serving all the intermediate points, and the off-route points of Sheffield, Tuscumbia, and Muscle Shoals, Ala.; (23) between Florence and Huntsville, Ala.: From Florence over U.S. Highway 72 to Huntsville, and return over the same route, serving all the intermediate points; (24) between Florence and Huntsville, Ala.: From Florence over U.S. Highway 43 to the intersection of U.S. Highway 43 and alternate U.S. Highway 72, thence over alternate U.S. Highway 72 to Huntsville, and return over the same route, serving all the intermediate points;

(25) Between Birmingham and Huntsville, Ala.: From Birmingham over Alabama Highway 79 to Cleveland, Ala., thence over U.S. Highway 231 to Huntsville, and return over the same route, serving all intermediate points; (26) between Birmingham and Bridgeport, Ala.: From Birmingham over U.S. Highway 11 to the intersection of U.S. Highway 11 and Alabama Highway 75, thence over Alabama Highway 75 to Albertville, Ala., thence over U.S. Highway 75 to Guntersville, Ala., thence over Alabama Highway 79 to Scottsboro, Ala., thence over U.S. Highway 72 to Bridgeport, and return over the same route, serving all intermediate points; (27) between Huntsville, and Gadsden, Ala.: From Huntsville over U.S. Highway 431 to Gadsden, and return over the same route serving all intermediate points; (28) between Cullman, Ala., and U.S. Highway 72 and U.S. Highway 43 near Muscle Shoals, Ala.: From Cullman over U.S. Highway 278 to intersection of U.S. Highway 278 and Interstate Highway 65, thence over Interstate Highway 65 to the intersection of Interstate Highway 65, and Alabama Highway 157, thence over Alabama Highway 157 to the intersection of alternate U.S. Highway 72 and U.S. Highway 43, and return over the same route, serving all intermediate points; (29) between Tuscaloosa and Florence, Ala.: From Tuscaloosa over Alabama Highway 13 to Florence, and return over the same route, serving all intermediate points; (30) between Gadsden and Anniston, Ala.: From Gadsden over U.S. Highway 431 to Anniston, and

return over the same route, serving all intermediate points; (31) between Birmingham and Anniston, Ala.: From Birmingham over U.S. Highway 78 to the intersection of U.S. Highway 78 and U.S. Highway 431 at or near Oxford, Ala., thence over U.S. Highway 431 to Anniston, and return over the same route, serving all intermediate points;

(32) Between Birmingham and Anniston, Ala.: From Birmingham over Interstate Highway 20 to the intersection of U.S. Highway 20 and Alabama Highway 21, thence over Alabama Highway 21 to Anniston, and return over the same route, serving all the intermediate points; (33) between Birmingham, and Phenix City, Ala.: From Birmingham over U.S. Highway 280 to Childersburg, Ala., thence over U.S. Highways 231 and 280 to Sylacauga, Ala., thence over U.S. Highway 280 to Opelika, Ala., thence over U.S. Highways 280 and 431 to Phenix City, and return over the same route, serving all the intermediate points; (34) between Anniston and Opelika, Ala.: From Anniston over U.S. Highway 431 to Opelika, and return over the same route, serving all the intermediate points; (35) between Opelika and Lanett, Ala.: From Opelika over U.S. Highway 29 to Lanett, and return over the same route serving all intermediate points; (36) between Opelika and Lanett, Ala.: From Opelika over Interstate Highway 85 to the intersection of Interstate Highway 85 and U.S. Highway 29, thence over U.S. Highway 29 to Lanett, and return over the same route, serving all the intermediate points; (37) between Montgomery and Opelika, Ala.: From Montgomery over U.S. Highway 80 to the intersection of U.S. Highway 80 and U.S. Highway 29, thence over U.S. Highway 29 to Opelika, and return over the same route, serving all the intermediate points; (38) between Montgomery and Opelika, Ala.: From Montgomery over Interstate Highway 85 to Opelika, and return over the same route, serving all the intermediate points; (39) between Birmingham and Montgomery, Ala.: From Birmingham over U.S. Highway 31 to Montgomery, and return over the same route, serving all the intermediate points;

(40) Between Birmingham and Montgomery, Ala.: From Birmingham over Interstate Highway 65 to Montgomery, and return over the same route, serving all the intermediate points; (41) between Anniston and Montgomery, Ala.: From Anniston over Alabama Highway 21 to Montgomery, and return over the same route, serving all the intermediate points; (42) between Montgomery and Demopolis, Ala.: From Montgomery over U.S. Highway 80 to Demopolis, and return over the same route, serving all intermediate points; (43) between Birmingham and Selma, Ala.: From Birmingham over U.S. Highway 11 to Woodstock, Ala., thence from Woodstock over Alabama Highway 5 to the intersection of Alabama Highway 5 and U.S. Highway 80, thence over U.S. Highway 80 to Selma, and return over the same route, serving all intermediate points; (44) between Selma and Clanton, Ala.: From Selma over Alabama Highway 22 to Clanton, and return over the same route, serving all the intermediate points; (45) between Montgomery and Tuscaloosa, Ala.; From Montgomery over U.S. Highway 82 to Tuscaloosa, and return over the same route, serving all intermediate points; (46) between the intersection of U.S. Highway 80 and Alabama Highway 5 at or near Browns, Ala., to the intersection of Alabama Highway 5 and U.S. Highway 43 (north of Thomasville, Ala.): From the intersection of U.S. Highway 80 and over Alabama Highway 5 to its intersection with U.S. Highway 43, and return over the same route, serving all intermediate points; (47) between Selma and Safford, Ala.: From Selma over Alabama Highway 22 to Safford, and return over the same route, serving all intermediate points; (48) between Montgomery and Mobile, Ala.: From Montgomery over Interstate Highway 65 to Mobile, and return over the same route, serving intermediate points within 125 miles of Birmingham and intermediate points within 15 miles of Mobile;

(49) Between Montgomery and Mobile, Ala.: From Montgomery over Interstate Highway 65 to the junction of Interstate Highway 65 with Alabama Highway 59, thence over Alabama Highway 59 to Bay Minette, thence over U.S. Highway 31 to Mobile, and return over the same route, serving intermediate points within 125 miles of Birmingham and intermediate points within 15 miles of Mobile; (50) between Birmingham and Andalusia, Ala.: From Birmingham over U.S. Highway 31 to McKenzie, Ala., thence over Alabama Highway 55 to Andalusia, and return over the same route, serving intermediate points within 125 miles of Birmingham, and intermediate points within 15 miles of Andalusia; (51) between Montgomery and Andalusia, Ala.: From Montgomery over U.S. Highway 331 to Brantley, Ala., thence over U.S. Highway 29 to Andalusia, and return over the same route serving intermediate points within 125 miles of Birmingham, and intermediate points within 15 miles of Andalusia; (52) between Montgomery and Dothan, Ala.: From Montgomery over U.S. Highways 82 and 231 to the junction of U.S. Highways 82 and 231 southeast of Montgomery, thence over U.S. Highway 231 to Dothan, and return over the same route, serving intermediate points within 125 miles of Birmingham and intermediate points within 15 miles of Dothan.

(II) (A) *General commodities*, irregular routes: (1) Between Demopolis, Ala., and points in Choctaw, Clarke, Green, Marengo, and Sumter Counties, Ala.; (2) Between points within 125-mile radius of Birmingham, Ala.; and (3) Between Mobile, Ala., and points within a 15-mile radius thereof, and/or Dothan and/or Andalusia, Ala., on the one hand, and, on the other, points within 125-mile radius of Birmingham, Ala. (including Birmingham). Restriction: Carrier shall not, pursuant to the irregular route authority contained above, transport shipments moving between any two points authorized hereinabove to be served by it in its regular-route operations. (B) *Crated or uncrated household goods* (except articles injurious to other lading and articles of unusual value), in truckloads only, between points in Alabama.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. The purpose of the instant application is to convert the certificate of registration into a certificate of public convenience and necessity. This matter directly related to the section 5 proceedings in MC–F–11867, published in the FEDERAL REGISTER issue of May 16, 1973. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–11896. Authority sought for purchase by CROUSE CARTAGE CO., P.O. Box 151, Carroll, Iowa 51401, of the operating rights of MARC TRUCK LINES, INC., 9033 Hollyberry Avenue, Des Plaines, Ill. 60016, and for acquisition by PAUL E. CROUSE, also of Carroll, Iowa 51401, of control of such rights through the purchase. Applicants' attorneys: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102, and Carl L. Steiner, 39 South LaSalle Street, Chicago, Ill. 60603. Operating rights sought to be transferred: Under a certificate of registration, in docket No. MC–121660, covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier*, in Iowa, Nebraska, Missouri, Kansas, Indiana, Illinois, Michigan, and Kentucky. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC–123389 (sub-No. 15), is a directly related matter.

No. MC–F–11897. Authority sought for purchase by WHITEHURST TRANSPORT, INC., 2800 Deepwater Terminal Road, Richmond, Va. 23206, of a portion of the operating rights of LIQUID TRANSPORTERS, INC., P.O. Box 21395, Louisville, Ky. 40221, and for acquisition by STUART W. WHITEHURST, STUART W. WHITEHURST, JR., ROBERT D. WHITEHURST, and DOYLE BLAYLOCK, all of Richmond, Va. 23206, of control of such rights through the purchase. Applicants' attorney: Francis W. McInerny, suite 502, Solar Building, 1000 16th Street NW., Washington, D.C. 20036. Operating rights sought to be

transferred: *Bituminous materials,* used in the construction, improvement, and maintenance of highways, as a *common carrier* over irregular routes, between points in Maryland, Virginia on and east of Interstate Highway 77 and Morgan, Berkeley, Jefferson, Hampshire, Mineral, Hardy, Grant, Tucker, Taylor, Preston, Marion, Monongalia, and Pendleton Counties, W. Va. Vendee is authorized to operate as a *common carrier,* in Maryland, North Carolina, Pennsylvania, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11898. Authority sought for purchase by J. V. McNICHOLAS TRANSFER CO., 555 West Federal Street, Youngstown, Ohio 44501, of a portion of the operating rights of AUGIE PASSIEU TRUCKING, INC., Box 53, Cecil, Pa. 15321, and for acquisition by HENRY J. McNICHOLAS, also of Youngstown, Ohio 44501, of control of such rights through the purchase. Applicants' attorneys: Paul F. Beery, suite 1660, 88 East Broad Street, Columbus, Ohio 43215, and John A. Vuono, 2310 Grant Building, Pittsburgh, Pa. 15219. Operating rights sought to be transferred: *General commodities,* with exceptions, as a *common carrier,* over regular routes, between McDonald and Pittsburgh, Pa., between Walkers Mills and Midway, Pa., between Midway and Pittsburgh, Pa., between McDonald and Hickory, Pa., serving all intermediate points; *general commodities,* with exceptions, over irregular routes, between Burgettstown, Pa., and points within 15 miles thereof; *oil well machinery and supplies,* from McDonald, Pa., to points within 20 miles thereof; *household goods,* as defined by the Commission, between McDonald, Cecil, Robinson, Oakdale, Noblestown, and Sturgeon, Pa., on the one hand, and, on the other, points in Pennsylvania. Vendee is authorized to operate as a *common carrier,* in Ohio, Pennsylvania, West Virginia, New York, Kentucky, Connecticut, Delaware, Maryland, Massachusetts, Michigan, New Jersey, Rhode Island, Virginia, Wisconsin, Indiana, Illinois, Maine, New Hampshire, Vermont, Iowa, Missouri, Minnesota, and the District of Columbia, and as a *contract carrier,* in Ohio, Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Pennsylvania, Virginia, West Virginia, Wisconsin, North Carolina, Tennessee, Connecticut, Massachusetts, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11899. Authority sought for purchase by GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE., Atlanta, Ga. 30315, of the operating rights of GOODE TRANSFER, INC., 400 Carrie Avenue, St. Louis, Mo. 63147, and for acquisition by H. D. WINSHIP, JR., WADLEIGH C. WINSHIP, both of Atlanta, Ga. 30315, EMORY C. WINSHIP, 1105 Beachview Drive, St. Simons Island, Ga. 31522, and ANNE W. KELLEHER, 158 Stockbridge Avenue, Atherton, Calif. 94025, of control of such rights through the purchase. Applicants' attorneys: Robert C. Dryden, 2090 Jonesboro Road SE., Atlanta, Ga. 30315, Bates Block, First National Bank Tower, Atlanta, Ga. 30303, and Austin Knetzger, 1011–15 International Office Building, 722 Chestnut Street, St. Louis, Mo. 63101. Operating rights sought to be transferred: *General commodities,* excepting among others, dangerous explosives, household goods, and commodities in bulk, as a *common carrier* over *irregular routes,* between points and places in the St. Louis, Mo., East St. Louis, Ill., commercial zone, as defined by the Commission in 1 M.C.C. 656. Vendee is authorized to operate as a *common carrier,* in Tennessee, Georgia, Alabama and Florida. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11900. Authority sought for purchase by COURIER-NEWSOM EXPRESS, INC., P.O. Box 270, Columbus, Ind. 47201, of a portion of the operating rights of KILLION MOTOR EXPRESS, INC., 2305 Ralph Avenue, Louisville, Ky. 40216, and for acquisition by PAUL ROBERT NEWSOM, also of Columbus, Ind. 47201, of control of such rights through the purchase. Applicants' attorneys: Jack Goodman, 39 South La Salle Street, Chicago, Ill. 60603, and Louis E. Ackerson, 200 West Broadway, Louisville, Ky. 40202. Operating rights sought to be transferred: *General commodities* with usual exceptions, as a *common carrier* over regular routes, between Knoxville, Tenn., and Louisville, Ky., between Oliver Springs, and Wartburg, Tenn., with restriction, between Stauford, Ky., and Clinton, Tenn. Vendee is authorized to operate as a *common carrier* in Indiana, Kentucky, Michigan, Minnesota, Missouri, Iowa, Illinois, Ohio, New York, Pennsylvania, Tennessee, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11901. Authority sought for purchase by ALL AMERICAN, INC., 1500 Industrial Avenue, Sioux Falls, S. Dak. 57104, of a portion of the operating rights of HANSON TRANSFER, INC., 613 Third Street SE., Mayville, N. Dak. 58257, and for acquistion by H. LAUREN LEWIS, also of Sioux Falls, S. Dak. 57104, of control of such rights through the purchase. Applicants' attorneys: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Michael J. Ogborn, 1500 Industrial Avenue, Sioux Falls, S. Dak. 57104, and Alan Foss, First National Bank Building, Fargo, N. Dak. 58102. Operating rights sought to be transferred: *General commodities,* with usual exceptions, as a *common carrier,* over regular routes, between Grand Forks and Aneta, N. Dak., serving all intermediate points except those on U.S. Highway 81, between Fargo and McVille, N. Dak., serving all intermediate points, except those located on U.S. Highway 81. Vendee is authorized to operate as a *common carrier* in Iowa, Minnesota, South Dakota, Nebraska, Illinois, Indiana, North Dakota, Wisconsin, Kentucky, Michigan, Ohio, Kansas, and Missouri. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–11778 Filed 6–12–73;8:45 am]

