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PART I

(Part II begins on page 15695)

HIGHLIGHTS OF THIS ISSUE

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

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REMINDERS

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

Rules Going Into Effect Today

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

page no. and date

AMS—Rules for the testing of certain seeds 12729; 5–15–73

FDA—Prior sanctioned food additives and ingredients 12737; 5–15–73

DoT—Safety standards for transporting students on the highways; identification and equipment of school vehicles. 12399; 5–11–73

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List of CFR Parts Affected

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

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

Rules and Regulations

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 1—GENERAL PROVISIONS

Names and Addresses; Release to Nonprofit Organizations

On pages 9605–9606 of the FEDERAL REGISTER of April 18, 1973, there was published a notice of proposed regulatory development to amend § 1.500(a) and revise § 1.519, title 38 of the Code of Federal Regulations to implement the provisions of section 412 of Public Law 92–540, enacted October 24, 1972. The proposed amendments concern the release of names and addresses of present or former personnel of the armed services and their dependents. Only nonprofit organizations may qualify and the information may be released to them only if directly connected with the conduct of programs and the utilization of benefits under title 38. Interested persons were given 30 days in which to submit comments.

Two comments were received regarding § 1.519, neither of which warranted changing the proposed revision. One proposed adding further provisions for safeguarding privacy, but they are not deemed appropriate. The other suggested a need for procedures permitting local authorities access to confidential addressee data under certain circumstances, but such procedures would not be appropriate in this section. Therefore the proposed regulations are hereby adopted without change and are set forth below.

Effective date.—These regulations are effective October 24, 1972.

Approved June 7, 1973.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

1. In § 1.500, paragraphs (a) and (c) are amended to read as follows:

§ 1.500 General.

(a) Files, records, reports, and other papers and documents pertaining to any claim filed with the Veterans Administration, whether pending or adjudicated, and the names and addresses of present or former personnel of the armed services, and their dependents, in the possession of the Veterans Administration, will be deemed confidential and privileged, and no disclosure therefrom will be made except in the circumstances and under the conditions set forth in §§ 1.501 through 1.526.

* * * * *

(c) Each department, staff office, and field station head will designate an employee(s) who will be responsible for initial action on (granting or denying) requests to inspect or obtain information from or copies of records under their jurisdiction and within the purview of §§ 1.501 through 1.526 unless the regulations in this part currently contain such designations. The request should be made to the office concerned (having jurisdiction of the record desired) or, if not known, to the Director or Veterans Assistance Officer in the nearest VA regional office or to the VA Central Office, 810 Vermont Avenue NW., Washington, D.C. 20420. Personal contacts should normally be made during the regular duty hours of the office concerned, which are 8 a.m. to 4:30 p.m., Monday through Friday, for VA Central Office and most field stations. Any legal question arising in a field station concerning the release of information will be referred to the appropriate Chief Attorney for disposition as contemplated by § 13.401 of this chapter. In central office such legal questions will be referred to the General Counsel. Any administrative question will be referred through administrative channels to the appropriate department or staff office head.

* * * * *

2. Section 1.519 is revised to read as follows:

§ 1.519 Lists of names and addresses.

(a) Any organization wanting a list of names and addresses of present or former personnel of the armed services and their dependents from the Veterans Administration must make written application to the Veterans Administration Controller, except lists of educationally disadvantaged veterans should be requested from the Director of the nearest regional office. The application must:

(1) Clearly identify the type or category of names and addresses sought;

(2) Furnish proof satisfactory to the Veterans Administration that the organization seeking the list is a "nonprofit organization." Normally, evidence establishing that the organization is exempt from taxation in accordance with the provisions of 26 U.S.C. 501 or is a governmental body or institution will be accepted as satisfying this criteria;

(3) Contain a statement clearly setting forth the purpose for which the list is sought, the programs and the resources the organization proposes to devote to this purpose, and establish how such purpose is "directly connected with the conduct of programs and the utilization of benefits" under Title 38, United States Code; and

(4) Contain a certification that the organization, and all members thereof who will have access to the list, are aware of the penalty provisions of 38 U.S.C. 3301(9) and will not use the list for any purpose other than that stated in the application.

(b) If the Director of the regional office concerned finds that the organization requesting the list of names and addresses of educationally disadvantaged veterans is a nonprofit organization and operates an approved program of special secondary, remedial, preparatory, or other educational or supplementary assistance to veterans as provided under Subchapter V, Chapter 34, Title 38, United States Code, then he may authorize the release of such names and addresses to the organization requesting them.

(c) The Veterans Administration Controller, with the concurrence of the General Counsel, is authorized to release lists of names and addresses to organizations which have applied for such lists in accordance with paragraph (a) of this section if he finds that the purpose for which the organization desires the names and addresses is directly connected with the conduct of programs and the utilization of benefits under Title 38, United States Code. Lists of names and addresses authorized to be released pursuant to this paragraph shall not duplicate lists released to other elements, segments, or chapters of the same organization.

(d) If the list requested is one that the Veterans Administration has previously compiled or created, in the same format, to carry out one or more of its basic program responsibilities and it is determined that it can be released, the list may be furnished without charge. For other types of lists, a charge will be made in accordance with the provisions of § 1.526.

(e) Upon denial of a request, the Veterans Administration Controller or Regional Office Director will inform the requester in writing of the denial and the reasons therefor and advise the organization that it may appeal the denial to the Administrator. In each instance of a denial of a request, the denial and the reasons therefor will be made a matter of record.

(f) Section 3301(9), Title 38, United States Code, provides that any organization, or any member thereof, which uses the names and addresses furnished it for any purpose other than one directly connected with the conduct of programs and the utilization of benefits under Title 38, United States Code, shall be fined not more than $500 in the case of the first

offense and not more than $5,000 in the case of subsequent offenses. Any instance in which there is evidence of a violation of these penal provisions will be reported in accordance with § 14.560 of this chapter.

[FR Doc.73-11898 Filed 6-13-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 7—AGENCY FOR INTERNATIONAL DEVELOPMENT, DEPARTMENT OF STATE

PART 7–7 CONTRACT CLAUSES

PART 7–16 PROCUREMENT FORMS

Cost Reimbursement Contracts With Educational Institutions

The standard clauses for use in Agency contracts with educational institutions have been updated and substantially revised. The 1965 format has been replaced by (1) a required cover page, (2) required general provisions when the contract is performed in the United States, (3) required additional general provisions when the contract is performed overseas, and (4) clauses to be used when applicable.

1. The contents of part 7–7 are revised to add subpart 7–7.55 as follows:

Subpart 7–7.55 Clauses for Cost Reimbursement Contracts With Educational Institutions

AUTHORITY.—Sec. 621, 72 Stat. 445, as amended; 22 U.S.C. 2381. Executive order 10973, Nov. 3, 1961, 26 FR 10469; 3 CFR 1959–63 Comp.

2. New subpart 7–7.55 is added as follows:

Subpart 7–7.55 Clauses for Cost Reimbursement Contracts With Educational Institutions

§ 7–7.5500 Scope of subpart.

This subpart sets forth contract clauses for use in cost reimbursement contracts with educational institutions.

§ 7–7.5501–1 Definitions.

DEFINITIONS (JUNE 1973)

(a) "Administrator" shall mean the Administrator or the Deputy Administrator of the Agency for International Development.

(b) "AID" shall mean the Agency for International Development.

(c) "Campus coordinator" shall mean the representative of the contractor at the contractor's home institution, who shall be responsible for coordinating the activities carried out under the contract.

(d) "Consultant" shall mean any especially well-qualified person who is engaged on a temporary or intermittent basis and who is not an officer or employee of the contractor.

(e) "Contracting Officer" shall mean the person executing this contract on behalf of the U.S. Government and any other Government employee who is a properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of a Contracting Officer acting within the limits of his authority.

(f) "Contractor" shall mean the educational institution providing services hereunder.

(g) "Contractor employee" shall mean an employee of the contractor assigned to work under this contract.

(h) "Economy class" air travel (also known as jet-economy, aircoach, tourist-class, etc.) shall mean a class of air travel which is less than first class.

(i) "Federal Procurement Regulations (FPR)," when referred to herein, shall include AID Procurement Regulations (AIDPR).

(j) "Government" shall mean the U.S. Government.

(k) "Personnel compensation" shall mean the periodic remuneration received by a contractor employee for services rendered exclusive of post differential and allowances associated with overseas service, except as otherwise stated. The term "compensation" includes payments for personal services including fees, honoraria, and stipends for graduate students but excludes earnings from sources other than the individual's professional or technical work as well as overhead and other charges.

§ 7–7.5501–2 Approvals.

APPROVALS (JUNE 1973)

All approvals made under the contract by the Contracting Officer, or Mission Director, shall be in writing and obtained by the contractor in advance of the contemplated action. If, because of existing conditions, it is impossible to obtain prior written approval, the approving official may, at his discretion, ratify the action after the fact.

§ 7–7.5501–3 Biographical data.

BIOGRAPHICAL DATA (JUNE 1973)

(a) The contractor agrees to furnish to the Contracting Officer the biographical information requested on AID Form 1420–17, Contractor Employee Biographical Data Sheet for: (1) All contractor employees to be sent outside the United States, and (2) the campus coordinator. Biographical data on other personnel employed under this contract shall be available for review by AID at the contractor's home institution.

§ 7–7.5501–4 [Reserved]

§ 7–7.5501–5 Personnel compensation.

PERSONNEL COMPENSATION (JUNE 1973)

(a) AID will reimburse contractor for salaries and wages, including authorized

leave, paid to contractor employees performing work under the contract, provided that such salary is within the contractor's regular salary scale and the contractor certifies to the facts pertaining thereto. Reimbursement will not be made for any individual's salary exceeding the maximum salary rate of a Foreign Service officer, class I, per annum, without the prior written approval of the Contracting Officer.

(b) Salaries will be established by the contractor in accordance with his normal practice. However, AID has established certain advisory guidelines set forth below, within which the contractor is expected to operate under normal circumstances, but such guidelines are not compulsory and may be departed from to the extent the contractor finds necessary. The contractor will currently report any deviation from these provisions and explain to the Contracting Officer the reasons therefor.

(1) The base salary will be the same as the contractor would normally pay a person of similar ability and experience for service at the rank to which the person has been appointed.

(2) Base salaries may be increased by annualization in cases where the contractor's salary scale is based on less than 12 months' service a year.

(c) Salaries paid while in travel status shall be limited to the time required by the most direct and expeditious air route, except as otherwise provided in the clause of this contract entitled "Travel Expenses." All time in excess of that required for such air travel may be charged to leave.

(d) In the event that an employee's services are terminated by the contractor for misconduct or security reasons, contractor will be reimbursed for salary thereafter paid such employee only through the time required to promptly return him to his point of origin by the most expeditious air route, plus accrued vacation leave.

(e) *Consultants.*—Unless approved by the Contracting Officer or authorized in the schedule of this contract:

(1) No compensation for consultants will be reimbursed.

(2) Compensation for consultants shall not exceed (i) the equivalent daily rate of the maximum level of Foreign Service class I (FSR–1), which annual salary is set forth in the payment schedule of the Uniform State/AID/USIA Regulations, to be determined by dividing such annual salary of FSR–1 by 260; or (ii) the current compensation or the highest rate of annual compensation received by the consultant during any full year of the immediately preceding 3 years; whichever is less.

§ 7–7.5501–6 Leave and holidays.

LEAVE AND HOLIDAYS (JUNE 1973)

(a) *Vacation leave.*—(1) the contractor may grant to his employees working in the United States under this contract, vacations of reasonable duration, but not to exceed the contractor's on-campus policy and practice for his employees.

(2) Reimbursement to the contractor for vacation leave is limited to the amount earned by the employees while serving under this contract.

(b) *Sick leave.*—The contractor may grant to contractor employees working in the United States, sick leave at a rate not exceeding his usual on-campus practice. However, reimbursement for sick leave taken under this contract is limited to the amount earned by the employee while serving under this contract.

(c) *Military leave.*—Military leave of not more than 15 calendar days in any calendar year may be granted in accordance with the contractor's usual on-campus practice to each regular employee who is a reservist of the Armed Forces, provided that such military leave has been approved in advance by the Mission Director or the Contracting Officer.

(d) *Leave records.*—The contractor shall maintain current leave records for all contractor employees and make them available, as requested by the Mission Director or the Contracting Officer.

(e) *Holidays.*—While serving in the United States, contractor employees shall be entitled to holidays in accordance with the contractor's established on-campus policy and practice.

§ 7–7.5501–7 Travel expenses.

TRAVEL EXPENSES (JUNE 1973)

(a) The contractor shall be reimbursed for actual travel costs and travel allowances for travel in the United States in accordance with the established on-campus practice of the contractor. Travel costs shall not be reimbursed in any amount greater than the cost of, and time required for, economy class commercial scheduled air travel by the most expeditious route except as otherwise provided in paragraph (b) of this section, unless economy air travel or economy air travel space are not available and the contractor supports this in the voucher or other documents retained as part of his contract records.

(b) The contractor may grant under this contract reasonable delays en route, not circuitous in nature, while in travel status, caused by events beyond the control of such traveler or contractor. It is understood that if delay is caused by physical incapacitation, personnel shall be eligible for such sick leave as is provided under paragraph (b) of the clause of this contract entitled "Leave and Holidays".

§ 7–7.5501–8 Allowable cost and payment.

ALLOWABLE COST AND PAYMENT (JUNE 1973)

(a) For the performance of this contract, the Government shall pay to the contractor the dollar cost thereof (hereinafter referred to as allowable cost) determined by the Contracting Officer to be allowable in accordance with:

(1) Subpart 1–15.3 of the Federal Procurement Regulations, "Principles for Determining Costs Applicable to Research and Development under Grants and Contracts with Educational Institutions" as in effect on the date of this contract, and

(2) The terms of this contract.

(b) At least once each quarter the contractor shall submit to the paying office indicated on the cover page, a voucher form SF 1034 and SF 1034(a) in three copies. Each voucher shall be identified by the appropriate AID contract number, properly executed, in the amount of dollar expenditures made during the period covered. The voucher forms shall be supported by:

(1) Original and two copies of a certified fiscal report rendered by the contractor in the form and manner satisfactory to AID substantially as follows:

TOTAL EXPENDITURES

Category	Obligated funds	To date	This period (indicate dates)
Salaries and wages	$xxx (including salaries off-campus of $xxx).	$xxx (including salaries off-campus of $xxx).	$xxx (including salaries off-campus of $xxx).
Indirect costs (overhead)	$xxx (including indirect costs off-campus of $xxx).	$xxx (including indirect costs off-campus of $xxx).	$xxx (including indirect costs off-campus of $xxx).
Consultant fees	$xxx	$xxx	$xxx
Allowances	$xxx	$xxx	$xxx
Travel and transportation	$xxx	$xxx	$xxx
Equipment and materials	$xxx	$xxx	$xxx
Participant costs	$xxx	$xxx	$xxx
Other direct costs	$xxx	$xxx	$xxx
Grand total	$xxx	$xxx	$xxx

(2) The fiscal report shall include a certification signed by an authorized representative of the contractor as follows:

The undersigned hereby certifies: (i) That payment of the sum claimed under the cited contract is proper and due and that appropriate refund to AID will be made promptly upon request in the event of disallowance of costs not reimbursable under the terms of the contract, and (ii) that information on the fiscal report is correct and such detailed supporting information as the cognizant paying Office or the Contracting Officer may reasonably require will be furnished upon request by the contractor to AID at the contractor's home office or base office as appropriate.

By_____
Title_____
Date_____

(3) A vendor's invoice or photostat covering each transaction for procurement of commodities, supplies or equipment totaling in excess of $2,500 appropriately detailed as to quantity, description, and price for each individual item of equipment purchased.

(4) A supplier's certificate, AID form 282, in triplicate, executed by the vendor

for each transaction in excess of $2,500.

(5) The bill of lading or airway bill as evidence of shipment by U.S.-flag carrier.

(c) Promptly after receipt of each voucher and statement of dollar cost, the Government shall, except as otherwise provided in this contract, subject to the provisions of paragraph (d) of this section make payment thereon as approved by the paying office indicated on the cover page.

(d) At any time or times prior to final payment under this contract, the Contracting Officer may have the vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding vouchers.

(e) The final voucher shall be submitted by the contractor promptly following completion of the work under this contract, but in no event later than 120 days (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion. This voucher, clearly identified as final voucher, shall be submitted on form SF 1034 (original) and SF 1034(a), in three copies and supported by:

(1) Original and two copies of a certified fiscal report rendered by the contractor as in paragraphs (b) (1) and (2) of this section;

(2) Vendor's invoices as in paragraph (b) (3) of this section for commodities, supplies, or equipment in excess of $2,500 procured since the last voucher submission;

(3) Supplier's certificate as in paragraph (b) (4) of this section;

(4) Bill of lading or airway bill as in paragraph (b) (5) of this section;

(5) Refund check for the balance of funds, if any remaining on hand and not obligated by the contractor.

(f) Upon compliance by the contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and provisions of paragraphs (g) and (h) of this section and the additional general provision entitled "Documentation for Mission," if appropriate, acceptance by the Government of the work and final report, and a satisfactory accounting by the contractor of all Government-owned property for which the contractor had custodial responsibility, the Government shall promptly pay to the contractor any moneys due under the final voucher. The Government will make suitable reduction for any disallowance or indebtedness by the contractor by applying the proceeds of the voucher first to such deductions and next to any unliquidated balance of advance remaining under the contract.

(g) The contractor agrees that all approvals of the Mission Director and the Contracting Officer which are required by the provisions of this contract shall be preserved and made available as part of the contractor's records which are required to be preserved and made available by the general provision clauses of this contract entitled "Examination of Records" and "Audit and Records."

(h) The contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the contractor or any assignee under this contract shall be paid by the contractor to the Government, to the extent that they are properly allocable to costs for which the contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer. Prior to final payment under this contract, the contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(1) An assignment to the Government, in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) properly allocable to costs for which the contractor has been reimbursed by the Government under this contract; and

(2) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(i) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the contractor;

(ii) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the contractor to third parties arising out of the performance of this contract: *Provided*, That such claims are not known to the contractor on the date of the execution of the release: *And provided further*, That the contractor gives notice of such claims in writing to the Contracting Officer not more than 6 years after the date of the release or the date of any notice to the contractor that the Government is prepared to make final payment, whichever is earlier; and

(iii) Claims for reimbursement of costs (other than expenses of the contractor by reason of his indemnification of the Government against patent liability), including reasonable expenses incidental thereto incurred by the contractor under the provisions of this contract relating to patents.

§ 7–7.5501–9 Negotiated overhead rates—postdetermined.

NEGOTIATED OVERHEAD RATES—POSTDETERMINED (JUNE 1973)

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost and Payment," the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The contractor, as soon as possible but not later than 6 months after the close of each of his fiscal years during the term of this contract, shall submit to the Contracting Officer with copies to the cognizant audit activity, the AID Auditor General, and the AID Overhead and Special Cost Branch, a proposed final overhead rate or rates for the period, together with supporting cost data. Negotiation of final overhead rates by the contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the contractor's proposal.

(c) Allowability of cost and acceptability of cost allocation methods shall be determined in accordance with subpart 1–15.3 (Principles for Determining Costs Applicable to Research and Development Under Grants and Contracts With Educational Institutions) of the Federal Procurement Regulations as in effect on the date of this contract.

(d) The results of each negotiation shall be set forth in a written overhead rate agreement, executed by both parties. Such agreement is automatically incorporated in this contract upon execution and shall specify (1) the agreed final rates, (2) the bases to which the rates apply, (3) the periods for which the rates apply, and (4) the items treated as direct costs. The overhead rate agreement shall not change any monetary ceiling, contract obligation, or specific cost allowance or disallowance provided for in this contract.

(e) Pending establishment of final overhead rates for any period, the contractor shall be reimbursed either at negotiated provisional rates as provided in the contract or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over- or underpayment, and to apply either retroactively or prospectively, (1) provisional rates may, at the request of either party be revised by mutual agreement, and (2) billing rates may be adjusted at any time by the Contracting Officer. Any such revisions of negotiated provisional rates specified in the contract shall be set forth in a modification to this contract.

(f) Any failure by parties to agree on any final rate or rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

§ 7–7.5501–10 Limitation of funds.

LIMITATION OF FUNDS (JUNE 1973)

(a) It is estimated that the cost to the Government for the performance of this contract will not exceed the estimated cost set forth in the schedule, and the contractor agrees to use his best efforts to perform the work specified in the schedule and all obligations under this contract within such estimated cost.

(b) The amount presently available for payment and allotted to this contract, the items covered thereby, and the period of performance which it is estimated the

allotted amount will cover, are specified in the schedule. It is contemplated that from time to time additional funds will be allotted to this contract up to the full estimated cost set forth in the schedule. The contractor agrees to perform or have performed work on this contract up to the point at which the total amount paid and payable by the Government pursuant to the terms of this contract approximates but does not exceed the total amount actually allotted to the contract.

(c) If at any time the contractor has reason to believe that the costs which he expects to incur in the performance of this contract in the next succeeding 60 days, when added to all costs previously incurred, will exceed 75 percent of the total amount then allotted to the contract, the contractor shall notify the Contracting Officer in writing to that effect. The notice shall state the estimated amount of additional funds required to continue performance for the period set forth in the schedule. Sixty days prior to the end of the period specified in the schedule the contractor will advise the Contracting Officer in writing as to the estimated amount of additional funds, if any, that will be required for the timely performance of the work under the contract or for such further period as may be specified in the schedule or otherwise agreed to by the parties. If, after such notification, additional funds are not alloted by the end of the period set forth in the schedule or an agreed date substituted therefor, the Contracting Officer will, upon written request by the contractor, terminate this contract pursuant to the provisions of the "Termination for Convenience of the Government" clause on such date. If the contractor, in the exercise of his reasonable judgment, estimates that the funds available will allow him to continue to discharge its obligations hereunder for a period extending beyond such date, it shall specify the later date in its request and the Contracting Officer, in his discretion, may terminate this contract on that later date.

(d) Except as required by other provisions of this contract specifically citing and stated to be an exception from this clause, the Government shall not be obligated to reimburse the contractor for costs incurred in excess of the total amount from time to time allotted to the contract, and the contractor shall not be obligated to continue performance under the contract (including actions under the "Termination for Convenience of the Government" clause) or otherwise to incur costs in excess of the amount allotted to the contract, unless and until the Contracting Officer has notified the contractor in writing that such allotted amount has been increased and has specified in such notice an increased amount constituting the total amount then allotted to the contract. To the extent the amount allotted exceeds the estimated cost set forth in the schedule, such estimated cost shall be correspondingly increased. No notice, communication, or representation in any other form or from any person other than the Contracting Officer shall affect the amount allotted to this contract. In the absence of the specified notice, the Government shall not be obligated to reimburse the contractor for any costs in excess of the total amount then allotted to the contract, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the amount allotted to the contract has been increased, any costs incurred by the contractor in excess of the amount previously allotted shall be allowable to the same extent as if such costs had been incurred after such increase in the amount allotted; unless the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(e) Change orders issued pursuant to the "changes" clause, if any, of this contract shall not be considered an authorization to the contractor to exceed the amount allotted in the schedule in the absence of a statement in the change order, or other contract modification, increasing the amount allotted.

(f) Nothing in this clause shall affect the right of the Government to terminate this contract. In the event this contract is terminated, the Government and the contractor shall negotiate an equitable distribution of all property produced or purchased under the contract based upon the share of cost incurred by each.

§ 7–7.5501–11 Examination of records by Comptroller General.

Insert the clause set forth in FPR 1–7.101–10.

§ 7–7.5501–12 Audit and records.

Insert the clause set forth in FPR 1–3.814–2(c).

§ 7–7.5501–13 Reports.

REPORTS (JUNE 1973)

(a) Unless otherwise provided in the schedule of this contract, the contractor shall prepare and submit to the Contracting Officer three copies, and the Mission four copies, of a semiannual report, within 45 days following the end of the period being covered, which shall include the following:

(1) A substantive report covering the status of the work under the contract, indicating progress made with respect thereto, setting forth plans for the ensuing period, including recommendations covering the current needs in the fields of activity covered under the terms of this contract.

(2) An administrative report covering expenditures, foreign country national trainees, and personnel employed under the contract.

(b) Contractor shall prepare and submit to the Contracting Officer such other reports as may be specified in the schedule.

(c) Unless otherwise provided in the schedule of this contract, at the conclusion of the work hereunder, the contractor shall prepare and submit to the Contracting Officer three copies, and to the Mission four copies, of a final report which summarizes the accomplishments of the assignment, methods of work used and recommendations regarding unfinished work and/or program continuation. The final report shall be submitted within 60 days after completion of the work hereunder unless required date of submission is extended by the Contracting Officer.

(d) Contractor shall submit two copies of each report required by paragraphs (a)(1), (b), and (c) of this section or any other report of a technical nature required by the schedule to the AID Reference Center, Agency for International Development, Washington, D.C. 20523.

§ 7–7.5501–14 Research activities and the use of graduate students.

RESEARCH ACTIVITIES AND THE USE OF GRADUATE STUDENTS (JUNE 1973)

To the extent authorized in the operational plan (app. A), research activities pertinent to the program shall be reimbursed hereunder. Graduate students may be retained by the contractor to assist in such research.

§ 7–7.5501–15 Training of foreign country nationals.

TRAINING OF FOREIGN COUNTRY NATIONALS (JUNE 1973)

(a) To the extent foreign country national training is authorized in the operational plan (app. A), the contractor shall be reimbursed for the following reasonable and allocable costs incurred in providing training and observation to participants in the United States or other approved location:

(1) Customary tuition and fees of the institution in which the training takes place, as published in catalogs and announcements.

(2) Typing of papers and allowances for required textbooks, the titles of which will be approved by the contractor.

(3) Travel within the United States or other countries (other than the country of the participant) as approved by the contractor, including the cost of travel from port of entry into the United States to contractor's campus and from the contractor's campus to port of embarkation from the United States.

(4) Subsistence while in the United States or in third countries not to exceed maximum AID rates established in the applicable AID manual orders, furnished to the contractor, as from time to time amended.

(5) Other direct costs authorized in the operational plan or otherwise determined by the Contracting Officer to be allowable in accordance with the general provisions clause of this contract entitled "Allowable Cost and Payment".

(b)(1) No charge for international transportation or for health and accident insurance for participants while in the United States will be made against this contract unless otherwise specified in the schedule or approved in writing by the Contracting Officer.

(2) The contractor shall prepare and submit to the AID Office of International Training (SER/IT) three copies of AID form 1380-9, "Participant Arrivals in the United States Under Contract," within 5 days after end of month in which the participant arrived. On the basis of report SER/IT will provide coverage and pay premiums under the AID health and accident insurance program.

(c) For participants assigned to the contractor for whom specifically designed courses not otherwise covered in paragraph (a)(1) of this section are authorized, the contractor shall be paid the following in lieu of that authorized in paragraph (a)(1) of this section:

(1) For not exceeding 20 instructional days (days on which such courses are scheduled to meet):

(i) One participant: $65 for first day and $25 for each additional day.

(ii) More than one participant: For first day, $65 for first participant and $15 for each additional participant. For each additional day, $15 for each participant.

(2) For more than 20 instructional days: The contractor shall submit a proposal including supporting cost and pricing data to the Contracting Officer for approval.

(d) The contractor shall prepare and submit to the Office of International Training a nonobligating Project Implementation Order/Participant, AID form 1380-1, and Participant Biographical Data, AID form 1380-2, on all participants trained under this contract, either in the United States or third country.

§ 7-7.5501-16 Source requirements of procurement of equipment, vehicles, materials, supplies, and services.

Insert the clause set forth in AIDPR 7-7.5001-17.

§ 7-7.5501-17 Subcontracts and purchase orders.

Insert the clause set forth in AIDPR 7-7.5001-18.

§ 7-7.5501-18 Title to and care of property.

Insert the clause set forth in AIDPR 7-13.705.

§ 7-7.5501-19 Material change in conditions.

MATERIAL CHANGE IN CONDITIONS (JUNE 1973)

If the contractor advises the Contracting Officer of a material change in the conditions which substantially interferes with or impedes the performance of the contract in accordance with its terms or with sound professional standards, the parties will mutually consider appropriate action to be taken, which might include, but not limited to, modification of the contract or its termination in whole or part pursuant to the general provisions clause of the contract entitled "Termination for Convenience of the Government." Failure of the parties to agree on the existence of such circumstances and consequent refusal of the Government to terminate after receipt of a specific written request to do so will be a dispute concerning a question of fact within the meaning of the general provision clause of the contract entitled "Disputes."

§ 7-7.5501-20 Disputes.

Insert the clause set forth in AIDPR 7-7.5001-26.

§ 7-7.5501-21 Termination for convenience of the government.

Insert the clause set forth in FPR 1-8.704-1.

§ 7-7.5501-22 Rights in data and publication.

RIGHTS IN DATA AND PUBLICATION (JUNE 1973)

(a) *Rights in data.*—(1) The term "data" as used herein includes writings, software, electronic or punchcard stored data, models, sound recordings, pictorial reproductions, drawings, or other graphic representations, and works of any similar nature (whether or not copyrighted) which are developed or created in the course of the performance of this contract, or from materials or information acquired as a result of this contractor's activities hereunder. The term "data" does not include financial reports, cost analyses, and other information incidental to contract administration. The term "software" means any computer programs with supporting documentation and specifications necessary to produce desired outputs. The term excludes programs supplied by the hardware manufacturer. The term "model" in this context means formal, analytic structures which describe certain interrelated aspects of economic, social, or political behavior. The complete model shall include supporting information and equations which describe and explain basic structure and assumptions. "Subject data" is data whcih is specified to be delivered under this contract.