[Notice 76]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 7, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of *Ex Parte No. MC–67* (49 CFR 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 22195 (sub-No. 149 TA) (correction), filed May 16, 1973, published in the FEDERAL REGISTER issue of May 31, 1973, and republished as corrected this issue. Applicant: DAN DUGAN TRANSPORT CO., 41st and Grange Avenue, P.O. Box 946, Sioux Falls, S. Dak 57101. Applicant's representative: F. Fred Fischer (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid asphalt, road oils, and residual fuel oils,* in bulk, in tank vehicles, from the facilities of Jebro, Inc., located in the Bridgeport Industrial Park, Sioux City, Iowa, to points in Iowa, Minnesota, Nebraska, and South Dakota, for 180 days. Supporting shipper: R. A. Everist, Jebro, Inc., 313 South Phillips Avenue, Sioux Falls, S. Dak. 57102. Send protests to: J. L. Hammond, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 369, Federal Building, Pierre, S. Dak. 57501.

NOTE.—The purpose of this republication is to add South Dakota as a destination which was omitted in error in previous publication.

No. MC 136987 (sub-No. 3 TA), filed May 23, 1973. Applicant: REMINGTON FREIGHT LINES, INC., 604 North Main Street, Remington, Ind. 47977. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Industrial chemicals*, from Sewaren, N.J., and Middletown, Conn., to points in Alabama, Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, South Carolina, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Philipp Brothers Chemicals, Inc., New York, N.Y. Send protests to: J. H. Gray, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, room 204, Fort Wayne, Ind. 46802.

No. MC 138256 (sub-No. 1 TA), filed May 25, 1973. Applicant: INTERIOR TRANSPORT, INC., 2124 Waterworks Way, P.O. Box 3347, Spokane, Wash. 99220. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, Wash. 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe and tubing, irrigation pumps, fittings and couplers, with related accessories*, between Spokane, Wash.; Visalia, Calif.; Grand Island, Nebr.; and Lubbock, Tex., and from Spokane, Wash.; Visalia, Calif.; Grand Island, Nebr.; and Lubbock, Tex., to points in Washington, Oregon, California, Arizona, Nevada, Utah, Idaho, Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, New Mexico, and Texas, and (2) *aluminum coil and plastic pipe additives*, between Spokane and Tacoma, Wash.; Visalia, Calif.; Grand Island, Nebr.; and Lubbock, Tex., and from points in California and Washington to Spokane and Tacoma, Wash.; Visalia, Calif.; Grand Island, Nebr.; and Lubbock, Tex., (3) *metal building materials*, from Spokane and Tacoma, Wash., to points in Washington, Oregon, Idaho, California, Arizona, Utah, Nevada, Wyoming, Montana, Colorado, North Dakota, and South Dakota; (4) *steel coil*, from points in Washington, Oregon, California, and Utah, to Spokane and Tacoma, Wash.; (5) *machinery and machines, roll forming, and metal working, together with related part and accessories*, between Spokane, Wash.; Visalia, Calif.; Tacoma, Wash.; Grand Island, Nebr.; and Lubbock, Tex., and from Spokane, Wash.; Visalia, Calif.; Tacoma, Wash.; Grand Island, Nebr.; and Lubbock, Tex., to points in Washington, Oregon, California, Nebraska, and Texas, for 180 days.

NOTE.—Said operations are to be limited to a transportation service to be performed under a continuing contract, or contracts with Gifford Hill Co., Inc., ASC Industries and ASC Pacific, Inc.

Supporting shipper: ASC Industries, Inc., North 800 Fancher Way, Spokane, Wash. 99220. Send protests to: L. D. Boone, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 138404 (sub-No. 3 TA), filed May 21, 1973. Applicant: DALE FOWLER AND MERLE THRAPP, doing business as D & M TRANSPORT, Spragueville, Iowa 52074. Applicant's representative: Dale Fowler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, complete, knocked down, or in sections, from Readlyn and Oelwein, Iowa, to points in the United States (except Hawaii), and (2) *materials, equipment, and supplies* used in the manufacture of commodities described in (1) from points in Iowa, Minnesota, South Dakota, Nebraska, Kansas, Missouri, Illinois, and Wisconsin, to the facilities of R–J Industries, Inc., Readlyn, Iowa, for 180 days. Suporting shipper: R–J Industries, Inc., Box 237, Readlyn, Iowa 50668. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 138637 (sub-No. 1 TA), filed May 23, 1973. Applicant: LAWRENCE J. GOATER, 88 Birchbrook Drive, Rochester, N.Y. 14623. Applicant's representative: S. Michael Richards, P.O. Box 225, Webster, N.Y. 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Swimming pool kits and accessories*, from Bergen, N.Y., to Fairfield, Conn.; Bartow and Jacksonville, Fla.; Atlanta, Ga.; Flint, Mich.; Mount Holly, N.J.; Norfolk, Va.; Madison and Milwaukee, Wis., for 180 days. Supporting shipper: E. L. Tallman, president, Tallman Enterprises, Inc., 7300 Lake Road, Bergen, N.Y. 14416. Send protests to: Morris H. Gross, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 104, 301 Erie Boulevard West, Syracuse, N.Y. 13202.

No. MC 138687 (sub-No. 1 TA), filed May 25, 1973. Applicant: BYNUM TRANSPORT, INC., 1010 Wildwood Drive, Lakeland, Fla. 33801. Applicant's representative: W. Guy McKenzie, Jr., P.O. Box 1200, Tallahassee, Fla. 32302. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried citrus pulp and citrus pulp pellets*, in bulk, in side and rear dump vehicles, from points in Orange, Polk, Pasco, Manatee and Lake Counties, Fla., to Tampa, Fla., having a subsequent movement by water, for 180 days. Supporting shipper: Bremer Handelsgesellschaft, Germany. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, room 105, Miami, Fla. 33155.

No. MC 138689 (sub-No. 1 TA), filed May 18, 1973. Applicant: PRUDENTIAL TRANSPORT CO. LTD., 1299 Conde Street, Montreal, Quebec, Canada. Applicant's representative: J. P. Vermette, 250 Napoleon Provost Street, Repentigny, Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ilmenite ore*, in bulk, in dump vehicles, from Tahawus, N.Y., to the Port of Entry on the international boundary line between the United States and Canada located at or near Champlain, N.Y., for 180 days. Restriction: Restricted to traffic having a subsequent movement in foreign commerce. Supporting shipper: Quebec Iron & Titanium Corp., P.O. Box 40, Sorel, Quebec, Canada. Send protests to: District Supervisor Norman T. Fowlkes, Interstate Commerce Commission, Bureau of Operations, 52 State Street, room 5, Montpelier, Vt. 05602.

No. MC 138743 (sub-No. 1 TA), filed May 17, 1973. Applicant: SNOWBALL LTD., P.O. Box 361, Morton, Ill. 61550. Applicant's representative: Richard W. Zimmerman (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, cement containing asbestos fiber, and accessories* necessary for the installation thereof, from the plantsite and storage facilities of Certain-Teed Products Corp. at Bellfontaine Neighbors and Riverview, Mo., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, West Virginia, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Thomas McGrath, general traffic manager, Certain-Teed Products Corp., Valley Forge, Pa. 19481. Send protests to: District Supervisor Richard K. Shullaw, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

No. MC 138745 (sub-No. 1 TA), filed May 21, 1973. Applicant: ADDINGTON BROS. TRUCKING, INC., Route 2, Sandy Hook, Ky. 41171. Applicant's representative: Robert H. Kinker, 711 McClure Building, P.O. Box 464, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, in bulk, in dump or self-unloading vehicles, from points in Boyd, Carter, Elliott, Floyd, Johnson, Lawrence, Martin, and Morgan Counties, Ky., to barge loading facilities in Lawrence County, Ohio, with subsequent transportation by water carrier, for 180 days.

NOTE.—Applicant will interline with barge water carrier in Lawrence County, Ohio.

Supporting shipper: Robert Addington, secretary-treasurer, Addington Bros. Mining, Inc., Route 2, Sandy Hook, Ky. 41171. Send protests to: R. W. Schneiter, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 222 Bakhaus Building, 1500 West Main Street, Lexington, Ky. 40505.

No. MC 138756 TA, filed May 23, 1973. Applicant: DUBLIN FAST FREIGHT, INC., Dublin Court, P.O. Box 2255, Dublin, Calif. 94566. 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 irregular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from San Francisco and Oakland, Calif., to Dublin, Calif., for 180 days. Supporting shipper: AMFAC Merchandising Corp., 6700 Golden Gate Drive, Dublin, Calif. 94566. Send protests to: A. J. Rodriguez, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, Calif. 94102.

No. MC 138757 TA, filed May 23, 1973. Applicant: FIDALGO ISLAND TRUCKING, INC., 2807 Norman Road, Stanwood, Wash. 98293. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from points in Washington, to the international boundary line between the United States and Canada at or near Blaine, Lynden, Sumas, Oroville, and Danville, Wash., for 180 days. Supporting shipper: Rempel Bros. Concrete, Ltd., 2866 Immel Road, Box 233, Abbotsford, British Columbia, Canada. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Comission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 138759 TA, filed May 22, 1973. Applicant: P. J. QUIGLEY, Box 201, Belmond, Iowa 50421. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, between points in Wright County, Iowa, and points in Wisconsin, South Dakota, and Minnesota, for 180 days. Supporting shipper: Central Soya Co., Inc., 1300 Fort Wayne National Bank Building, Fort Wayne, Ind. Send protests to: Herbert W. Allen, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 138760 TA, filed May 23, 1973. Applicant: O–J TRANSPORT CO., 2739 Sturtevant, Detroit, Mich. 48206. Applicant's representative: Robert E. McFarland, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from Milwaukee, Wis., to Detroit, Mich., for 180 days. Supporting shipper: Paul A. Lewis, general manager, Sky-Pac Enterprises, Inc., 3950 23d Street, Detroit, Mich. 48208. Send protests to: Melvin F. Kirsch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1110 Broderick Tower Building, 10 Witherell Street, Detroit, Mich. 48226.

No. MC 138761 TA, filed May 24, 1973. Applicant: W. OLSASKY CO., 6767 Northwest Beaver, Des Moines, Iowa 50323. Applicant's representative: Russell H. Wilson, suite 200, 3839 Merle Hay Road, Des Moines, Iowa 50310. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets and appliances*, from Sioux City and Des Moines, Iowa, to Omaha, Nebr., and a 50-mile radius thereof, for 180 days. Supporting shipper: A. A. Schneiderhahn Co., 319–323 Southwest Fifth Street, Des Moines, Iowa 50309. Send protests to: Herbert W. Allen, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

MOTOR CARRIERS OF PASSENGERS

No. MC 138700 (sub-No. 1 TA), filed May 24, 1973. Applicant: REDCLIFF BUS LINES LTD., Redcliff, Alberta, Canada. Applicant's representative: K. Van Wert (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their luggage*, between ports of entry located at or near the United States-Canada international boundary line located in Montana and Great Falls and Kalispell, Mont., in charter operation, for 180 days. Supporting shipper: British Army Training Unit Suffield, Ralston, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 138755 TA, filed May 14, 1973. Applicant: WORTS TRANSIT CO., INC., 1315 North North Drive, McHenry, Ill. 60050. Applicant's representative: John H. Bickley, Jr., 77 West Washington Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in special and charter service, from points in Illinois and Wisconsin, within a 15-mile radius of the city of McHenry, Ill., to points in Iowa, Illinois, Wisconsin, Missouri, Indiana, and Michigan and return, for 180 days. Supporting shippers: George A. Binder, McHenry Senior Citizens Club, Inc., P.O. Box 201, McHenry, Ill. 60050; Mary Jensky, program chairman, American Association of Retired Persons, Fox Lake Area Chapter No. 873; and Robert Walls, Viscount business manager, McHenry Viscounts County, Drum & Bugle Corps, McHenry, Ill. Send protests to: William J. Gray, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–11777 Filed 6–12–73;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

JUNE 8, 1973.

The following applications for motor *common carrier* authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

Alaska docket No. 73–88–MF/A, filed April 4, 1973. Applicant: JAMES C. MANLEY, doing business as MANELY CO. TRUCK FREIGHT TERMINAL, Ocean Drive/FAA Spur Road, P.O. Box 1297, Homer, Alaska 99603. Applicant's representative: Milton M. Souter, 731 I Street, Anchorage, Alaska 99501. Certificate of public convenience and necessity sought to operate a freight service as follows: Local pickup, delivery, redelivery *commodities* from truck, barge, and air. Intrastate, interstate and foreign commerce authority sought.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the Alaska Transportation Commission, 750 MacKay Building, 338 Denali Street, Anchorage, Alaska 99501, and should not be directed to the Interstate Commerce Commission.

California Docket No. 54068, filed May 29, 1973. Applicant: BILL RACKLEY TRUCKING, INC., 3755 Munford Avenue, Stockton, Calif. 95206. Applicant's representative: Raymond A. Greene, Jr., 100 Pine Street, San Francisco, Calif. 94111. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, (1) Between all points and places in the San Francisco territory as described in part II. (2) Between all points and places on or within 20 miles of the following routes: (a) Interstate Highway 80 between Sacramento and its junction with State Highway 17; (b) State Highway 17 between its junction with Interstate Highway 80 and U.S. Highway 101; (c) U.S. Highway 101 from Novato to San Francisco; (d) State Highway 37 between its junction with U.S. Highway 101 at Novato to Interstate Highway 80; (e) State Highway 21 between its junction with Interstate 80 and Interstate 680; (f) State Highway 12 between its junction with Interstate 80 and State Highway 99; (g) Interstate Highway 680 between its junction with Interstate Highway 80 and U.S. Highway

101; (h) State Highway 24 between its junction with Interstate 680 and Interstate 80; (i) State Highway 4 between its junction with Interstate Highway 680 and State Highway 99; (j) Interstate Highway 580 between its junction with State Highway 17 and Interstate Highway 5; (k) U.S. Highway 50 between its junction with Interstate Highway 580 and Interstate 5; (l) Interstate Highway 205 between its junctions with U.S. Highway 50.

(m) State Highway 84 between its junctions with Interstate Highways 580 and 680. (n) State Highway 99 between Sacramento and Fresno. (o) State Highway 33 between its junction with Interstate Highways 580 and 5, and between its junction with State Highways 152 and 198. (p) State Highway 132 between its junction with Interstate Highway 580 and State Highway 99. (q) Interstate Highway 5 from Stockton to its junction with State Highway 41. (r) State Highway 140 between its junction with State Highway 99 and State Highway 33. (s) State Highway 152 between its junction with State Highway 99 and Interstate Highway 5. (t) State Highway 145 between its junction with State Highways 99 and 180. (u) State Highway 180 between its junction with State Highway 33 and 99. (v) State Highway 41 between its junction with State Highway 99 and Interstate Highway 5. Except that applicant shall not transport any shipments of: Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of item No. 10–C of minimum rate tariff No. 4–A. Automobiles, trucks, and buses, viz: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis. Livestock, viz: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags, or swine. Liquids, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles.

Commodities when transported in bulk in dump trucks or in hopper-type trucks. Commodities when transported in motor vehicles equipped for mechanical mixing in transit. Cement. Logs. Commodities of unusual or extraordinary value. Part II: San Francisco territory includes all the city of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County boundary line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Co. right-of-way at Arastradero Road; southeasterly along the Southern Pacific Co. right-of-way to Pollard Road, including industries served by the Southern Pacific Co. spur line extending approximately 2 miles southwest from Simla to Permanente; easterly along Pollard Road to West Parr Avenue; easterly along West Parr Avenue to Capri Drive; southerly along Capri Drive to East Parr Avenue; easterly along East Parr Avenue to the Southern Pacific Co. right-of-way; southerly along the Southern Pacific Co. right-of-way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbord Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the city of Richmond; southwesterly along the highway extending from the city of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning. Intrastate, interstate, and foreign commerce authority sought. Hearing: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Oklahoma docket No. MC 31849 (amendment), filed May 5, 1973, published in the FEDERAL REGISTER issue of April 25, 1973, and republished, as amended, this issue. Applicant: HAROLD L. MANNING, doing business as MANNING FREIGHT LINES, 200 East Garvin, Pauls Valley, Okla. Applicant's representative: Glen Ham, Box 198, Pauls Valley, Okla. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, from Oklahoma City via U.S. 77 to Marietta, thence to Ardmore, thence over U.S. 70 to Dickson, thence over State Highway 177 to Sulphur, thence over State Highway 7 to Davis, thence over U.S. 77 to Oklahoma City, serving the points of Oklahoma City, Paoli, Pauls Valley, Wynnewood, Davis, Springer, Ardmore, Overbrook, Marietta, Dickson, Baum, Nebo, Drake, and Sulphur, Okla. No points to be passed through and not served. Terminals to be at Oklahoma City, Pauls Valley, and Ardmore. Service to be on a daily basis. Mileage: 186. Both intrastate and interstate authority sought.

NOTE.—The purpose of this republication is to reflect the change of origin and destination point from Paoli to Oklahoma City, and add the terminal point of Oklahoma City.

HEARING: July 9, 1973, at 300 Jim Thorpe Office Building, Oklahoma City, Okla., at 9 a.m. Requests for procedural information should be addressed to the Oklahoma Corporation Commission, Jim Thorpe Office Building, Oklahoma City, Okla. 73105, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73–11776 Filed 6–12–73;8:45 am]

[Notice 292]

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 3, 1973. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74118. By order of June 4, 1973, the Motor Carrier Board approved the transfer to Steiger Bros. Express Co., Inc., Middle Village, N.Y., of permit No. MC–80408 issued April 4, 1957 to Ralph Trucking Corp., Middle Village, N.Y.,

authorizing the transportation of groceries and canned goods from New York, N.Y., to points in New Jersey within 60 miles of Columbus Circle, N.Y. Bert Collins, 140 Cedar Street, New York, N.Y. 10006, attorney for applicants.

No. MC-FC-74475 (corrected).* By order entered May 21, 1973, the Motor Carrier Board approved the transfer to A. Leander McAlister Trucking Co., a corporation, Wichita Falls, Tex., of the operating rights set forth in certificates Nos. MC-43867, MC-43867 (sub-No. 9), MC-43867 (sub-No. 10), MC-43867 (sub-No. 13), MC-43867 (sub-No. 16), MC-43867 (sub-No. 17), MC-43867 (sub-No. 18), and MC-43867 (sub-No. 23), issued by the Commission August 16, 1965, February 3, 1953, November 16, 1951, June 15, 1955, July 27, 1967, October 25, 1968, May 10, 1965, and May 15, 1973, respectively, to Alton Leander McAlister, Wichita Falls, Tex., authorizing the transportation of various specified commodities, between points in Oklahoma, Kansas, Texas, New Mexico, Wyoming, Arizona, Colorado, Utah, Montana, Illinois, Indiana, Kentucky, Missouri, Nevada, Idaho, and Louisiana; and plastic pipe, from Houston, Tex., to points in the United States (except Alaska and Hawaii). Ewell H. Muse, Jr., suite 415, Perry Brooks Building, Austin, Tex. 78701, attorney for applicants.

*Corrected to include the transfer of MC-43867 (sub-No. 23).

No. MC-FC-74494. By order entered June 5, 1973, the Motor Carrier Board approved the transfer to Roberts Truck Line, Inc., Wichita, Kans., of the operating rights set forth in certificates Nos. MC-2444, MC-2444 (sub-No. 1), MC-2444 (sub-No. 2), and MC-2444 (sub-No. 3), issued by the Commission July 9, 1937, June 28, 1945, August 26, 1947, and February 15, 1950, respectively, to Ro M. Roberts, doing business as Roberts Transfer, authorizing the transportation of commodities generally, with the usual exceptions, household goods and certain specified commodities, from, to, or between points in Kansas and Missouri. Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-11772 Filed 6-12-73;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.

FEDERAL REGISTER PAGES AND DATES—JUNE

Pages	*Date*	*Pages*	*Date*
14361–14659	June 1	14907–15041	June 7
14661–14732	4	15043–15356	8
14733–14805	5	15357–15427	11
14807–14906	6	15429–15490	12
		15491–15594	13

federal register

WEDNESDAY, JUNE 13, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 113

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

PUBLIC ASSISTANCE MEDICAID

Notice of Proposed Implementation of Social Security Amendments of 1972

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR, Parts 205, 249, 250]

PUBLIC ASSISTANCE—MEDICAID

Proposed Implementation of Social Security Amendments of 1972

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations implement certain amendments of titles XI and XIX of the Social Security Act (relating to medicaid) enacted by Public Law 92–603, Social Security Amendments of 1972, and make certain other clarifying changes.

1. *Staffing.*—The regulations specify the increased rates of Federal matching under the medicaid program provided by sections 235, 249B, and 299E(a) of Public Law 92–603 for costs of personnel responsible for functions relating to mechanized claims processing and information retrieval systems, for inspecting long-term care facilities, and for offering, arranging, and furnishing family planning services and supplies. They clarify the types of staff costs eligible for 75 percent Federal matching, and require a description in the State medicaid plan of the types of personnel employed by the public assistance agency to carry out medicaid responsibilities (§§ 205.100, 205.101, 250.120).

2. The regulations on amount, duration, and scope of medical assistance furnished under State medicaid plans are amended to implement amendments of title XIX of the act made by sections 212, 230, 240, and 299E (a) and (b) of Public Law 92–603, which relate to (*a*) optometrists' services; (*b*) repeal of the requirement in section 1903(e) of the act for progression toward comprehensive care; (*c*) authorization of contracts with geographically limited health services organizations under which additional services may be made available to residents of the area served without violation of plan requirements with respect to Statewideness, comparability of services or free choice of providers; and (*d*) requirements for providing family planning services and supplies, for which increased Federal matching is available. They also clarify when transportation may be considered an item of medical assistance (§ 249.10).

3. *Disclosure of information.*—New regulations implement sections 1106 (d) and (e) and 1902(a)(37) of the act (added by sections 249C and 299D(b) of Public Law 92–603) and reflect the Department's policy on release of program information. States will be required to establish a procedure for disclosure of pertinent findings resulting from surveys of health care facilities, laboratories, clinics or other organizations, and information on ownership of skilled nursing and intermediate care facilities. The regulations also require that providers whose performance is evaluated by the Department will have a reasonable opportunity for review of reports before disclosure (§ 250.70).

4. *Federal matching for mechanized systems.*—The proposal implements section 1903(a)(3) of the act (added by section 235 of Public Law 92–603) by specifying requirements for obtaining increased Federal matching provided for mechanized claims processing and information retrieval systems, and by providing for time-limited matching for cost determination systems for State-owned general hospitals (§ 250.90).

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, D.C. 20201, on or before July 13, 1973. Comments received will be available for public inspection in room 5121 of the Department's offices at 301 C Street SW., Washington, D.C., on Monday through Friday of each week from 8:30 a.m. to 5 p.m., area code 202–963–7361.

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

Dated April 25, 1973.

FRANCIS D. DEGEORGE,
Acting Administrator, Social and Rehabilitation Service.

Approved June 4, 1973.

CASPAR W. WEINBERGER,
Secretary.

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

PART 205—GENERAL ADMINISTRATION—PUBLIC ASSISTANCE PROGRAMS

1. Part 205 is amended by revoking the last sentence of § 205.100(a)(3)(ii), and by revising § 205.101 to read as set forth below:

§ 205.100 [Amended]

§ 205.101 Organization for administration.

(a) A State plan under title I, IV–A, X, XIV, XVI, or XIX of the Social Security Act shall include a description of the organization and functions of the single State agency and an organizational chart of the agency.

(b) Where applicable, a State plan under title I, IV–A, X, XIV, or XVI of the act shall identify the organizational unit within the State agency which is responsible for operation of the plan, and shall include a description of its organization and functions and an organizational chart of the unit. (See also, for requirements concerning the organization for the administration of service programs, pt. 220 of this chapter as to programs under title IV–A and B of the act, and pt. 222 of this chapter as to programs under title I, X, XIV, or XVI of the act.)

(c) A State plan under title XIX of the act must:

(1) Provide for the establishment of a medical assistance unit in the single State agency which shall include the program director and other appropriate staff for participation in the development, analysis, and evaluation of the State's medical assistance program;

(2) Include a description of the organization and functions of the medical assistance unit and an organizational chart of the unit;

(3) Include a description of the kinds and numbers of professional medical personnel and supporting staff that will be used in the administration of the plan and of the responsibilities they will have; and

(4) If the single State agency for title XIX is different from the single State agency for title I or XVI, include a description of the staff designated by the title I or XVI agency and the functions they will perform in carrying out the responsibilities contained in the agreement described in § 205.100(a)(3).

PART 249—SERVICES AND PAYMENT IN MEDICAL ASSISTANCE PROGRAMS

2. Part 249 is amended by revising section 249.10(a) and (b) as follows:

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

(a) *State plan requirements.*—A State plan for medical assistance under title XIX of the Social Security Act must:

(1) Specify that at least the first five items of medical and remedial care and services, as set forth in paragraph (b)(1) through (5) of this section, will be provided to the categorically needy.

(2) Specify that, if the plan includes the medically needy, at least the following items of medical and remedial care and services will be provided to the medically needy:

(i) The first five items as set forth in paragraph (b)(1) through (5) of this section; or

(ii) (A) Any seven of the items as set forth in paragraph (b)(1) through (14) of this section; and

(B) If the plan includes inpatient hospital services or skilled nursing facility services, physicians' services to eligible individuals when they are patients in a hospital or skilled nursing facility, even though physicans' services as defined in paragraph (b)(5) of this section are not otherwise included for the medically needy.