(2) For copyright purposes, all subject data shall be the property of the Government. The contractor agrees not to assert any rights at common law or equity in subject data, nor to establish any claim to statutory copyright therein.

(3) The contractor shall be responsible for assuring that no copyrighted matter is included in data furnished hereunder without the written permission of the copyright owner for the Government to use such copyrighted matter in the manner described in paragraph (a)(4) of this section.

(4) The contractor agrees to grant and does hereby grant to the Government and its officers, agents, and employees acting within the scope of their official duties, a royalty-free, nonexclusive, and irrevocable license throughout the world to publish, translate, reproduce, deliver, perform, use, and dispose of, and to authorize others to do so, all data, whether or not now or hereafter covered by copyright.

(5) Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(6) Paragraphs (a)(3) and (4) of this section are not applicable to material furnished to the contractor by the Government and incorporated into data produced under the contract, provided such incorporated material is identified by the contractor at the time the data is furnished to the Government.

(b) *Publication of data.*—(1) AID's policy with respect to publication, or release to parties other than those specifically authorized, of material gathered or developed under contracts with educational institutions is set forth in the statement of policy published in the FEDERAL REGISTER of May 14, 1973 (38 FR 12621), as revised. That policy is applicable to this contract.

(2) Unless otherwise provided in the schedule, and subject to AID's prepublication review as hereinafter set forth, no permission or authorization from AID will be required prior to publication, release, or reproduction of any data.

(3) No one employed under this contract will have access to classified material for performance of work under this contract; however, if, in its prepublication review, AID should discover that any classified material has inadvertently been included in a contract manuscript, it will notify the contractor, who agrees that the identified material will not be published unless he can demonstrate that the material is available from unclassified sources.

(c) *Prepublication review.*—The contractor agrees to allow AID the opportunity to review any data intended for publication and provide comments thereon, and agrees to give serious consideration to such comments prior to publication. The contractor shall deliver to AID a notice of intent to publish together with a copy of the proposed publication not later than the date of its submission to the publisher. AID reserves the right to disclaim endorsement of the opinions expressed in the proposed publication of subject data, and to dissociate itself from sponsorship or publication of any other data. In the event AID exercises its right to disclaim or dissociate as aforesaid, the contractor shall be so notified in writing by the Contracting Officer; such notice shall contain an appropriate statement of disclaimer or dissociation which shall be inserted in the publication.

(d) *Acknowledgments.*—All publications shall acknowledge the contributions of the parties hereto, unless such acknowledgment is not desired by the contributing parties.

(e) *Copies.*—In case of publication of any of the data described hereinabove, a copy of such publication shall be supplied to the Contracting Officer at no cost to the Government.

(f) *Personnel commitments.*—The contractor shall secure from all personnel engaged in the performance of this contract commitments adequate to assure that the contractor will be able to discharge its obligations under this "Rights in Data and Publication" clause.

§ 7–7.5501–23 Authorization and consent.

Insert the clause set forth in AIDPR 7–7.5001–27.

§ 7–7.5501–24 Notice and assistance regarding patent and copyright infringement.

Insert the clause set forth in FPR 1–7.101–13 and the following paragraph (c):

(c) This clause shall be included in all subcontracts.

§ 7–7.5501–25 Insurance—Liability to third persons.

INSURANCE—LIABILITY TO THIRD PERSONS (JUNE 1973)

(a) The contractor shall procure and thereafter maintain workmen's compensation, employer's liability, comprehensive general liability (bodily injury) and comprehensive automobile liability (bodily injury and property damage) insurance, with respect to performance under this contract, and such other insurance as the Contracting Officer may from time to time require with respect to performance under this contract; provided, that the contractor may, with the approval of the Contracting Officer, maintain a self-insurance program; and provided further, that with respect to workmen's compensation the contractor is qualified pursuant to appropriate statutory authority. All insurance required pursuant to the provisions of this paragraph shall be in such form, in such amounts, and for such periods of time, as the Contracting Officer may from time to time require or approve, and with insurers approved by the Contracting Officer.

(b) The contractor agrees, to the extent and in the manner required by the Contracting Officer, to submit for the approval of the Contracting Officer, any other insurance maintained by the contractor in connection with the performance of this contract and for which the contractor seeks reimbursement hereunder.

(c) The contractor shall be reimbursed:

(1) For the portion allocable to this contract of the reasonable cost of insurance as required or approved pursuant to the provisions of this clause, and

(2) Without regard to and as an exception to the "Limitation of Costs" or the "Limitation of Funds" clause of the contract, for liabilities to third persons for loss of or damage to property (other than property: (i) Owned, occupied or used by the contractor or rented to the contractor, or (ii) in the care, custody, or control of the contractor), or for death or bodily injury, not compensated by insurance or otherwise, arising out of the performance of this contract, whether or not caused by the negligence of the contractor, his agents, servants, or employees, provided such liabilities are represented by final judgments or settlements approved in writing by the Government, and expenses incidental to such liabilities, except liabilities (*a*) for which the contractor is otherwise responsible under the express terms of the clause or clauses, if any, specified in the schedule, or (*b*) with respect to which the contractor has failed to insure as required or maintain insurance as approved by the Contracting Officer, or (*c*) which results from willful misconduct or lack of good faith on the part of any of the contractor's directors or officers, or on the part of any of his managers, superintendents, or other equivalent representatives, who have supervision or direction of (*1*) all or substantially all of the contractor's business, or (*2*) all or substantially all of the contractor's operation at any one campus or separate location in which this contract is being performed, or (*3*) a separate and complete institutional operation in connection with the performance of this contract. The foregoing shall not restrict the right of the contractor to be reimbursed for the cost of insurance maintained by the contractor in connection with the performance of this contract, other than insurance required to be submitted for approval or required to be procured and maintained pursuant to the provisions of this clause, provided such cost would constitute allowable cost under the clause of this contract entitled "Allowable Cost and Payment."

(d) The contractor shall give the Government or its representatives immediate notice of any suit or action filed, or prompt notice of any claim made, against the contractor arising out of the performance of this contract, the cost and expense of which may be reimbursable to the contractor under the provisions of this contract and the risk of which is then uninsured or in which the amount claimed exceeds the amount of coverage. The contractor shall furnish immediately to the Government copies of all pertinent papers received by the contractor. If the amount of the liability claimed exceeds the amount of coverage, the contractor shall authorize representatives of the Government to collaborate with counsel for the insurance carrier, if any, in settling or defending such claim. If the liability is not insured or covered by bond, the contractor shall, if required by the Government, authorize representatives of the Government to settle or defend any such claim and to represent the contractor in or take charge of any litigation in connection therewith; provided, however, that the contractor may, at his own expense, be associated with the representatives of the Government in the settlement or defense of any such claim or ligitation.

§ 7–7.5501–26 Assignment of claims.

ASSIGNMENT OF CLAIMS (JUNE 1973)

Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended (31 U.S.C. 203, 41 U.S.C. 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all dollar amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing.

§ 7–7.5501–27 Inspection.

INSPECTION (JUNE 1973)

In order to assure continuous and cooperative planning and operations hereunder, contractor shall encourage and permit AID or its authorized representatives, at all reasonable times, upon advance notice to visit the contractor's facilities and to inspect the facilities, activities, and work pertinent to the contract, either in the United States or abroad, and to interview personnel engaged in the performance of the contract to the extent deemed necessary by AID.

§ 7–7.5501–28 Equal opportunity.

Insert the clause set forth in FPR 1–12.803–2.

§ 7–7.5501–29 Utilization of small business concerns.

Insert the clause set forth in FPR 1–1.710–3(a) and the following paragraph (c):

(c) To permit AID in accordance with the small business provisions of the Foreign Assistance Act, to give U.S. small business firms an opportunity to participate in supplying equipment, supplies, and services financed under this contract, contractor shall, to the maximum extent possible, provide the following information to the Small Business Office, AID, Washington, D.C. 20523, at least 45 days prior to placing any order in excess of $5,000, except where a shorter time is requested of, and granted by, the Small Business Office:

(1) Brief general description and quantity of commodities or services;

(2) Closing date for receiving quotations or bids;

(3) Address where invitations or specifications may be obtained.

§ 7–7.5501–30 Utilization of labor surplus area concerns.

Insert the clause set forth in FPR 1–1.805–3(a).

§ 7–7.5501–31 Convict labor.

Insert the clause set forth in FPR 1–12.203.

§ 7–7.5501–32 Officials not to benefit.

Insert the clause set forth in FPR 1–7.101–19.

§ 7–7.5501–33 Covenant against contingent fees.

Insert the clause set forth in FPR 1–1.503.

§ 7–7.5501–34 Language, weights and measures.

Insert the clause set forth in AIDPR 7–7.5001–37.

§ 7–7.5501–35 Utilization of minority business enterprises.

Insert the clause set forth in FPR 1–1.1310–2(a).

§ 7–7.5501–36 Listing of employment openings.

Insert the clause set in FPR 1–12.1102–2.

§ 7–7.5501–37 Payment of interest on contractor's claims.

Insert the clause set forth in FPR 1–1.322.

§ 7–7.5501–38 Notices.

Insert the clause set forth in AIDPR 7–7.5001–39.

§ 7–7.5502 Additional clauses.

§ 7–7.5502–1 Definitions.

DEFINITIONS (JUNE 1973)

(a) "Campus personnel" shall mean representatives of the contractor performing services under the contract at the contractor's home institution and shall include the campus coordinator.

(b) "Contractor's chief of party" shall mean the representative of the contractor in the cooperating country who shall be responsible for supervision of the performance of all duties undertaken by the contractor in the cooperating country.

(c) "Cooperating country or countries" shall mean a foreign country in which there is an AID assistance program or activity administered by AID in which services are to be rendered hereunder.

(d) "Cooperating country national" shall mean an individual who is a citizen or resident of the cooperating country.

(e) "Cooperating government" shall mean the government of the cooperating country.

(f) "Dependents" shall mean:

(1) Spouse;

(2) Children (including step and adopted children) who are unmarried and under 21 years of age or, regardless of age, are incapable of self-support;

(3) Parents (including step and legally adoptive parents), of the employee or of the spouse, when such parents are at least 51 percent dependent on the employee for support;

(4) Sisters and brothers (including step or adoptive sisters or brothers) of the employee, or of the spouse, when such sisters and brothers are at least 51 percent dependent on the employee for support, unmarried, and under 21 years of age, or regardless of age, are incapable of self-support.

(g) "Local currency" shall mean the currency of the cooperating country.

(h) "Mission" shall mean the United States AID Mission to, or principal AID office in, the cooperating country.

(i) "Mission Director" shall mean the principal officer in the Mission in the cooperating country, or his designated representative.

(j) "Participants" shall mean nationals of the cooperating country brought to the United States or to third countries for training.

(k) "Regular employee" shall mean a contractor employee appointed to serve 1 year or more in the cooperating country.

(l) "Resident" shall mean an individual who has been physically present for 3 consecutive years, substantially uninterrupted, in a country.

(m) "Short-term employee" shall mean a contractor employee appointed to serve less than 1 year in the cooperating country.

(n) "Third country national" shall mean an individual who is neither a U.S. citizen, U.S. resident, or a cooperating country national.

(o) "Traveler" shall mean the contractor's regular employees, dependents of the contractor's regular employees, the contractor's short term employees, consultants, campus coordinator, or other professional personnel on its staff, prospective regular or short term employees and spouses when attending personal interviews in accordance with the contractor's normal practice in selecting its personal, or other persons designated as travelers by the contracting officer or the Mission Director, as appropriate.

§ 7–7.5502–2 Contractor-mission relationships.

CONTRACTOR-MISSION RELATIONSHIPS (JUNE 1973)

(a) The contractor acknowledges that this contract is an important part of the United States Foreign Assistance program and agrees that his operations and those of his employees in the cooperating country will be carried out in such a manner as to be fully commensurate with the responsibilities which this entails.

(b) The Mission Director is the chief representative of AID in the cooperating country. In this capacity, he is responsible for the total AID program in the cooperating country including certain administrative responsibilities set forth in this contract and for advising AID regarding the performance of the work under the contract and its effect on the United States Foreign Assistance program. Although the contractor will be responsible for all professional, technical, and administrative details of the work called for by the contract, he shall be under the guidance of the Mission Director in matters relating to foreign policy. The chief of party shall keep the Mission Director currently informed of the progress of the work under the contract.

(c) It is understood by the parties that the contractor's responsibilities shall not be restrictive of academic freedom. Notwithstanding these academic freedoms, the contractor's employees, while in the cooperating country, are expected to show respect for its conventions, customs, and institutions, to abide by applicable laws and regulations, and not to interfere in its internal political affairs.

(d) In the event the conduct of any contractor employee is not in accordance with the preceding paragraphs, the contractor's chief of party shall consult with the Mission Director and the employee involved and shall recommend to the contractor a course of action with regard to such employee.

(e) The parties recognize the right of the U.S. Ambassador to direct the removal from a country of any U.S. citizen or the discharge from this contract of any third country national or cooperating country national when, in the discretion of the Ambassador, the interests of the United States so require.

(f) If it is determined that the services of such employee shall be terminated, the contractor shall use his best efforts to cause the return of such employee to the United States, or point of origin, as appropriate.

§ 7–7.5502–3 Personnel.

PERSONNEL (JUNE 1973)

(a) *Clearance.*—(1) *Individuals Engaged or Assigned Within the United States.*—The contractor will obtain written notification from the Contracting Officer of cooperating country clearance of any employee sent outside the United States to perform duties under this contract.

(2) *Individuals Engaged or Assigned When Outside the United States.*—No individual shall be engaged or assigned when outside the United States to perform work outside the United States under this contract unless authorized in the schedule or otherwise approved by the Contracting Officer or Mission Director. However, when services are performed in the cooperating country on a casual or irregular basis or in an emergency, exception to this provision can be made in accordance with instructions or regulations established by the Mission Director.

(b) *Duration of appointments.*—(1) Regular employees will normally be appointed for a minimum of 2 years, which period includes orientation (less language training), in the United States and authorized international travel under the contract except:

(i) An appointment may be made for less than 2 years if the contract has less than 2 years but more than 1 year to run; provided, that if the contract is extended the appointment shall also be extended to the full 2 years. This provision shall be reflected in the employment agreement prior to employment under this contract.

(ii) When a 2-year appointment is not required, appointment may be made for less than 2 years but in no event less than 1 year.

(iii) When the normal tour of duty established for AID personnel at a particular post is less than 2 years, then a normal appointment under this contract may be of the same duration; or

(iv) When the contractor is unable to make appointments of regular employees for a full 2 years, the contractor may make appointments of less than 2 but not less than 1 year, provided that such

appointment is approved by the Contracting Officer.

(2) Services required for less than 1 year will be considered short term appointments and the employee will be considered a short term employee.

(c) *Employment of dependents.*—If any person who is employed for services in the cooperating country under this contract is either: (1) A dependent of an employee of the Government working in the cooperating country, or (2) a dependent of a contractor employee working under a contract with the Government in the cooperating country, such person shall continue to hold the status of a dependent and be entitled and subject to the contract provisions which apply to dependents. However, as an employee, the individual shall be entitled to salary for the time services are actually performed in the cooperating country, and differential and allowances as established by the standardized regulations (Government Civilians, Foreign Areas).

(d) *Physical fitness of employees and dependents.*—(1) *Predeparture.*—For all employees (other than those hired in the cooperating country) and their authorized dependents, it shall be certified by a licensed doctor of medicine that in his opinion the employee is physically qualified to engage in the type of activity for which he is to be employed and that he and his dependents are physically able to reside in the country to which he is assigned. If the contractor has no such medical certificate on file prior to the departure for the cooperating country of any employee or authorized dependent and such employee is unable to perform the type of activity for which he is employed and complete his tour of duty because of any physical disability (other than physical disability arising from an accident while employed under this contract) or such authorized dependent is unable to reside in the cooperating country for at least 9 months or one-half the period, whichever is greater, of the related employee's initial tour of duty because of any physical disability (other than physical disability arising from an accident while a dependent under this contract), the contractor shall not be reimbursed for the return transportation of the physically disabled employee or dependent required to return because of such disability.

(2) *End of tour.*—The contractor is authorized to provide its regular employees and dependents with physical examination with 60 days after completion of their regular tours of duty.

(3) *Reimbursement for medical examination.*—The contractor is encouraged to establish its own policy of pre and post tour medical examinations. As contribution, AID shall reimburse the contractor for physical examinations authorized in paragraphs (d)(1) and (2) of this section, not to exceed: (i) $50 per examination for the contractor's employee and dependents 12 years of age and over, and (ii) $15 per examination for dependents under 12 years of age.

(e) *Importation, purchase or sale of personal property or automobiles.*—To the extent permitted by the cooperating country laws and regulations, the importation, purchase and sale of personal property or automobiles by contractor employees and their dependents in the cooperating country shall be subject to the same limitations and prohibitions which apply to Mission employees and their dependents.

(f) *Economic and financial activities.*—Other than work to be performed under this contract for which an employee is assigned by the contractor, no regular or short-term employee of the contractor shall engage, directly, or indirectly, either in his own name or in the name or through the agency of another person, in any business, profession, or occupation in the cooperating country or other foreign countries to which he is assigned, nor shall he make loans or investments to or in any business, profession, or occupation in the cooperating country or other foreign countries to which he is assigned.

§ 7–7.5502–4 Personnel compensation.

PERSONNEL COMPENSATION (JUNE 1973)

(a) In addition to the guidelines set forth in the general provision entitled "personnel compensation", and subject to the same reporting requirement, base salaries for personnel serving overseas may be increased by not more than an average of 10 percent of the annualized base salary (overseas incentive) for all persons serving under the contract.

(b) The work week for the contractor's overseas employees should take into consideration local practices and, in collaboration with the Mission Director, shall be established to coincide with the work week for those employees of the AID Mission and/or the cooperating country associated with the work of this contract.

§ 7–7.5502–5 Orientation and language training.

ORIENTATION AND LANGUAGE TRAINING (JUNE 1973)

(a) Regular employees shall receive a maximum of 2 weeks AID sponsored orientation before travel overseas. The dates of orientation shall be selected by the contractor from the orientation schedule provided by AID.

(b) Participation in AID sponsored orientation in no way relieves the contractor of his responsibility for assuring that all employees, regular and short term, are properly oriented. As an addition to or substitution for AID's sponsored orientation for regular employees, the following types of orientation may be authorized taking into consideration specific job requirements, the employee's prior overseas experience, or unusual circumstances:

(1) Modified orientation.

(2) Language training, particularly when significant for operating capabilities.

(3) Orientation and language training for regular employee's dependents.

(4) Institution-sponsored orientation.

(5) Orientation in all matters related to the administrative, logistical, and technical aspects of the employee's movement to, and tour of duty in the cooperating country.

(c) Authorization for an additional or alternate orientation program, if any, shall be either set forth in the schedule or provided in writing by the Contracting Officer.

(d) Travel expenses not to exceed one (1) round trip from regular employee's residence to place of orientation and return will be reimbursed, pursuant to the general provision of this contract entitled "travel expenses". Allowable salary costs during the period of orientation are also reimbursable.

§ 7–7.5502–6 Leave and holidays.

LEAVE AND HOLIDAYS (JUNE 1973)

(a) *Vacation leave.*—The contractor may grant to his employees working overseas under this contract vacations of reasonable duration in accordance with the contractor's on-campus practice for his employees, but in no event shall such vacation leave be earned at a rate exceeding 26-work days per annum. It is understood that vacation leave is provided under this contract primarily for the purposes of affording necessary rest and recreation to regular employees during their tour of duty in the cooperating country and the contractor will use his best efforts to arrange that earned vacation leave will be used for the above stated purpose during the tour of duty unless the interest of the project dictates otherwise. Lump-sum payment for vacation leave earned but not taken may be made at the end of an employee's service under the contract, provided that such lump-sum payment shall be limited to leave earned by the employee during a 12-month period (not to exceed 26-working days).

(b) *Sick leave.*—Sick leave is earned by regular and short-term employees in accordance with the contractor's usual on-campus practice but not to exceed 13-work days per annum or 4 hours every 2 weeks. Additional sick leave after use of accrued vacation leave may be advanced in accordance with contractor's usual practice, if in the judgment of the contractor's chief of party, it is determined that such additional leave is in the best interest of the project. In no event shall such additional leave exceed 30 days. The contractor agrees to reimburse AID for leave used in excess of the amount earned during the employee's assignment under this contract. Sick leave earned and unused at the end of a regular tour of duty may be carried over to an immediately succeeding tour of duty under this contract. The taking of authorized home leave shall not constitute a break in service for the purpose of sick leave carry-over. Contractor employees will not be compensated for unused sick leave at the completion of their duties under this contract.

(c) *Home leave.*—(1) Home leave is leave earned for service abroad for use

only in the United States, in the Commonwealth of Puerto Rico, or in the possessions of the United States.

(2) A regular employee who is a U.S. citizen or resident and has served at least 2 years overseas, as defined in paragraph (c)(4) of this section, under this contract and has not taken more than 30-work days leave (vacation, sick, or leave without pay) in the United States, may be granted home leave of not more than 15 calendar days for each such year of service overseas: *Provided*, That such regular employees agree to return overseas upon completion of home leave under an additional 2-year appointment, or for such shorter period of not less than 1 year of overseas service under the contract as the Mission Director may approve in advance. Home leave must be taken in the United States, the Commonwealth of Puerto Rico or the possessions of the United States and any days spent elsewhere will be charged to vacation leave or leave without pay.

(3) Notwithstanding the requirement in paragraph (c)(2), immediately above, that the contractor's regular employee must have served 2 years overseas under this contract to be eligible for home leave, contractor may grant advance home leave to such regular employee subject to all of the following conditions:

(i) Granting of advance home leave would in each case serve to advance the attainment of the objectives of this contract;

(ii) The regular employee shall have served a minimum of 18 months in the cooperating country on his current tour of duty under this contract; and

(iii) The regular employee shall have agreed to return to the Cooperating Country to serve out the remainder of his current tour of duty and an additional 2-year appointment under this contract, or such other additional appointment of not less than 1 year of overseas service as the Mission Director may approve.

(4) The period of service overseas required under paragraph (c)(2), or paragraph (c)(3), of this section, shall include the actual days in orientation in the United States (less language training) and the actual days overseas beginning on the date of departure from the United States port of embarkation on international travel and continuing, inclusive of authorized delays en route, to the date of arrival at the United States port of debarkation from international travel. Allowable vacation and sick leave taken while overseas, but not leave without pay, shall be included in the required period of service overseas. An amount equal to the number of days of vacation and sick leave taken in the United States, the Commonwealth of Puerto Rico, or the possessions of the United States will be added to the required period of service overseas.

(5) Salary during travel to and from the United States for home leave will be limited to the time required for travel by the most expeditious air route. The contractor will be responsible for reimbursing AID for salary payments made during home leave, if in spite of the undertaking of the new appointment, the regular employee, except for reasons beyond his control as determined by the Contracting Officer, does not return overseas and complete the additional required service. Unused home leave is not reimbursable under this contract.

(6) To the extent deemed necessary by the contractor, regular employees in the United States on home leave may be authorized to spend not more than 5 days in work status for consultation oncampus or at AID/Washington before returning to their post of duty. Consultation at locations other than AID/Washington or oncampus, as well as any time in excess of 5 days spent for consultation, must be approved by the Mission Director or the Contracting Officer.

(7) Except as provided in the schedule or approved by the Mission Director or the Contracting Officer, home leave is not authorized for third country nationals.

(d) *Holidays.*—Holidays for contractor employees serving overseas should take into consideration local practices and shall be established in collaboration with the Mission Director.

§ 7-7.5502-7 Post privileges.

POST PRIVILEGES (JUNE 1973)

Privileges such as the use of medical facilities, APO, PXs, commissaries, and officer's clubs are established at posts abroad pursuant to agreements between the United States and host governments. These facilities are intended for and usually limited to members of the official U.S. establishment including the embassy, AID Mission, U.S. Information Service and the military. Normally, the agreements do not permit these facilities to be made available to nonofficial Americans. However, where available the contractor will assist its employees and their dependents in obtaining access to these facilities.

§ 7-7.5502-8 Differential and allowances.

DIFFERENTIAL AND ALLOWANCES (JUNE 1973)

(a) *Post differential.*—Post differential is an additional compensation for service at places in foreign areas where conditions of environment differ substantially from conditions of environment in the continental United States and warrant additional compensation as a recruitment and retention incentive. In areas where post differential is paid to AID direct-hire employees, post differential not to exceed the percentage of salary as is provided such AID employees in accordance with the standardized regulations (Government, civilians, foreign areas), chapter 500 (except the limitation contained to section 552, Ceiling on Payments), tables—chapter 900, as from time to time amended, will be reimbursable hereunder for employees in respect to amounts earned during the time such employees actually spend overseas on work under this contract. When such post differential is provided to contractor employees, it shall be payable beginning on the date of arrival at the post of assignment and continue, including periods away from post on official business, until the close of business on the day of departure from post of assignment en route to the United States. Sick leave taken for vacation at or away from the post of assignment will not interrupt the continuity of the assignment or require a discontinuance of such post differential payments, provided such leave is not taken within the United States or the territories of the United States. Post differential will not be payable while the employee is away from his post of assignment for purposes of home leave. Short term employees appointed to serve at least 90 days shall be entitled to post differential beginning with the 43d day at post.

(b) *Living quarters allowance.*—Living quarters allowance is an allowance granted to reimburse an employee for substantially all of his costs for either temporary or residence quarters whenever Government-owned or Government-rented quarters are not provided to him at his post without charge. Such costs are those incurred for temporary lodging (temporary lodging allowance) or one unit of residence quarters (living quarters allowance) and include rent, plus any costs not included therein for heat, light, fuel, gas, electricity, and water. The temporary lodging allowance and the living quarters allowance are never both payable to an employee for the same period of time. The contractor will be reimbursed for payments made to employees for a living quarters allowance for rent and utilities if such facilities are not supplied. Such allowance shall not exceed the amount paid AID employees of equivalent rank in the cooperating country, in accordance with either the standardized regulations (Government, civilians, foreign areas), chapter 130, as from time to time amended or other rates approved by the Mission Director. Subject to the written approval of the Mission Director, short term employees may be paid per diem (in lieu of living quarters allowance) at rates prescribed by the standardized government travel regulations, as from time to time amended, during the time such short term employees spend at posts of duty in the cooperating country under this contract. In authorizing such per diem rates, the Mission Director shall consider the particular circumstances involved with respect to each such short term employee including the extent to which meals and/or lodging may be made available without charge or at nominal cost by an agency of the United States Government or of the cooperating government, and similar factors.

(c) *Temporary lodging allowance.*—Temporary lodging allowance is a quarters allowance granted to an employee for the reasonable cost of temporary quarters incurred by the employee and his family for a period not in excess of: (1) 3 months after first arrival at a new post

in a foreign area or a period ending with the occupation of residence (permanent) quarters, if earlier; and (2) 1 month immediately preceding final departure from the post subsequent to the necessary vacating of residence quarters. The contractor will be reimbursed for payments made to employees and authorized dependents for temporary lodging allowance, in lieu of living quarters allowance, not to exceed the amount set forth in the standardized regulations (Government, civilians, foreign areas), chapter 120, as from time to time amended.

(d) *Post allowance.*—Post allowance is a cost-of-living allowance granted to an employee officially stationed at a post where the cost of living, exclusive of quarters costs, is substantially higher than in Washington, D.C. The contractor will be reimbursed for payments made to employees for post allowance not to exceed those paid AID employees in the cooperating country, in accordance with the standardized regulations (Government, civflians, foreign areas), chapter 220, as from time to time amended.

(e) *Supplemental post allowance.*—Supplemental post allowance is a form of post allowance granted to an employee at his post when it is determined that assistance is necessary to defray extraordinary subsistence costs. The contractor will be reimbursed for payments made to employees for supplemental post allowance not to exceed the amount set forth in the standardized regulations (Government, civilians, foreign areas), chapter 230, as from time to time amended.

(f) *Educational allowance.*—Educational allowance is an allowance to assist an employee in meeting the extraordinary and necessary expenses, not otherwise compensated for, incurred by reason of his service in a foreign area in providing adequate elementary and secondary education for his children. The contractor will be reimbursed for payments made to regular employees for educational allowances for their dependent children in amounts not to exceed those set forth in the standardized regulations (Government civilians, foreign areas), chapter 270, as from time to time amended.

(g) *Educational travel.*—Educational travel is travel to and from a school in the United States for secondary education (in lieu of an education allowance) and for college education. The contractor will be reimbursed for payments made to regular employees for educational travel for their dependent children provided such payment does not exceed that which would be payable in accordance with the standardized regulations (Government, civilians, foreign areas), chapter 280, as from time to time amended. Educational travel shall not be authorized for regular employees whose assignment is less than 2 years.

(h) *Separate maintenance allowance.*—Separate maintenance allowance is an allowance to assist an employee who is compelled, by reason of dangerous, notably unhealthful, or excessively adverse living conditions at his post of assignment in a foreign area, or for the convenience of the Government, to meet the additional expense of maintaining his dependents elsewhere than at such post. The contractor will be reimbursed for payments made to regular employees for a separate maintenance allowance not to exceed that made to AID employees in accordance with the standardized regulations (Government civilians, foreign areas), chapter 260, as from time to time amended.

(i) *Payments during evacuation.*—The standardized regulations (Government civilians, foreign areas) provide the authority for efficient, orderly and equitable procedure for the payment of compensation, post differential and allowances in the event of an emergency evacuation of employees or their dependents, or both, from duty stations for military or other reasons or because of imminent danger to their lives. If evacuation has been authorized by the Mission Director the contractor will be reimbursed for payments made to employees and authorized dependents evacuated from their post of assignment in accordance with the standardized regulations (Government civilians, foreign areas), chapter 600, and the U.S. Standardized Government Travel Regulations, as from time to time amended.

§ 7-7.5502-9 Travel expenses.

TRAVEL EXPENSES (JUNE 1973)

(a) *International travel.*—The contractor shall be reimbursed for actual travel costs and travel allowances of travelers from place of residence in the United States (or other location provided that the cost of such travel does not exceed the cost of travel from the employee's residence in the United States) to the post of duty in the cooperating country and return to place of residence in the United States (or other location provided that the cost of such travel does not exceed the cost of travel from the post of duty in the cooperating country to the employee's residence) upon completion of services by the individual. Such travel costs and travel allowances shall not be reimbursed in an amount greater than economy class commercially scheduled air travel by the most expeditious route, except as otherwise provided in paragraph (2) of this section, and unless economy air travel or economy air travel space are not available and the contractor certifies to this in the voucher documents retained as part of his contract records. When travel is by economy class accommodations, the contractor will be reimbursed for the costs of transporting up to 22 pounds of accompanied personal baggage per traveler in addition to that regularly allowed with the economy ticket provided that the total number of pounds of baggage does not exceed that regularly allowed for first-class travelers. If the cost of economy class accommodations plus the cost of transporting 22 pounds of additional accompanied personal baggage equals or exceeds the cost of first-class accommodations, first-class accommodations may be used. Travel allowances for travelers shall not be in excess of $6 per day for persons 11 years of age, or over, or $3 per day for persons under 11 years of age, for not more than the travel time required by scheduled economy class commercial air carrier using the most expeditious route and computed in accordance with the standardized Government travel regulations as from time to time amended. One stopover en route for a period of not to exceed 24 hours is allowable when the traveler uses economy class accommodations for a trip of 14 hours or more of scheduled duration. Such stopover shall not be authorized when travel is by indirect route or is delayed for the convenience of the traveler. Per diem during such stopover shall be paid in accordance with the established practice of the contractor but not to exceed the amounts stated in the standardized Government regulations, as from time to time amended.

(b) *Local travel.*—Reimbursement for local travel shall not be in excess of the rates established by the Mission Director for the travel costs of travelers in the cooperating country in connection with duties directly referable to the contract. In the absence of such established rates, the contractor shall be reimbursed for actual travel costs of travelers in the cooperating country, if not provided by the cooperating government or the Mission, in connection with duties directly referable to the contract, including travel allowances at rates not in excess of those prescribed by the standardized Government travel regulations, as from time to time amended.

(c) *Travel for consultation.*—The contractor shall be reimbursed for the round trip of the contractor's chief of party in the cooperating country or other designated contractor employee or consultant in the cooperating country performing services required under this contract, for travel from the cooperating country to the contractor's campus in the United States or to AID/Washington for consultation and return on occasions deemed necessary by the contractor and approved in advance, in writing, by the Contracting Officer or the Mission Director.

(d) *Special international travel and third country travel.*—For special travel which advances the purpose of the contract, which is not otherwise provided by the cooperating government, and with the prior written approval of the Contracting Officer or the Mission Director, the contractor shall be reimbursed for (1) the travel costs of travelers other than between the United States and the cooperating country and for local travel within other countries and (2) travel allowance for travelers while in travel status and while performing services hereunder in such other countries at rates not in excess of those prescribed by the standardized Government travel regulations, as amended.

(e) *Indirect travel for personal convenience.*—When travel is performed by an indirect route for the personal convenience of the traveler, the allowable costs of such travel will be computed on

the basis of the cost of economy class air fare via the direct usually traveled route. If such costs include fares for air or ocean travel by foreign flag carriers, approval for indirect travel by such foreign flag carriers must be obtained from the Contracting Officer or the Mission Director before such travel is undertaken, otherwise only that portion of travel accomplished by U.S.-flag carriers will be reimbursable within the above limitation of allowable costs.

(f) *Limitation on travel by dependents.*—Travel costs and allowances will be allowed only for dependents of regular employees and such costs shall be reimbursed for travel from place of abode in the United States to assigned station in the cooperating country and return, only if dependent remains in the country for at least 9 months or one-half of the required tour of duty of the regular employee responsible for such dependent, whichever is greater. If the dependent is eligible for educational travel pursuant to the general provision entitled, "Differential and Allowances", time spent away from post resulting from educational travel will be counted as time at post.

(g) *Delays en route.*—The contractor may grant to travelers under this contract reasonable delays enroute, not circuitous in nature, while in travel status, caused by events beyond the control of such traveler or contractor. It is understood that if delay is caused by physical incapacitation, personnel shall be eligible for such sick leave as is provided under paragraph (b) of the clause of this contract entitled, "Leave and Holidays".

(h) *Travel by privately owned automobile.*—The contractor shall be reimbursed for the cost of travel performed by a regular employee in his privately owned automobile at a rate not to exceed 12¢ per mile plus authorized per diem for the employee and for each of the authorized dependents traveling in the automobile if the automobile is being driven to or from the cooperating country as authorized under the contract; provided, that the total cost of the mileage and the per diem paid to all authorized travelers shall not exceed the total constructive cost of fare and normal per diem by all authorized travelers by (1) surface common carrier or (2) less than first-class air, whichever is the lesser.

(i) *Emergency and irregular travel and transportation.*—Actual transportation costs and travel allowances while en route, as provided in this section will also be reimbursed under the following conditions:

(1) The costs of going from post of duty in the cooperating country to the United States or other location for contractor employees and dependents and returning to the post of duty, when the contractor's chief of party makes a written determination that such travel is necessary for one of the reasons provided in paragraph (i) (1) (i) or (ii) of this section. (A copy of the written determination shall be furnished to the Contracting Officer.)

(i) Need for medical care beyond that available within the area to which the employee is assigned, or serious effect on physical or mental health if residence is continued at assigned post of duty, subject in either case, to the limitations stated in the provisions of this contract entitled, "Physical Fitness of Employee and Dependents."

(ii) Death, or serious illness or injury of a member of the immediate family of the employee or the immediate family of the employee's spouse. "Serious illness or injury" is defined as one in which death is imminent or likely to occur as based on competent medical opinion; or one in which the absence of the employee or dependent would result in great personal hardship.

(iii) "Immediate family" is defined as the mother or father of the employee or spouse, including stepparents or adoptive parents, the spouse of the employee, or children of the employee and/or spouse including stepchildren or adoptive children, regardless of age.

(*a*) Ordinarily, only one member of a family may travel at contract expense on emergency visitation travel. However, there may be exceptional circumstances, such as critical injury to a dependent child attending school outside the post of assignment which would require the presence of the employee and/or dependent(s). In such cases the limitations prescribed in this provision apply to each traveler; for example, if more than one person travels, the deductible described below applies to each traveler.

(*b*) An employee or dependent is limited to one roundtrip for each serious illness or injury of each immediate family member. Reimbursement to the contractor for the cost of such travel shall be subject to a "deductible" (for each roundtrip) of $100 if the employee's basic salary rate is less than the minimum scheduled rate for FSR–6 Agency personnel, or $200 if the employee's annual salary is more than the aforesaid rate.

(*c*) The employee will prepare and sign, prior to his or any dependent's departure from post for emergency visitation travel, a statement explaining the emergency for which travel expense is to be authorized, including the name, address, and relationship (to the employee or dependent) of the ailing or deceased family member. Requests for emergency travel may be granted at contract expense, less deductibles, only on the basis of certification by a licensed physician that (*1*) the medical condition of the patient is of such nature that, by customary practice of the medical profession in the locale where the condition is diagnosed or treated, it is considered such as to warrant the placement of the patient on the critical list, or (2) the person has decreased. Where it is impracticable to provide a physician's statement prior to the travel, tentative approval for the travel may be granted by the contractor's chief of party subject to a later furnishing of such certification.

(iii) Time away from post by the employee on emergency visitation travel, including travel time, is charged to vacation leave or leave without pay, as appropriate. No per diem, excess baggage, or unaccompanied baggage charges or other expenses, except the cost of transportation in connection with emergency travel, are authorized for reimbursement under the contract.

(2) When, for any reason, the Mission Director determines it is necessary to evacuate the contractor's entire team (i.e., employees and dependents or dependents only), the contractor will be reimbursed for actual travel and transportation expenses and travel allowance while en route, for the cost of the individuals going from post of duty in the cooperating country to the United States or other approved location. The return of such employees and dependents to the cooperating country may also be authorized by the Mission Director when, in his discretion, he determines it is prudent to do so.

(3) The Mission Director may also authorize emergency or irregular travel and transportation in other situations, when in his opinion, the circumstances warrant such action. The authorization shall include the kind of leave to be used and appropriate restrictions as to time away from post, transportation of personal and/or household effects, etc. Requests for such emergency travel shall be submitted through the contractor's chief of party.

(4) If a regular employee does not complete 1 full year at post of assignment (except for reasons beyond his control), the travel and transportation costs of the employee, his dependents, personal and household effects, and automobile to and from the post of assignment are not reimburseable hereunder. If the employee serves more than 1 year but less than the prescribed tour of duty (except for reasons beyond his control), the travel and transportation costs of the employee, his dependents, personal and household effects and automobile from the post of assignment are not reimbursable hereunder.

(j) *Home leave travel.*—The contractor shall be reimbursed for the cost of travel performed by regular employees and dependents for purposes of home leave provided that such reimbursement is not in excess of that authorized mission employees.

(k) *Rest and recuperation travel.*—The contractor shall be reimbursed for the cost of travel performed by regular employeees and dependents for purposes of rest and recuperation: *Provided*, That such reimbursement does not exceed that authorized mission employees, e.g., required length of service at the post of assignment unbroken by home leave and with payment of deductibles: *And provided further*, That no reimbursement will be made unless approval is given by the contractor's chief of party.

(l) *Use of U.S.-flag carriers.*—International air travel under this contract shall be made on U.S.-flag carriers. Exceptions to this rule will be allowed in the

following situations provided the contractor supports the facts in the voucher or other documents retained as part of his contract records to support his claim for reimbursement:

(1) Where a flight by a U.S. carrier does not operate, or if operating, is not scheduled to arrive in time, or where the departure time or routing would interfere with or prevent the satisfactory performance of official business;

(2) Where a flight by a U.S. carrier is scheduled but does not have accommodations available when reservations are sought;

(3) Where a scheduled flight by a U.S. carrier is delayed because of weather, mechanical, or other conditions to such an extent that use of a non-U.S. carrier is in the Government's interest;

(4) Where the appropriate class of accommodations is available only on a non-U.S. carrier and the cost of transportation and related per diem is less than the cost of available accommodations of another class on a U.S. carrier and related per diem; and

(5) Where payment for transportation can be made in trust funds or excess foreign currencies: *Provided*, No. U.S. air carriers adequately serving the points of travel will accept the currency. This preferential use of foreign air carrier will also apply to near-excess foreign currencies.

§ 7-7.5502-10 Transportation and storage expenses.

TRANSPORTATION AND STORAGE EXPENSES (JUNE 1973)

(a) *Transportation of motor vehicles, personal effects and household goods.*—Transportation, including packing and crating costs, will be paid for shipping from the point of origin in the United States (or other location as approved by the Contracting Officer) to post of duty in the cooperating country and return to point of origin in the United States (or other location as approved by the Contracting Officer):

(1) Of one privately owned vehicle for each regular employee,

(2) Of personal effects of travelers, and

(3) Of household goods of each regular employee not to exceed the following limitations:

	Basic household furniture not supplied	Basic household furniture supplied
	Net weight	*Net weight*
Regular employee with dependents in cooperating country.	7,500 lb.....	2,500 lb.
Regular employee without dependents in cooperating country.	4,500 lb.....	1,500 lb.

(4) The cost of transporting motor vehicles and household goods shall not exceed the cost of packing, crating, and transportation by surface. In the event that the carrier does not require boxing or crating of motor vehicles for shipment to the cooperating country, the cost of boxing or crating is not reimbursable. The transportation of a privately owned motor vehicle for a regular employee may be authorized by the contractor, as replacement of the last such motor vehicle shipped under this contract for such employee when the Mission Director or his designee determines in advance and so notifies the contractor in writing, that the replacement is necessary for reasons not due to the negligence or malfeasance of the regular employee. The determination shall be made under the same rules and regulations that apply to mission employees.

(5) In addition to the weight allowance shown above for household effects, each regular employee and each authorized dependent may ship a maximum of 175 pounds gross weight of unaccompanied personal effects. This unaccompanied baggage may be shipped as air freight by the most direct route between authorized points of origin and destination regardless of the modes of travel used.

(6) Unaccompanied baggage is considered to be those personal belongings needed by the traveler immediately upon arrival at destination. To permit the arrival of effects to coincide with the arrival of regular employees and dependents, consideration should be given to advance shipments of unaccompanied baggage.

(7) The foregoing provision concerning "unaccompanied baggage" is also applicable to home leave travel. The foregoing provision concerning "unaccompanied baggage" is also applicable to short-term employees when, these are authorized by the terms of this contract.

(b) *Storage of household effects.*—The cost of storage charges (including packing, crating, and drayage costs) in the United States of household goods of regular employees will be permitted in lieu of transportation of all or any part of such goods to the cooperating country under paragraph (a) of this section, provided that the total amount of household goods shipped to the cooperating country and stored in the United States shall not exceed 4,500 pounds net for each regular employee without dependents in the cooperating country and 7,500 pounds net for each regular employee with dependents in the cooperating country.

(c) *Limitation on transportation.*—(1) *International air transportation.*—All international air shipments under this contract shall be made on U.S.-flag carriers unless shipment would, in the judgment of the contractor, be delayed unreasonably awaiting a U.S. carrier either at point of origin or transshipment, provided that the contractor certifies to the facts in the vouchers or other documents retained as part of the contract record to support his claim for reimbursement and for post audit by AID.

(2) *International ocean transportation.*—All international ocean transportation of persons and things which is to be reimbursed in U.S. dollars under this contract shall be by U.S.-flag vessels to the extent they are available.

(i) *Transportation of things.*—Where U.S. flag vessels are not available, or their use would result in a significant delay, the contractor may obtain a release from this requirement from the Transportation Division, Agency for International Development, Washington, D.C. 20523, or the Mission Director, as appropriate, giving the basis for the request.

(ii) *Transportation of persons.*—Where U.S.-flag vessels are not available, or their use would result in a significant delay, the contractor may obtain a release from this requirement from the Contracting Officer or the Mission Director, as appropriate.

(3) *Transportation of foreign-made motor vehicles.*—Reimbursement of the costs of transporting a foreign (non-U.S.) made motor vehicle will be made in accordance with the provisions of the Uniform State/AID/USIA Foreign Service Travel Regulations, as from time to time amended.

§ 7-7.5502-11 Inspection trips by contractor's officers and executives.

INSPECTION TRIPS BY CONTRACTOR'S OFFICERS AND EXECUTIVES (JUNE 1973)

Provided it is approved by the Mission Director, the contractor may send the campus coordinator, a professional member of his staff as an alternate to the campus coordinator, or such of his senior officials (e.g., president, vice presidents, deans, or department heads) to the cooperating country as may be required to review the progress of the work under this contract. Except for the campus coordinator or his alternate, no direct salary charges will be paid hereunder with respect to any such officials.

§ 7-7.5502-12 Notice of changes in regulations.

NOTICE OF CHANGES IN REGULATIONS (JUNE 1973)

Changes in travel, differential, and allowance regulations shall be effective on either the beginning of the contractor's next pay period following receipt of the notice or the effective date of such notice, whichever is later. Notice of changes shall be sent by the Contracting Officer or Mission Director pursuant to the clause of the general provisions of this contract entitled "Notices".

§ 7-7.5502-13 Documentation for mission.

DOCUMENTATION FOR MISSION (JUNE 1973)

(a) When submitting U.S. Dollar Voucher Form SF 1034 to the paying office listed on the cover page of this contract, the contractor shall at the same time airmail to the Mission Controller one copy of SF 1034(a) and fiscal report. The Mission Controller's copy shall be accompanied by one copy of vendor's invoice for all items of commodities, equipment, and supplies (except magazines, pamphlets and newspapers) procured and shipped overseas

and for which the cost is reimbursable under this contract. (For items shipped from contractor's stocks where vendors' invoices are not available, a copy of the documents used for posting to contractor's account shall be furnished).

(b) A separate and complete set of Voucher Form SF 1034 (original and SF 1034(a)) (three copies) representing expenditures of local currency funds shall be sent directly to the cognizant Mission Controller. Documentation required in support of local currency expenditures shall be established by the cognizant Mission Controller.

§ 7–7.5502–14 Conversion of U.S. dollars to local currency.

Insert the clause set forth in AIDPR 7–7.5002–8.

§ 7–7.5502–15 Facilities and services to be arranged by A.I.D.

FACILITIES AND SERVICES TO BE ARRANGED BY A.I.D. (JUNE 1973)

(a) In order to assure full local benefits from the work as well as its expeditious conduct, AID agrees to arrange with appropriate authorities in the cooperating country for a clear assignment of responsibility to the appropriate officials for the development of this undertaking and a clear assignment of responsibilities to the contractor.

(b) AID will arrange with the officials of the cooperating country to develop, to the extent permitted by their available resources, their own personnel, facilities, programs, and activities to permit the early and effective accomplishment of the objectives of the contract.

§ 7–7.5502–16 Title to and care of property.

In lieu of the clause required by AIDPR 7–7.5501–18, insert the clause set forth in AIDPR 7–13.706.

§ 7–7.5502–17 Marking.

MARKING (JUNE 1973)

Information regarding the implementation of AID's marketing requirements with respect to shipments of commodities financed under this contract shall be obtained from the Office of Small Business, AID, Washington, D.C. 20523 before undertaking any procurement under this contract.

§ 7–7.5502–18 Insurance-Workmen's compensation, private automobile, marine and air cargo (Overseas).

Insert the clause set forth in AIDPR 7–7.5002–10.

§ 7–7.5503 Clauses to be used when applicable.

§ 7–7.5503–1 Alterations in contract.

Insert the clause set forth in AIDPR 7–7.5003–1.

§ 7–7.5503–2 Advance of funds.

When an advance of funds is to be made (other than by means of a Federal Reserve Letter of Credit), insert the following clause:

ADVANCE OF FUNDS (JUNE 1973)

(a) AID will, upon request from the contractor, in accordance with paragraph (b) of this section, make an initial advance to the contractor in the amount stated in the contract schedule pursuant to the provisions of FPR 1–30.4 as it applies to educational institutions for research and development work. AID will thereafter reimburse the contractor an amount equal to reported expenditures in order to replenish the advance fund on an imprest basis. AID will replenish the fund on a quarterly basis (or other agreed interval) upon submission of documents prescribed in the general provisions clause entitled "Allowable Cost and Payment" until such time as the total amount of reimbursements together with the initial advance equals the amount of the AID commitment stated in the schedule. Thereafter, vouchers for expenditures submitted by the contractor will not be reimbursed but will be applied to liquidate the remaining outstanding advance. In the event the total amount of subsequent vouchers are insufficient to liquidate the amount of the outstanding advance, the contractor will refund the difference to AID in accordance with FPR 1–30.414–2(d).

(b) The contractor will submit to the paying office indicated on the cover page voucher form SF 1034 (original) and SF 1034(a) in three copies, properly executed, requesting advance of funds in the agreed amount required to establish a working fund.

(c) The contractor shall make a repayment to AID of all unexpended portions of the advanced dollar funds not obligated under the contract for a legally binding transaction. If appropriate, the contractor shall also make a repayment to the mission of all unexpended portions of the advaced local currency funds not otherwise obligated under the contract for a legally binding transaction. In the event there are any outstanding obligations at the time of filing the final voucher required by the "Allowable Cost and Payment" clause, a subsequent accounting pertaining thereto will be made in the same manner as required by said provisions.

(d) Refund of excess funds. (1) If all costs have been settled under the contract and the contractor fails to comply with the Contracting Officer's request for repayment of excess advance funds, the Government shall have the right, on other agreements, grants, or contracts held with the contractor, to withhold payment of advances and/or reimbursements due the contractor in the amount of the excess being held by the contractor.

(2) If the contractor is still holding excess advance funds under the contract and the work has been completed or terminated but all costs have not been settled, the contractor agrees to:

(i) Provide within 30 days after requested to do so by the contracting officer, a breakdown of the dollar amounts which have not been settled between the Government and the contractor. (The Contracting Officer will assume no costs are in dispute if the contractor fails to reply within 30 days.);

(ii) Upon written request of the Contracting Officer, return to the Government the sum of dollars, if any, which represents the difference between (a) the contractor's maximum position on claimed costs which have not been reimbursed and (b) the total amount of unexpended funds which have been advanced under the contract; and

(iii) If the contractor fails to comply with the Contracting Officer's request for repayment of excess advance funds, the Government shall have the right on other agreements, grants, or contracts held with the contractor, to withhold payment of advances and/or withhold reimbursement due the contractor in the amount of the excess being held by the contractor.

(e) The contractor agrees that all interest earned on funds advanced will be promptly repaid to the Government. At no time may any such interest be retained by the contractor or used for any purpose.

§ 7–7.5503–3 Federal Reserve letter of credit.

If an advance of funds is to be made by means of a Federal Reserve letter of credit, insert the clause set forth in AIDPR 7–30.4502.

§ 7–7.5503–4 Negotiated overhead rates—predetermined.

If predetermined overhead rates have been established, substitute the following clause for the clause set forth in 7–7.5501–9.

NEGOTIATED OVERHEAD RATES—PREDETERMINED (JUNE 1973)

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost and Payment", the allowable indirect cost under this contract shall be obtained by applying predetermined overhead rates to bases agreed upon by the parties, as specified below.

(b) The contractor, as soon as possible but not later than 3 months after the close of each of his fiscal years during the term of this contract, shall submit to the Contracting Officer with copies to the cognizant audit activity, the AID Auditor General, and the AID Overhead and Special Cost Branch, a proposed predetermined overhead rate or rates based on the contractor's actual cost experience during that fiscal year, together with supporting cost data. Negotiation of predetermined overhead rates by the contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with the provisions of subpart 1–15.3 (principles for determining costs applicable to research and development under grants and contracts with educational institutions) and the Federal procurement regulations as in effect on the date of this contract.

(d) Predetermined rates appropriate for the work under this contract, in effect on the effective date of this contract shall be incorporated into the contract schedule. Rates for subsequent periods shall be negotiated and the results set forth in a written overhead rate agreement executed by both parties. Such agreement shall be automatically incorporated into this contract upon execution and shall specify (1) the agreed predetermined overhead rates, (2) the bases to which the rates apply, (3) the fiscal year unless the parties agree to a different period for which the rates apply, and (4) the specific items treated as direct costs or any changes in the items previously agreed to be direct costs. The overhead rate agreement shall not change any monetary ceiling, contract obligation, or specific cost allowance or disallowance provided for in this contract.

(e) Pending establishment of predetermined overhead rates for any fiscal year or different period agreed to by the parties, the contractor shall be reimbursed either at the rates fixed for the previous fiscal year or other period or at billing rates acceptable

to the Contracting Officer subject to appropriate adjustment when the final rates for that fiscal year or other period are established.

(f) Any failure by the parties to agree on any predetermined overhead rate or rates under this clause shall not be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract. If for any fiscal year or other period specified in the schedule of this contract the parties fail to agree to a predetermined overhead rate or rates, it is agreed that the allowable indirect costs under this contract shall be obtained by applying negotiated final overhead rates in accordance with the terms of the "Negotiated Overhead Rates—Postdetermined" clause set forth in § 7–7.5501–9 of the AID procurement regulations as in effect on the date of this contract.

§ 7–7.5503–5 Limitation of cost.

If the contract is fully funded, substitute the following clause for the clause set forth in § 7–7.5501–10:

LIMITATION OF COST (JUNE 1973)

(a) It is estimated that the total cost to the Government for the performance of this contract will not exceed the estimated cost set forth in the schedule, and the contractor agrees to use his best efforts to perform the work specified in the Schedule and all obligations under this contract within such estimated cost. If at any time the contractor has reason to believe that the cost which he expects to incur in the performance of this contract in the next succeeding 60 days, when added to all costs previously incurred, will exceed 75 percent of the estimated cost then set forth in the schedule, or if at any time, the contractor has reason to believe that the total cost to the Government for the performance of this contract will be greater or substantially less than the then estimated cost thereof, the contractor shall notify the Contracting Officer in writing to that effect, giving the revised estimate of such total cost for the performance of this Contract.

(b) Except as required by other provisions of this contract specifically citing and stated to be an exception from this clause, the Government shall not be obligated to reimburse the contractor for costs incurred in excess of the estimated cost set forth in the schedule, and the contractor shall not be obligated to continue performance under the contract (including actions under the termination clause) or otherwise to incur costs in excess of the estimated cost set forth in the schedule, unless and until the Contracting Officer shall have notifed the contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of this contract. No notice, communication, or representation in any other form or from any person other than the Contracting Officer shall affect the estimated cost of this contract. In the absence of the specified notice, the Government shall not obligated to reimburse the contractor for any costs in excess of the estimated cost set forth in the schedule, whether those excess costs were incurred during the course of the contract or as a result of termination. When and to the extent that the estimated cost set forth in the schedule has been increased, any costs incurred by the contractor in excess of the estimated cost prior to such increase shall be allowable to the same extent as if such costs had been incurred after the increase; unless the Contracting Officer issues a termination or other notice and directs that the increase is solely for the purpose of covering termination or other specified expenses.

(c) Change orders issued pursuant to the changes clause of this contract shall not be considered an authorization to the contractor to exceed the estimated cost set forth in the schedule in the absence of a statement in the change order, or other contract modification, increasing the estimated cost.

(d) In the event this contract is terminated or the estimated cost not increased the Government and the contractor shall negotiate an equitable distribution of all property produced or purchased under the Contract based upon the share of cost incurred by each.

§ 7–7.5503–6 Changes.

CHANGES (JUNE 1973)

(a) The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in the definition of services and tasks to be performed, and the time (i.e., hours of the day, days of the week, etc.) and place of performance thereof.

(b) If any such changes cause an increase or decrease in the estimated cost of, or the time required for, the performance of any part of the work under this contract, whether changed or not changed by any such order, or otherwise affects any other provision of this contract, an equitable adjustment shall be made:

(1) In the estimated cost or delivery schedule, or both; and

(2) In such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the contractor for adjustment under this clause must be asserted within 30 days from the date of receipt by the contractor of the notification of change; provided, however, that the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes". However, except as provided in paragraph (c) of this section, nothing in this clause shall excuse the contractor from proceeding with the contract as changed.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, the estimated cost of this contract and, if this contract is incrementally funded, the funds allotted for the performance thereof, shall not be increased or deemed to be increased except by specific written modification of the contract indicating the new contract estimated cost and, if this contract is incrementally funded, the new amount allotted to the contract. Until such modification is made, the contractor shall not be obligated to continue performance or incur costs beyond the point established in the clause of this contract entitled "Limitation of Cost" or "Limitation of Funds."

§ 7–7.5503–7 Security requirements.

If the contractor or any of his personnel will have access to classified or administratively designated information, insert the following clause:

SECURITY REQUIREMENTS (JUNE 1973)

(a) Whenever the Contracting Officer or his authorized representative has assigned a security classification (confidential, secret, or top secret) or administrative designation (limited official use), the Contracting Officer or his authorized representative shall notify the contractor (1) in writing of administrative designations, or (2) by use of "Security requirements check list" (form DD 254) for classified information and any subsequent revisions in such classification.

(b) The contractor shall safeguard all classified and administratively designated items handled under this contract and shall provide and maintain a system of security controls within his own organization. For classified information the system of security controls shall be in accordance with Department of Defense security agreement (DD form 441), including the DOD industrial security manual for safeguarding classified information (DOD 5520.22–M). Instructions for safeguarding of administratively designated information are provided in Uniform State/AID/USIA regulations (volume 5, Foreign Affairs Manual, chapter 900), a copy of which will be furnished by the Contracting Officer or Mission Director.

(c) Representatives of the Department of Defense and/or AID having security cognizance over the facility shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the contractor in complying with the security requirements under this contract. Should the Government, through these representatives, determine that the contractor is not complying with the security requirements of this contract, the contractor shall be informed in writing by the cognizant security office of the Department of Defense and/or AID of the proper action to be taken in order to effect compliance with such requirements.

(d) The contractor agrees to notify the Contracting Officer in writing after completion of the work under this contract that (1) all classified or administratively designated information which was in his possession during the performance of the contract has been disposed of in accordance with existing DOD and/or AID security requirements, or (2) no classified or administratively designated information came into his possession or any of his employee's possession during the performance of the contract.

(e) Notwithstanding the above, no material shall be published which would violate the security regulations or be in conflict with the national security of the United States and/or the cooperating government.

§ 7–7.5503–8 Patent provisions.

If it is anticipated that patentable results may arise from the work under the contract, insert the following clause:

PATENT PROVISIONS (JUNE 1973)

(a) With respect to any invention or discovery conceived or first actually reduced to practice in the course of or under this contract the contractor shall furnish the Contracting Officer a complete technical disclosure, promptly after conception or first actual reduction to practice, whichever occurs first under the contract. Such disclosure shall identify the contract and inventor(s) and be sufficiently complete in technical detail to convey to one skilled in the art to which the

invention or discovery pertains a clear understanding of the nature, purpose, operation and to the extent known, the physical, chemical, biological, or electrical characteristics of the invention or discovery.