(3) In carrying out the requirements in subparagraphs (1) and (2) of this paragraph with respect to the item of care set forth in paragraph (b)(4)(ii) of this section, provide:

(i) For establishment of administrative mechanisms to identify available screening and diagnostic facilities, to assure that individuals under 21 years of age who are eligible for medical assistance may receive the services of such facilities, and to make available such services as may be included under the State plan;

(ii) For identification of those eligible individuals who are in need of medical or remedial care and services furnished through title V grantees, and for assuring that such individuals are informed of such services and are referred to title V grantees for care and services, as appropriate;

(iii) For agreements to assure maximum utilization of existing screening, diagnostic, and treatment services provided by other public and voluntary agencies such as child health clinics, neighborhood health centers, day care centers, nursery schools, school health programs, family planning clinics, maternity clinics, and similar facilities;

(iv) That early and periodic screening and diagnosis to ascertain physical and mental defects, and treatment of conditions discovered within the limits of the State plan on the amount, duration, and scope of care and services, will be available to all eligible individuals under 21 years of age; and that, in addition, eyeglasses, hearing aids, and other kinds of treatment for visual and hearing defects, and at least such dental care as is necessary for relief of pain and infection and for restoration of teeth and maintenance of dental health, will be available, whether or not otherwise included under the State plan, subject, however, to such utilization controls as may be imposed by the State agency. If such screening, diagnosis, and such additional treatment are not available by the effective date of these regulations to all eligible individuals under 21 years of age, the State plan must provide that screening, diagnosis, and such additional treatment will be available to all eligible children under 6 years of age, and must specify the progressive stages by which screening, diagnosis, and such additional treatment will be available to all eligible individuals under 21 no later than July 1, 1973.

(4) Provide for the inclusion of home health services for any eligible individual who, under the plan, is entitled to skilled nursing facility services.

(5) (i) Specify the amount and/or duration of each item of medical and remedial care and services that will be provided to the categorically needy and to the medically needy, if the plan includes this latter group. Such items must be sufficient in amount, duration and scope to reasonably achieve their purpose. With respect to the required services for the categorically needy (subparagraph (1) of this paragraph) and the medically needy (subparagraph (2) of this paragraph), the State may not deny, or reduce the amount, duration, or scope of, such services to an otherwise eligible individual solely because of the diagnosis or type of illness.

(ii) Specify that there will be provision for assuring necessary transportation of recipients to and from providers of services and describe the methods that will be used.

(6) Provide that the medical and remedial care and services made available to any categorically needy individual included under the plan will not be less in amount, duration, or scope than those made available to other individuals included under the program, except that:

(i) Skilled nursing facility services may be limited to persons 21 years of age or older;

(ii) Services to persons in institutions for tuberculosis or mental diseases may be limited to persons 65 years of age or over;

(iii) Inpatient psychiatric hospital services as provided in section 1905(a)(16) of the act may be limited to individuals under age 21 (or under age 22 for individuals receiving such services immediately prior to attaining age 21), as specified in paragraph (b)(16) of this section;

(iv) Early and periodic screening and diagnosis for individuals, and treatment of conditions found, as provided in section 1905(a)(4)(B) of the act, may be limited to individuals under 21 years of age;

(v) Benefits under part B of title XVIII of the Social Security Act made available to individuals through a "buy-in" agreement or payment of the premiums, or the payment of part or all of the deductibles, cost sharing or similar charges under part B, may be limited to such individuals for whom, by virtue of such action, these benefits are included as part of the plan;

(vi) Family planning services and supplies may be limited to individuals of child bearing age (including minors who can be considered to be sexually active) who desire such services and supplies; and

(vii) Care and services which are additional to those offered under the State plan and which are made available under a contract between the State (or a political subdivision thereof) and an organization providing health services may be limited to individuals who reside in the geographic area served by the contracting organization and elect to obtain care and services from it.

(7) Provide that the medical and remedial care and services made available to a group (i.e., either the categorically needy or the medically needy) will be equal in amount, duration, and scope for all individuals within the group, with the permissible exceptions, specified in subparagraph (6) of this paragraph.

(8) Include a description of the methods that will be used to assure that the medical and remedial care and services are of high quality, and a description of the standards established by the State to assure high quality care.

(9) With respect to individuals eligible under the plan for family planning services and supplies, provide that there shall be freedom from coercion or pressure of mind and conscience, and freedom of choice of method, so that such individuals can choose in accordance with the dictates of their consciences.

(10) In the case of any State where:

(i) The plan does not now but did at a prior period provide for payment of services (other than services covered under paragraph (b)(12) of this section) of the type which an optometrist is legally authorized to perform, and

(ii) The plan now specifically provides that the term "physicians' services," as employed in the plan, includes services of the type which an optometrist is legally authorized to perform,

Provide that reimbursement will be made for services of the type which an optometrist is authorized to perform, whether furnished by a physician or by an optometrist.

(b) *Federal financial participation.*—Subject to the limitations in paragraph (c) of this section, Federal financial participation is available in expenditures for medical or remedial care and services under the State plan which meet the following definitions:

(1) *Inpatient hospital services (other than services in an institution for tuberculosis or mental diseases).*—"Inpatient hospital services" are those items and services ordinarily furnished by the hospital for the care and treatment of inpatients provided under the direction of a physician or dentist in an institution maintained primarily for treatment and care of patients with disorders other than tuberculosis or metal diseases and which is licensed or formally approved as a hospital by an officially designated State standard-setting authority and is qualified to participate under title XVIII of the Social Security Act, or is determined currently to meet the requirements for such participation; and which has in effect a hospital utilization review plan applicable to all patients who receive medical assistance under title XIX of the act.

(2) *Outpatient hospital services.*—"Outpatient hospital services" are those preventive, diagnostic, therapeutic, rehabilitative, or palliative items or services furnished by or under the direction of a physician or dentist to an outpatient by an institution which is licensed or formally approved as a hospital by an officially designated State standard-setting authority and is qualified to participate under title XVIII of the Social Security Act, or is determined currently to meet the requirements for such participation.

(3) *Other laboratory and X-ray services.*—The term "other laboratory and X-ray services" means professional and technical laboratory and radiological services ordered by a physician or other licensed practitioner of the healing arts within the scope of his practice as defined by State law, and provided to a patient by, or under the direction of, a physician or licensed practitioner, in an office or similar facility other than a hospital outpatient department or a clinic, and provided to a patient by a laboratory that is qualified to participate under title XVIII of the Social Security Act, or is determined currently to meet the requirements, for such participation.

(4) (i) *Skilled nursing facility services (other than services in an institution for tuberculosis or mental diseases) for individuals 21 years of age or older.*—"Skilled nursing facility services" means those items and services furnished by a skilled nursing facility maintained primarily for the care and treatment of inpatients with disorders other than

tuberculosis or mental diseases which are provided under the direction of a physician or other licensed practitioner of the healing arts within the scope of his practice as defined by State law. A "skilled nursing facility" is a facility, or a distinct part of a facility, which meets the following conditions:

(A) The facility is constructed, equipped, maintained, and operated in compliance with all applicable State and local laws and regulations affecting the health and safety of the patients and their protection against the hazards of fire and other disaster, and there is a written, rehearsed disaster plan.

(B) The administrator is qualified by training and experience for successful operation of a nursing facility and has the necessary authority and responsibility for management of the facility.

(C) The facility employs staff sufficient in number and qualifications to meet the requirements of the patients accepted for care or remaining in the facility for care.

(D) Food is prepared and served under competent direction, at regular and appropriate times. Professional consultation is available to assure good nutritional standards and that the dietary needs of the patients are met.

(E) Patient care is provided in accordance with written policies formulated with the advice of one or more professional registered nurses.

(F) Constructive care directed toward restoring and maintaining each patient at his best possible functional level is provided, including activities designed to encourage self-care and independence provided as a part of the patient's treatment program.

(G) Patients in need of nursing care are admitted to a facility only upon recommendation by a physician of the need for the level of care provided by that facility. The care of such patients is continuously under the supervision of a physician; and the facility maintains arrangements that assure that the services of a physician who can act in case of emergency are continuously available.

(H) The facility has been determined by the single State agency to meet all of the standards established under section 1902(a)(28) of the act, as evidenced by an agreement between the single State agency and the facility for the provision of skilled nursing facility care and the making of payments under the plan; except that, effective July 1, 1972, with respect to skilled nursing facility services furnished on or after such date by a skilled nursing facility whose provider agreement expired or was otherwise terminated on or after such date, the State agency may continue to claim Federal financial participation in payments on behalf of eligible individuals for such services furnished by such facility during a period not to exceed 30 days starting with the date of expiration or other termination of its provider agreement, but only if such individuals were admitted to the facility before the date of expiration or other termination of its provider agreement, and if the State agency makes a showing satisfactory to the Secretary that it has made reasonable efforts to facilitate the orderly transfer of such individuals from such facility to another appropriate facility.

(I) All drugs and medications are prescribed, handled, stored, and administered in accordance with accepted professional practices.

(J) An individual record is maintained for each patient covering his medical, nursing, and related care in accordance with accepted professional standards.

(K) Effective arrangements are maintained through which services required by the patients but not regularly provided within the facility can be obtained promptly when needed. This includes laboratory, X-ray, and other diagnostic services, and regular and emergency dental care. It includes, also, provisions for recognition of need for social services and for prompt reporting of such need to the local welfare department or other appropriate source.

(L) The facility is licensed or formally approved as a nursing home by an officially designated State standard-setting authority and has not been determined by such authority not to meet fully all requirements of the State for licensure as a nursing home except as provided in the next sentence. Payments to a nursing home which formerly met fully all requirements of the State for licensure as a nursing home, but is currently determined not to meet fully all such requirements, may be recognized for a period specified by the State standard-setting authority, if during such period such home promptly takes all necessary steps to again meet such requirements.

(M) The facility (including a facility operated by a governmental agency) meets all requirements which are applied for licensure or formal approval as a nursing home to the same type of facility in any other ownership category (i.e., governmental, nonprofit, or proprietary) within the State.

(ii) *Early and periodic screening and diagnosis of individuals under 21 years of age, and treatment of conditions found.*—Early and periodic screening and diagnosis of individuals under the age of 21 who are eligible under the plan to ascertain their physical or mental defects, and health care, treatment, and other measures to correct or ameliorate defects and chronic conditions discovered thereby. Federal financial participation is available for any item of medical or remedial care and services included under this section for individuals under the age of 21. Such care and services may be provided under the plan to individuals under the age of 21, even if such care and services are not provided, or are provided in lesser amount, duration, or scope to individuals 21 years of age or older.

(iii) *Family planning services and supplies.*—Family planning services and supplies are any medically approved means, including diagnosis, treatment, drugs, supplies, devices, and related counseling which are furnished or prescribed by or under the supervision of a physician, for individuals of child-bearing age (including minors who can be considered to be sexually active) for purposes of enabling such individuals freely to determine the number and spacing of their children. Federal financial participation is available at the rate of 90 percent of the sums expended on or after October 30, 1972, in offering, arranging, and furnishing such services and supplies.

(5) *Physicians' services, whether furnished in the office, the patient's home, a hospital, a skilled nursing facility or elsewhere.*—"Physicians' services" are those services provided, within the scope of practice of his profession as defined by State law, by or under the personal supervision of an individual licensed under State law to practice medicine or osteopathy.

(6) *Medical care and any other type of remedial care recognized under State law, furnished by licensed practitioners within the scope of their practice as defined by State law.*—This term means any medical or remedial care or services other than physicians' services, provided within the scope of practice as defined by State law, by an individual licensed as a practitioner under State law.

(7) *Home health care services.*—"Home health care services" in addition to the services of physicians, dentists, physical therapists, and other services and items available to patients in their homes and described elsewhere in these definitions, are any of the following items and services when they are provided on recommendation of a licensed physician to a patient in his place of residence, but not including as a residence a hospital, a skilled nursing facility, or an intermediate care facility:

(i) Intermittent or part-time nursing services furnished by a home health agency;

(ii) Intermittent or part-time nursing services of a professional registered nurse or a licensed practical nurse under the direction of the patient's physician, when no home health agency is available to provide nursing services;

(iii) Medical supplies, equipment, and appliances recommended by the physician as required in the care of the patient and suitable for use in the home;

(iv) Services of a home health aide, who is an individual assigned to give personal care services to a patient in accordance with the plan of treatment outlined for the patient by the attending physician and the home health agency which assigns a professional registered nurse to provide continuing supervision of the aide on her assignment. The term "home health agency" means a public or private agency or organization, or a subdivision of such an agency or organization, which is qualified to participate as a home health agency under title XVIII of the Social Security Act, or is determined currently to meet the requirements for such participation.

(8) *Private duty nursing services.*—"Private duty nursing services" are nursing services provided by a professional registered nurse or a licensed practical nurse, under the general direction of the patient's physician, to a patient in his own home or in a hospital, or skilled nursing facility, when the patient requires individual and continuous care beyond that available from a visiting nurse or that routinely provided by the nursing staff of the hospital, or skilled nursing facility.

(9) *Clinic services.*—"Clinic services" are preventive diagnostic, therapeutic, rehabilitative, or palliative items or services furnished to an outpatient by or under the direction of a physician or dentist in a facility which is not part of a hospital but which is organized and operated to provide medical care to outpatients.

(10) *Dental services.*—"Dental services" are any diagnostic, preventive, or corrective procedures administered by or under the supervision of a dentist in the practice of his profession. Such services include treatment of the teeth and associated structures of the oral cavity, and of disease, injury, or impairment which may affect the oral or general health of the individual. The term "dentist" means a person licensed to practice dentistry or dental surgery.

(11) *Physical therapy and related services.*—"Physical therapy and related services" means physical therapy, occupational therapy, and services for individuals with speech, hearing, and language disorders, and the use of such supplies and equipment as are necessary.

(i) "Physical therapy" means those services prescribed by a physician and provided to a patient by or under the supervision of a qualified physical therapist. A "qualified physical therapist" is a graduate of a program of physical therapy approved by the Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association, or its equivalent, and where applicable, is licensed by the State.