(b) The public shall be granted all benefits of any patentable results of all research and investigations conducted and all information, data, and findings developed under this contract, through dedication, assignment to the Administrator, publication, or such other means as may be determined by the Contracting Officer.

(c) With respect to patentable results and in accordance with this clause the contractor agrees:

(1) To cooperate in the preparation and prosecution of any domestic and foreign patent applications which the agency may decide to undertake covering the subject matter above described;

(2) To execute all papers requisite in the prosecution of such patent application including assignment to the United States and dedications; and

(3) To secure the cooperation of any employee of the contractor in the preparation and the execution of all such papers as may be required in the prosecution of such patent applications or in order to vest title in the subject matter involved in the United States, or to secure the right of free use in public. It is understood, however, that the making of prior art searches, the preparation, filing, and prosecution of patent applications, the determination of questions of novelty, patentability, and inventorship, as well as other functions of a patent attorney, are excluded from the duties of the contractor.

3. The contents of part 7–16 are revised to read as follows:

Subpart 7–16.2—Forms for Negotiated Supply Contracts

Subpart 7–16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction)

Subpart 7–16.9—Illustration of Forms

AUTHORITY.—Sec. 621, 72 Stat. 445, as amended; 22 U.S.C. 2381. Executive Order 10973, Nov. 3, 1961, 26 FR 10469; 3 CFR, 1959–63 Comp.

Subpart 7–16.2—Forms for Negotiated Supply Contracts

§ 7–16.251 [Reserved]

4. Delete § 7–16.251 "Form for Agency for International Development University Contract" and insert "Reserved."

Subpart 7–16.5—Forms for Advertised and Negotiated Nonpersonal Service Contracts (Other Than Construction)

5. Add new § 7–16.556 as follows:

§ 7–16.556 Cover page for Agency for International Development Cost Reimbursement Contract with an Educational Institution.

This form is for use with the general provisions for cost reimbursement type contracts with educational institutions. Use of the cover page is mandatory as are the general provisions prescribed in AIDPR 7–7.55.

Subpart 7–16.9—Illustrations of Forms

6. Delete § 7–16.951, Form for Agency for International Development University Contract (May 1, 1965), and insert revised § 7–16.951 Cover Page for Agency for International Development Cost Reimbursement Contract With an Educational Institution as follows:

§ 7–16.951 Cover page for Agency for International Development Cost Reimbursement Contract with an Educational Institution.

NOTE.—Cover page filed as part of the original document.

Effective date.—This amendment is effective on August 31, 1973. However, it may be observed earlier.

Dated May 24, 1973.

WILLARD H. MEINECKE,
Deputy Assistant Administrator for Program and Management Services.

[FR Doc.73–11604 Filed 6–13–73;8:45 am]

CHAPTER 8—VETERANS' ADMINISTRATION

PART 8–7—CONTRACT CLAUSES

Clauses for Fixed-Price Construction Contracts

On pages 9837 and 9838 of the FEDERAL REGISTER of April 20, 1973, there was published a notice of proposed regulatory revision of § 8–7.650–14, title 41, Code of Federal Regulations, to revise the clause "Payment to Contractors," prescribed for fixed-price construction contracts in excess of $10,000. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulation.

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

Effective date.—This regulation is effective July 9, 1973.

Approved June 7, 1973.

By direction of the Administrator.

RUFUS H. WILSON,
Associate Deputy Administrator.

Section 8–7.650–14 is revised to read as follows:

§ 8–7.650–14 Payments to contractors.

(a) For contracts that do not contain a section entitled "Network Analysis System (NAS), Clause 7, General Provisions, SF 23A," will be implemented as follows:

PAYMENTS TO CONTRACTORS

Clause 7, General Provisions, SF 23A, is implemented as follows:

(a) The contractor shall submit a schedule of cost to the contracting officer for approval. Such schedule will be signed and submitted in quadruplicate. The approved cost schedule will be one of the bases for determining progress payments to the contractor for work completed. This schedule shall show cost by the branches of work for each building or unit of the contract, as instructed by the resident engineer.

(1) The branches shall be subdivided into as many subbranches as are necessary to cover all component parts of the contract work.

(2) Costs as shown by this schedule must be true costs and, should the resident engineer so desire, he may require the contractor to submit his original estimate sheets or other information to substantiate detail makeup of schedule.

(3) The sum of subbranches, as applied to each branch, shall equal the total cost of such branch. The total costs of all branches shall equal the contract price.

(4) Bonds, insurance and similar items shall be prorated and included in the cost of each branch of the work.

(5) The cost schedule shall include separate cost information for the systems listed below. The percentages listed below are proportions of the cost listed in contractor's cost schedule and identify, for payment purposes, the value of the work to adjust, correct and test systems after the material has been installed. Funds retained as contract work progresses will at all times be sufficient to cover the value of the work of adjusting, correcting and testing the systems listed below. Payment of the listed percentages will be made only after the contractor has demonstrated

that each of the systems is substantially complete and operates as required by the contract.

System:	*Value of adjusting, correcting, and testing system (percent)*
Pneumatic tube system	10
Incinerators (medical waste and trash)	5
Sewage treatment plant equipment	5
Water treatment plant equipment	5
Washers (dish, cage, glass, etc.)	5
Sterilizing equipment	5
Water distilling equipment	5
Prefab temperature rooms (cold, constant temperature)	5
Entire air-conditioning system specified under 600 sections	5
Entire boiler plant system specified under 700 sections	5
General supply conveyors	10
Food service conveyors	10
Pneumatic soiled linen and trash system	10
Elevators	10
Engine-generator system	5
Primary switchgear	5
Secondary switchgear	5
Fire alarm system	5
Nurse call system	5
Intercom system	5
Radio system	5
TV (entertainment) system	5

(b) In addition to this cost schedule, the contractor shall submit such unit costs as may be specifically requested. The unit costs shall be those used by the contractor in preparing his bid and will not be binding as pertaining to any contract changes.

(c) The Government reserves the right to withhold payment until samples, shop drawings, engineer's certificates, additional bonds, payrolls, weekly statements of compliance, nondiscrimination compliance reports, or any other things required by this contract, have been submitted to the satisfaction of the contracting officer.

(d) As a part of final settlement of this contract, the contractor will be required to furnish a release of claims to the Government.

(b) For contracts that contain a section entitled "Network Analysis System (NAS), Clause 7, General Provisions, SF 23A," will be implemented as follows:

PAYMENTS TO CONTRACTORS

Clause 7, General Provisions, SF 23A, is implemented as follows:

(a) The contractor shall submit a schedule of costs in accordance with requirements of section NAS (network analysis system) to the contracting officer for approval. The approved cost schedule will be one of the bases for determining progress payments to the contractor for work completed.

(1) Costs as shown on this schedule must be true costs and, should the resident engineer so desire, he may require the contractor to submit his original estimate sheets or other information to substantiate the detailed makeup of the cost schedule.

(2) The total costs of all activities shall equal the contract price.

(3) Bonds, insurance and similar items shall be prorated and included in each activity cost of the critical path method (CPM) network.

(4) The CPM network shall include a separate cost loaded activity for adjusting and testing of the systems listed below. The percentages listed below will be used to determine the cost of adjust and test activities and identify, for payment purposes, the value of the work to adjust, correct and test systems after the material has been installed.

(5) Funds retained as contract work progresses will at all times be sufficient to cover the value for the work of adjusting, correcting and testing the systems listed below. Payment for adjust and test activities will be made only after the contractor has demonstrated that each of the systems is substantially complete and operates as required by the contract.

System:	*Value of adjusting, correcting, and testing system (percent)*
Pneumatic tube system	10
Incinerators (medical waste and trash)	5
Sewage treatment plant equipment	5
Water treatment plant equipment	5
Washers (dish, cage, glass, etc.)	5
Sterilizing equipment	5
Water distilling equipment	5
Prefab temperature rooms (cold, constant temperature)	5

System:	*Value of adjusting, correcting, and testing system (percent)*
Entire air-conditioning system specified under 600 sections	5
Entire boiler plant system specified under 700 sections	5
General supply conveyors	10
Food service conveyors	10
Pneumatic soiled linen and trash system	10
Elevators	10
Engine-generator system	5
Primary switchgear	5
Secondary switchgear	5
Fire alarm system	5
Nurse call system	5
Intercom system	5
Radio system	5
TV (entertainment) system	5

(b) In addition to this cost schedule, the contractor shall submit such unit costs as may be specifically requested. The unit costs shall be those used by the contractor in preparing his bid and will not be binding as pertaining to any contract changes.

(c) The Government reserves the right to withhold payment until samples, shop drawings, engineer's certificates, additional bonds, payrolls, weekly statements of compliance, nondiscrimination compliance reports, or any other things required by this contract, have been submitted to the satisfaction of the contracting officer.

(d) As a part of final settlement of this contract, the contractor will be required to furnish a release of claims to the Government.

[FR Doc.73-11897 Filed 6-13-73;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 316—TEMPORARY AND INDEFINITE EMPLOYMENT

Duration of TAPER Appointment

Section 316.201 is amended to delete the obsolete statement that TAPER employment may continue only for the period necessary to make an appointment through certification. It has not been the practice of the Commission to order the displacement of TAPER employees solely because it is possible to make an appointment through certification.

Effective on June 14, 1973, § 316.201 is amended as set out below.

§ 316.201 Purpose.

The Commission may authorize an agency to fill a vacancy by a temporary appointment pending establishment of a register (TAPER appointment) when there are insufficient eligibles on a register appropriate for filling the vacancy in a position that will last for a period of more than 1 year and the public interest requires that the vacancy be filled before eligibles can be certified.

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

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

[FR Doc.73-11899 Filed 6-13-73;8:45 am]

Title 7—Agriculture

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

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

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

Correction

In FR Doc. 73-9804, appearing at page 13323 in the issue of May 21, 1973, make the following change:

1. On page 13323 in § 52.828(a) third line change I to IV.

NOTE.—Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act, or with applicable State laws and regulations.

Dated June 7, 1973.

E. L. PETERSON,
Administrator, Agricultural Marketing Service.

[FR Doc.73-11916 Filed 6-13-73;8:45 am]

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

[Valencia Orange Regulation 436]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation fixes the quantity of California-Arizona Valencia oranges that may be shipped to fresh market during the weekly regulation period June 15–June 21, 1973. It is issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 908. The quantity of Valencia oranges so fixed was arrived at after consideration of the total available supply of Valencia oranges, the quantity of Valencia oranges currently available for market, the fresh market demand for Valencia oranges, Valencia orange prices,

and the relationship of season average returns to the parity price for Valencia oranges.

§ 908.736 Valencia Orange Regulation 436.

(a) *Findings.*—(1) Pursuant to the marketing agreement, as amended, and order No. 908, as amended (7 CFR, pt. 908), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for this section to limit the respective quantities of Valencia oranges that may be marketed from district 1, district 2, and district 3 during the ensuing week stems from the production and marketing situation confronting the Valencia orange industry.

(i) The Committee has submitted its recommendation with respect to the quantities of Valencia oranges that should be marketed during the next succeeding week. Such recommendation, designed to provide equity of marketing opportunity to handlers in all districts, resulted from consideration of the factors enumerated in the order. The Committee further reports that the fresh market demand for Valencia oranges remains slow, with f.o.b. prices continuing to fall. Prices f.o.b. averaged $3.21 per carton on a sales volume of 722 carlots during the week ended June 7, 1973, compared with $3.24 per carton on sales of 708 carlots a week earlier. Track and rolling supplies at 435 cars were down 8 cars from last week.

(ii) Having considered the recommendation and information submitted by the Committee, and other available information, the Secretary finds that the respective quantities of Valencia oranges which may be handled should be fixed as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the Committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this scetion effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such Committee meeting was held on June 12, 1973.

(b) *Order.*—(1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period June 15, 1973, through June 21, 1973, are hereby fixed as follows:

(i) District 1: 214,000 cartons;

(ii) District 2: 351,000 cartons;

(iii) District 3: 85,000 cartons.

(2) As used in this section, "handled," "district 1," "district 2," "district 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

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

Dated June 13, 1973.

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

[FR Doc.73–12028 Filed 6–13–73;11:24 am]

[Avocado Reg. 21]

PART 944—FRUITS; IMPORT REGULATIONS

Avocados; Grade and Maturity Requirements

Avocado Regulation 21 prescribes during the period June 18, 1973, through April 30, 1974, the following grade and maturity requirements for imported fresh avocados: Avocados imported into the United States 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). The regulation is to become effective June 18, 1973, 1 week later than the June 11, 1973, effective date contained in the notice of proposed rulemaking, because Avocado Regulation 15, which prescribes the same as or comparable requirements for avocados produced in south Florida also is to become effective on June 18, 1973.

On May 14, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 12612) that consideration was being given to a proposed regulation, which would limit the importation of avocados into the United States, during the period June 11, 1973, through April 30, 1974, pursuant to part 944—Fruits; Import Regulations (7 CFR pt. 944). This import regulation prescribes, with respect to quality, the same grade requirement for imported avocados as is made applicable, pursuant to order No. 915 (7 CFR pt. 915), to avocados grown in south Florida. With respect to size and maturity restrictions for imported avocados, the same size and maturity restrictions imposed upon avocados of the Pollock, Catalina, and Trapp varieties are made applicable to imported avocados of the same varieties. With respect to all other imported avocados, comparable size and maturity restrictions are imposed due to variations in characteristics between domestic avocados and those to be imported. The size, quality, and maturity requirements for domestic avocados, pursuant to order No. 915, are those that are to become effective June 18, 1973. Both the domestic and import regulations are to become effective 1 week later than the effective date contained in the notice of proposed rulemaking, because the current crop of south Florida avocados is ripening 1 week later than was expected when such notice was issued. This import regulation is effective pursuant to section 8e (7 U.S.C. 608e–1) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The aforesaid notice allowed interested persons until May 25, 1973, to submit written data, views, or arguments for consideration in connection with the proposed import regulation. None were received.

It is hereby found that good cause exists for not postponing the effective time of the regulatory provisions of this regulation, as hereinafter set forth, beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such requirements mandatory; (b) such provisions contain, as required, size, quality, and maturity requirements that are the same as or are comparable to the domestic requirements for avocados grown in south Florida under Avocado Regulation 15, which are to become effective June 18, 1973; (c) notice that such action was being considered, was published in the May 14, 1973, issue of the FEDERAL REGISTER (38 FR 12611), and no objection to this regulation was received; (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time hereof; (e) notice hereof in excess of 3 days, the minimum prescribed

by said section 8e, is given with respect to this import regulation by prescribing an effective date of June 18, 1973; and (f) such notice is hereby determined, under the circumstances, to be reasonable.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, and other available information, it is hereby found that the grade, size, and maturity restrictions that are the same as or are comparable to those to be in effect pursuant to the said amended marketing agreement and order shall apply to avocados to be imported.

§ 944.13 Avocado Regulation 21.

(a) On and after June 18, 1973, the importation into the United States of any avocados is prohibited unless such avocados are inspected and meet the following requirements:

(1) All avocados imported during the period June 18, 1973, through April 30, 1974, shall grade not less than U.S. No. 3.

(2) Avocados of the Pollock variety shall not be imported (i) prior to July 9, 1973; (ii) from July 9, 1973, through July 15, 1973, unless the individual fruit in each lot of such avocados weighs at least 18 ounces or measures at least 3 11/16 inches in diameter; and (iii) from July 16, 1973, through July 30, 1973, unless the individual fruit in each lot of such avocados weighs at least 16 ounces or measures at least 3 7/16 inches in diameter.

(3) Avocados of the Catalina variety shall not be imported (i) prior to September 17, 1973; (ii) from September 17, 1973, through September 23, 1973, unless the individual fruit in each lot of such avocados weighs at least 24 ounces; and (iii) from September 24, 1973, through October 8, 1973, unless the individual fruit in each lot of such avocados weighs at least 22 ounces.

(4) Avocados of the Trapp variety shall not be imported (i) prior to August 20, 1973; (ii) from August 20, 1973, through September 2, 1973, unless the individual fruit in each lot of such avocados weighs at least 14 ounces or measures at least 3 1/16 inches in diameter; and (iii) from September 3, 1973, through September 17, 1973, unless the individual fruit in each lot of such avocados weighs at least 12 ounces or measures at least 3 1/16 inches in diameter.

(5) Avocados of any variety other than Pollock, Catalina, and Trapp varieties, of the West Indian varieties not listed elsewhere in this regulation, shall not be imported (i) prior to July 9, 1973; (ii) from July 9, 1973, through August 5, 1973, unless the individual fruit in each lot of such avocados weighs at least 18 ounces; (iii) from August 6, 1973, through September 9, 1973, unless the individual fruit in each lot of such avocados weighs at least 16 ounces; (iv) from September 10, 1973, through October 7, 1973, unless the individual fruit in each lot of such avocados weighs at least 14 ounces: *Provided*, That any lot of such avocados may be imported without regard to the date or minimum weight requirements of this paragraph if such avocados, 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 normal for that fruit when mature.

(6) Avocados of any variety of the Guatemalan type, including hybrid type seedlings, unidentified Guatemalan and hybrid varieties, and Guatemalan and hybrid varieties not listed elsewhere in the regulation shall not be imported (i) prior to September 24, 1973; (ii) from September 24, 1973, through October 21, 1973, unless the individual fruit in each lot of such avocados weighs at least 15 ounces; and (iii) from October 22, 1973, through December 23, 1973, unless the individual fruit in each lot of such avocados weighs at least 13 ounces.

(7) Notwithstanding the provisions of subparagraphs (2) through (6) of this paragraph regarding the minimum weight or diameter for individual fruit, not to exceed 10 percent, by count, of the individual fruit, contained in each lot may weigh less than the minimum specified and be less than the minimum specified diameter: *Provided*, That such avocados weigh not over 2 ounces less than the applicable specified weight for the particular variety specified in such subparagraphs. 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.

(b) The Federal or Federal-State Inspection Service, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, is hereby designated as the governmental inspection service for the purpose of certifying the grade, size, quality, and maturity of avocados that are imported into the United States. Inspection by the Federal or Federal-State Inspection Service with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados. Such inspection and certification services will be available upon application in accordance with the rules and regulations governing inspection and certification of fresh fruits, vegetables, and other products (pt. 51 of this title) but, since inspectors are not located in the immediate vicinity of some of the small ports of entry, such as those in southern California, importers of avocados should make arrangements for inspection, through the applicable one of the following offices, at least the specified number of days prior to the time when the avocados will be imported:

Ports	Office	Advance notice
All Texas points..	L. M. Denbo, 506 South Nebraska St., San Juan, Tex. 78589 (Phone (512) 787-4091) or	1 day.
	A. D. Mitchell, room 516, U.S. Court House, El Paso, Tex. 79901 (Phone (915) 533-3351, Ext. 5340).	Do.
All New York points.	Frank J. McNeal, room 28A Hunts Point Market, Bronx, N.Y. 10474 (Phone (212) 991-7668 and 7669) or	Do.
	Charles D. Renick, 176 Niagara Frontier Food Terminal, room 8, Buffalo, N.Y. 14206 (Phone (716) 824-1585)	Do.
All Arizona points.	B. O. Morgan, 255 Terrace Ave., Nogales, Ariz. 85621 (Phone (602) 287-2902).	Do.
All Florida points.	Lloyd W. Boney, 1350 Northwest 12th Ave., room 538, Miami, Fla. 33136 (Phone (305) 371-2571) or	Do.
	Hubert S. Flynt, 775 Warner Lane, Orlando, Fla. 32812 (Phone (305) 841-2141) or	Do.
	Kenneth C. McCourt, Unit 46, 335 Bright Ave., Jacksonville, Fla. 32205 (Phone (904) 354-5983).	Do.
All California points.	Daniel P. Thompson, 784 South Central Ave., room 294, Los Angeles, Calif. 90012 (Phone (213) 622-8756).	3 days.
All Louisiana points.	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, La. 70013 (Phone (504) 527-6741 and 6742).	1 day.
All other points..	D. S. Matheson, Fruit and Vegetable Division, Agriculture Marketing Service, USDA, Washington, D.C. 20250 (Phone (202) 447-5870).	3 days.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the department governing the inspection and certification of fresh fruits, vegetables, and other products (pt. 51 of this title). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;

(2) The name of the shipper, or applicant;

(3) The commodity inspected;

(4) The quantity of the commodity covered by the certificate;

(5) The principal identifying marks on the container;

(6) The railroad car initials and number, the truck and the trailer license

number, the name of the vessel, or other identification of the shipment; and

(7) The following statement, if the facts warrant: Meets U.S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended.

(f) Notwithstanding any other provisions of this regulation, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restriction specified herein.

(g) It is hereby found that the application of the maturity restrictions being imposed, pursuant to Order No. 915 (pt. 915 of this chapter), upon avocados grown in south Florida to imported avocados, other than of the Pollock, Catalina, and Trapp varieties, is not practicable because of variations in characteristics between the domestic and imported avocados; and the maturity restrictions applicable to imported avocados other than of the Pollock, Catalina, and Trapp varieties are comparable to those imposed upon the domestic commodity. The quality restrictions for all imported avocados, and the maturity restrictions for imported avocados of the Pollock, Catalina, and Trapp varieties, are the same as those being imposed upon the domestic commodity.

(h) No provisions of this section shall supersede the restrictions or prohibitions on avocados under the Plant Quarantine Act of 1912.

(i) Nothing contained in this section shall be deemed to preclude any importer from reconditioning, prior to importation, any shipment of avocados for the purpose of making it eligible for importation.

(j) The terms relating to grade, as used herein, shall have the same meaning as when used in the U.S. Standards for Florida Avocados (§§ 1.3050–51.3069 of this title). "Diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit. "Importation" means release from custody of the U.S. Bureau of Customs.

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

Dated June 7, 1973, to become effective June 18, 1973.

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

[FR Doc.73-11724 Filed 6-13-73;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regulations, Amendment 5]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—General Regulations Governing Price Support for 1970 and Subsequent Crops

ELIGIBILITY REQUIREMENTS FOR GRAIN AND SIMILARLY HANDLED COMMODITIES PRODUCED ON FEDERALLY OWNED LAND

There was published, on February 14, 1973, in the FEDERAL REGISTER, a notice of proposed rulemaking (38 FR 4407) regarding changes in the conditions under which producers leasing federally owned land would be eligible for participation in the payment and price support programs administered by the Department of Agriculture. No comments were received. On March 23, 1973, an announcement that the proposed changes had been adopted was published in the FEDERAL REGISTER (38 FR 7564).

This amendment makes commodities covered by the general price support regulations for grains and similarly handled commodities and produced on federally owned land ineligible for loans. However, the prohibition against making loans on commodities produced on such land shall not apply during the current term of any lease to the extent that the lease permits the production of such commodities but shall apply to any renewal of an existing lease or a new lease executed after March 22, 1973. Also, the prohibition shall not apply to land acquired by an agency having the right of eminent domain and leased back to the former owner with uninterrupted possession. Accordingly, paragraph (b) of § 1421.4 of the general regulations governing price support for 1970 and subsequent crops of grain and similarly handled commodities issued by CCC, published in 35 FR 7363, as amended, is amended to read as follows:

§ 1421.4 Eligibility requirements.

* * * * *

(b) *Area of availability.*—Except in the case of rice and wheat, price support shall be available to eligible producers on commodities produced in any area of the United States. Price support shall be available on wheat produced only in the commercial wheat producing area and on rice produced only in the continental United States. Commodities must not have been produced on land owned by the Federal Government if such land is (1) leased subject to restrictions prohibiting the production of such commodities, or requiring the use of the land for other purposes, or prohibiting commodity price support loans, (2) occupied without lease, permit, or other right of possession, (3) in a national wildlife refuge, or (4) covered by a lease which was renewed or executed after March 22, 1973, unless the land was acquired by an agency having the right of eminent domain and leased back to the former owner with uninterrupted possession.

* * * * *

(Secs. 4, 5, 62 Stat. 1070, as amended, secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended, 15 U.S.C. 714 b, c; 7 U.S.C. 1441, 1447, 1421, and 1425.)

Effective date.—This amendment shall become effective on June 14, 1973, for all loans made on 1973 and subsequent crops of grain and similarly handled commodities.

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

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

[FR Doc.73-11867 Filed 6-13-73;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Areas Released From Quarantine

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

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

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

§ 73.1a Notice of quarantine.

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

TEXAS

(1) Castro County.
(2) Deaf Smith County.
(3) Parmer County.
(4) Potter County.

* * * * *

(Secs. 4-7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791-792, as amended; secs. 1-4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111-113, 115, 117, 120, 121, 123-126, 134b, 134f; 37 FR 28464, 28477.)

Effective date.—The foregoing amendment shall become effective June 11, 1973.

The amendment relieves restrictions no longer deemed necessary to prevent the spread of cattle scabies, and should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would made additional relevant information available to the Department.

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

Done at Washington, D.C., this 11th day of June 1973.

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

[FR Doc.73-11913 Filed 6-13-73;8:45 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 94—RINDERPEST, FOOT-AND-MOUTH DISEASE, FOWL PEST (FOWL PLAGUE), NEWCASTLE DISEASE (AVIAN PNEUMOENCEPHALITIS), AFRICAN SWINE FEVER, AND HOG CHOLERA: PROHIBITED AND RESTRICTED IMPORTATIONS

Importation of Cured and Dried Pork and Pork Products

These amendments will permit the importation of pork and pork products from countries where hog cholera is known to exist if the pork involved has been cured and dried for not less than 45 days rather than the usual 90 days: *Provided*, That the pork originated in a hog cholera free country and the pork or pork products were transported and handled in compliance with specific conditions as certified by officials of the national governments of the hog cholera free country and the infected country. Such conditions would preclude contamination and commingling with pork from hog cholera infected sources.

Pursuant to section 2 of the act of February 2, 1903, as amended (21 U.S.C. 111), part 94, title 9, Code of Federal Regulations, is hereby amended as follows:

In § 94.9(b)(1)(iii)(c), the following provision is added before the period.

§ 94.9 Pork and pork products from countries where hog cholera exists.

* * * * *

(b) * * *
(1) * * *
(iii) * * *

(c) * * * *Provided*, That the period of curing and drying shall be 45 days if the pork or pork product is accompanied to the processing establishment by a certificate of an official of the national government of a hog cholera free country which specifies that:

(*1*) The pork involved originated in that country and the pork or pork product was consigned to a processing establishment in _____ (a country not listed in paragraph (a) of this section as free of hog cholera), in a closed container sealed by the national veterinary authorities of the hog cholera free country by seals of a serially numbered type; and

(*2*) The numbers of the seals used were entered on the meat inspection certificate of the hog cholera free country which accompanied the shipment from such free country: *And, provided further*, That the certificate required by paragraph (b)(3) of this section also states that: The container seals specified in paragraph (b)(1)(iii)(c)(*1*) of this section were found intact and free of any evidence of tampering on arrival at the processing establishment by a national veterinary inspector; and the processing establishment from which the pork or pork product is shipped to the United States does not receive or process any live swine, and uses only pork or pork product which originates in countries listed in paragraph (a) of this section as free of hog cholera and processes all such pork or pork products in accordance wit hparagraph (b)(1) (i), (ii), or (iii) of this section.

* * * * *

(Sec. 2, 32 Stat. 792, as amended; 21 U.S.C. 111, 37 FR 28464, 28477.)

Effective date.—The foregoing amendments shall become effective June 11, 1973.

The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the introduction and dissemination of the contagion of hog cholera, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 11th day of June 1973.

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

[FR Doc.73-11914 Filed 6-13-73;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73-773]

PART 545—OPERATIONS

Participation Loans

JUNE 8, 1973.

By FR Doc. 73-479, dated March 29, 1973, which was duly published in the FEDERAL REGISTER on April 11, 1973, the Federal Home Loan Bank Board adopted amendments to part 563 of the rules and regulations for Insurance of Accounts (12 CFR, pt. 563) relating to nationwide lending and participation loans by insured institutions. It has been pointed out to the Board that certain provisions of § 545.6-4 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.6-4) are inconsistent with said amendments.

The Board considers it desirable to amend said § 545.6-4 in two respects. First, the phrase "to any investing institution, fund, corporation, partnership, or trust" is deleted from the second sentence of subparagraph (1) of paragraph (a). A similar amendment was made to § 563.9-2 (12 CFR 563.9-2) by said Document No. 73-479. Second, the definition of "approved lender" in paragraph (c) of § 545.6-4 is deleted and a reference to the definition of "approved lender or lenders" contained in paragraph (g) of § 563.9 (12 CFR 563.9(g)) is added to the first sentence of subparagraph (1) of paragraph (a) of § 545.6-4.

Accordingly, the Board hereby amends said § 545.6-4 by revising it to read as set forth below, effective June 14, 1973.

§ 545.6-4 Participations.

(a) *General.*—(1) *Authority for participations.*—Subject to the provisions of § 545.6-7, a Federal association may participate in the making of a loan on the security of real estate with, or purchase a participation interest in such a loan from, an approved lender or lenders (as defined in paragraph (g) of § 563.9 of this chapter) if the loan qualifies as a loan in which the association is otherwise authorized to invest, but only the amount of the association's participation interest is required to be counted toward any percentage-of-assets limitation or other percentage limitation in this chapter. A Federal association may sell a participation interest in a loan upon the security of real estate. A Federal association shall comply with the provisions of part 563 of this chapter with respect to the making of loans in participation with other approved

lenders and with respect to the purchase and sale of participation interests in loans on the security of real estate.