(ii) "Occupational therapy" means those services prescribed by a physician and provided to a patient and given by or under the supervision of a qualified occupational therapist. A "qualified occupational therapist" is registered by the American Occupational Therapy Association or is a graduate of a program in occupational therapy approved by the Council on Medical Education of the American Medical Association and is engaged in the required supplemental clinical experience prerequisite to registration by the American Occupational Therapy Association.

(iii) "Services for individuals with speech, hearing, and language disorders" are those diagnostic, screening, preventive, or corrective services provided by or under the supervision of a speech pathologist or audiologist in the practice of his profession for which a patient is referred by a physician. A speech pathologist or audiologist is one who has been granted the Certificate of Clinical Competence in the American Speech and Hearing Association, or who has completed the equivalent educational requirements and work experience necessary for such a certificate, or who has completed the academic program and is in the process of accumulating the necessary supervised work experience required to qualify for such a certificate.

(12) *Prescribed drugs, dentures, and prosthetic devices; and eyeglasses prescribed by a physician skilled in diseases of the eye or by an optometrist, whichever the individual may select.*—(i) "Prescribed drugs" are any simple or compounded substance or mixture of substances prescribed as such or in other acceptable dosage forms for the cure, mitigation, or prevention of disease, or for health maintenance, by a physician or other licensed practitioner of the healing arts within the scope of his professional practice as defined and limited by Federal and State law. With respect to "prescribed drugs", Federal financial participation is available in expenditures for drugs dispensed by licensed pharmacists and licensed authorized practitioners in accordance with the State Medical Practice Act. When dispensing, the practitioner must do so on his written prescription and maintain records thereof.

(ii) "Dentures" are artificial structures prescribed by a dentist to replace a full or partial set of teeth and made by, or according to the directions of, a dentist.

(iii) "Prosthetic devices" means replacement, corrective, or supportive devices prescribed for a patient by a physician or other licensed practitioner of the healing arts within the scope of his practice as defined by State law for the purpose of artificially replacing a missing portion of the body, or to prevent or correct physical deformity or malfunction, or to support a weak or deformed portion of the body.

(iv) "Eyeglasses" are lenses, including frames when necessary, and other aids to vision prescribed by a physician skilled in diseases of the eye, or by an optometrist, whichever the patient may select, to aid or improve vision.

(13) *Other diagnostic, screening, preventive, and rehabilitative services.*—(i) "Diagnostic services," other than those for which provision is made elsewhere in these definitions, include any medical procedures or supplies recommended for a patient by his physician or other licensed practitioner of the healing arts within the scope of his practice as defined by State law, as necessary to enable him to identify the existence, nature, or extent of illness, injury, or other health deviation in the patient.

(ii) "Screening services" consist of the use of standardized tests performed under medical direction in the mass examination of a designated population to detect the existence of one or more particular diseases or health deviations or to identify suspects for more definitive studies.

(iii) "Preventive services" are those provided by a physician or other licensed practitioner of the healing arts, within the scope of his practice as defined by State law, to prevent illness, disease, disability and other health deviations or their progression, prolong life and promote physical and mental health and efficiency.

(iv) "Rehabilitative services", in addition to those for which provision is made elsewhere in these definitions, include any medical remedial items or services prescribed for a patient by his physician or other licensed practitioner of the healing arts, within the scope of his practice as defined by State law, for the purpose of maximum reduction of physical or mental disability and restoraton of the patient to his best possible functional level.

(14) *Inpatient hospital services, skilled nursing facility services, and intermediate care facility services for individuals 65 years of age or over in an institution for tuberculosis or mental diseases.*

* * * * *

(15) *Intermediate care facility services (other than such services in an institution for tuberculosis or mental diseases) for individuals who are determined, in accordance with section 1902 (a) (31) (A) of the act, to be in need of such care.* * * *

(16) *Inpatient psychiatric hospital services for individuals under age 21.* * * *

(17) *Any other medical care and any other type of remedial care recognized under State law, specified by the Secretary.*—This term includes the following items in those States in which they are recognized under State law and under the circumstances, and to the extent to which, they are so recognized:

(i) Transportation, including expenses for transportation and other related travel expenses, necessary to securing medical examinations and/or treatment when determined by the agency to be necessary in the individual case. "Travel expenses" are defined to include the cost of transportation for the individual by ambulance, taxicab, common carrier or other appropriate means; the cost of outside meals and lodging en route to, while receiving medical care, and returning from a medical resource; and the cost of an attendant to accompany him, if medically or otherwise necessary. The cost of an attendant may include transportation, meals, lodging, and salary of the attendant, except that no salary may be paid a member of the patient's family. Transportation as defined in this subdivision is recognized as an item of medical assistance only when furnished by a provider to whom a direct vendor payment can appropriately be made by the agency.

(ii) Services of Christian Science nurses who are listed and certified by the First Church of Christ Scientist, Boston, Mass., when these services have been requested by the patient and are provided (A) by, or under the supervision of, a Christian Science visiting nurse organization listed and certified by the First Church of Christ Scientist, Boston, Mass.; or (B) as private duty services to

an individual in his own home or in a Christian Science sanatorium operated, or listed and certified, by the First Church of Christ Scientist, Boston, Mass., when the patient requires individual and continuous care beyond that available from a visiting nurse or that routinely provided by the nursing staff of the sanatorium.

(iii) Care and services provided in Christian Science sanatoria operated by, or listed and certified by, the First Church of Christ Scientist, Boston, Mass.

(iv) Skilled nursing facility services, as defined in subparagraph (4)(i) of this paragraph, provided to patients under 21 years of age.

(v) Emergency hospital services which are necessary to prevent the death or serious impairment of the health of the individual and which, because of the threat to the life or health of the individual, necessitate the use of the most accessible hospital available which is equipped to furnish such services, even though the hospital does not currently meet the conditions for participation under title XVIII of the Social Security Act, or definitions of inpatient or outpatient hospital services set forth in subparagraphs (1) and (2) of this paragraph.

(vi) Personal care services in a recipient's home rendered by an individual, not a member of the family, who is qualified to provide such services, where the services are prescribed by a physician in accordance with a plan of treatment and are supervised by a registered nurse.

* * * * *

PART 250—ADMINISTRATION OF MEDICAL ASSISTANCE PROGRAMS

Part 250 is amended by adding new § 250.70, adding new § 250.90, and revising § 250.120, as follows:

§ 250.70 Disclosure of information on providers of health care services and contractors.

A State plan for medical assistance under title XIX of the Social Security Act must provide that:

(a) A procedure will be established for disclosure of pertinent findings contained in documents which result from surveys of any health care facility, laboratory, agency, clinic, or organization providing health care services, performed by State standard-setting agencies described in section 1902(a)(9) of the act for the purpose of determining eligibility of such providers to begin or continue participation in the State's medical assistance program, and of other documents described in this section. The procedure established must meet the following requirements:

(1) Documents subject to disclosure include survey reports prepared after January 31, 1973, by the survey agency, official notifications of findings prepared by the survey agency based on such reports, any pertinent parts of written statements relating to such reports and findings furnished by the provided to the survey agency, and information regarding ownership of a skilled nursing facility (as prescribed in § 249.33(a)(1)(i) of this chapter) and of an intermediate care facility (as prescribed in section 1902(a)(35) of the act and regulations to be promulgated pursuant thereto).

(2) Statements of pertinent findings of each survey report shall be made readily available for inspection and copying in the local public assistance office and the district office of the Social Security Administration serving the area in which the provider is located. The survey agency shall submit through the title XIX agency to the Regional Office of the Social and Rehabilitation Service a plan for making such documents available in additional public assistance offices in standard metropolitan statistical areas as required by the prevailing patterns of utilization by the population in the area.

(3) Survey reports and accurate and current ownership information shall be retained in the survey agency and made available upon request.

(4) Reports, findings, and statements shall be made available immediately upon determination of eligibility but in no case later than 90 calendar days following the completion of the survey.

(b) The single State agency will not make public any of the reports listed below, prepared after January 31, 1973, and made available by the Secretary to the State agency pursuant to section 1106(d) of the act, until the contractor or provider of services under title XVIII or XIX of the act whose performance is being evaluated by the Department has had a reasonable opportunity (not exceeding 30 days) to review such report and offer comments, pertinent parts of which shall be incorporated in the public report:

(1) Individual contractor performance reviews and other formal evaluations of the performance of carriers, intermediaries, and State agencies, including the reports of followup reviews;

(2) Comparative evaluations of the performance of such contractors, including comparisons of either overall performance or of any particular aspect of contractor operation; and

(3) Program validation survey reports and other formal evaluations of the performance of providers of services, including the reports of followup reviews, except that such reports shall not identify individual patients, individual health care practitioners or other individuals.

§ 250.90 Federal financial participation: Mechanized claims processing, information retrieval and cost determination systems.

(a) *Definitions.*—For purposes of this section:

(1) A mechanized claims processing and information retrieval system is a system of software and hardware used to process claims for medical care and services rendered under the medical assistance program and to retrieve and produce utilization and management information about such services which is required by the single State agency and Federal Government for program administration and audit purposes.

(2) Hardware means automatic equipment used for a claims processing and information retrieval system. Such equipment accepts data input, stores data, performs calculations and other processing steps, and prepares information output. This equipment includes:

(i) Electronic digital computers;

(ii) Peripheral or auxiliary equipment used in support of electronic computers whether selected and acquired with the computer or separately;

(iii) Microfilm units;

(iv) Data transmission or communications equipment that is selected and acquired solely or primarily for use with a configuration of automatic data processing equipment which includes an electronic digital computer; and

(v) Punched card equipment whether used in conjunction with or independent of an electronic digital computer.

(3) Software means programs and routines of instructions used to operate the hardware. This includes applications programs and computer system programs such as operating systems, compilers, and assemblers.

(4) Design and development means the definition of system requirements, detailing of system and program specifications, programing, and testing. This includes the use of hardware only to the extent necessary for the design and development phase.

(5) Installation means the integrated testing of programs and subsystems, system conversion, and turnover to operational status. This includes the use of hardware only to the extent necessary for the installation phase.

(6) Operations means the automated processing of claims, payments, and reports on a continuing basis. Operations includes the use of supplies, software, hardware, and personnel directly associated with the functioning of the mechanized system.

(b) *Federal financial participation.*—(1) Effective July 1, 1971, Federal financial participation is available at 90 percent of expenditures in the administration of the plan under title XIX of the Social Security Act for design, development, or installation of a mechanized claims processing and information retrieval system which has received approval by the Social and Rehabilitation Service. Such approval shall be based upon a finding by the Service that:

(i) Measured by criteria established in program regulation guides issued by the service, the system meets the following conditions:

(A) It is likely to afford more efficient, economical, and effective administration of the title XIX program;

(B) It is compatible with the claims processing and information retrieval systems utilized in the administration of title XVIII for prompt eligibility verification and for crossover claims for persons eligible for both programs; and

(C) It is compatible with claims processing and information retrieval systems utilized by other organizations as established under Public Law 92-603.

(ii) The State agency agrees in writing that:

(A) The Department of Health, Education, and Welfare retains the proprietary rights to any software, or modification thereof, that is designed or developed at 90 percent Federal financial participation under this regulation, and

(B) Methods and procedures for properly charging the costs of all systems whether acquired from public or private sources shall be in accordance with Federal requirements in Office of Management and Budget Circulars and applicable Social and Rehabilitation Service program regulation guides.

(2) Effective July 1, 1971, Federal financial participation is available at 75 percent of expenditures in the administration of the plan under title XIX of the act for operations of a mechanized claims processing and information retrieval system which has received approval by the Service. Such approval shall be based upon a finding by the Service that:

(i) The system meets the conditions specified in subparagraph (1)(i) of this paragraph;

(ii) The State agency agrees to the conditions specified in subparagraph (1)(ii)(B) of this paragraph;

(iii) The system has the capability to develop both patient and provider profiles; and

(iv) The system provides prompt written notice to each individual who is furnished services covered by the State plan of the specific services so covered, the name of the provider furnishing the services, the date or dates on which the services were furnished, and the amount of the payment or payments made under the plan on account of the services.

(3) Access to the system in all of its aspects, including design, development, and operation, and including work performed by any source, shall be made available by the State at intervals deemed necessary by the Service to determine whether the conditions for approval are being met and to determine its efficiency, economy and effectiveness. Failure to provide for full access by appropriate State and Federal representatives to all parts of the system shall result in termination of payments for Federal financial participation for the system.

(4) Effective July 1, 1971, through June 30, 1973, Federal financial participation is available at 90 percent of expenditures in the administration of the plan under title XIX of the act for design, development, or installation of a cost determination system for State-owned general hospitals which has received approval by the Service. The total amount available to all States for this purpose for each of the fiscal years in such period is limited to $150,000.

§ 250.120 Staffing for administration of medical assistance programs, Federal financial participation.

Under a State plan for medical assistance approved under title XIX of the act:

(a) Federal financial participation at 75 percent is available for salary and other compensation, travel, and training costs of skilled professional medical personnel, and staff directly supporting such personnel, of the State title XIX agency or any other public agency, in the administration of the medical assistance program at the State and local level.

(1) Skilled professional medical personnel include physicians, dentists, and other health practitioners, and nurses, medical social workers, psychiatric social workers, and other specialized personnel in the field of medical care including medical administrators, hospital or public health administrators, and licensed nursing home administrators.

(2) Supporting staff include utilization review specialists, medical care specialists in program analysis and research, experts in medical costs, secretarial, stenographic, clerical, and other subprofessional staff directly associated with the skilled professional medical personnel.

(3) If employed by a public agency other than the State title XIX agency (including a local agency administering the State plan in a political subdivision, and a title or XVI agency that has not been designated as the title XIX agency), such skilled professional medical personnel and supporting staff are those whose duties are directly related to the administration of the medical assistance program, and are specified in a contract or agreement with the title XIX agency for the performance of such duties.