(2) *Exception for urban renewal loans.*—Investments in urban renewal loans pursuant to § 545.6–18(b) may be made in participation with other than approved lenders, as permitted by § 545.6–18(e).

(b) *Board approval for other transactions.*—A Federal association may engage in a participation transaction other than one permitted by paragraph (a) of this section only if it has obtained prior written approval of the Board with respect to such transaction. Any loan in which a Federal association participates or in which it purchases a participation interest pursuant to such approval may be repayable on such basis and within such period as the Board may authorize in such approval, without regard to any other provisions of this part.

Since the above amendment relieves restriction and is for the purpose of clarification, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

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

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER, *Secretary.*

[FR Doc.73–11907 Filed 6–13–73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 9471, Amendment 71–8; 91–116]

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

PART 91—GENERAL OPERATING AND FLIGHT RULES

ATC Transponder and Automatic Pressure Altitude Reporting Equipment Requirements

Correction

In FR Doc. 73–11009 appearing at page 14672 in the issue of Monday, June 4, 1973, on page 14675 in the third column, in paragraph VI. the first sentence in subparagraph 2. should read "The proposed regulations will decrease safety during poor weather conditions by denying superior airport facilities to general aviation aircraft that are not equipped as required."

[Airspace Docket No. 73–WA–25]

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

Alteration of VOR Federal Airway

The purpose of this amendment to the Federal Aviation Regulations is to alter the legal description of VOR Federal Airway No. 8 between Findlay, Ohio, and Briggs, Ohio.

Victor 8 is presently designated, in part, from Findlay direct to Briggs. The direct route between these points virtually overlies Mansfield, Ohio. The applicable periodic aeronautical charts presently depict the route as using Mansfield in its structure. Since it is desirable for air traffic control purposes to include Mansfield in the structure of Victor 8, this amendment alters the legal description of that airway to conform to current air traffic procedures and to conform to the manner in which the airway is currently depicted on applicable aeronautical charts.

Since this is a minor amendment in which the public is not particularly interested, and since it will have no substantial effect upon the operation of aircraft, notice and public procedure thereon are unnecessary. However, in the interest of having the legal description of this segment of Victor 8 conform to current operating practice at an early date, good cause exists for making this amendment effective on less than 30 days notice.

In consideration of the foregoing, part 71 of the Federal Aviation Regulations is amended, effective on June 14, 1973, as hereinafter set forth.

Sec. 71.123 (38 FR 307) is amended as follows: In V8 "Findlay, Ohio; Briggs, Ohio;" is deleted and "Findlay, Ohio; Mansfield, Ohio; Briggs, Ohio;" is substituted therefor.

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

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

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

[FR Doc. 73–11844 Filed 6–13–73; 8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–10178]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Control Locations for Foreign Securities

Introduction. Rule 15c3–3 (17 CFR 240.15c3–3) under the Securities Exchange Act of 1934 requires a broker-dealer to promptly obtain possession or control of all fully paid securities and excess margin securities carried for the account of his customers and to take action within designated time frames where possession or control has not been established. Paragraphs (c)(4) and (c)(7) of rule 15c3–3 deem control of customer securities to have been established if such securities are in the custody of a foreign depository, foreign clearing agency, foreign custodian bank or such other location which the Commission upon application shall designate as a satisfactory control location for securities.

Permissible control locations for foreign securities. On January 30, 1973, in Securities Exchange Act Release No. 9969 (38 FR 3313) it was indicated that the Commission had received numerous requests to designate certain entities as control locations for customer's foreign securities held in a foreign location under paragraphs (c)(4) and (c)(7) of rule 15c3–3 in order that broker-dealers may comply with the requirements to reduce such customer securities to their control. The release indicated that after reviewing the requests and obtaining such additional information as may be necessary, the Commission anticipated that it would publish guidelines for control locations for foreign securities held in a foreign location on or about April 30, 1973. Pending such publication, that release stated that the Commission had determined that "to the extent a broker-dealer has utilized a foreign entity (e.g., a foreign custodian bank) for holding customers' foreign securities in a foreign location, or a domestic entity which holds such broker's or dealer's customers' foreign securities in a foreign location, as of January 15, 1973, or at any time within 2 years immediately preceding such date, such broker-dealer shall be permitted to utilize such entity as a satisfactory control location for such foreign securities under rule 15c3–3 until May 31, 1973." The Commission has now determined the availability of those locations as permissible control locations for foreign securities until September 28, 1973.[1]

The Commission staff is still awaiting the receipt of information which it has requested from numerous broker-dealers who have requested the designation of certain foreign entities as permissible control locations for foreign securities and from broker-dealers who hold other broker-dealers' customers' foreign securities in a foreign location in order that the Commission may publish appropriate guidelines for control locations for foreign securities. The receipt of this information has been delayed primarily because it must in most cases be obtained from overseas. The Commission wishes to indicate that in order for it to establish appropriate guidelines in a timely fashion it is important that all the information requested by the Commission

[1] The Commission may deem a specific entity as a noncontrol location at a date earlier than Sept. 28 if the Commission determines that for the protection of investors it would not be in the public interest to permit such entity to continue to be a control location for foreign securities.

staff from broker-dealers seeking such foreign control location designations for foreign entities or such a designation for the broker-dealer itself should be received no later than June 11, 1973.

The Commission anticipates that it will publish guidelines for control locations for foreign securities on or about August 31, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

MAY 30, 1973.

[FR Doc.73-11858 Filed 6-13-73;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

[Docket No. R-458]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Exemptions From Area Rate Ceilings; Order Amending Order and Granting and Denying Petitions for Rehearing

JUNE 8, 1973.

Policy with respect to sales where reduced pressures, need for reconditioning, deeper drilling, or other factors make further production uneconomical at existing prices, docket No. R-458.

On November 8, 1972, the Commission issued a notice of proposed rulemaking in docket No. R-458 to amend its general rules of practice and procedure to add a new section, § 2.76,[1] providing for the consideration of applications by independent producers for special relief from area rate ceilings with respect to sales of natural gas where reduced pressures, the need for reconditioning, or deeper drilling make further production uneconomical at the existing prices. On April 12, 1973, after reviewing the comments which had been submitted, we revised proposed § 2.76 and adopted the same as amended.[2]

On May 10, 1973, the Public Service Commission for the State of New York (PSCNY) filed a petition for hearing of order No. 481 alleging that, as drafted, § 2.76c requires the submission of economic data justifying the increased rate sought by the producer applicant only in those cases where the alternative to the relief requested is abandonment of the existing sale or sales and that the rule as set forth in § 2.76a is not limited to cases where the alternative is abandonment. On May 11, 1973, The Associated Gas Distributors (AGD) filed an application for rehearing for the purpose of clarification seeking to require the submission of the data required by § 2.76(c) in all cases "wherein the requested abandonment is based on the absence of production in paying quantities or other equivalent bases, such as reservoir depletion."

For the reasons set forth in order No. 481, we believe that the requests for rehearing should be granted in part and denied in part, and that § 2.76 should be amended for purposes of clarification.

The purpose of § 2.76 is not to provide procedures for abandonment, but to provide a procedure which allows a natural gas producer, who must perform additional developmental work on his wells, to seek a higher rate than he would otherwise be entitled to so that the developmental work can be performed in lieu of that producer applying for permission to abandon the sale in question. It was not our intention in adopting § 2.76 to promulgate specialized abandonment procedures where abandonment was sought for economic reasons. We were seeking to provide a means whereby producers who were willing to engage in additional developmental work on their wells could obtain the necessary increase in rates to pay for the work rather than simply seeking to abandon the sale.

We affirm our intentions, as expressed in order No. 481, to limit this rulemaking to those situations in which abandonment will be the apparent result of a denial of the request for special relief. While we realized that there are situations in which abandonment is not imminent, but in which there is a need for special relief from the applicable area rate; such situations are the purpose of the special relief provisions of the area rate opinions.

It is apparent from the foregoing that the petitions for rehearing filed by PSCNY and AGD should be granted in part and denied in part.

The Commission finds

It is in the public interest and appropriate to the administration of the Natural Gas Act[3] that § 2.76 be amended for purpose of clarification.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, 7, and 16 thereof (52 Stat. 822, 823, 824, 825, and 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, and 717o) orders:

(A) Paragraphs (a) and (c) of § 2.76 of the Commission's general rules of practice and procedure (pt. 2, subch. A of ch. I, title 18 of the Code of Federal Regulations) are amended to read as follows:

§ 2.76 Policy with respect to rates where reduced pressures, need for reconditioning, deeper drilling, or other factors make further production uneconomical at existing prices.

(a) With respect to jurisdictional sales of natural gas where reduced pressures, the need for reconditioning of the wells, deeper drilling, or other factors make further production uneconomical at existing rates and where abandonment will be the apparent result of a denial of special relief from the applicable area rate, it will be the general policy of the Commission, in order to promote the optimum recovery of gas reserves, to accept for consideration applications by independent producers seeking special relief in the form of contractually authorized rate increases, or rate increases where the contract term has expired, in excess of the applicable area rate ceiling.

* * * * *

(c) Applicants shall establish the economic justification for their request, including information on additional costs, the unit price which if applied to the sale of the additional reserves would justify the additional expenditure, and the amount of gas to be recovered and sold in the interstate market.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-11880 Filed 6-13-73;8:45 am]

[1] 18 CFR 2.76.

[2] Order promulgating policy with respect to sales where reduced pressures, need for reconditioning, deeper drilling, or other factors make further production uneconomical at existing prices, order No. 481, docket No. R-458, —— FPC —— (issued Apr. 12, 1973).

[3] 15 U.S.C. 717, et seq.

Title 49—Transportation

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1136, Amendment 1]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co. Authorized To Operate Over Tracks of Soo Line Railroad Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 7th day of June 1973.

Upon further consideration of Service Order No. 1136 (38 FR 12809), and good cause appearing therefor:

It is ordered, That: § 1033.1136, *Service Order 1136*, (Chicago & North Western Transportation Co. authorized to operate over tracks of Soo Line Railroad Co.). Service Order No. 1136 be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

(e) *Expiration date.*—The provisions of this order shall expire at 11:59 p.m., November 30, 1973, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date.—This amendment shall become effective at 11:59 p.m., June 15, 1973.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1(10-17), 15 (4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4), and 17 (2).)

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car

Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this amendment be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-11895 Filed 6-13-73;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-145]

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
*	*		*	*	*	*
Oklahoma	Payne	Stillwater, city of.	I 40 119 4460 01 through I 40 119 4460 07	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, room 408, Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Office of the City Engineer, Municipal Bldg., 723 South Lewis St., Stillwater, Okla. 74074.	Apr. 30, 1971, Emergency. June 22, 1973, Regular.
Vermont	Washington	Montpelier, city of.	I 50 023 0380 01 through I 50 023 0380 06	Water Supply and Pollution Control Division, Water Resources Department, Barrear Bldg., 5 Court St., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Office of the City Manager, City Hall, Montpelier, Vt. 05602.	Oct. 20, 1972, Emergency. June 22, 1973, Regular.
Wisconsin	Chippewa	Unincorporated areas.	I 55 017 000 01 through I 55 017 000 15	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	County Clerk's Office, Chippewa County, Chippewa Falls, Wis. 5729.	Mar. 26, 1971, Emergency. June 22, 1973, Regular.

(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 6, 1973.

GEORGE K. BERNSTEIN, *Federal Insurance Administrator.*

[FR Doc.73-11719 Filed 6-13-73;8:45 am]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

[Docket No. FI-146]

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR, part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective upon publication in the FEDERAL REGISTER. Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 **List of communities with special hazard areas.**

* * * * * * *

State	County	Location	Map No.	State map repository	Loca lmap repository	Effective date of identification of areas which have special flood hazards
*	*	*	*	*	*	*
New Jersey	Bergen	Ho-Ho-Kus, Borough of.	H 34 033 1440 01	Bureau of Water Control, Department of Environmental Protection, P.O. Box, 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Ho-Ho-Kus Borough Hall, East Franklin Turnpike, Ho-Ho-Kus, N.J. 07423.	June 22, 1973.
Do.	do.	Old Tappan, Borough of.	H 34 003 2420 01 through H 34 003 2420 03	do.	Borough Clerk's Office, Borough Hall, 247 Old Tappan Rd., Old Tappan, N.J. 07675.	Do.
Do.	do.	Rochelle Park, Township of.	H 34 003 2848 01	do.	Township Clerk's Office, Rochelle Park, N.J. 07662.	Do.
Do.	Essex	Verona, Borough of.	H 34 013 3450 01	do.	Borough Engineer's Office, 600 Bloomfield Ave., Verona, N.J. 07044.	Do.
Oklahoma	Payne	Stillwater, City of.	H 40 119 4460 01 through H 40 119 4460 07	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, room 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	Office of the City Engineer, Municipal Bldg., 723 South Lewis St., Stillwater, Okla. 74074.	Do.
Pennsylvania	Perry	Marysville, Borough of.	H 42 099 4930 01.	Department of Community Affairs, Commonwealth of Pa. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Marysville Borough Hall, P.O. Box A, Marysville, Pa. 17053.	Do.
Do.	Tioga	Tioga, Borough of.	H 42 117 8450 01 through H 42 117 8450 02.	do.	Borough of Tioga, Box 485, Church St., Tioga, Pa. 16946.	Do.
Do.	Bucks	Upper Makefield, Township of.	H 42 017 4000 01 through H 42 017 4000 06.	do.	Upper Makefield Township Supervisors, Eagle Ragle Rd., Rural Delivery No. 2, Newton, Pa. 18940.	Do.
Vermont	Washington	Montpelier, City of.	H 50 023 0380 01 through H 50 023 0380 06.	Water Supply and Pollution Control Division, Water Resources Department, Barmar Bldg., 5 Court St., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Office of the City Manager, City Hall, Montpelier, Vt. 05602.	Do.
Wisconsin	Chippewa	Unincorporated areas.	H 55 017 000 01 through H 55 017 000 15.	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	County Clerk's Office, Chippewa County, Chippewa Falls, Wis. 54729.	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 6, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-11720 Filed 6-13-73;8:45 am]

Title 32—National Defense

CHAPTER XVI—SELECTIVE SERVICE SYSTEM

MISCELLANEOUS AMENDMENTS TO CHAPTER

Whereas, on May 9, 1973, the Director of Selective Service published a notice of proposed amendments of Selective Service Regulations 38 FR 12134 of May 9, 1973; and

Whereas such publication complied with the publication requirement of section 13(b) of the Military Selective Service Act (50 App. U.S.C. secs. 451 et seq.), in that more than 30 days have elapsed subsequent to such publication during which period comments from the public have been received and considered; and I certify that I have requested the views of officials named in section 2(a) of Executive Order 11623 and none of them has timely requested that the matter be referred to the President for decision.

The revision of § 1622.30 would liberalize the eligibility requirements for the deferment of registrants because of the dependency of others. The amendment to § 1623.4(a) would eliminate the requirements that a notice of classification be sent to a registrant classified in class 1–W and that the date of termination of the deferment be entered on a notice of classification of a registrant classified in class 2–S. The other amendments would terminate occupational deferments which were granted prior to April 23, 1970. The final texts of the amendments are as proposed.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. secs. 451 et seq.) and Executive Order 11623 of October 12, 1971, the Selective Service Regulations, constituting a portion of chapter XVI of title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m., e.d.s.t. on June 30, 1973, as follows:

PART 1622—CLASSIFICATION RULES AND PRINCIPLES

Section 1622.2, Classes is amended to read as follows:

§ 1622.2 Classes.

Each registrant shall be classified in one of the following classes:

CLASS 1

Class 1–A: Available for military service.
Class 1–AM: Registrant in any of the specified medical, dental, and allied specialist categories.
Class 1–A–O: Conscientious objector available for noncombatant military service only.
Class 1–C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.
Class 1–D: Member of Reserve component or student taking military training.
Class 1–H: Registrant not currently subject to processing for induction.
Class 1–O: Conscientious objector available for alternate service.
Class 1–W: Conscientious objector performing alternate service in lieu of induction.

CLASS 2

Class 2–AM: Medical, dental, or allied specialist deferred because of community service.
Class 2–D: Registrant deferred because of study preparing for the ministry.
Class 2–M: Registrant deferred because of study preparing for a specified medical specialty.
Class 2–S: Registrant deferred because of activity in study.

CLASS 3

Class 3–A: Registrant deferred because of dependency of others.

CLASS 4

Class 4–A: Registrant who has completed military service.
Class 4–B: Officials deferred by law.
Class 4–C: Aliens.
Class 4–D: Minister of religion.
Class 4–F: Registrant not qualified for military service.
Class 4–G: Registrant exempted from service during peace.
Class 4–W: Conscientious objector who has completed alternate service in lieu of induction.

§§ 1622.20, 1622.21, 1622.23, 1622.23a and 1622.24 [Revoked]

Section 1622.20, General rules for classification in class II, is revoked.

Section 1622.21, Length of deferments in class II, is revoked.

Section 1622.22, Class 2–A: Registrant deferred because of civilian occupation (except agriculture) or nondegree study, is revoked.

Section 1622.23, Necessary employment defined, is revoked.

Section 1622.23a, Standards and requirements for apprentice training programs and acceptance of such programs for deferment purposes under paragraph (b) of § 1622.23, is revoked.

Section 1622.24, Class II–C: Registrant deferred because of agricultural occupation, is revoked.

Section 1622.28 is added to read as follows:

§ 1622.28 Class 2–AM: Medical, dental, or allied specialist deferred because of community service.

(a) In class 2–AM shall be placed every registrant in class 1–AM whose occupation following his year of prime vulnerability as defined in § 1680.5(b) of this chapter has been found to represent an especially critical community service.

(b) The local board will reopen and consider anew the classification of each registrant in class 2–AM not later than 365 days after he was last classified in class 2–AM.

Section 1622.30 is amended to read as follows:

§ 1622.30 Class 3–A: Registrant deferred because of dependency of others.

(a) In class 3–A shall be placed any registrant—

(1) Whose induction would result in extreme hardship to his wife when she alone is dependent upon him for support;

(2) Whose deferment is advisable because his child, parent, grandparent, brother, or sister is dependent upon him for support;

(3) Whose deferment is advisable because his wife and his child, parent, grandparent, brother, or sister are dependent upon him for support; or

(4) Who has been separated from active military service by reason of dependency or hardship.

(b) The local board will reopen and consider anew the classification of each registrant in class 3–A not later than 365 days after he was last classified in class 3–A.

(c) As used in this section—

(1) The term "child" shall include any person under 18 years of age who is a legitimate or an illegitimate child from the date of its conception, a stepchild, a foster child, or a child legally adopted;

(2) The term "parent" shall include any person who has stood in the place of a parent to the registrant for at least 5 years preceding the 18th anniversary of the registrant's date of birth;

(3) The term "support" includes but is not limited to financial assistance."

PART 1623—CLASSIFICATION PROCEDURES

Section 1623.2, Consideration of classes, is amended to read as follows:

§ 1623.2 Consideration of classes.

(a) Every registrant other than a registrant eligible for classification in class 1–AM shall be placed in class 1–A under the provisions of section 1622.10 of this chapter except that when grounds are established to place a registrant in any one of the classes listed in the following table, the registrant shall be classified in the lowest class for which he is determined to be eligible with class 1–A–O considered the highest class and class 4–A considered the lowest class, according to the following table:

Class 1–A–O: Conscientious objector available for noncombatant military service only.
Class 1–O: Conscientious objector available for alternate service.
Class 2–AM: Medical, dental, or allied specialist deferred because of community essentiality.
Class 2–S: Registrant deferred because of activity in study.
Class 2–D: Registrant deferred because of study preparing for the ministry.
Class 2–M: Registrant deferred because of study preparing for a specified medical specialty.
Class 3–A: Registrant deferred because of dependency of others.
Class 4–B: Officials deferred by law.
Class 4–C: Aliens.
Class 4–D: Minister of religion.
Class 1–H: Registrant not currently subject to processing for induction.
Class 4–G: Registrant exempted from service during peace.
Class 4–F: Registrant not qualified for military service.
Class 4–W: Conscientious objector who has completed alternate service in lieu of induction.
Class 1–D: Member of reserve component or student taking military training.
Class 1–W: Conscientious objector performing alternate service in lieu of induction.
Class 1–C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.

Class 4-A: Registrant who has completed military service.

(b) A registrant eligible for classification in class 1-AM under the provisions of § 1622.15 of this chapter shall be placed in that class except that when grounds are established to place a registrant in any one of the classes listed in the following table, the registrant shall be classified in the lowest class for which he is determined to be eligible, with class 1-A-O considered the highest and class 4-A considered the lowest class, according to the following table:

Class 1-A-O: Conscientious objector available for noncombatant military service only.
Class 1-O: Conscientious objector available for alternate service.
Class 2-AM: Medical, dental, or allied specialist deferred because of community essentiality.
Class 2-S: Registrant deferred because of activity in study.
Class 2-D: Registrant deferred because of study preparing for the ministry.
Class 2-M: Registrant deferred because of study preparing for a specified medical specialty.
Class 3-A: Registrant deferred because of dependency of others.
Class 4-B: Officials deferred by law.
Class 4-C: Aliens.
Class 4-D: Minister of religion.
Class 1-H: Registrant not currently subject to processing for induction.
Class 4-G: Registrant exempted from service during peace.
Class 4-F: Registrant not qualified for military service.
Class 4-W: Conscientious objector who has completed alternate service in lieu of induction.
Class 1-D: Member of Reserve component or student taking military training.
Class 1-W: Conscientious objector performing alternate service in lieu of induction.
Class 1-C: Member of the Armed Forces of the United States, the National Oceanic and Atmospheric Administration, or the Public Health Service.
Class 4-A: Registrant who has completed military service.

Section 1623.4(a) is amended to read as follows:

§ 1623.4 Action to be taken when classification determined.

(a) As soon as practicable after the local board has classified a registrant in a class other than class 1-C or class 1-W it shall mail him a notice thereof.

* * * * *

PART 1680—MEDICAL, DENTAL, OR ALLIED SPECIALIST CATEGORIES (CLASS 1-AM)

Section 1680.8 is amended to read as follows:

§ 1680.8 Deferments.

Any registrant subject to this part may be considered for classification in class 2-AM as provided in § 1622.28 of this chapter.

BYRON V. PEPITONE,
Director.

JUNE 11, 1973.

[FR Doc.73-11906 Filed 6-13-73;8:45 am]

PART 1660—ALTERNATE SERVICE

Selection of Nonvolunteers

Whereas, on May 9, 1973, the Director of Selective Service published a notice of proposed amendments of Selective Service Regulations 38 FR 12135 of May 9, 1973; and

Whereas more than 30 days have elapsed subsequent to such publication during which period comments from the public have been received and considered.

These amendments authorize the Director of Selective Service to direct the cancellation of an order to report for alternate service and eliminate the requirement that a registrant be furnished a conscientious objectors skills questionnaire (SSS Form 152) within 15 days after his classification into class 1-O. The final texts of the amendments are as proposed.

Now therefore by virtue of the authority vested in me by section 6(j) of the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 et seq.), the Selective Service Regulations, constituting a portion of chapter XVI of title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m., e.d.s.t., on June 30, 1973, as follows:

* * * * *

Section 1660.4(d) is added to read as follows:

§ 1660.4 Selection of nonvolunteer for alternate service.

(d) The Director may direct the cancellation of an order to report for alternate service for any registrant prior to his failing or refusing to report for alternate service.

§ 1660.7 [Revoked]

Section 1660.7(a) is revoked.

BYRON V. PEPITONE,
Director.

JUNE 11, 1973.

[FR Doc.73-11905 Filed 6-13-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Lacreek National Wildlife Refuge, S. Dak.

The following special regulation is issued and is effective on June 14, 1973.

§ 33.5 Special regulations; sport fishing, for individual wildlife refuge areas.

SOUTH DAKOTA

LACREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Lacreek National Wildlife Refuge, Martin, S. Dak. 57551, will be extended to allow rod, reel, and pole fishing according to State law on portions of pools 5, 7, and 10 designated by signs, as open to bank fishing. These areas comprise about 4 linear miles of bank fishing and are delineated on maps available at the refuge headquarters and from the Area Manager, Bureau of Sport Fisheries and Wildlife, Federal Building, Pierre, S. Dak. 57501.

Portions of pools 5 and 7 will be open June 15, 1973, in accordance with amendment No. 5, page 10, "Public Hunting and Fishing Plan for Lacreek National Wildlife Refuge." Revised March 27, 1973, which permits recreational salvage prior to drawdowns.

Pools 5 and 7 will be open to fishing until July 30, 1973, or until drawdowns and/or construction terminates the fishing.

Fishing will be permitted around pool 10 as designated from June 30 to October 1, 1973.

The use of boats for all Lacreek Refuge fishing is prohibited except on the Little White River Recreation Area. Public fishing on Lacreek National Wildlife Refuge may be closed at anytime to protect impassable roads, construction, or wildlife.

Fishermen must park at designated parking areas.

The provisions of these special regulations supplement the regulations which govern fishing on wildlife refuge areas generally which are set forth in title 50, Code of Federal Regulations, part 33, and are effective through December 31, 1973.

HAROLD H. BURGESS,
Refuge Manager, Lacreek National Wildlife Refuge, Martin, S. Dak.

JUNE 6, 1973.

[FR Doc.73-11885 Filed 6-13-73;8:45 am]

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR, Part 319]

DEFINITION AND STANDARD OF IDENTITY FOR BOCKWURST

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that the Department of Agriculture, pursuant to the authority conferred by the Federal Meat Inspection Act, as amended (34 Stat. 1260, as amended; 21 U.S.C. 601 et seq.), proposes to amend part 319 of the meat inspection regulations (9 CFR part 319) to provide for a standard of identity for product labeled "Bockwurst."

Statement of considerations.—The Federal Meat Inspection Act requires that nonstandardized products subject to its provisions be identified on their labels with common or usual names, if any are applicable. These are names that have been associated with products that exhibit particular textural or other physical properties, or traditionally have been prepared with certain ingredients in customary amounts, or are made in a conventional manner or are unique for other significant reasons. Published standards of the Department also prescribe names for the standardized products that reflect the distinguishing characteristics of such products and usually have a traditional association with the products.

Pursuant to the Department's policy of providing full consumer protection under the Federal Meat and Poultry Inspection program, this proposed amendment would prescribe a compositional standard for the product commonly and usually called "Bockwurst." Data pertinent to the proposed amendment were developed from observations of industry practices, product formula information submitted with requests to the Department for label approvals, and recommendations from members of the meat industry and State government officials.

It is proposed to add a new § 319.281 to subpart L of part 319 and to amend the subpart heading to read as follows:

Subpart L—Meat Specialties, Puddings and Nonspecific Loaves

§ 319.281 Bockwurst.

(a) Bockwurst is an uncured, comminuted, cooked or uncooked meat food product, in a casing, that contains meat, milk, eggs, and vegetables, and any of the optional ingredients listed in paragraph (b) of this section, and that is prepared in accordance with the provisions of paragraphs (a) (1), (2), (3), and (4) of this section.

(1) Meat shall constitute not less than 70 percent of the total weight of the uncooked product and consist of pork or a mixture of pork and veal, pork and beef, or pork, veal, and beef. Such meat shall be frozen or fresh (unfrozen) meat.

(2) The milk may be fresh, whole milk or nonfat dry milk or both.

(3) "Eggs" refers to whole eggs.

(4) "Vegetables" refers to onions, chives, parsley, and leeks alone or in any combination.

(b) Bockwurst may contain one or more of the following optional ingredients:

(1) Water;
(2) Pork fat;
(3) Celery, fresh or dehydrated;
(4) Spices; flavorings;
(5) Salt;
(6) Corn syrup solids, corn syrup, and glucose syrup, with a maximum limit of 2 percent, individually or collectively, calculated on a dry basis.
(7) Autolyzed yeast extract, hydrolyzed plant protein, milk protein hydrolysate, and monosodium glutamate.
(8) Sugars (Sucrose and Dextrose).

Any person wishing to submit written data, views, or arguments concerning the proposed amendment may do so by filing them in duplicate with the hearing clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by August 17, 1973.

Any person desiring opportunity for oral presentation of views should address such requests to the Product Standards Staff, Scientific and Technical Services, Meat and Poultry Inspection program, 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 record will be made of all views orally presented.

All written submission and records 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 makes the submission to the staff identified in the preceding paragraph and requests that it be held confidential. A determination will be made whether a proper showing in support of the request has been made on 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 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 11, 1973.

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

[FR Doc.73-11915 Filed 6-13-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR, Part 57]

FINANCIAL DISTRESS GRANTS TO HEALTH PROFESSIONS SCHOOLS

Notice of Proposed Rulemaking

Section 773 of the Public Health Service Act as added by the Comprehensive Health Manpower Training Act of 1971 authorizes the Secretary of Health, Education, and Welfare to make grants to assist public or nonprofit private schools of medicine, osteopathy, dentistry, optometry, podiatry, pharmacy, or veterinary medicine which are in serious financial straits to meet their cost of operation in the fiscal year in which the grant is sought, or which have special need for financial assistance to meet accreditation requirements.

Notice is hereby given that the Director, National Institutes of Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to adopt the following regulations set forth in tentative form below.