(b) Federal financial participation at 90 percent is available for the compensation costs of personnel engaged in the design, development, or installation of mechanized claims processing and information retrieval systems, and at 75 percent for the compensation of personnel engaged in the operations of such systems, when such design, development, or installation, or such operations, have been approved by the Administrator pursuant to § 250.90 of this chapter.

(c) Federal financial participation is available at 90 percent for the compensation costs of personnel engaged in administering family planning services and supplies as defined in § 249.10(b)(4)(iii) of this chapter.

(d) Federal financial participation at 100 percent is available for the period October 1, 1972, through June 30, 1974, for the compensation or training costs of personnel of the State licensing agency (designated in section 1902(a)(33)(B) of the act) who are responsible for inspecting public or private skilled nursing or intermediate care facilities to determine whether such facilities comply with health or safety standards applicable to them under the act, provided that a work plan and budget plan relative to such inspectional personnel have been approved by the Department. Such Federal financial participation is available only for those expenditures of the State licensing agency which are not attributable to the overall cost of meeting responsibilities under State law and regulations for establishing and maintaining standards but which are necessary and proper for carrying out these regulations.

(e) Federal financial participation at 50 percent is available in the costs of all other staff employed in the administration of the State plan.

(f) The special rates of Federal financial participation provided in paragraphs (a) through (d) of this section are available only for those portions of the time of the persons affected as are devoted to the kinds of positions or duties for which the special matching is specified under those paragraphs.

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PART III

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

■

COASTAL ZONE MANAGEMENT PROGRAM DEVELOPMENT GRANTS

Notice of Proposed Rulemaking

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[15 CFR, Part 960]

COASTAL ZONE MANAGEMENT PROGRAM DEVELOPMENT GRANTS

Notice of Proposed Rulemaking

Notice is hereby given that the guidelines set forth below are proposed by the National Oceanic and Atmospheric Administration (NOAA). The proposed guidelines set forth, pursuant to section 305 of the Coastal Zone Management Act of 1972 (Public Law No. 92–583; 86 Stat. 1280) hereinafter referred to as the "Act," the procedures by which States can qualify to receive development grants under section 305 of the Act and policies for the development of their management program.

The Act recognizes that the coastal zone is rich in a variety of natural, commercial, recreational, industrial, and esthetic resources of immediate and potential value to the present and future well-being of the Nation. Present State and institutional arrangements for planning and regulating land and water uses in the coastal zone are often inadequate to deal with the competing demands and the urgent need to protect natural systems in the ecologically fragile area. Section 305 of the Act authorizes annual grants to any coastal State for the purpose of assisting the State in the development of a management program for the land and water resources of its coastal zone (development grant). Once a coastal State has developed a management program it is submitted to the Secretary of Commerce for approval and, if approved, the State is then eligible, under section 306, to receive annual grants for administering its management program (administrative grants).

The guidelines contained in this part are for grants under section 305 to develop a management program that will meet the requirements of section 306. Section 305 provides general guidance as to what must be included in a management program while section 306 sets forth specific requirements that must be met before the Secretary can approve a State's management program for administrative grants. Participating States, therefore, must insure that the management program they develop under section 305 will meet the requirement of section 306. These guidelines incorporate some of the requirements of section 306. Guidelines for section 306 are being developed and will be published when available.

In general terms, section 305 requires a management program to include (1) the boundaries of the State's coastal zone; (2) a process pursuant to which permissible land and water uses which have a direct and significant impact on coastal waters are defined; (3) criteria for and designation of geographic areas in the coastal zone of particular concern to the State; (4) identification or establishment of the means by which the State, together with other levels of government, shall exert control over the land and water uses in its coastal zone; (5) designation of priority uses within specific geographic areas throughout the coastal zone; and (6) description of the organizational structure and intergovernmental arrangements sufficient to develop and maintain an effective and coordinated management process.

Prior to adoption of the proposed guidelines, consideration will be given to comments which are submitted in writing to the Office of Coastal Environment, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Md. 20852, before August 13, 1973.

THEODORE P. GLEITER,
Assistant Administrator for Administration.

JUNE 8, 1973.

A new Subchapter D—Grants, is added to file 15 Code of Federal Regulations to read as follows:

Subpart A—General

Sec.
960.1 Policy and objectives.
960.2 Definitions.
960.3 Applicability of air and water pollution control requirements.

Subpart B—Content of Management Programs

960.10 General.
960.11 Boundaries of the coastal zone.
960.12 Permissible land and water uses.
960.13 Geographic areas of particular concern.
960.14 Means of exerting State control over land and water uses.
960.15 Designation of priority uses within specific geographic areas throughout the coastal zone.
960.16 Organizational structure to implement the management program.

Subpart C—Research and Technical Support

960.20 General.
960.21 Approaches to research activities.

Subpart D—Public Participation

960.30 General.
960.31 Public hearings.
960.32 Additional means of public participation.

Subpart E—Applications for Development Grants

960.40 General.
960.41 Administration of the program.
960.42 State responsibility.
960.43 Allocation.
960.44 Segmentation.
960.45 Application for initial grant.
960.46 Approval of applications.
960.47 Amendments.
960.48 Application for second year grants.
960.49 Application for third year grants.

AUTHORITY.—Sec. 305, Coastal Zone Management Act of 1972 (Public Law No. 92–583; 86 Stat. 1280).

Subpart A—General

§ 960.1 Policy and objectives.

(a) This part establishes guidelines on the procedures to be utilized by coastal States to obtain development grants under section 305 of the Coastal Zone Management Act of 1972, Public Law 92–583, 86 Stat. 1280, and sets forth policies for the development of coastal zone management programs.

(b) Coastal zone management programs developed by the States shall comply with the policy of the Act; that is, the program must give full consideration to ecological, cultural, historic, and esthetic values, as well as to needs for economic development.

§ 960.2 Definitions.

As used in this part, the following terms shall have the meanings indicated below:

(a) The term "Act" means the Coastal Zone Management Act of 1972, Public Law 92–583, 86 Stat. 1280.

(b) "Coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal States, and includes transitional and intertidal areas, salt marshes, wetlands, and beaches. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of the U.S. territorial sea. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion or which is held in trust by the Federal Government, its officers or agents.

(c) "Coastal waters" means (1) those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of seawater, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries; and (2) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes.

(d) "Coastal State" means a State of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean, the Gulf of Mexico, Long Island Sound, or one or more of the Great Lakes. For the purposes of these guidelines, the term also includes Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(e) "Estuary" means that part of a river or stream or other body of water having unimpaired connection with the open sea, where the seawater is measurably diluted with freshwater derived from land drainage. The term includes estuary-type areas of the Great Lakes.

(f) "Secretary" means the Secretary of Commerce or his designee.

(g) "Management program" includes, but is not limited to, a comprehensive statement in words, maps, illustrations, or other permanent media of communication, prepared and adopted by the State in accordance with the provisions of these guidelines, setting forth objectives, policies, and standards to guide and regulate public and private uses of lands and waters in the coastal zone.

(h) "Water use" means activities which are conducted in or on the water.

(i) "Land use" means activities which are conducted in or on the shorelands within the coastal zone.

§ 960.3 Applicability of air and water pollution control requirements.

Notwithstanding any other provisions of this part, nothing in this part shall in any way affect any requirement (a) established by the Federal Water Pollution Control Act, as amended, or the Clean Air Act, as amended, or (b) established by the Federal Government or by any State or local government pursuant to such Acts. Such requirements shall be incorporated in any program developed pursuant to these guidelines and shall be the water pollution control and air pollution control requirements applicable to such program.

Subpart B—Content of Management Programs

§ 960.10 General.

(a) The guidelines for section 305 of the Act have been structured to parallel the language and sequence of requirements in the Act. This approach has been followed to facilitate references to the Act. It is not required that this sequence be rigorously followed in developing the management program and in carrying out the specific tasks contained therein. It is anticipated and acceptable that the approach taken for development of programs will vary. These guidelines should not be interpreted as limiting State approaches or the contents of their management development grant applications.

(b) Section 305(b) requires the inclusion of six elements in the initial development of State coastal zone management programs. These minimum requirements are set forth below with accompanying commentary that is designed to guide State responses to these key provisions of the management program development grant effort.

(c) It is anticipated that an environmental impact statement will be prepared and circulated on a State's management program prior to its approval by the Secretary of Commerce, in accordance with the terms of the National Environmental Policy Act and its associated administrative regulations.

§ 960.11 Boundaries of the coastal zone.

Section 305(b)(1) requires the management program to include "an identification of the boundaries of the coastal zone subject to the management program." The definition of the coastal zone in the Act recognizes that no single geographic definition will satisfy the management needs of all coastal States, because designation of the coastal zone for management purposes must take into account the diverse natural, institutional, and legal characteristics that are subject to decisions made in fulfillment of other requirements of the Act and this subpart. Determination by a State of the extent of the coastal zone of that State landward from the shoreline presents a very important conceptual and operational issue for State study, analysis, and decision. The following factors should be considered:

(a) In order to undertake an orderly and effective management development effort, States may wish to distinguish between a (1) planning area in order to study, plan and set policies for coastal resource use and management, and to comply with other Federal requirements presented herein, and (2) a management area which would be the area ultimately identified as the coastal zone and in which specific land and water use controls, regulations, and active management activities will be applied. Demographic, economic, developmental, and biophysical factors and their analysis, which will largely determine State management activities in coastal waters and the landward and seaward areas and uses affecting them, are likely to be based upon data, programs, and institutional boundaries (such as counties or areawide agencies) that encompass geographic areas larger than the coastal zone designation. Specific coastal zone programing and regulation must take into account current developmental, political, and administrative realities, as well as biophysical processes, that may be external to the restricted zone eventually selected for direct management control.

(b) The coastal zone for management purposes extends inland only "to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters." However, the States are encouraged to take early and continuing account of existing Federal and State land/water use and resource planning programs. In addition, States may wish to anticipate a national land-use policy, and anticipate the desired coordination between the coastal zone and proposed land use or broad resource management programs. Examples of some related statewide policies and programs which will affect and should be considered in making determinations under the Act include: Energy policy, siting of power plants and other major water-dependent facilities, surface and subsurface mineral extraction controls, overall land and water conservation policies, and many others.

(c) Lands the use of which are by law subject solely to the discretion of, or which are held in trust by the Federal Government, its officers or agents are excluded from the coastal zone. However, section 307(c) of the Act requires Federal agencies conducting or supporting activities in the coastal zone to conduct or support those activities in a manner which is, to the maximum extent practicable, consistent with approved State management programs. Furthermore, before the Secretary can approve a management program, he is required under section 307(b) to consider the views of Federal agencies principally affected by the management program. States having excluded Federal lands in their coastal zone must indicate the manner in which they will coordinate with Federal officials administering such lands in the development of their management program.

§ 960.12 Permissible land and water uses which have a direct and significant impact on coastal waters.

Section 305(b)(2) of the Act requires that the management program include "a definition of what shall constitute permissible land and water uses within the coastal zone which have a direct and significant impact on coastal waters." In determining permissible uses, States should give consideration to "requirements for industry, commerce, residential development, recreation, extraction of mineral resources and fossil fuels, transportation and navigation, waste disposal, and harvesting of fish, shellfish, and other living marine resources." As stated in the declaration of congressional policy, these uses are to be managed "giving full consideration to ecological, cultural, historic, and aesthetic values as well as to needs for economic development." Developing indices for determining environmental and economic impact—beneficial, benign, tolerable, adverse—is the first essential analytical and policy step needed to give substance and clarity to those uses which are "permissible." Some of the factors involved in this determination include location, magnitude, the nature of impact upon existing natural or man-made environments, economic, commercial, and other "triggering" impacts, and land and water uses of regional benefit. In responding to this requirement, therefore, the following general types of study and evaluation should be undertaken, utilizing existing data and available analysis where possible:

(a) Determining criteria and measures to assess the impact of existing, projected, or proposed uses or classes of uses on the identified coastal environments;

(b) Categorizing the nature, location, scope, and conflicts of current and anticipated coastal land and water use or classes of uses;

(c) A continuing compilation, verification, and assessment of the general characteristics, values, and interrelationships within coastal land and water environments.

In establishing permissible uses, States must also be cognizant of the requirement in section 306(c)(8) of the Act that the management program must provide "for adequate consideration of the national interest involved in the siting of facilities necessary to meet requirements which are other than local in nature." Such facilities would include, for example, power generating plants, refineries, and deepwater ports.

§ 960.13 Geographic areas of particular concern.

Section 305(b)(3) of the Act requires that the management program include "an inventory and designation of areas of particular concern." The inventory and analysis of the States' total coastal zone in section .12 of this subpart should provide the basic data, analysis, and criteria necessary to identify specific geographic areas of particular concern. It should be noted that geographic areas of

particular concern are likely to encompass not only the more-often cited areas of significant natural value or importance, but also: (a) Transitional or intensely developed areas where reclamation, restoration, public access and other actions are especially needed; and (b) those areas especially suited for intensive use or development. In addition, immediacy of need should be a major consideration in determining particular concern.

While the States will vary in their perceptions of what areas are of particular concern, criteria derived from assessing the following representative factors will assist in these designations:

(1) Areas of unique, scarce, fragile, or vulnerable natural habitat, physical feature, historical significance, cultural value, and scenic importance;

(2) Areas of high natural productivity or essential habitat for living resources, including fish, wildlife, and the various trophic levels in the food web critical to their well-being;

(3) Areas of substantial recreational value and/or opportunity;

(4) Areas where developments and facilities are dependent upon the utilization of, or access to, coastal waters;

(5) Areas of unique geologic or topographic significance to industrial or commercial development;

(6) Areas of urban concentration where shoreline utilization and water uses are highly competitive; and

(7) Areas of significant hazard if developed, due to storms, slides, floods, erosion, settlement, etc.