Written comments concerning the proposed regulations are invited from interested persons. Inquiries may be addressed, and data, views, and arguments relating to the regulations may be presented in writing, in triplicate, to Associate Director (Program Implementation), Bureau of Health Manpower Education, National Institutes of Health, building 31, room 5C12, 9000 Rockville Pike, Bethesda, Md. 20014. All comments received in response to this regulation will be available for public inspection at the Office of Grants Policy, Bureau of Health Manpower Education, National Institutes of Health, building 31, room 5B36, 9000 Rockville Pike, Bethesda, Md.

20014, on weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m. All relevant material received not later than July 16, 1973, will be considered.

It is therefore proposed to add a new subpart M to part 57 as set forth below.

Dated May 4, 1973.

JOHN F. SHERMAN,
Acting Director,
National Institutes of Health.

Approved June 11, 1973.

CASPAR W. WEINBERGER,
Secretary.

A new subpart M is hereby added to part 57 as follows:

Subpart M—Financial Distress Grants to Health Professions Schools

Sec.
57.1201 Applicability.
57.1202 Definitions.
57.1203 Eligibility.
57.1204 Application.
57.1205 Assurances required.
57.1206 Grant awards.
57.1207 Payments.
57.1208 Expenditure of grant funds.
57.1209 Nondiscrimination.
57.1210 Accountability.
57.1211 Records, reports, inspection, and audit.
57.1212 Additional conditions.
57.1213 Early termination and withholding of payments.

AUTHORITY:—Sec. 215, 58 Stat. 690, as amended (42 U.S.C. 216); sec. 773, 85 Stat. 446 (42 U.S.C. 295f-3).

Subpart M—Financial Distress Grants to Health Professions Schools

§ 57.1201 Applicability.

The regulations in this subpart are applicable to the award of grants pursuant to section 773 of the Public Health Service Act (42 U.S.C. 295f-3) to assist schools of medicine, osteopathy, dentistry, veterinary medicine, optometry, pharmacy, and podiatry which are in serious financial straits to meet their cost of operation or which have special need for financial assistance to meet accreditation requirements.

§ 57.1202 Definitions.

As used in this subpart:

(a) "Act" means the Public Health Service Act, as amended.

(b) "Secretary" means the Secretary of Health, Education, and Welfare and any other officer or employee of the Department of Health, Education, and Welfare to whom the authority involved has been delegated.

(c) "School" means a public or other nonprofit school of medicine, dentistry, osteopathy, optometry, podiatry, pharmacy, or veterinary medicine which provides a course of study or a portion thereof leading respectively to a degree of doctor of medicine, doctor of dental surgery or an equivalent degree, doctor of osteopathy, doctor of optometry or an equivalent degree, doctor of podiatry or an equivalent degree, bachelor of science in pharmacy or equivalent degree, or doctor of veterinary medicine or an equivalent degree, and which is accredited as provided in section 775 (b)(2) of the Act.

(d) "Council" means the National Advisory Council on Health Professions Education (established by section 725 of the Act).

(e) "Fiscal year" means the Federal fiscal year beginning July 1 and ending the following June 30.

(f) "Construction" means (1) the construction of new buildings or the expansion or acquisition of existing buildings (including related costs such as architect's fees, acquisition of land, offsite improvements, and the initial equiping of such buildings); and (2) the remodeling, alteration and repair of existing buildings.

§ 57.1203 Eligibility.

To be eligible for a financial distress grant under section 773 of the Act the applicant shall:

(a) Be a school as defined in § 57.1202 (c) with operating income insufficient to meet its cost of operation in the fiscal year in which the grant is sought, or which has special need for financial assistance to meet accreditation requirements. A school is considered to have such "special need" for financial assistance if accreditation requirements cannot be met within the school's operating income; and

(b) Be located in a State, the District of Columbia, Puerto Rico, the Virgin Islands, the Canal Zone, Guam, American Samoa, or the Trust Territory of the Pacific Islands.

§ 57.1204 Application.

(a) Each school desiring a financial distress grant shall submit an application in such form and at such time as the Secretary may require.[1] Such application shall be executed by an individual authorized to act for the applicant and to assume on behalf of the applicant the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

(b) The application shall state the purpose for which the application is made and shall include a narrative of the manner in which the applicant intends to utilize funds awarded in accordance with this subpart and a proposed plan to eliminate the need for support under this subpart.

§ 57.1205 Assurances required.

(a) Pursuant to section 773(d) of the Act, the applicant shall submit an assurance satisfactory to the Secretary that the applicant will expend in carrying out its functions as a school during the fiscal year for which the grant is sought, an amount of non-Federal funds (excluding costs of construction as defined in § 57.1202(f)) at least as great as the average amount of non-Federal funds (excluding expenditures of a nonrecurring nature, including costs of construction as defined in § 57.1202(f)) expended for this purpose during the 3 fiscal years immediately preceding such fiscal year. The determination of the average amount of non-Federal funds expended by a new school during this 3-year period shall be the average for such of the 3 preceding years as expenditures were actually made in carrying out the functions of the school: *Provided, however,* That the Secretary may, after consultation with the Council, waive the above requirement with respect to any school if he determines that the application of such requirement to such school would be inconsistent with the purposes of section 773 of the Act.

(b) The Secretary may in individual cases require additional assurances where he finds that such additional assurances are necessary to carry out the purposes of section 773 of the Act.

§ 57.1206 Grant awards.

(a) Within the limits of funds available for such purpose, the Secretary, after consultation with the Council, may award a financial distress grant to assist any applicant with operating income insufficient to meet its costs of operation in the fiscal year in which the grant is sought, or which has special need for financial assistance to meet accreditation requirements taking into consideration, among other pertinent factors:

(1) The extent to which the school is either in serious financial straits and unable to meet its cost of operation or has special need for financial assistance to meet accreditation problems;

(2) The alternatives available to the school to meet its need for financial assistance;

(3) The actions which the applicant has taken, or proposes to take, to ameliorate the problem;

(4) The merit of the applicant's proposed plan to eliminate the long-range need for support under this program; and

(5) The causes of the school's financial distress.

(b) Any grant under this subpart shall be made upon such terms and conditions as the Secretary determines to be reasonable and necessary to carry out the purposes of the grant including requirements, where applicable, that the school agree (1) to disclose any financial information or data deemed by the Secretary to be necessary to determine the sources or causes of that school's financial distress; (2) to conduct a comprehensive cost analysis study in cooperation with the Secretary; and (3) to carry out appropriate operational and financial reforms on the basis of information obtained in the course of the comprehensive cost analysis study or on the basis of other relevant information.

(c) The amount of any award shall be determined by the Secretary on the basis of his estimate of the sum necessary to carry out the purposes of the applicant's approved plan: *Provided, however,* That grant awards to meet costs of operation of a school shall not exceed the

[1] Applications and instructions are available from the Division of Physician and Health Professions Education, Bureau of Health Manpower Education, National Institutes of Health, 9000 Rockville Pike, building 31, room 4C02, Bethesda, Md. 20014.

funds necessary to meet the school's anticipated deficit through June 30 of the year in which the grant is sought.

(d) All grant awards shall be in writing, shall set forth the amount of funds granted and the period for which such funds will be available for obligation by the grantee.

(e) Neither the approval of any application nor the award of any grant shall commit or obligate the United States in any way to make any additional, supplemental, or other award with respect to any approved plan or portion thereof.

§ 57.1207 Payments.

The Secretary shall from time to time make payments to a grantee of all or a portion of any grant award, either in advance or by way of reimbursement.

§ 57.1208 Expenditure of grant funds.

(a) Grant funds awarded to schools for the purpose of meeting costs of operation may be expended for such costs in accordance with the applicable provisions of the Act, the regulations of this subpart and the terms and conditions of the award for any purpose necessary to reduce or remove the operating deficit through June 30 of the year in which the grant is sought, including the liquidation of obligations incurred either by the grantee or parent institution prior to the date of the grant award to the extent such obligations were incurred for costs properly considered regular operating costs of the school: *Provided, however,* That such funds shall not be expended for (1) construction as defined in § 57.1202(f) (except that grant funds may be used for alteration and renovation); (2) student aid; and (3) depreciation, amortization, or use charges. Such funds will be available for a fixed period set forth on the grant award statement based upon the Secretary's estimate of the time necessary to permit the school to utilize the grant funds in reducing or removing the current deficit.

(b) Grant funds awarded to schools for the purpose of meeting accreditation requirements shall be expended solely for carrying out the school's approved plan in accordance with the applicable provisions of the Act, the regulations of this subpart, the terms and conditions of the award and the applicable portions of the Department of Health, Education, and Welfare Grants Administration Manual;[1] *Provided however,* That grant funds may only be used to pay direct costs. Such funds will be available for obligation through the end of the fiscal year following the fiscal year in which the grant is sought.

(c) Any unobligated grant funds remaining in the grant account at the end of the period of fund availability (as set forth in paragraphs (a) and (b) of this section) shall be refunded to the Federal Government.

§ 57.1209 Nondiscrimination.

(a) Attention is called to the requirements of section 799A of the Act and to 45 CFR, part 83, which together provide that the Secretary may not make a grant, loan guarantee, or interest subsidy payment under title VII of the Act to, or for the benefit of, any entity unless he receives satisfactory assurance that the entity will not discriminate on the basis of sex in the admission of individuals to its training programs.

(b) Attention is called to the requirements of title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. 2000d et seq.) which provides that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. A regulation implementing such title VI, which is applicable to grants made under this subpart, has been issued by the Secretary with the approval of the President (45 CFR, pt. 80).

(c) Attention is also called to the requirements of title IX of the Education Amendments of 1972 and in particular to section 901 of such Act which provides that no person, shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

(d) Grant funds used for alteration or renovation shall be subject to the condition that the grantee shall comply with the requirements of Executive Order 11246, 30 FR 12319 (Sept. 24, 1965), as amended, and with the applicable rules, regulations, and procedures prescribed pursuant thereto.

§ 57.1210 Accountability.

(a) *Accounting for grant award payments.*—All payments made by the Secretary shall be recorded by the grantee in accounting records separate from the records of all other funds, including funds derived from other grant awards. With respect to each award the grantee shall account for the sum total of all amounts paid by presenting or otherwise making available evidence satisfactory to the Secretary of expenditures for costs meeting the requirements of this subpart.

(b) *Accounting for equipment under grants to meet accreditation requirements.*—As used in this section, the term "equipment" means an article of property procured or fabricated which is complete in itself, is of a durable nature, and has an expected service life of more than 1 year. Equipment on hand on the date of termination for which accounting is required in accordance with the procedures set forth in chapter 1–410–50 of the "Grants Administration Manual" shall be identified and reported by the grantee in accordance with such procedures and be accounted for by one or a combination of the following methods, as determined by the Secretary:

(1) *Retention of equipment for other health projects.*—Equipment may be used, without adjustment of accounts, for other grant-supported activities (whether or not federally supported) within the scope of the applicable provisions of the Act, and no other accounting for such equipment shall be required: *Provided, however,* (i) That during such period of use no charge for depreciation, amortization or for other use of the equipment shall be made against any existing or future Federal grant or contract, and (ii) if within the period of its useful life, the equipment is transferred by sale or otherwise for use outside the scope of section 773 of the Act, the Federal portion of the fair market value at the time of transfer shall be refunded to the Federal Government.

(2) *Sale or other disposition of equipment, crediting of proceeds or value.*—The equipment may be sold by the grantee and the net proceeds of sale credited to the grant account for grant-related use, or they may be used or disposed of in any manner by the grantee by crediting to the grant account the Federal share of the fair market value on the termination date. To the extent equipment purchased from grant funds is used for credit or trade-in on the purchase of new equipment, the accounting obligation shall apply to the same extent to such new equipment.

(3) *Return or transfer of equipment.*—The equipment may be returned to the Federal Government by the grantee, or in accordance with the provisions of chapter 1–410–50B of the Grants Administration Manual may be transferred to another grantee.

(c) *Accounting for grant-related income.*—(1) *Interest.*—Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4213), a State will not be held accountable for interest earned on grant funds pending their disbursement for grant purposes. A State, as defined in section 102 of the Intergovernmental Cooperation Act of 1968, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All grantees other than a State, as defined in this subsection, must return all interest earned to the Federal Government.

(2) *Grant-related income.*—Grant-related income earned by the grantee shall be disposed of in accordance with one of the alternatives specified in chapter 1–420 of the Grants Administration Manual as determined by the Secretary in the grant award.

(d) *Grant closeout.*—(1) *Date of final accounting.*—A grantee shall render, with respect to each approved project, a full account, as provided herein, as of date of the termination of grant support.

[1] The Department of Health, Education, and Welfare Grants Administration Manual is available for public inspection and copying at the Departments' and regional offices' information centers listed in 45 CFR 5.31 and may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

The Secretary may require other special and periodic accounting.

(2) *Final settlement.*—There shall be payable to the Federal Government as final settlement with respect to each grant the total sum of (i) any amount not accounted for pursuant to paragraph (a) of this section; (ii) any credits for equipment on hand as provided in paragraph (b) of this section; (iii) any credits for earned interest pursuant to paragraph (c)(1) of this section, and (iv) any other settlements required pursuant to paragraph (c)(2) of this section. Such total sum shall constitute a debt owed by the grantee to the Federal Government and shall be recovered from the grantee or its successors or assigns by set off or other action as provided by law.

§ 57.1211 Records, reports, inspection, and audit.

(a) *Records and reports.*—Each grant awarded pursuant to this subpart shall be subject to the condition that the grantee shall maintain such operational and accounting records, identifiable by grant number, and file with the Secretary such operational and fiscal reports relating to the use of grant funds, as the Secretary may find necessary to carry out the purposes of the applicable provisions of the Act and the regulations of this subpart. All records shall be retained for 3 years after the close of the period for which funds are available for obligation by the grantee (see § 57.1208 of this subpart). Such records may be destroyed at the end of such 3-year period if the applicant has been notified of the completion of the Federal audit by such time. If the applicant has not been so notified, such records shall be retained (1) for 5 years after the close of the period for which funds are available for obligation of the Federal audit, whichever comes by the grantee, or (2) until the grantee is notified of the completion first. In all cases where audit questions have arisen before the expiration of such 5-year period, records shall be retained until resolution of all such questions.

(b) *Inspection and audit.*—Any application for a grant award under this subpart shall constitute the consent of the applicant to inspections of the facilities, equipment, and other resources of the applicant at reasonable times by the Secretary and the Comptroller General of the United States or any of their duly authorized representatives and to interviews with the principal staff members and students to the extent that such resources, personnel, and students are, or will be involved in the activity. In addition, the acceptance of any grant award under this subpart shall constitute the consent of the grantee to inspections and fiscal audits by such persons of the supported activity and of progress and fiscal records relating to the use of grant funds.

§ 57.1212 Additional conditions.

The Secretary may, with respect to any grant award, impose additional conditions prior to or at the time of any award when, in his judgment, such conditions are necessary to assure or protect advancement of the approved activity, the interests of the public health or the conservation of grant funds.

§ 57.1213 Early termination and withholding of payments.

Whenever the Secretary finds that a grantee has failed in a material respect to comply with the applicable provisions of the Act, the regulations of this subpart, or the terms of the grant, he may on reasonable notice to the grantee, withhold further payments, and take such other action, including the termination of the grant, as he finds appropriate to carry out the purposes of the applicable provisions of the Act and regulations. Noncancelable obligations of the grantee properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

[FR Doc.73-11900 Filed 6-13-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[24 CFR, Part 425]

[Docket No. R. 73-231]

INTEREST REDUCTION HOUSING

Proposed Guidelines for Assisted Admission to Multifamily Housing Projects

The Department of Housing and Urban Development is considering amending part 425 to add regulations that would establish guidelines for the admission of applicants, at less than market rent, into multifamily housing insured and assisted under section 236 of the National Housing Act. Such admission is termed "assisted admission". Under the proposed regulations, project owners or their managing agents may, at their discretion and within the guidelines set forth in the proposal, admit applicants for assisted admission. Supporting written documentation shall be maintained for each applicant so admitted.

Interested persons are invited to participate in the making of the proposed policy by submitting written data, views, or statements. Communications should be identified by the above docket number and title and should be filed in triplicate with the rules docket clerk, office of the general counsel, room 10256, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, D.C. 20410.

All relevant material received on or before July 16, 1973, will be considered before adoption of the final rule. Copies of comments submitted will be available for examination during business hours at the above address.

The proposed amendments are as follows:

1. Section 425.1 is amended by adding a new paragraph (c) to read as follows:

§ 425.1 Purpose and definitions.

* * * * * *

(c) "Assisted admission" means admission at a rent less than the fair market monthly rental charge.

2. Section 425.22 is added to read as follows:

§ 425.22 Guidelines for assisted admission.

(a) *Maximum income.*—The adjusted income of an applicant shall not exceed the maximum income limits established by the Secretary for the project locality.

(b) *Ability to pay rent.*—The project owner or his managing agent may, at his discretion, admit an applicant for assisted admission whose adjusted income meets the requirement in paragraph (a) of this section if, in his judgment, the applicant has an adequate income to pay the basic monthly rental charge. If the applicant's income appears inadequate, the factors listed below, in addition to the applicant's income, may be taken into consideration in making a determination of whether he will be able to pay the basic monthly rental charge. The project owner or his managing agent shall maintain supporting written documentation for the decision to admit an applicant for assisted admission based upon these factors.

(1) A local welfare or other agency has agreed to pay all or a portion of the basic monthly rental charge.

(2) The applicant is 62 years of age or older.

(3) The applicant is a qualified tenant on whose behalf the project owner will receive rent supplement payments under part 215 of this title.

(4) The applicant has established a history of rent-paying ability at levels equal to or greater than basic rent.

(5) The applicant has sufficient income, when considered together with other assets, to pay the basic monthly rental charge for a reasonable period.

(6) The applicant receives food stamps, surplus commodities or similar benefits that favorably affect the applicant's ability to pay rent.

(7) Such other factors as, in the judgment of the project owner or his managing agent, bear favorably upon the applicant's ability to pay rent.

Issued at Washington, D.C., June 11, 1973.

ABNER D. SILVERMAN,
Acting Assistant Secretary for Housing Management.

[FR Doc.73-11904 Filed 6-13-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR, Part 93]

[Docket No. 12885, Notice No. 73-18]

SPECIAL VFR PROHIBITION AT KANSAS CITY MUNICIPAL AIRPORT CONTROL ZONE

Proposed Elimination

The Federal Aviation Administration proposes to amend part 93 of the Federal Aviation Regulations to permit special VFR operations in the Kansas City, Mo., Municipal Airport control zone.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data,

views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to: Federal Aviation Administration, Office of the General Counsel, attention: Rules docket, AGC-24, 800 Independence Avenue SW., Washington, D.C. 20591. All communications received on or before July 30, 1973, will be considered by the Administrator before taking action on the proposed rule. The proposals 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.

Amendment 93-10, effective April 30, 1968, added § 93.113 prohibiting the operation of fixed-wing aircraft under the special VFR weather minimums prescribed in § 91.107 within specifically designated control zones, including the control zone at Kansas City, Mo. (Kansas City Municipal Airport). The preamble to that amendment stated that the FAA's objective in promulgating that rule was, among other things, to develop a system of airspace use and air traffic control and navigation that would permit the movement of people and goods in air commerce at optimum levels of safety and efficiency. For this reason, the Kansas City Municipal Airport control zone was included in § 93.113.

Since the recent opening of the new Kansas City International Airport, however, a substantial number of aircraft operations, particularly air carrier operations, have moved from the Kansas City Municipal Airport to the new airport. These operations are no longer a factor in the air traffic mix within the control zone for the Kansas City Municipal Airport. Because of this significant reduction in air carrier and other traffic volume, the FAA believes that continuation of the current prohibition against the use of special VFR in § 93.113 would be an unnecessary burden on the users of Kansas City Municipal Airport. It is, therefore, proposed to delete the control zone for that airport from § 93.113, thereby permitting the special VFR weather minimums of § 91.107 to be applied to appropriate operations in that control zone.

In consideration of the foregoing, it is proposed to amend part 93 of the Federal Aviation Regulations by deleting the words "15. Kansas City, Mo. (Kansas City Municipal Airport)" from § 93.113.

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

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

RAYMOND G. BELANGER,
Acting Director,
Air Traffic Service, AT-1.

[FR Doc.73-11845 Filed 6-13-73;8:45 am]

ACTION

[45 CFR, Part 1203]

NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to the authority of section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1), ACTION proposes to add part 1203 to title 45 of the Code of Federal Regulations. Section 601 of the Civil Rights Act of 1964 forbids discrimination on the basis of race, color, or national origin, in any program that receives Federal financial assistance. The regulation implements that statute by defining the forms of discrimination prohibited, the procedures to be followed in enforcing the prohibition, and, in the appendices, the programs covered.

Interested persons may submit written comments, objections, or suggestions to the Director, ACTION, 806 Connecticut Avenue NW., Washington, D.C. 20525, on or before July 16, 1973. Written comments, objections, and suggestions submitted will be available for public inspection at the address given above during the regular business hours of ACTION. The proposed regulation reads as follows:

PART 1203—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF ACTION—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Sec.

AUTHORITY.—Sec. 602, 78 Stat. 252; 42 U.S.C. 2000d-1.

§ 1203.1 Purpose.

The purpose of this part is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as title VI), to the end that a person in the United States shall not, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under a program or activity receiving Federal financial assistance from ACTION.

§ 1203.2 Application of this part.

(a) This part applies to each program for which Federal financial assistance is authorized under a law administered by ACTION, including the federally assisted programs listed in appendix A to this part. It also applies to money paid, property transferred, or other Federal financial assistance extended under a program after the effective date of this part pursuant to an application approved before that effective date. This part does not apply to:

(1) Federal financial assistance by way of insurance or guaranty contracts;

(2) Money paid, property transferred, or other assistance extended under a program before the effective date of this part, except when the assistance was subject to the title VI regulations of an agency whose responsibilities are now exercised by ACTION;

(3) Assistance to any individual who is the ultimate beneficiary under a program; or

(4) Employment practices, under a program, of an employer, employment agency, or labor organization, except to the extent described in § 1203.4(c).

The fact that a program is not listed in appendix A to this part does not mean, if title VI is otherwise applicable, that the program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to appendix A to this part.

(b) In a program receiving Federal financial assistance in the form, or for the acquisition, of real property or an interest in real property, to the extent that rights to space on, over, or under that property are included as part of the program receiving that assistance, the nondiscrimination requirement of this part extends to a facility located wholly or in part in that space.

§ 1203.3 Definitions.

Unless the context requires otherwise, in this part:

(a) "Applicant" means a person who submits an application, request, or plan required to be approved by ACTION, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means that application, request, or plan.

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

(c) "Federal financial assistance" includes:

(1) Grants and loans of Federal funds;

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

(3) The detail of Federal personnel;

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

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

(d) "Primary recipient" means a recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(e) "Program" includes a program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training or other services whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities), or for the provision of facilities for furnishing services, financial aid, or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance are deemed to include a service, financial aid, or other benefits provided (1) with the aid of Federal financial assistance, (2) with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet the matching requirements or other conditions which must be met in order to receive the Federal financial assistance, or (3) in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(f) "Recipient" may mean any State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual in any State, the District of Columbia, the Commonwealth of Puerto Rico, or territory or possession of the United States, to whom Federal financial assistance is extended, directly or through another recipent, for any program, including any successor, assignee, or transferee thereof, but the term does not include any ultimate beneficiary under a program.

(g) "Director" means the Director of ACTION or any person to whom he has delegated his authority in the matter concerned.

§ 1203.4 Discrimination prohibited.

(a) *General.*—A person in the United States shall not, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, a program to which this part applies.

(b) *Specific discriminatory actions prohibited.*—(1) A recipient under a program to which this part applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin—

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

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

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

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

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

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program; or

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

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under a program or the class of persons to whom, or the situations in which, the services, financial aid, other benefits, or facilities will be provided under a program, or the class of persons to be afforded an opportunity to participate in a program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

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

(4) (i) In administering a program regarding which the recipient had previously discriminated against persons on the ground of race, color, or national origin, the recipient shall take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of prior discrimination a recipient in administering a program may take affirmative action to overcome the effect of conditions which resulted in limiting participation by persons of a particular race, color, or national origin.

(c) *Employment practices.*—(1) When a primary objective of a program of Federal financial assistance to which this part applies is to provide employment, a recipient or other party subject to this part shall not, directly or through contractual or other arrangements, subject a person to discrimination on the ground of race, color, or national origin in its employment practices under the program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay, or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). A recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to race, color, or national origin. The requirements applicable to construction employment under a program are those specified in or pursuant to part III of Executive Order 11246 or any Executive order which supersedes it.

(2) Federal financial assistance to programs under laws funded or administered by ACTION which have as a primary objective the providing of employment include those set forth in appendix B to this part.

(3) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the ground of race, color, or national origin in the employment practices of the recipient tends, on the ground of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this part applies, the provisions of subparagraph (1) of this paragraph apply to the employment practices of the recipient to the extent necessary to assure equality of opportunity to and nondiscriminatory treatment of beneficiaries.

(d) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program to which this part applies, on the ground of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of title VI of this part.

§ 1203.5 Assurances required.

(a) *General.*—(1) An application for Federal financial assistance to carry out a program to which this part applies, except a program to which paragraph (d) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of Federal financial assistance pursuant to the application, contain or be accompanied by, assurances that the program will be conducted or the facility

operated in compliance with the requirements imposed by or pursuant to this part. Every program of Federal financial assistance shall require the submission of these assurances. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurances shall obligate the recipient, or, in the case of a subsequent transfer, the transferree, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In other cases, the assurances obligate the recipient for the period during which the Federal financial assistance is extended to the program. In the case where the assistance is sought for the construction of a facility or part of a facility, the assurances shall extend to the entire facility and to the facilities operated in connection therewith. ACTION shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. The assurances shall include provisions which give the United States the right to seek judicial enforcement.

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

(b) *Assurances from Government agencies.*—In the case of an application from a department, agency, or office of a State or local government for Federal financial assistance for a specified purpose, the assurance required by this section shall extend to any other department, agency, or office of the same governmental unit if the policies of the other department, agency, or office will substantially affect the project for which Federal financial assistance is requested. That requirement may be waived by the responsible ACTION official if the applicant establishes, to the satisfaction of the responsible ACTION official, that the practices in other agencies or parts or programs of the governmental unit will in no way affect (1) its practices in the program for which Federal financial assistance is sought, or (2) the beneficiaries of or participants in or persons affected by the program, or (3) full compliance with this part as respects the program.

(c) *Assurance from academic and other institutions.*—(1) In the case of an application for Federal financial assistance by an academic institution, the assurance required by this section extends to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required by an academic institution, detention or correctional facility, or any other institution or facility, relating to the institution's practices with respect to admission or other treatment of individuals as students, patients, wards, inmates, persons subject to control, or clients of the institution or facility or to the opportunity to participate in the provision of services, disposition, treatment, or benefits to these individuals, is applicable to the entire institution or facility unless the applicant establishes, to the satisfaction of the responsible ACTION official, that the practices in designated parts or programs of the institution or facility will in no way affect its practices in the program of the institution or facility for which Federal financial assistance is sought, or the beneficiaries of or participants in the program. If the assistance sought is for the construction of a facility or part of a facility, the assurance shall extend to the entire facility and to facilities operated in connection therewith.

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

§ 1203.6 Compliance information.

(a) *Cooperation and assistance.*—ACTION, to the fullest extent practicable, shall seek the cooperation of recipients in obtaining compliance with this part and shall provide assistance and guidance to recipients to help them comply voluntarily with this part.

(b) *Compliance reports.*—Each recipient shall keep records and submit to ACTION timely, complete, and accurate compliance reports at the times, and in the form and containing the information ACTION may determine necessary to enable it to ascertain whether the recipient has complied or is complying with this part. In the case of a program under which a primary recipient extends Federal financial assistance to other recipients, the other recipients shall also submit compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this part. In general, recipients should have available for ACTION racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs.

(c) *Access to sources of information.*—Each recipient shall permit access by ACTION during normal business hours to its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this part. When information required of a recipient is in the exclusive possession of another agency, institution, or person and this agency, institution, or person fails or refuses to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.*—Each recipient shall make available to participants, beneficiaries, and other interested persons the information regarding the provisions of this part and its applicability to the program under which the recipient received Federal financial assistance, and make this information available to them in the manner, as ACTION finds necessary, to apprise the persons of the protections against discrimination assured them by title VI and this part.

§ 1203.7 Conduct of investigations.

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

(b) *Complaints.*—Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by this part may by himself or by a representative file with ACTION a written complaint. A complaint shall be filed not later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by ACTION.

(c) *Investigations.*—ACTION will make a prompt investigation whenever

a compliance review, report, complaint, or other information indicates a possible failure to comply with this part. The investigation will include, when appropriate, a review of the pertinent practices and policies of the recipient, the circumstances under which the possible noncompliance with this part occurred, and other factors relevant to a determination as to whether the recipient has failed to comply with this part.

(d) *Resolution of matters.*—(1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this part, ACTION will so inform the recipient and the matter will be resolved by voluntary means whenever possible. If it has been determined that the matter cannot be resolved by voluntary means, action will be taken as provided for in § 1203.8.

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

(e) *Intimidatory or retaliatory acts prohibited.*—A recipient or other person shall not intimidate, threaten, coerce, or discriminate against an individual for the purpose of interfering with a right or privilege secured by section 601 of title VI of this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this part. The identity of complainants shall be kept confidential, except to the extent necessary to carry out the purposes of this part, including the conduct of an investigation, hearing, or judicial proceeding arising thereunder.

§ 1203.8 Procedure for effecting compliance.

(a) *General.*—(1) If there appears to be a failure or threatened failure to comply with this part, and if the noncompliance or threatened noncompliance cannot be corrected by informal means, compliance with this part may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by other means authorized by law.