This inventory and designation of geographic areas of particular concern will be of assistance in meeting the requirement in section 306(c)(9) of the Act which requires that the management program "make provision for procedures whereby specific areas may be designated for the purpose of preserving or restoring them for their conservation, recreational, ecological, or esthetic values."

§ 960.14 Means of exerting State control over land and water uses.

Section 305(b)(4) of the Act requires that the management program include "an identification of the means by which the State proposes to exert control over land and water uses referred to in (sec. .12 of this subpt.), including a listing of relevant constitutional provisions, legislative enactments, regulations, and judicial decisions." A fundamental purpose of this legislation is to broaden the perspective by which decisions affecting the coastal zone are made to incorporate a statewide view. Congress in section 306(e) provided three methods by which a State might carry out its management responsibilities in an acceptable manner. Section 306(e) of the Act provides:

(a) Prior to granting approval, the Secretary shall also find that the program provides:

(1) For any one or a combination of the following general techniques for control of land and water uses within the coastal zone:

(i) State establishment of criteria and standards for local implementation, subject to administrative review and enforcement of compliance;

(ii) Direct State land and water use planning and regulation; or

(iii) State administrative review for consistency with the management program of all development plans, projects, or land water use regulations, including exceptions and variance thereto, proposed by any State or local authority or private developer, with power to approve or disapprove after public notice and an opportunity for hearings.

It is for the several States to determine the appropriate role of local governments in administering its coastal zone program. The Act recognizes that local governments are closest to those who will be most affected by a management program and that many sub-State units often can make a useful contribution to the development of the program. Section 306 requires that: Local governments and other interested public and private parties must have an opportunity for full participation in the development of the management program; the State has coordinated with local, areawide, and interstate plans; and, the State has established an effective mechanism for continuing consultation and coordination with local governments and other units to insure their full participation in carrying out the management program (e.g., advisory councils composed of representatives of local government).

(b) Some of the issues to be addressed in identifying the means by which a State will propose to exert its control include:

(1) Whether existing State powers and authority are sufficient to exert one of the three alternative means of control specified in section 306(e);

(2) what specific modifications or strengthened mandates would be needed to qualify the State under section 306 (d) and (e);

(3) whether a shared State-local or State-areawide regional consolidated regulatory system should be established.

In addition, States must examine whether legislation is needed and determine the elements of that legislation to meet the requirements in section 306(d). This requires that the State, acting through its chosen agency or agencies, including local governments, areawide agencies designated under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, regional agencies, or interstate agencies, have authority for the management of the coastal zone in accordance with the management program. Such authority shall include power—

(i) To administer land and water use regulations, control development in order to insure compliance with the management program, and to resolve conflicts among competing uses; and,

(ii) To acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means where necessary to achieve conformance with the management program.

The required listing of relevant constitutional provisions, legislative enactments, regulations and judicial decisions will, of course, be one foundation for analyzing and making decisions concerning the above issues and alternatives. In order to undertake the kinds of work outlined above, however, it will be necessary to go beyond a mere listing by preparing an assessment of current legal constraints or prohibitions, needed executive or legislative initiatives, and where required, to prepare the elements of any legislative program needed to establish a comprehensive and effective management program. There is room to exercise strengthened design and management imagination and creativity under this program for coastal zone management. While past research and planning efforts have often been limited by existing law, policy and practices, the Act encourages creative approaches to action programs for orderly development, and preservation or restoration of areas within the coastal zone for their conservation, recreational, ecologic or esthetic values. Thus, the States are encouraged to consider innovative techniques or strategies that are now being tested and utilized both in the United States and elsewhere that they deem suitable to their management needs.

§ 960.15 Designation of priority uses within specific geographic areas throughout the coastal zone.

Section 305(b)(5) of the Act requires that the management program include "broad guidelines on priority of uses in particular areas including specifically those uses of lowest priority." This required element is closely tied to the requirements in §§ 960.12 and 960.13 of this subpart and should build upon the States' findings and conclusions reached concerning "permissible uses" and areas of "particular concern." These decisions should assist the State in establishing preferred uses tailored to specific areas in its coastal zone. Priority guidelines will serve three essential purposes:

(a) To provide the basis for regulating land and water uses in the coastal zone;

(b) To provide the State, local governments, areawide/regional agencies, and citizens with a common reference point for resolving conflicts, and

(c) To articulate the States' interest in the preservation, conservation, and orderly development of specific areas in its coastal zone.

It should be noted that States will be expected to utilize all available information relating to characteristics of the coastal zone when planning for specific uses. For example, data on flood inundation at 10–25-year intervals should be examined to determine the feasibility or wisdom of construction on affected sites.

§ 960.16 Organizational structure to implement the management program.

Section 305(b)(6) requires a management program to include: "A description of the organizational structure proposed

to implement the management program, including the responsibilities and interrelationships of local, areawide, State, regional and interstate agencies in the management process." One essential element of the organizational structure is the requisite State involvement in land and water use decisions in the coastal zone as set forth in § 960.14. Another, is the process of coordination by the State with local, areawide, regional and interstate agencies, in the development and administration of the management program. Guidance with respect to organizational structure is provided in section 306(c) which requires that the Secretary, prior to granting approval of a management program, find that:

(a) The State has—

(1) Coordinated its program with local, areawide, and interstate plans applicable to areas within the coastal zone existing on January 1 of the year in which the State's management program is submitted to the Secretary, which plans have been developed by a local government, an areawide agency designated pursuant to regulations established under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966, a regional agency, or an interstate agency; and

(2) Established an effective mechanism for continuing consultation and coordination between the management agency designated (by the Governor) and with local governments, interstate agencies, regional agencies, and areawide agencies within the coastal zone to assure the full participation of such local governments and agencies in carrying out the purposes of this Act.

(b) The management program and any changes thereto have been reviewed and approved by the Governor.

(c) The Governor of the State has designated a single agency to receive and administer the grants for implementing the management program.

(d) The State is organized to implement the management program required under subparagraph (1) of this paragraph. Based on policies, management approaches, technical data, priorities and existing or potential powers and authorities developed by the State in §§ 960.11 through 960.15 above, the critical issues of organizational structure, administrative responsibilities and institutional arrangements must be resolved. While a detailed institutional structure for achieving the Act's objectives cannot be specified in advance of development of the management program, the agency designated, or to be designated, by the Governor to receive and administer management grants should have:

(1) Authority to correlate the activities of all State, local, areawide/regional or other entities in the coastal zone;

(2) Appropriate access to the Governor; and

(3) Requisite powers set forth in section 306 of the Act.

In addition, States should strengthen cooperative mechanisms for State-Federal consultation in key mutual areas of concern, particularly where Federal activities affect the coastal zone. Section 306 requires that the management program provide for a method of assuring that local land and water use regulations within the coastal zone do not unreasonably restrict or exclude land and water uses of regional benefit. Cooperation among the various State and regional agencies including establishment of interstate and regional agreements, cooperative procedures, and joint action, particularly regarding environmental problems and resource development in the national or regional interest, is encouraged.

Subpart C—Research and Technical Support

§ 960.20 General.

(a) It is clear that the process of developing (and operating) a management program for the coastal zone will necessarily involve frequent access to informational and research sources. In many cases, adequate understanding of questions such as dune stabilization, barrier beach dynamics, salt marsh productivity and estuarine circulation and flushing, to mention only a few, will be needed in order to develop successful management programs. Also, the process of inventorying and mapping the nature of a State's zone, and designation of areas of particular concern almost certainly will benefit from the application of technologies such as those employing remote sensing.

(b) A substantial number of sources for such information exist within Federal agencies, in universities, in State and Federal laboratories and research centers, and in the private sector. NOAA's Office of Coastal Environment, with the assistance of the Environmental Data Service, will serve generally as a clearinghouse for specialized coastal zone technical information, and will issue pertinent publications on appropriate technical support available at least from Federal sources.

(c) Because some features of the coastal zone remain incompletely understood, States may find it necessary to act without all of the basic technical information that they require. The Office of Coastal Environment intends to identify unsolved coastal research problems and will seek to facilitate their solution. Monitoring programs established as a part of the development of a management program may also, if properly designed, produce data which can be used to elucidate important coastal zone phenomena.

(d) It should be pointed out that the primary emphasis of the coastal zone management program is to create the mechanism for States to exert appropriate control over land and water uses and to begin the management process, not to engage in long-term research projects. Applications for management program development grants which contain substantial research elements will be carefully reviewed to assure that these elements are essential to the successful development of a State's management program and are an integral part of a comprehensive review of existing information relating to the management program. Clearly, the nature of this program will give preference to and encourage research in such applied activities as resource surveys, inventories, and determination of environmental carrying capacities.

§ 960.21 Approaches to research activities.

States will find that one of the important sources of technical information will be the various components of NOAA which support ongoing programs in coastal research and mapping, physical oceanography, and hydrography. Those elements of NOAA which States may wish to contact for assistance include:

(a) *Office of sea grant.*—Supports a large program of university research aimed largely at coastal zone-related problems. Contact Office of Sea Grant, Pennsylvania Building, 425 13th Street NW., Washington, D.C.

(b) *National ocean survey.*—Conducts a substantial inhouse effort on coastal mapping and charting, geodesy, hydrography, and related subjects. Contact National Ocean Survey, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

(c) *National marine fisheries service.*—Undertake biological and ecological research and other programs relevant to commercial and sport fisheries of all types. Contact National Marine Fisheries Service, Page Building 2, 3300 Whitehaven Street NW., Washington, D.C.

(d) *Environmental data service.*—Monitors large quantities of environmental data of all types, including weather, oceanographic and earth sciences. Includes National Oceanic Data Center. Contact Environmental Data Service, National Oceanic and Atmospheric Administration, Page Building 2, 3300 Whitehaven Street NW., Washington, D.C.

(e) *Environmental Research Laboratories.*—Conduct a wide ranging research program in the ocean and atmospheric sciences. Contact Environmental Research Laboratories, National Oceanic and Atmospheric Administration, Boulder, Colo. 80302.

(f) *Office of Coastal Environment.*—Contains responsibility for administration of the Coastal Zone Management Act as well as a number of coastal environmental studies and manned underwater activity programs. Contact Office of Coastal Environment, National Oceanic and Atmospheric Administration, Rockville, Md. 20852.

The States are also encouraged to make use of past accomplishments and existing research programs that deal with coastal and marine affairs and which could be used in support of State coastal zone program development.

(1) Research carried on by or for the U.S. Army Corps of Engineers;

(2) U.S. Environmental Protection Agency research activities;

(3) Department of Housing and Urban Development research program;

(4) Office of Water Resources Research, U.S. Department of the Interior;

(5) National Science Foundation—Research applied to national needs;

(6) U.S. Geological Survey water and minerals resources investigations.

(h) In addition to the research activities cited above, there are many ongoing programs conducted by agencies at the State and Federal level which can provide technical assistance and should be utilized where appropriate. Inasmuch as further effort will be made to identify relevant Federal programs, they are not described in detail here. They are, however, housed in such Federal agencies as:

Regional Economic Development Commissions,
Soil Conservation Service,
U.S. Geological Survey,
National Aeronautic and Space Administration,
Atomic Energy Commission,
Water Resources Councils and Associated River Basin Commissions.

(i) Finally, it is important to establish and maintain a relationship with mutual support from the research community, landscape designers, planners—and decision makers and managers. Because applied and basic research will be a continuing need in coastal zone management, States should review and develop explicit statements of their research needs and strengthen their contacts and involvement with the private and public research community, by taking a lead role in determining research and technical assistance priorities, continuing mutual project development activities and translation of scientific findings into information useful for managers.

Subpart D—Public Participation

§ 960.30 General.

Public participation is an essential element of development and administration of a coastal zone management program. Through citizen involvement in the development of a management program, public needs and aspirations can be reflected in use decisions for the coastal zone and public support for the management program can be generated. Participating States, therefore, should seek to obtain extensive public participation in the development and administration of a coastal zone management program.

§ 960.31 Public hearings.

Section 306(c)(3) of the Act requires that public hearings be held in the development of the management program.

(a) *Notice.*—Notification of public hearing should provide the public the longest period of notice practical, but in no event should notice less than the 30-day statutory minimum be provided. Announcement of the hearings should be through media designed to inform the public—not merely to provide "technical notice."

(b) *Access to documents.*—At the time of the announcement, all agency materials pertinent to the hearings, including documents, studies, the agenda for the hearing, and other data, must be made available to the public for review and study in the locale where the hearings are to be conducted.

(c) *Number of hearings.*—Each of the six major elements set forth above in subpart B of this part shall be the subject of public hearings. While it would be acceptable to hold a hearing at which more than one major element would be considered, in the interest of orderly sequential development of their programs, States should consider the advisability of holding separate hearings on: (1) Identification of the boundaries of the coastal zone, and (2) designation of areas of critical environmental concern. States may wish to combine the definition of permissible uses and guidelines on priority of uses in one hearing. Similarily, one hearing may be appropriate to consider both legal authorities and institutional arrangements. States may also wish to hold hearings on consideration of approval of the entire management program.

(d) *Location of hearings.*—Hearings should be held in those geographic areas which would be principally affected by the decisions on issues under consideration at the hearing, e.g., establishment of priority uses for a given geographic area. Hearings on the total management program should be held in places within the State where all citizens of the State may have an opportunity to comment.

(e) *Timing of hearings.*—In many cases, the population of the coastal zone fluctuates significantly with the seasons of the year. Efforts should be made to insure that hearings are held when those populations most likely to be affected are present.

(f) *Report.*—A verbatim transcript of the hearings need not be prepared but a comprehensive summary should be prepared and made available to the public within 30 days after the conclusion of the hearing. A copy of these summaries shall accompany the management program when it is submitted to the Secretary for approval.