(2) Other means may include, but are not limited to, (*i*) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce the rights of the United States under a law of the United States (including other titles of the Civil Rights Act of 1964) or an assurance or other contractual undertaking, and (*ii*) an applicable proceeding under State or local law.

(b) *Noncompliance with § 1203.5.*—If an applicant fails or refuses to furnish an assurance required under § 1203.5 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. ACTION shall not be required to provide assistance in that case during the pendency of the administrative proceedings under this paragraph. Subject, however, to § 1203.12, ACTION shall continue assistance during the pendency of the proceedings where the assistance is due and payable pursuant to an application approved prior to the effective date of this part.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.*—An order suspending, terminating, or refusing to grant or to continue Federal financial assistance shall not become effective until—

(1) ACTION has advised the applicant or recipient of his failure to comply and has determined that compliance cannot be secured by informal voluntary means;

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

(3) The action has been approved by the Director pursuant to § 1203.10(e); and

(4) The expiration of 30 days after the Director has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstances and the grounds for the action.

An action to suspend or terminate or refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which the noncompliance has been so found.

(d) *Other means authorized by law.*—An action to effect compliance with title VI by other means authorized by law shall not be taken by ACTION until—

(1) ACTION has determined that compliance cannot be secured by voluntary means;

(2) The recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance; and

(3) The expiration of at least 10 days from the mailing of a notice to the recipient or person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take corrective action as may be appropriate.

§ 1203.9 Hearings.

(a) *Opportunity for hearing.*—When an opportunity for a hearing is required by § 1203.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of notice within which the applicant or recipient may request of ACTION that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated time and place. The time and place so fixed shall be reasonable and subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set is deemed to be a waiver of the right to a hearing under section 602 of title VI and § 1203.8 (c) and consent to the making of a decision on the basis of the information available.

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

(c) *Right to counsel.*—In all proceedings under this section, the applicant or recipient and ACTION have the right to be represented by counsel.

(d) *Procedures, evidence, and record.*—(1) The hearing, decision, and an administrative review thereof shall be conducted in conformity with sections 554 through 557 of title 5, United States Code, and in accordance with the rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments, and briefs, requests for findings, and other related matters. Both ACTION and the applicant or recipient are entitled to introduce relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this part, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where determined reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. Documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. Decisions shall be based on the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.*—In cases in which the same or related facts are asserted to constitute noncompliance with this part with respect to two or more programs to which this part applies, or noncompliance with this part and the regulations of one or more other Federal departments or agencies issued under title VI, ACTION may, by agreement with the other departments or agencies, when applicable, provide for the conduct of consolidated or joint hearings, and for the application to these hearings of rules or procedures not inconsistent with this part. Final decisions in these cases, insofar as this regulation is concerned, shall be made in accordance with § 1203.10.

§ 1203.10 Decisions and notices.

(a) *Procedure on decisions by hearing examiner.*—If the hearing is held by a hearing examiner, the hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Director for a final decision, and a copy of the initial decision or certification shall be mailed to the applicant or recipient. When the initial decision is made by the hearing examiner, the applicant or recipient may, within 30 days after the mailing of a notice of initial decision, file with the Director his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Director may, on his own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that he will review the decision. On the filing of the exceptions or of notice of review, the Director shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision, subject to paragraph (e) of this section, shall constitute the final decision of the Director.

(b) *Decisions on record or review by the Director.*—When a record is certified to the Director for decision or the Director reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or when the Director conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with it briefs or other written statements of the recipient's contentions, and a written copy of the final decision of the Director will be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.*—When a hearing is waived pursuant to § 1203.9, a decision shall be made by ACTION on the record and a written copy of the decision shall be sent to the applicant or recipient, and to the complainant, if any.

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

(e) *Approval by ACTION.*—A final decision by an official of ACTION other than by the Director, which provides for the suspension or termination of, or the refusal to grant or continue Federal financial assistance, or the imposition of any other sanction available under this part or title VI, shall promptly be transmitted to the Director, who may approve the decision, vacate it, or remit or mitigate a sanction imposed.

(f) *Content of orders.*—The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain the terms, conditions, and other provisions as are consistent with and will effectuate the purposes of title VI and this part, including provisions designed to assure that Federal financial assistance will not thereafter be extended under the programs to the applicant or recipient determined by the decision to be in default in its performance of an assurance given by it under this part, or to have otherwise failed to comply with this part, unless and until it corrects its noncompliance and satisfies ACTION that it will fully comply with this part.

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

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

(3) If ACTION denies a request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes ACTION is in error. The applicant or recipient shall be given an expeditious hearing, with a decision on the record in accordance with the rules or procedures issued by ACTION. The applicant or recipient shall be restored to eligibility if it proves at the hearing that it satisfied the requirements of paragraph (g) (1) of this section. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section remain in effect.

§ 1203.11 Judicial review.

Action taken pursuant to section 602 of title VI is subject to judicial review as provided in section 603 of title VI.

§ 1203.12 Effect on other regulations, forms, and instructions.

(a) *Effect on other regulations.*—Regulations, orders, or like directions issued before the effective date of this part by ACTION which impose requirements designed to prohibit discrimination against individuals on the ground of race, color, or national origin under a program to which this part applies, and which authorizes the suspension or termination of or refusal to grant or to continue Federal financial assistance to an applicant for or recipient of assistance under a program for failure to comply with the requirements, are superseded to the extent that discrimination is prohibited by this part, except that nothing in this part relieves a person of an obligation assumed or imposed under a superseded regulation, order, instruction, or like direction, before the effective date of this part. This part does not supersede any of the following (including future amendments thereof): (1) Executive Order 11246 (3 CFR, 1965 Supp.) and regulations issued thereunder or (2) any other orders, regulations, or instructions, insofar as these orders, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in a program or situation to which this part is inapplicable, or prohibit discrimination on any other ground.

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

(c) *Supervision and coordination.*—ACTION may from time to time assign to officials of ACTION, or to officials of other departments or agencies of the Government with the consent of the departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI and this part (other than responsibilities for final decision as provided in § 1203.10), including the achievement of effective coordination and maximum uniformity within ACTION and within the executive branch in the application of title VI and this part to similar programs and in similar situations. An action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though the action had been taken by ACTION.

APPENDIX A—PROGRAMS TO WHICH THIS PART APPLIES

1. Grants for the development or operation of retired senior volunteer programs pursuant to section 601 of the Older Americans Act of 1965, as amended (42 U.S.C. 3044).

2. Grants for the development and operation of foster grandparents projects pursuant to section 611 of the Older Americans Act of 1965, as amended (42 U.S.C. 3044b).

APPENDIX B—PROGRAMS TO WHICH THIS PART APPLIES WHEN A PRIMARY OBJECTIVE OF THE FEDERAL FINANCIAL ASSISTANCE IS TO PROVIDE EMPLOYMENT

1. Grants for the development or operation of retired senior volunteer programs pursuant to section 601 of the Older Americans Act of 1965, as amended (42 U.S.C. 3044).

2. Grants for the development and operation of foster grandparents projects pursuant to section 611 of the Older Americans Act of 1965, as amended (42 U.S.C. 3044b).

Issued in Washington, D.C., on March 26, 1973.

WALTER C. HOWE, Jr.,
Acting Director,
ACTION.

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AMERICAN REVOLUTION BICENTENNIAL COMMISSION

[36 CFR, Part 601]

NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

Notice of Proposed Rulemaking

Notice is hereby given that pursuant to the authority of section 602 of the Civil Rights Act of 1964 (42 U.S.C. 2000d-1), the American Revolution Bicentennial Commission proposes to amend title 36 of the Code of Federal Regulations by adding a new chapter VI, "American Revolution Bicentennial Commission," consisting of part 601 as set forth below. Section 601 of the Civil Rights Act of 1964 forbids discrimination on the basis of race, color, or national origin in any program that receives Federal financial assistance. The new part 601 implements that statute by defining the forms of discrimination prohibited, the procedures to be followed in enforcing the prohibition, and, in the appendices, the programs covered. Interested persons may submit written comments, objections, or suggestions to the Executive Director, American Revolution Bicentennial Commission, 736 Jackson Place NW., Washington, D.C. 20276, on or before July 16, 1973. Written comments, objections, and suggestions submitted will be available for public inspection at the address given above during the regular business hours of the Commission. The proposed part 601 reads as follows:

PART 601—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Sec.
601.1 Purpose.
601.2 Application of this regulation.
601.3 Definitions.
601.4 Discrimination prohibited.
601.5 Assurances required.
601.6 Compliance information.
601.7 Conduct of investigations.
601.8 Procedure for effecting compliance.
601.9 Hearings.
601.10 Decisions and notices.
601.11 Judicial review.
601.12 Effect on other regulations, forms, and instructions.
Appendix A—Programs to which this regulation applies.
Appendix B—Programs to which this regulation applies when a primary objective of the Federal financial assistance is to provide employment.

AUTHORITY.—Sec. 602, Civil Rights Act of 1964; 78 Stat. 252; 42 U.S.C. 2000d-1.

§ 601.1 Purpose.

The purpose of this regulation is to effectuate the provisions of title VI of the Civil Rights Act of 1964 (hereafter referred to as title VI) to the end that a person in the United States shall not, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under a program or activity receiving Federal financial assistance from the Commission.

§ 601.2 Application of this regulation.

(a) This regulation applies to each program for which Federal financial assistance is authorized under a law administered by the Commission, including the federally assisted program listed in appendix A to this regulation. It also applies to money paid, property transferred, or other Federal financial assistance extended under a program after the effective date of this regulation pursuant to an application approved before that effective date. This regulation does not apply to:

(1) Federal financial assistance by way of insurance or guaranty contracts;

(2) Money paid, property transferred, or other assistance extended under a program before the effective date of this regulation, except when the assistance was subject to the title VI regulations of an agency whose responsibilities are now exercised by the Commission;

(3) Assistance to any individual who is the ultimate beneficiary under a program; or

(4) Employment practices, under a program, of an employer, employment agency, or labor organization, except to the extent described in § 601.4(c).

The fact that a program is not listed in appendix A to this part does not mean, if title VI is otherwise applicable, that the program is not covered. Other programs under statutes now in force or hereinafter enacted may be added to appendix A to this part.

(b) In a program receiving Federal financial assistance in the form, or for the acquisition, of real property or an interest in real property, to the extent that rights to space on, over, or under that property are included as part of the program receiving that assistance, the nondiscrimination requirement of this regulation extends to a facility located wholly or in part in that space.

§ 601.3 Definitions.

Unless the context requires otherwise, in this regulation:

(a) "Applicant" means a person who submits an application, request, or plan required to be approved by the Commission, or by a primary recipient, as a condition to eligibility for Federal financial assistance, and "application" means that application, request, or plan.

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

(c) "Federal financial assistance" includes:

(1) Grants and loans of Federal funds;

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

(3) The detail of Federal personnel;

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

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

(d) "Primary recipient" means a recipient that is authorized or required to extend Federal financial assistance to another recipient for the purpose of carrying out a program.

(e) "Program" includes a program, project, or activity for the provision of services, financial aid, or other benefits to individuals (including education or training or other services whether provided through employees of the recipient of Federal financial assistance or provided by others through contracts or other arrangements with the recipient, and including work opportunities), or for the provision of facilities for furnishing services, financial aid, or other benefits to individuals. The services, financial aid, or other benefits provided under a program receiving Federal financial assistance are deemed to include a service, financial aid, or other benefits provided (1) with the aid of Federal financial assistance, (2) with the aid of any non-Federal funds, property, or other resources required to be expended or made available for the program to meet the matching requirements or other conditions which must be met in order to receive the Federal financial assistance, or (3) in or through a facility provided with the aid of Federal financial assistance or such non-Federal resources.

(f) "Recipient" may mean any State, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, or any political subdivision thereof, or instrumentality thereof, any public or private agency, institution, or organization, or other entity, or any individual in any State, the District of Columbia, the Commonwealth of Puerto Rico, or territory or possession of the United States, to whom Federal financial assistance is extended, directly or through another recipient, for any program, including any successor, assignee, or transferee thereof, but the term does not include any ultimate beneficiary under a program.

(g) "Commission" means the American Revolution Bicentennial Commission.

(h) "Chairman" means the Chairman of the American Revolution Bicentennial Commission, or any person to whom he has delegated his authority in the matter concerned.

§ 601.4 Discrimination prohibited.

(a) *General.*—A person in the United States shall not, on the ground of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under, a program to which this regulation applies.

(b) *Specific discriminatory actions prohibited.*—(1) A recipient under a program to which this regulation applies may not, directly or through contractual or other arrangements, on the ground of race, color, or national origin—

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

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

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

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

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

(vi) Deny a person an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program; or

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

(2) A recipient, in determining the types of services, financial aid, or other benefits, or facilities which will be provided under a program or the class of persons to whom, or the situations in which, the services, financial aid, other benefits, or facilities will be provided under a program, or the class of persons to be afforded an opportunity to participate in a program, may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program with respect to individuals of a particular race, color, or national origin.

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

(4) (i) In administering a program regarding which the recipient had previously discriminated against persons on the ground of race, color, or national origin, the recipient shall take affirmative action to overcome the effects of prior discrimination.

(ii) Even in the absence of prior discrimination a recipient in administering a program may take affirmative action to overcome the effect of conditions which resulted in limiting participation by persons of a particular race, color, or national origin.

(c) *Employment practices.*—(1) When a primary objective of a program of Federal financial assistance to which this regulation applies is to provide employment, a recipient or other party subject to this regulation shall not, directly or through contractual or other arrangements, subject a person to discrimination on the ground of race, color, or national origin in its employment practices under the program (including recruitment or recruitment advertising, hiring, firing, upgrading, promotion, demotion, transfer, layoff, termination, rates of pay, or other forms of compensation or benefits, selection for training or apprenticeship, use of facilities, and treatment of employees). A recipient shall take affirmative action to insure that applicants are employed, and employees are treated during employment, without regard to race, color, or national origin. The requirements applicable to construction employment under a program are those specified in or pursuant to part III of Executive Order 11246 or any Executive order which supersedes it.

(2) Federal financial assistance to programs under laws funded or administered by the Commission which have as a primary objective the providing of employment include those set forth in appendix B to this part.

(3) Where a primary objective of the Federal financial assistance is not to provide employment, but discrimination on the ground of race, color, or national origin in the employment practices of the recipient tends, on the ground of race, color, or national origin, to exclude persons from participation in, to deny them the benefits of, or to subject them to discrimination under any program to which this regulation applies, the provisions of paragraph (c) (1) of this section apply to the employment practices of the recipient to the extent necessary to assure equality of opportunity to and nondiscriminatory treatment of beneficiaries.

(d) In determining the site or location of facilities, a recipient or applicant may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under, a program to which this regulation applies, on the ground of race, color, or national origin; or with the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of title VI or this regulation.

§ 601.5 Assurances required.

(a) *General.*—(1) An application for Federal financial assistance to carry out a program to which this regulation applies, except a program to which paragraph (d) of this section applies, and every application for Federal financial assistance to provide a facility shall, as a condition to its approval and the extension of Federal financial assistance pursuant to the application, contain or be accompanied by, assurances that the program will be conducted or the facility operated in compliance with the requirements imposed by or pursuant to this regulation. Every program of Federal financial assistance shall require the submission of these assurances. In the case where the Federal financial assistance is to provide or is in the form of personal property, or real property or interest therein or structures thereon, the assurances shall obligate the recipient, or, in the case of a subsequent transfer, the transferee, for the period during which the property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits, or for as long as the recipient retains ownership or possession of the property, whichever is longer. In other cases, the assurances obligate the recipient for the period during which the Federal financial assistance is extended to the program. In the case where the assistance is sought for the construction of a facility or part of a facility, the assurances shall extend to the entire facility and to the facilities operated in connection therewith. The Commission shall specify the form of the foregoing assurances for each program, and the extent to which like assurances will be required of subgrantees, contractors and subcontractors, transferees, successors in interest, and other participants in the program. The assurances shall include provisions which give the United States the right to seek judiciary enforcement.

(2) When Federal financial assistance is provided in the form of a transfer of real property, structures, or improvements thereon, or interest therein, from the Federal Government, the instrument effecting or recording the transfer shall contain a covenant running with the land assuring nondiscrimination for the period during which the real property is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits. When no transfer of property or interest therein from the Federal Government is involved, but property is acquired or improved under a program of Federal financial assistance, the recipient shall agree to include a covenant in any subsequent transfer of the property. When the property is obtained from the Federal Government, the covenant may also include a condition coupled with a right to be reserved by the Commission to revert title to the

property in the event of a breach of the covenant where, in the discretion of the Commission, such a condition and right of reverter is appropriate to the program under which the real property is obtained and to the nature of the grant and the grantee. In the event a transferee of real property proposes to mortgage or otherwise encumber the real property as security for financing construction of new, or improvement of existing, facilities on property for the purposes for which the property was transferred, the Commission may agree, on request of the transferee and if necessary to accomplish the financing, and on conditions as he deems appropriate, to subordinate a right of reversion to the lien of a mortgage or other encumbrance.

(b) *Assurances from government agencies.*—In the case of an application from a department, agency, or office of a State or local government for Federal financial assistance for a specified purpose, the assurance required by this section shall extend to any other department, agency, or office of the same governmental unit if the policies of the other department, agency, or office will substantially affect the project for which Federal financial assistance is requested. That requirement may be waived by the responsible Commission official if the applicant establishes, to the satisfaction of the responsible Commission official, that the practices in other agencies or parts or programs of the governmental unit will in no way affect (1) its practices in the program for which Federal financial assistance is sought, or (2) the beneficiaries of or participants in or persons affected by the program, or (3) full compliance with this regulation as respects the program.

(c) *Assurance from academic and other institutions.*—(1) In the case of an application for Federal financial assistance by an academic institution, the assurance required by this section extends to admission practices and to all other practices relating to the treatment of students.

(2) The assurance required by an academic institution, detention or correctional facility, or any other institution or facility, relating to the institution's practices with respect to admission or other treatment of individuals as students, patients, wards, inmates, persons subject to control, or clients of the institution or facility or to the opportunity to participate in the provision of services, disposition, treatment, or benefits to these individuals, is applicable to the entire institution or facility unless the applicant establishes, to the satisfaction of the responsible Commission official, that the practices in designated parts or programs of the institution or facility will in no way affect its practices in the program of the institution or facility for which Federal financial assistance is sought, or the beneficiaries of or participants in the program. If the assistance sought is for the construction of a facility or part of a facility, the assurance shall extend to the entire facility and to facilities operated in connection therewith.

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

§ 601.6 Compliance information.

(a) *Cooperation and assistance.*—The Commission, to the fullest extent practicable, shall seek the cooperation of recipients in obtaining compliance with this regulation and shall provide assistance and guidance to recipients to help them comply voluntarily with this regulation.

(b) *Compliance reports.*—Each recipient shall keep records and submit to the Commission, timely, complete, and accurate compliance reports at the times, and in the form and containing the information the Commission may determine necessary to enable it to ascertain whether the recipient has complied or is complying with this regulation. In the case of a program under which a primary recipient extends Federal financial assistance to other recipients, the other recipients shall also submit compliance reports to the primary recipient as may be necessary to enable the primary recipient to carry out its obligations under this regulation. In general, recipients should have available for the Commission racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs and members of groups or bodies referred to in § 601.4(b)(vii).

(c) *Access to sources of information.*—Each recipient shall permit access by the Commission during normal business hours to its books, records, accounts, and other sources of information, and its facilities as may be pertinent to ascertain compliance with this regulation. When information required of a recipient is in the exclusive possession of another agency, institution, or person and this agency, institution, or person fails or refuses to furnish this information, the recipient shall so certify in its report and shall set forth what efforts it has made to obtain the information.

(d) *Information to beneficiaries and participants.*—Each recipient shall make available to participants, beneficiaries, and other interested persons the information regarding the provisions of this regulation and its applicability to the program under which the recipient received Federal financial assistance, and make this information available to them in the manner, as the Commission finds necessary, to apprise the persons of the protections against discrimination assured them by title VI and this regulation.

§ 601.7 Conduct of investigations.

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

(b) *Complaints.*—Any person who believes himself or any specific class of persons to be subjected to discrimination prohibited by this regulation may by himself or by a representative file with the Commission a written complaint. A complaint shall be filed not later than 180 days after the date of the alleged discrimination, unless the time for filing is extended by the Commission.

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

(d) *Resolution of matters.*—(1) If an investigation pursuant to paragraph (c) of this section indicates a failure to comply with this regulation, the Commission will so inform the recipient and the matter will be resolved by voluntary means whenever possible. If it has been determined that the matter cannot be resolved by voluntary means, action will be taken as provided for in § 601.8.

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

(e) *Intimidatory or retaliatory acts prohibited.*—A recipient or other person shall not intimidate, threaten, coerce, or discriminate against an individual for the purpose of interfering with a right or privilege secured by section 601 of title VI of this regulation, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this regulation. The identity of complainants shall be kept confidential, except to the extent necessary to carry out the purposes of this regulation, including the conduct of an investigation, hearing, or judicial proceeding arising thereunder.

§ 601.8 Procedure for effecting compliance.

(a) *General.*—(1) If there appears to be a failure or threatened failure to comply with this regulation, and if the noncompliance or threatened noncompliance

cannot be corrected by informal means, compliance with this regulation may be effected by the suspension or termination of or refusal to grant or to continue Federal financial assistance or by other means authorized by law.

(2) Other means may include, but are not limited to, (i) a reference to the Department of Justice with a recommendation that appropriate proceedings be brought to enforce the rights of the United States under a law of the United States (including other titles of the Civil Rights Act of 1964), or an assurance or other contractual undertaking, and (ii) an applicable proceeding under State or local law.

(b) *Noncompliance with § 601.5.*—If an applicant fails or refuses to furnish an assurance required under § 601.5 or otherwise fails or refuses to comply with a requirement imposed by or pursuant to that section, Federal financial assistance may be refused in accordance with the procedures of paragraph (c) of this section. The Commission shall not be required to provide assistance in that case during the pendency of the administrative proceedings under this paragraph. Subject, however, to § 601.12, the Commission shall continue assistance during the pendency of the proceedings where the assistance is due and payable pursuant to an application approved prior to the effective date of this regulation.

(c) *Termination of or refusal to grant or to continue Federal financial assistance.*—An order suspending, terminating, or refusing to grant or to continue Federal financial assistance shall not become effective until—

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

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

(3) The action has been approved by the Commission pursuant to § 601.10(e); and

(4) The expiration of 30 days after the chairman has filed with the committee of the House and the committee of the Senate having legislative jurisdiction over the program involved, a full written report of the circumstancs and the grounds for the action.

An action to suspend or terminate or refuse to grant or to continue Federal financial assistance shall be limited to the particular political entity, or part thereof, or other applicant or recipient as to whom a finding has been made and shall be limited in its effect to the particular program, or part thereof, in which the noncompliance has been so found.

(d) *Other means authorized by law.*—An action to effect compliance with title VI by other means authorized by law shall not be taken by the Commission until—

(1) The Commission has determined that compliance cannot be secured by voluntary means;

(2) The recipient or other person has been notified of its failure to comply and of the action to be taken to effect compliance; and

(3) The expiration of at least 10 days from the mailing of a notice to the recipient or person. During this period of at least 10 days, additional efforts shall be made to persuade the recipient or other person to comply with the regulation and to take corrective action as may be appropriate.

§ 601.9 Hearings.

(a) *Opportunity for hearing.*—When an opportunity for a hearing is required by § 601.8(c), reasonable notice shall be given by registered or certified mail, return receipt requested, to the affected applicant or recipient. This notice shall advise the applicant or recipient of the action proposed to be taken, the specific provision under which the proposed action against it is to be taken, and the matters of fact or law asserted as the basis for this action, and either (1) fix a date not less than 20 days after the date of notice within which the applicant or recipient may request of the Commission that the matter be scheduled for hearing or (2) advise the applicant or recipient that the matter in question has been set down for hearing at a stated time and place. The time and place so fixed shall be reasonable and subject to change for cause. The complainant, if any, shall be advised of the time and place of the hearing. An applicant or recipient may waive a hearing and submit written information and argument for the record. The failure of an applicant or recipient to request a hearing under this paragraph or to appear at a hearing for which a date has been set is deemed to be a waiver of the right to a hearing under section 602 of title VI and § 601.8(c) and consent to the making of a decision on the basis of the information available.

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

(c) *Right to counsel.*—In all proceedings under this section, the applicant or recipient and the Commission have the right to be represented by counsel.

(d) *Procedures, evidence, and record.*—(1) The hearing, decision, and an administrative review thereof shall be conducted in conformity with sections 554 through 557 of title 5, United States Code, and in accordance with the rules of procedure as are proper (and not inconsistent with this section) relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments, and briefs, requests for findings, and other related matters. Both the Commission and the applicant or recipient are entitled to introduce relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

(2) Technical rules of evidence do not apply to hearings conducted pursuant to this regulation, but rules or principles designed to assure production of the most credible evidence available and to subject testimony to test by cross-examination shall be applied where determined reasonably necessary by the officer conducting the hearing. The hearing officer may exclude irrelevant, immaterial, or unduly repetitious evidence. Documents and other evidence offered or taken for the record shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues. A transcript shall be made of the oral evidence except to the extent the substance thereof is stipulated for the record. Decisions shall be based on the hearing record and written findings shall be made.

(e) *Consolidated or joint hearings.*—In cases in which the same or related facts are asserted to constitute noncompliance with this regulation with respect to two or more programs to which this regulation applies, or noncompliance with this regulation and the regulations of one or more other Federal departments or agencies issued under title VI, the Commission may, by agreement with the other departments or agencies, when applicable, provide for the conduct of consolidated or joint hearings, and for the application to these hearings of rules or procedures not inconsistent with this regulation. Final decisions in these cases, insofar as this regulation is concerned, shall be made in accordance with § 601.10.

§ 601.10 Decisions and notices.

(a) *Procedure on decisions by hearing examiner.*—If the hearing is held by a hearing examiner, the hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the Commission for a final decision, and a copy of the initial decision or certification shall be mailed to the applicant or recipient. When the initial decision is made by the hearing examiner, the applicant or recipient may, within 30 days after the mailing of a notice of initial decision, file with the Commission his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the Commission may, on its own motion, within 45 days after the initial decision, serve on the applicant or recipient a notice that it will review the decision. On the filing of the exceptions or of notice of review, the Commission shall review the initial decision and issue its own decision thereon including the reasons therefor. In the absence of either

exceptions or a notice of review the initial decision, subject to paragraph (e) of this section, shall constitute the final decision by the Commission.

(b) *Decisions on record or review by the Commission.*—When a record is certified to the Commission for decision or the Commission reviews the decision of a hearing examiner pursuant to paragraph (a) of this section, or when the Commission conducts the hearing, the applicant or recipient shall be given reasonable opportunity to file with it briefs or other written statements of the recipient's contentions, and a written copy of the final decision of the Commission will be sent to the applicant or recipient and to the complainant, if any.

(c) *Decisions on record where a hearing is waived.*—When a hearing is waived pursuant to § 601.9, a decision shall be made by the Commission on the record and a written copy of the decision shall be sent to the applicant or recipient, and to the complainant, if any.

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

(e) *Approval by Commission.*—A final decision by an official of the Commission other than by the Commissioners, which provides for the suspension or termination of, or the refusal to grant to continue Federal financial assistance, or the imposition of any other sanction available under title VI of this regulation, shall promptly be transmitted to the Commission, which may approve the decision, vacate it, or remit or mitigate a sanction imposed.

(f) *Content of orders.*—The final decision may provide for suspension or termination of, or refusal to grant or continue Federal financial assistance, in whole or in part, under the program involved, and may contain the terms, conditions, and other provisions as are consistent with and will effectuate the purposes of title VI and this regulation, including provisions designed to assure that Federal financial assistance will not thereafter be extended under the programs to the applicant or recipient determined by the decision to be in default in its performance of an assurance given by it under this regulation, or to have otherwise failed to comply with this regulation, unless and until it corrects its noncompliance and satisfies the Commission that it will fully comply with this regulation.

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

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

(3) If the Commission denies a request, the applicant or recipient may submit a request for a hearing in writing, specifying why it believes the Commission is in error. The applicant or recipient shall be given an expeditious hearing, with a decision on the record in accordance with the rules or procedures issued by the Commission. The applicant or recipient shall be restored to eligibility if it proves at the hearing that it satisfied the requirements of subparagraph (1) of this paragraph. While proceedings under this paragraph are pending, the sanctions imposed by the order issued under paragraph (f) of this section remain in effect.

§ 601.11 Judicial review.

Action taken pursuant to section 602 of title VI is subject to judicial review as provided in section 603 of title VI.

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

(a) *Effect on other regulations.*—Regulations, orders, or like directions issued before the effective date of this regulation by the Commission which impose requirements designed to prohibit discrimination against individuals on the ground of race, color, or national origin under a program to which this regulation applies, and which authorizes the suspension or termination of or refusal to grant or to continue Federal financial assistance to an applicant for or recipient of assistance under a program for failure to comply with the requirements, are superseded to the extent that discrimination is prohibited by this regulation, except that nothing in this regulation relieves a person of an obligation assumed or imposed under a superseded regulation, order, instruction, or like direction, before the effective date of this regulation. This regulation does not supersede any of the following (including future amendments thereof): (1) Executive Order 11246 (3 CFR, 1965 supp.) and regulations issued thereunder or (2) any other orders, regulations, or instructions, insofar as these orders, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in a program or situation to which this regulation is inapplicable, or prohibit discrimination on any other ground.