§ 960.32 Additional means of public participation.

Formal public hearings may not provide an adequate opportunity for information exchange. To insure that the public is heard during the development of the program, efforts should be made to encourage discussion in various forums of the subject matter of the hearings and to take other steps to insure that the public can participate in the process in a meaningful manner. The following are suggested to accommodate increased public participation:

(a) Establish arrangements for exchanging information, data, and reports, among State and local government agencies, citizen groups, special interest groups, and the public at large, throughout the development and administration of the coastal zone program.

(b) Develop mechanisms in addition to public hearings to allow citizens and the public at large to effectively participate in the coastal zone program. The following are examples of some of the components that may be used in the participation process:

(1) Citizen involvement in the development of the goals and objectives.

(2) Citizen appointment to the agency of Citizen's Advisory Committee.

(3) Establishment of processes to review component elements of the management program by selected citizen groups and the general public.

Subpart E—Applications for Development Grants

§ 960.40 General.

(a) The primary purpose of the development grant is to assist States in developing a comprehensive management program for their coastal zone. While the majority of the responsibility for developing a management program resides with the State, a State is permitted to allocate a portion of its grant to substate entities, or multistate organizations, to assist in the development of a management program. At the discretion of the State and with the approval of the Secretary, a management program may be developed and adopted in segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs: *Provided*, That the State adequately provides for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as is reasonably practicable. Grants given to the State must be expended for the development of a management program that meets the requirements of the Act. The grants shall not exceed two-thirds of the costs of the annual programs. Federal funds received from other sources cannot be used to match these grants. No more than three annual management program development grants can be awarded to a State.

(b) Section 305(c) of the Act provides:

In order to qualify for grants under this section, the State must reasonably demonstrate to the satisfaction of the Secretary that such grants will be used to develop a management program consistent with the requirements set forth in section 306 of the Act. After making the initial grant to a coastal State, no subsequent grant shall be made under this section unless the Secretary finds that the State is satisfactorily developing such management program.

§ 960.41 Administration of the program.

The Congress assigned the responsibility for the administration of the Coastal Zone Management Act of 1972 to the Secretary of Commerce, who has designated the National Oceanic and Atmospheric Administration as the agency in the Department of Commerce to manage the program. NOAA has established the Office of Coastal Zone Management for this purpose. Requests for information on grant applications and the applications themselves should be directed to:

Director, Office of Coastal Environment, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, Rockville, Md. 20852.

§ 960.42 State responsibility.

(a) Applications for initial development grants must be submitted by the Governor of a coastal State. Subsequent grants may be submitted by the Governor or his designee.

(b) The application shall designate a single State official, agency, or entity, to receive development grants and have responsibility for the development of the State's coastal zone management program. The designee need not necessarily be that agency which will be designated by the Governor under the provisions of 306(c)(5) of the Act as the single agency to receive and administer the grants for implementing the management program.

(c) A single State application will cover all program development activities, whether carried out by State agencies, areawide/regional agencies, local governments, regional or interstate entities.

§ 960.43 Allocation.

Section 305(g) allows a State to allocate a portion of its development grant to substate or multistate entities. States must insure, in the development of the management program, that they develop sufficient capability to administer the coastal zone management programs they are developing. To insure that the State will possess the resources needed to develop a comprehensive management program and to administer it, the application for a development grant shall set forth one manner in which a State plans to allocate any portion of its grant to substate or multistate units or to contract with universities or consultants. Requests for allocation will not be approved unless it is clearly demonstrated that the State is developing sufficient capabilities, and the work to be accomplished as the result of such allocations is integrated into the State's coastal zone management program development effort and will clearly contribute to the development effective application of State policy in the coastal zone.

(a) *Areawide/Regional agencies.*—Should the application indicate the desire of the State to allocate a portion of its management program development grant to an areawide/regional agency under the provisions of section 305(g) of the Act, in the absence of State law to the contrary, preference shall be given to those agencies recognized or designated as areawide/regional comprehensive planning and development agencies under the provisions of Office of Management and Budget circular No. A-95, under section 204 of the Demonstration Cities and Metropolitan Development Act of 1966 or title IV of the Intergovernmental Cooperation Act of 1968. The provisions of part IV, OMB circular No. A-95 dealing with the "Coordination of Planning in Multijurisdictional Areas" apply to the areawide/regional agencies designated as recipients of management program development grants under this Act.

(b) *Local government.*—Should the application indicate the desire of the State to allocate a portion of its management program development grant to a local government under the provisions of section 305(g) of the Act, units of general purpose local government are preferred rather than special-purpose units of local government, as provided in section 402 of the Intergovernmental Cooperation Act of 1968.

(c) *Interstate agencies.*—At the discretion of two or more governors of adjacent or related coastal States, coordinated management programs or research and planning efforts may be developed leading to the establishment of management programs for such interstate or multistate areas. Such proposals for interstate cooperation and action shall be set forth in the application for each State together with the interstate funding arrangements proposed for the joint work. The States involved may designate interstate compact agencies, Regional Action Planning Commission, river basin commissions or an interstate areawide/regional planning agency to accomplish the management program development work for the coastal zone management area within each jurisdiction as they see fit. Applications for interstate management program development grants will not be accepted directly from interstate or multistate agencies, but only from the individual States involved in the joint program.

§ 960.44 Segmentation.

Authority is provided in the Act for a State's management program to be "developed and adopted in segments so that immediate attention may be devoted to those areas within the coastal zone which most urgently need management programs." Request by a State to develop and adopt a program in segments is subject to the additional proviso that the State "adequately provides for the ultimate coordination of the various segments of the management program into a single unified program and that the unified program will be completed as soon as it is reasonably practicable." Undue segmentation creates the possibility of continuing the status quo without creating a comprehensive management program.

§ 960.45 Application for the initial grant.

The application for the initial development grant shall include but not be limited to:

(a) Identification of the designated official, the State agency or entity designated by the Governor to prepare and submit the State's management program and receive its development grant as well as the legal authority or other basis under which the lead agency or entity operates. It shall also indicate what other State agencies may be involved in the development of the management program and, if the State desires to allocate a portion of its grant to other governmental units, it should identify those units and set forth the work proposed to be accomplished by each unit so identified.

(b) Summarize the State's past and current activities in its coastal zone, the current status of coastal zone management, and other activities.

(c) A discussion of goals, issues and major problems with a ranking of the issues by general order of importance.

(d) Include a preliminary management program design detailing the work to be accomplished in the development of the State's coastal zone management program. Within 120 days after approval of the grant application, a more comprehensive management program design must be submitted. The management program design serves as an outline for the State's plan of action for developing a management program and should include a projection of how the State will seek to meet the requirements set forth in subpart B of this part. In addition, it should include:

(1) An identification of existing information and sources of information;

(2) A projection as to additional information which must be acquired;

(3) A description of methods to insure public participation;

(4) A description of the intergovernmental process by which the State intends to involve various levels of government in the development and implementation of the management program; and,

(5) A mechanism for coordination with agencies administering excluded Federal lands that are in the coastal zone.

With NOAA approval, States may amend their management program design.

(e) Submit an annual work program within 120 days after approval of the grant, a precise statement of what is intended to be accomplished during the year. Such statement should include:

(1) Identification of the plans, programs and studies to be produced.

(2) Definition of the major tasks needed to produce the plans, programs and studies.

(3) For each task, the following should be specified:

(i) Approach and techniques to be used,

(ii) Data and studies already available,

(iii) Manpower requirements,

(iv) Time schedule,

(v) Costs, and

(vi) Source of funds.

(f) Identify any other State and Federal planning, programing or activity which may have a significant impact on the State's coastal zone. Such planning, programing or activities includes work accomplished or to be undertaken by any State, areawide, local, regional, or interstate agencies funded, in part or in total, by State or local money, with or without Federal assistance. Completed and officially approved regional and local plans provide invaluable input and guidance in the development of a State's coastal zone management program. It should be pointed out that where a State chooses to reject such plans, it should be prepared to justify its actions as part of the management program. The objective of this provision is to seek and achieve as complete coordination and integration as possible at the State level of all local, State, and Federal programs that lead to

the setting of policy or the development of public and private works, facilities or programs in the State's defined coastal zone. The Act provides in section 307 (c) (1) that: "Each Federal agency conducting or supporting activities directly affecting the coastal zone shall conduct or support those activities in a manner which is to the maximum extent practicable, consistent with approved State management programs." To this end, the application shall reflect, and the developed coastal zone management program will provide, methods to integrate the following types of programs and activities as they affect the coastal zone of the State: (i) Federally assisted planning development and management programs, such as but not limited to (the program numbers and titles listed below are those contained in the 1972 Catalog of Federal Domestic Assistance as published by OMB):

PUBLIC LAW REFERENCE

Public Law 87-703; 91-343; 74-46.	Resource Conservation and Development.	(10.901)
Public Law 83-560.....	Comprehensive Planning Assistance.	(14.203)
Public Law 88-578.....	Outdoor Recreation State Planning.	(15.401)
Public Law 89-304; 91-249	Anadromous Fish Conservation.	(15.600)
	Fish Restoration.....	(15.605)
	Wildlife Restoration....	(15.611)
Public Law 74-292.....	Historic American Buildings Survey.	(15.903)
Public Law 89-665.....	Historic Preservation.	(15.904)
Public Law 91-258.....	Airport Planning Grant Program.	(20.103)
Public Law 90-495; 91-605; 89-574.	Highway Research, Planning and Construction.	(20-205)
Public Law 91-453; 88-365.	Urban Mass Transportation Technical Studies Grants.	(20-505)
Public Law 89-80.....	Water Resources Planning.	(65.001)
	Air Pollution Survey and Demonstration Grants.	(66.005)
	Solid Waste Planning Grants.	(66.301)
	Water Pollution Control—Comprehensive Planning Grants.	(66.401)

(ii) Public works land acquisition and development projects conducted, proposed to be conducted, proposed to be conducted or assisted by a Federal agency, authorized and financed outside of the Federal programs listed above, such as activities conducted with respect to rivers and harbors, small watershed development, wastewater collection and treatment facilities, military reservations, wildlife refuges, park and recreation areas, improvements in navigation, flood control and so forth;

(iii) Any federally supported national land use program which may be hereinafter enacted as specified in section 307 (g) of the Act.

(iv) Activities in the coastal zone stemming from the Rural Development Act of 1972;

(v) State programs dealing with land use controls in the coastal zone or other regulatory, licensing, permit or operating programs in the coastal zone including, but not limited to activities such as mineral extracting, powerplant siting and harbor construction.

§ 960.46 Approval of applications.

(a) The Secretary shall approve any application which he finds complies with policy and requirements of the Act and these guidelines.

(b) Should the Secretary determine that an application is deficient, he shall notify the applicant in writing and set forth in detail the manner in which the application fails to conform to the requirements of the Act or this subpart. Conferences may be held on these matters. Corrections or other adjustments to the application will provide the basis for resubmittal of the application for further consideration and review.

(c) The Secretary may, upon finding of extenuating circumstances relating to applications for assistance, waive appropriate administrative requirements contained herein.

§ 960.47 Amendments.

Amendments to an approved annual work program must be submitted to, and approved by the Secretary prior to initiation of the change contemplated. Requests for substantial changes should be discussed with Federal officials well in advance. It is recognized that, while all amendments must be approved by the Secretary, most such requests will be relatively minor in scope; therefore, approval by the Secretary may be presumed for minor amendments if the State has not been notified of objections within 15 working days of date of postmark of the request.

§ 960.48 Applciations for second year grants.

(a) Second year development grant applications will follow the procedures set forth in § 960.45: *Provided, however,* That the management program design and annual work program shall be updated to indicate the progress made toward the development of the States' costal zone management program under the initial development grant and should in addition:

(1) Demonstrate how the past year's work activities and products contributed to the realization of management program development goals if such goals have not been fully realized. Either document the extent to which they have been met or present modified goals.

(2) Identify major constraints upon or problems encountered in establishing and implementing an adequate management program for the State.

(3) Reexamine and assess the development program's broad goals and measurable planning objectives; and

(4) Reexamine and, if necessary, revise management program design in light of emerging or continuing priority problems and opportunities.

(b) In evaluating whether a State is making satisfactory progress in the development of the management program to determine eligibility for the second year grant, the Secretary will consider among other things whether a State has completed:

(1) An analysis of the existing legal authority to exert control over land and water uses in the coastal zone;

(2) A description of the activities and authorities of the various agencies (State, local regional, areawide, or interstate) involved in activities or regulation of activities in the coastal zone; and,

(3) An analysis of the existing or needed legal authorities with which the State believes it can ensure compliance with the coastal zone management program, resolve conflicts among competing uses, and acquire fee simple and less than fee simple interests in lands, waters, and other property through condemnation or other means when necessary to achieve conformance with the management program.

(4) This analysis will permit a State to determine what legislative action will be needed to qualify under section 306 of the Act. States may propose alternate standards of accomplishment for consideration by the Secretary in determining "satisfactory progress" towards completion of the management program.

§ 960.49 Application for third year grants.

(a) The general requirements set forth in paragraph (a) of § 960.46 shall apply to review of the application for the third year development grant.

(b) In evaluating whether a State is making satisfactory progress in development of the management program to determine eligibility for the third year grant, the Secretary will consider among other things whether a State has completed:

(1) Identification of the boundaries of the coastal zone;

(2) Development of a process by which permissible land and water uses having a direct and significant impact upon coastal waters can be defined; and

(3) Criteria for designating geographical areas of particular concern.

Accomplishment of these tasks will put the State in a position to provide guidelines on priority of uses in particular areas and allow a State to complete development of its management program by the end of the third year. States may propose alternate standards of accomplishment for consideration by the Secretary in determining "satisfactory progress" towards completion of the management program.

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