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

(c) *Supervision and coordination.*—The Commission may from time to time assign to officials of the Commission, or to officials of other departments or agencies of the Government with the consent of the departments or agencies, responsibilities in connection with the effectuation of the purposes of title VI and this regulation (other than responsibilities for final decision as provided in § 601.10), including the achievement of effective coordination and maximum uniformity within the Commission and within the executive branch in the application of title VI and this regulation to similar programs and in similar situations. An action taken, determination made, or requirement imposed by an official of another department or agency acting pursuant to an assignment of responsibility under this paragraph shall have the same effect as though the action had been taken by the Commission.

APPENDIX A—PROGRAMS TO WHICH THIS REGULATION APPLIES

1. Grants to assist in the establishment or implementation of bicentennial commissions pursuant to section 9(1) of the Joint Resolution to establish the American Revolution Bicentennial Commission, as amended (Public Law 92-236; 86 Stat. 47).

2. Grants to nonprofit entities to assist in developing or supporting bicentennial programs or projects pursuant to section 9(2) of the Joint Resolution to establish the American Revolution Bicentennial Commission, as amended (Public Law 92-538; 86 Stat. 1070).

3. Grants to nonprofit entities to match donations or bequests for bicentennial programs or projects pursuant to section 9(3) of the Joint Resolution to establish the American Revolution Bicentennial Commission, as amended (Public Law 92-538; 86 Stat. 1070).

APPENDIX B—ACTIVITIES TO WHICH THIS REGULATION APPLIES WHEN A PRIMARY OBJECTIVE OF THE FEDERAL FINANCIAL ASSISTANCE IS TO PROVIDE EMPLOYMENT

1. None at this time.

Issued in Washington, D.C., on May 2, 1973.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION,
HUGH A. HALL,
Acting Director.

[FR Doc.73-11860 Filed 6-13-72;8:45 am]

Notices

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

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 73-158]

FOREIGN CURRENCIES

Certification of Rates

JUNE 4, 1973.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which vary by 5 percent or more from the quarterly rate published in Treasury Decision 73-108 for the following countries. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Switzerland franc:	
May 21, 1973	$0.3230
May 22, 1973	.3223
May 23, 1973	.3228
May 24, 1973	.3218
May 25, 1973 [1]	.3063
May 29, 1973 [1]	.3063
May 30, 1973	.3232
May 31, 1973	.3240
Germany deutsche mark:	
May 30, 1973	.3685
May 31, 1973	.3708
France franc:	
May 31, 1973	.2304
Sweden krona:	
May 31, 1973	.2338

[1] Use quarterly rate.

[SEAL] R. N. MARRA,
Director, Appraisement and Collections Division.

[FR Doc.73-11908 Filed 6-13-73;8:45 am]

Office of the Secretary

POLYMERIZED CHLOROBUTADIENE, COMMONLY KNOWN AS POLYCHLOROPRENE RUBBER, FROM JAPAN

Antidumping; Withholding of Appraisement Notice

JUNE 11, 1973.

Information was received on November 14, 1972, that polymerized chlorobutadiene, commonly known as polychloroprene rubber, from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an antidumping proceeding notice which was published in the FEDERAL REGISTER of December 16, 1972, on page 26841. The antidumping proceeding notice indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (sec. 203 of the Act; 19 U.S.C. 162) of polymerized chlorobutadiene from Japan is less, or is likely to be less, than the foreign market value (sec. 205 of the Act; 19 U.S.C. 164).

Statement of reasons.—Information currently before the Bureau of Customs tends to indicate that the probable basis of comparison for fair value purposes will be between purchase price and the adjusted home market price of such or similar merchandise.

Purchase price will probably be calculated on the basis of an f.o.b. port price for exportation to the United States, with deductions, where appropriate, for sales discount, inland freight, insurance, warehousing and shiploading charges at the port, and an addition for import duties rebated by reason of the exportation of this merchandise.

Home market price will probably be based on a delivered customer's premises price with deductions, where appropriate, for sales discount, inland freight, handling charges, credit costs, labeling costs, commission, and technical service expense. Adjustments will probably be made for differences in packing, selling expenses, and advertising costs.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than the adjusted home market price.

Customs officers are being directed to withhold appraisement of polymerized chlorobutadiene from Japan in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested persons may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, D.C. 20229, in time to be received by his office on or before June 25, 1973. Such requests must be accompanied by a statement outlining the issues wished to be discussed.

Any written views or arguments should likewise be addressed to the Commissioner of Customs in time to be received by his office on or before July 16, 1973.

This notice, which is published pursuant to § 153.34(b), Customs Regulations (19 CFR 153.34(b)), shall become effective June 14, 1973. It shall cease to be effective December 14, 1973, unless previously revoked.

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.73-11930 Filed 6-13-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

EUGENE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Eugene District Advisory Board will meet on July 12, 1973, commencing at 8:30 a.m. in the Eugene District, Bureau of Land Management, Conference Room, 1255 Pearl Street, Eugene, Oreg., for briefing on recreation management alternatives of the natural resource lands in the South Bank McKenzie area. Immediately following the briefing there will be a tour of the South Bank McKenzie area to observe the recreation management alternatives. Following the tour the board will meet at 7 p.m. in the Eugene District Conference Room to discuss the recreation management alternatives.

The meetings and tour will be open to the public although persons wishing to accompany the tour must provide their own transportation. In addition to discussion of the agenda topic by board members, there will be time for brief statements by nonmembers. Persons wishing to make oral statements should so advise the chairman or co-chairman prior to the meeting, to aid in scheduling the time available. Any interested person may file a written statement for consideration by the board by sending it to the chairman, in care of the co-chairman: Eugene District Manager, P.O. Box 392, Eugene, Oreg. 97401.

Dated June 5, 1973.

JOSEPH C. DOSE,
Eugene District Manager.

[FR Doc.73-11840 Filed 6-13-73;8:45 am]

[S 4847, Projects Nos. 1354 and 507]

CALIFORNIA

Order Providing for Opening of Lands; Correction

JUNE 6, 1973.

Pursuant to the vacating order of the Federal Power Commission (38 Stat. 6847, Mar. 13, 1973), and by virute of the authority contained in section 24 of the

act of June 10, 1920 (41 Stat. 1075; 16 U.S.C. 818), as amended, and in accordance with the authority redelegated to me by the Chief, Division of Technical Services, California State Office, Bureau of Land Management, approved by the California State Director effective January 12, 1972 (37 FR 491), it is ordered as follows:

1. The following described land withdrawn for project No. 1354 is hereby opened to such disposition as may be made of national forest lands, subject to the provisions of section 24 of the Federal Power Act:

That part of the W½SE¼ sec. 9, T. 7 S., R. 22 E., M.D.M., lying within the boundary of project No. 1354 as shown on map exhibit K, sheet 7A (FPC No. 1354–63) filed in the office of the Federal Power Commission on June 21, 1937.

2. The following described land withdrawn for project No. 507 is hereby opened to such disposition as may be made of national forest lands:

All portions of the SE¼, sec. 9, T. 7 S., R. 22 E., M.D.M., lying within project No. 507 shown on a map designated "EW, Water Power, Williams, C.E. 3–20–24," and filed in the office of the Federal Power Commission on June 3, 1924.

The areas described aggregate approximately 20.95 acres in Madera County, Calif.

3. At 10 a.m. on June 22, 1973, the land shall be open to such forms of disposition as may by law be made of the national forest lands.

Inquiries concerning the land should be addressed to the Bureau of Land Management, room E–2841, Federal Office Building, 2800 Cottage Way, Sacramento, Calif. 95825.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.73–11888 Filed 6–13–73;8:45 am]

[Serial No. Idaho 4378]

IDAHO

Order Providing for Opening of Public Lands

JUNE 6, 1973.

1. In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T. 10 N., R. 33 E.,
Sec. 2, lot 4.
T. 11 N., R. 33 E.,
Sec. 35, W½W½.
T. 13 N., R. 32 E.,
Sec. 26, NW¼NW¼.

The above tract aggregates 243.51 acres in Clark County, Idaho.

2. These lands are located in eastern Idaho. Topography slopes steeply to the north at an elevation of from 6,000 to 7,000 feet. Soils are shallow. Vegetation consists principally of sagebrush, with a good understory of perennial bunchgrass. Access is fair. Lands have value for wildlife and livestock grazing.

3. Subject to valid existing rights, provisions of withdrawals, the provisions of existing classifications and the requirements of applicable law, the above-described lands are hereby restored to public domain status and opened to application, petition, location, and selection, including location under the U.S. mining laws where applicable.

All valid applications received at or prior to July 18, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

4. Inquiries concerning these lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Idaho State Office, Bureau of Land Management, room 398, Federal Building, 550 West Fort Street, P.O. Box 042, Boise, Idaho 83724.

VINCENT S. STROBEL,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.73–11887 Filed 6–13–73;8:45 am]

[Serial No. Idaho 3562]

IDAHO

Order Providing for Opening of Public Lands

JUNE 6, 1973.

1. In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

T. 4 S., R. 30 E.,
Sec. 18, S½SE¼;
Sec. 19, E½NE¼, NE¼SE¼;
Sec. 20, W½W½, SE¼SW¼, S½SE¼;
Sec. 21, S½N½, NE¼SW¼, SE¼;
Sec. 31, NE¼.

The above tracts aggregate 1,000 acres in Bingham County, Idaho.

2. The undulating topography has a rough, rocky irregular surface. Soil is sandy loam over rock. Sagebrush and native grasses make up the vegetation. The lands are principally valuable for wildlife habitat and livestock grazing.

3. Subject to valid existing rights, provisions of withdrawals, the provisions of existing classifications, and the requirements of applicable law, the above-described lands are hereby restored to public domain status and opened to application, petition, location, and selection, including location under the U.S. mining laws where applicable.

All valid applications received at or prior to July 16, 1973, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in order of filing.

4. Inquiries concerning these lands should be addressed to the Chief, Branch of Lands and Minerals Operations, Idaho State Office, Bureau of Land Management, room 398, Federal Building, P.O. Box 042, 550 West Fort Street, Boise, Idaho 83724.

VINCENT S. STROBEL,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.73–11886 Filed 6–13–73;8:45 am]

National Park Service

CAPE COD NATIONAL SEASHORE ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Cape Cod National Seashore Advisory Commission will be held on Friday, June 22, 1973. The Commission members will assemble at 10:30 a.m., at the Headquarters Building, Cape Cod National Seashore, Marconi Station Area, South Wellfleet, Mass., prior to touring the Seashore with members of the National Park Service staff. Following the tour of the Seashore, it is expected that the Commission will reassemble at the Headquarters Building at approximately 3:30 p.m.

The Commission was established by Public Law 87–126 to meet and consult with the Secretary of the Interior on general policies and specific matters relating to the development of Cape Cod National Seashore.

The members of the Commission are as follows:

Mr. Joshua A. Nickerson (Chairman), Chatham, Mass.
Mr. Nathan Malchman (Vice Chairman), Provincetown, Mass.
Mr. Linnell E. Studley (Secretary), Orleans, Mass.
Mr. Ralph A. Chase, Eastham, Mass.
Dr. Norton H. Nickerson, Reading, Mass.
Mr. Stephen R. Perry, Truro, Mass.
Mr. Chester A. Robinson, Jr., Harwich, Mass.
Mr. David F. Ryder, Chatham, Mass.
Mrs. Esther Wiles, Wellfleet, Mass.

The Commission will tour the seashore to view park activities. The Commission will reassemble at the headquarters building to discuss the results of their inspection, any correspondence that may have been received, and to consider new business. The Commission will also receive a progress report from the superintendent.

The meeting will be open to the public. Transportation facilities will not be provided for the field tour, but members of the public may participate in the tour by providing their own transportation. Any person may file with the Commission a written statement concerning the matters to be discussed.

Anyone wishing further information concerning this meeting or who wishes to file a written statement may contact Leslie P. Arnberger, superintendent, Cape Cod National Seashore, South Wellfleet, Mass., at 617–349–3785. Minutes of the meeting will be available for public inspection 2 weeks after the meeting at the office of the superintendent,

Cape Cod National Seashore, South Wellfleet, Mass.

Dated June 5, 1973.

STANLEY W. HULETT,
Associate Director.

[FR Doc.73-11837 Filed 6-13-73;8:45 am]

INDEPENDENCE NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Independence National Historical Park Advisory Commission will be held at 9 a.m. on June 26, 1973, at 313 Walnut Street, Philadelphia, Pa.

The Commission was established by Public Law 80-795 to render advice on such matters relating to the park as may from time to time be referred to them for consideration.

The members of the Commission are as follows:

Mr. Arthur C. Kaufmann (Chairman), Philadelphia, Pa.
Hon. Michael J. Bradley, Philadelphia, Pa.
Mr. John P. Bracken, Philadelphia, Pa.
Hon. James A. Byrne, Philadelphia, Pa.
Mr. William L. Day, Philadelphia, Pa.
Hon. Edwin O. Lewis, Philadelphia, Pa.
Hon. Filindo B. Masino, Philadelphia, Pa.
Mr. Frank C. P. McGlinn, Philadelphia, Pa.
Mr. John B. O'Hara, Philadelphia, Pa.
Mr. Howard D. Rosengarten, Villanova, Pa.
Mr. Charles R. Tyson, Philadelphia, Pa.

The purpose of this meeting is to discuss the following matters:

1. Irvin Building report.
2. Tour experience at Independence Hall.
3. Freedom Week events.
4. Greater Philadelphia Cultural Alliance—Festival 1974.
5. Progress report on park development.
6. Report on location of Liberty Bell.
7. Use of INHP facilities for 1976.
8. Reports on Bell Telephone Co. Summer Show and schedule for Sound and Light Shows.
9. Tour of Visitor Center site by Project Supervisor.

The meeting will be open to the public, and any member of the public may file with the Commission a written statement concerning the matters to be discussed.

Persons wanting further information concerning this meeting, or who wish to file written statements, may contact Mr. Hobart G. Cawood, superintendent, Independence National Historical Park, at 215-597-7120. Minutes of the meeting will be available for public inspection 2 weeks after the meeting at the office of Independence National Historical Park, 313 Walnut Street, Philadelphia, Pa.

Dated June 5, 1973.

STANLEY W. HULETT,
Associate Director.

[FR Doc.73-11838 Filed 6-13-73;8:45 am]

WESTERN REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Western Regional Advisory Committee will be held from 8:30 a.m. to 4:30 p.m., June 23, in the Arts and Crafts Building, Del Norte County Fairgrounds, 101 North, Crescent City, Calif. On the 22d, the Committee will tour the Redwood National Park for on-the-ground orientation and inspection and to provide background for discussion topics on the 23d.

The purpose of the Western Regional Advisory Committee is to provide for free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or counsel from members of the public in problems and programs pertinent to the Western Region of the National Park Service.

The members of the Committee are as follows:

Mr. David Ballie, Jr., Lihue, Kauai, Hawaii.
Mr. Lewis Swift Eaton, Fresno, Calif.
Mr. James R. Hooper, Crescent City, Calif.
Mr. Jack H. Walston, Los Angeles, Calif.
Dr. Roy Johnson, Prescott, Ariz.
Mr. Ben Avery, Phoenix, Ariz.
Mr. Todd Watkins, Bishop, Calif.
Mr. Clifton Young, Reno, Nev.
Mr. Ed Fike, Las Vegas, Nev.

The matters to be discussed at this meeting, including a field trip to the Redwood National Park, are:

1. Proposed Redwood master plan.
2. Redwood buffer management.
3. Personal property removal, Redwood National Park.
4. Federal-State park relationships.

The meeting will be open to the public. On June 22, transportation facilities will not be available for the public, but they are welcome to participate in the tour by providing for their own transportation. Any member of the public may file with the Committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Associate Director John E. Cook, Western Regional Office, 450 Golden Gate Avenue, San Francisco, Calif. 94104, 415-556-1486, or Superintendent John Davis, Redwood National Park, 501 H Street, Crescent City, Calif. 95531, 707-461-6101.

Dated June 5, 1973.

STANLEY W. HULETT,
Associate Director.

[FR Doc.73-11839 Filed 6-13-73;8:45 am]

Office of Hearings and Appeals

[Docket No. M 73-55]

COAL RESOURCES CORP.

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), Coal Resources Corp. has filed a petition to modify the application of 30 CFR 77.1605(k) to its Belmon Division No. 1 Mine, Oxford Divisions Nos. 1 and 2 Mines, and Puckett No. 4 Mine, all located at Coalgood, Ky.

30 CFR 77.1605(k) reads as follows:

(k) Berms or guards shall be provided on the outerbank of elevated roadways.

In support of its petition, petitioner contends water drainage on the berm side creates a ditch which might cause vehicles to run into or over the berm and the water freezes on the road crating hazardous driving conditions. Also, snow cannot be removed due to the berm and the placement of the berm on the outer edge of the road narrows the road so that only one vehicle can travel the road. Petitioner states that the roads cannot be widened because the inner bank is of solid rock and widening on the outside may cause slides. Petitioner avers that the berm hampers visibility and guardrails cannot be installed because there is not enough area to support the posts, even with concrete.

As an alternative method, petitioner states that all loaded haulage vehicles will have the right-of-way on the high wall side of the road regardless of the direction of travel and all haulage vehicle operators will be trained in the manner and safety of handling the vehicles. All haulage vehicles will be equipped with the original manufacturer's brakes, engine, or Jacobs brakes and an emergency braking system and the roads will be maintained in safe condition.

Petitioner contends that the alternative method will at all times guarantee no less than the same measure of protection afforded the miners at the affected mines by the mandatory standard.

Persons interested in this petition may request a hearing on the petition or furnish comments on or before July 16, 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.

[FR Doc.73-11842 Filed 6-13-73;8:45 am]

[Docket No. M 73-21]

MOUNTAIN TOP COAL CO.

Clarification of Petition for Modification of Application of Mandatory Safety Standard

Notice of the filing by Mountain Top Coal Co., 415 St. Francis Street, Minersville, Pa. 17954, of a petition for modification of the application of a mandatory safety standard, pursuant to section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. 861(c) (1970), was published in the FEDERAL

REGISTER on January 23, 1973, 38 FR 2225. Mountain Top's petition for modification did not specify what section of the act was sought to be modified and the notice originally published in the FEDERAL REGISTER erroneously stated that a modification was sought of section 305(m). Further study of Mountain Top's petition reveals that in order for the petition to be granted, a modification of section 309(a), instead of section 305(m), would be required. Therefore, notice is hereby given that Mountain Top seeks a modification of section 309(a) of the act which provides as follows:

Low- and medium-voltage power circuits serving three-phase alternating current equipment shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained as prescribed by the Secretary. Such breakers shall be equipped with devices to provide protection against undervoltage, ground phase, short circuit, and overcurrent.

No changes have occurred in the reasons given by Mountain Top in support of its petition for modification of section 309(a) of the act. Those reasons were fully summarized in the previous notice published in the FEDERAL REGISTER on January 23, 1973, and need not be repeated in this republication.

Parties interested in this petition should, on or before July 16, 1973, file their answers or comments 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.

GILBERT O. LOCKWOOD,
Acting Director,
Office of Hearings and Appeals.

JUNE 6, 1973.

[FR Doc.73-11843 Filed 6-13-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amendment 2]

PRICE SUPPORT PROGRAMS

Interest Rate for 1964 and Subsequent Crops

The revised announcement by Commodity Credit Corporation, published in 35 FR 3827, as amended 38 FR 3614, of the rate of interest applicable to price support programs on 1964 and subsequent crops or production is hereby further amended to provide that no interest shall be payable, during the deferred repayment period, for 1972 and prior crop year loans on oats. Since loans on oats mature on April 30 in certain States and on May 31 in other States, it is essential that the amendment become effective immediately. Accordingly, it is hereby found and determined that compliance with the notice, public procedure, and 30-day effective date provisions of 5 U.S.C. 553 is impracticable and contrary to the public interest.

Accordingly, paragraph 1 is amended by adding subparagraph e. as follows:

e. Notwithstanding the foregoing, for 1972 and prior crop year loans on oats for which a deferred loan repayment option is in effect, no interest shall be charged for the period of such deferral.

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

GLENN A. WEIR,
Acting Executive Vice President.

[FR Doc.73-11912 Filed 6-13-73;8:45 am]

Forest Service

FISHWAYS IN ROADLESS AREAS

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for fishways in roadless areas, USDA-FS-DES(Adm) 73-71.

The environmental statement concerns a proposed action to construct fishways to bypass obstructions in streams prohibiting the migration of anadromous fish. The fishways are intended to make available those presently inaccessible spawning areas to further utilize stream capabilities and to increase salmon production.

This draft environmental statement was filed with CEQ on June 8, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service, South Agriculture Building, room 3230, 12th Street and Independence Avenue SW., Washington, D.C. 20250.

USDA, Forest Service, P.O. Box 1628, Juneau, Alaska 99801.

and also at Forest Service offices in Alaska at the following locations: Juneau, Sitka, Petersburg, Ketchikan, Yakutat, Anchorage, Cordova, and Kenai.

A limited number of single copies are available upon request to Regional Forester, U.S. Forest Service, Box 1628, Juneau, Alaska 99801.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Va. 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Regional Forester, U.S. Forest Service, Box 1628, Juneau, Alaska 99801. Comments must be received by August 20, 1973, in order to be considered in the preparation of the final environmental statement.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

JUNE 8, 1973.

[FR Doc.73-11868 Filed 6-13-73;8:45 am]

Packers and Stockyards Administration

[P. & S. Docket No. 291]

NASHVILLE UNION STOCKYARDS, INC.

Notice of Petition for Modification of Rate Order

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended, 42 Stat. 159, as amended (7 U.S.C. 181 et seq.), an order was issued on August 31, 1972 (31 AD 1046), continuing into effect to and including August 31, 1974, an order issued on October 28, 1966 (25 AD 1245), authorizing assessment of the current temporary schedule of rates and charges.

By a petition filed on May 24, 1973, the respondent requested authority to modify the current temporary schedule of rates and charges as indicated below:

A. Amend section 1 in the present tariff to provide an increase in yardage charges per head as follows:

	Present (Per head)	Proposed (Per head)
Cattle, 300 pounds and over	$1.40	$1.50
Bulls, 600 pounds and over	1.90	2.00
Calves, 295 pounds or less	.75	.85
Reactors, —T.B. or Bangs	1.90	2.00
Hogs	.35	.40
Boars, 250 pounds and over	1.00	1.00
Sheep, lambs, goats, or kids	.30	.30
Horses and mules	.75	.75

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, on or before June 29, 1973.

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

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.73-11869 Filed 6-13-73;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

PROPOSED SHORE FACILITY FOR TREATMENT AND DISPOSAL OF SHIP GENERATED OILY WASTES

Draft Environmental Impact Statement; Notice of Availability

Notice is hereby given that copies of the U.S. Department of Commerce draft

environmental impact statement on the Maritime Administration proposed shore facility for treatment and disposal of ship-generated oily wastes will be available to the Council on Environmental Quality and to the public on June 15, 1973. Copies of the statement will be available for public inspection at the following locations:

Maritime Administration, Office of Public Affairs, room 4889, Department of Commerce, Washington, D.C. 20235.
Maritime Administration, Eastern Regional Office, 26 Federal Plaza, New York, N.Y. 10007.
Maritime Administration, Central Regional Office, 701 Loyola Ave., New Orleans, La. 70152.
Maritime Administration, Western Regional Office, 450 Golden Gate Ave., San Francisco, Calif. 94102.

Any questions concerning the statement should be directed to Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202–967–4335. Persons desiring to file written comments should submit same to Dr. Galler prior to July 30, 1973.

The draft statement entitled, "Maritime Administration Proposed Shore Facility for Treatment and Disposal of Ship-Generated Oily Wastes," refers to Maritime Administration lease to the Virginia Port Authority of the former Navy Cheatham Annex fuel farms, in York County, Va., for use as a facility for processing ship-generated oily wastes (approximately 50 pages).

(ELR Order No. 73–0949–D.) (NTIS Order No. EIS 73 0949–D.)

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

Dated June 12, 1973.

JAMES S. DAWSON, Jr.,
Secretary, Maritime Administration.

[FR Doc.73–11987 Filed 6–13–73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 5731; Docket No. FDC–D–555; NDA No. 10–750 etc.]

CERTAIN DRUGS CONTAINING PHENAGLYCODOL

Notice of Opportunity for Hearing Proposal To Withdrawal Approval of New-Drug Applications

Correction

In FR Doc. 7–10631, appearing at page 14180 in the issue of Wednesday, May 30, 1973, make the following changes in the first column on page 14181:

1. In the first line of the second paragraph, "July 2, 1973," should read "June 29, 1973," and "within 30 days after publication hereof in the FEDERAL REGISTER" should be deleted.

2. In the fourth line of the fourth paragraph, "July 2, 1973," should read "June 29, 1973."

3. In the sixth line of the seventh paragraph, "July 2, 1973," should read "June 29, 1973."

National Institutes of Health

ADVISORY COMMITTEE OF THE DIRECTOR

Amended Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the Advisory Committee to the Director, NIH, formerly scheduled for June 21 and 22 has been changed to June 25, at 1 p.m. to 5 p.m., and June 26, at 8:30 a.m. to 5 p.m., National Institutes of Health, building 1, conference room 114. This meeting will be open to the public at 1 p.m. to 5 p.m. on June 25 and 8:30 a.m. to 5 p.m. on June 26, to discuss policy matters of concern to the Director, NIH. Attendance by the public will be limited to space available.

Rosters of committee members and summary of the meeting may be obtained from the Executive Secretary, Charles R. McCarthy, Ph. D., building 1, room 224, Bethesda, Md. 20014, 496–3471.

Dated June 6, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–11841 Filed 6–13–73;8:45 am]

NATIONAL CANCER ADVISORY BOARD

Notice of Subcommittee Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board Subcommittee on Centers, National Cancer Institute, June 17, 1973, at 7:30 p.m., Holiday Inn, Woodmont East Room, Bethesda, Md. This meeting will be closed to the public from 7:30 p.m. to 9:30 p.m. for the discussion and review of approximately 15 multidisciplinary centers grants 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.

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 closed meeting and roster of committee members.

Dr. John W. Yarbro, Executive Secretary, Westwood Building, room 838, Division of Cancer Grants, NCI, National Institutes of Health, Bethesda, Md. 20014 (301–496–7427), will provide substantive program information.

(Catalog of Federal Domestic Assistance Program No. 13.312, National Institutes of Health.)

Dated June 8, 1973.

JOHN F. SHERMAN,
Deputy Director,
National Institutes of Health.

[FR Doc.73–11957 Filed 6–13–73;8:45 am]

NATIONAL CANCER ADVISORY BOARD

Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board, June 18–20, 1973, at 2 p.m., National Institutes of Health, building 31, conference room 6. This meeting will be open to the public from 2 to 3:15 p.m., June 18; 2 to 5:30 p.m., June 19; 9 a.m. to 5 p.m., June 20, to discuss international activities; vitamin A and its role in carcinogenesis; and, a study on head and neck cancer. Reports of the Board's ad hoc advisory committees will be presented on June 20. The meeting will be closed to the public from 3:15 to 5:30 p.m., June 18, to discuss the fiscal year 1975 budget, and from 9 a.m. to 1 p.m., June 19, to review grant applications in accordance with the provisions set forth in section 552(b) 4 and 5 of title 5, United States Code, and 10(d) of Public Law 92–463. 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/closed meeting and roster of Board members.

Dr. James A. Peters, Executive Secretary, NCI, building 31, room 11A03, National Institutes of Health, Bethesda, Md. 20014 (301–496–6618), will provide substantive program information.

(Catalog of Federal Domestic Assistance Programs Nos. 13.312; 13.314; 13.391–13.392, National Institutes of Health.)

Dated June 8, 1973.

JOHN F. SHERMAN,
Deputy Director, NIH.

[FR Doc.73–11958 Filed 6–13–73;8:45 am]

NATIONAL CANCER ADVISORY BOARD

Notice of Ad Hoc Committee Meeting

Pursuant to Public Law 92–463, notice is hereby given of the meeting of the National Cancer Advisory Board Ad Hoc Advisory Committee for the Frederick Cancer Research Center (FCRC), June 18, 1973, 7:30 to 9:30 p.m., National Institutes of Health, building 31, room 11A10. This meeting will be open to the public from 7:30 to 9:15 p.m., June 18, 1973, to discuss consideration of previous minutes, molecular control program, review of recommendations by Committee, and future plans of Committee; and closed to the public from 9:15 to 9:30 p.m., June 18, 1973, to review proposal for renewal of research contract, including financial data, of contract No. NIH–NCI–E–72–3294, in accordance with the provisions set forth in section 552(b)4 of title, 5 United States Code, and 10(d) of Public Law 92–463. 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/closed meeting and roster of Committee members.

Dr. William W. Payne, Executive Secretary, building 560, room 11–82, NCI Frederick Cancer Research Center, Fort Detrick, Frederick, Md. 21701 (301–663–7305), will provide substantive program information.

Dated June 8, 1973.

JOHN P. SHERMAN,
Deputy Director, NIH.

[FR Doc.73–11956 Filed 6–13–73;8:45 am]

Office of Education

COLLEGE LIBRARY RESOURCES PROGRAM; SPECIAL PURPOSE GRANTS

Notice of Closing Date for the Submission of Applications

Title II–A of the Higher Education Act of 1965 (Public Law 89–239, as amended) and as further amended by the Education Amendments of 1972, Public Law 92–318 (20 U.S.C. 1021–1024), authorizes the U.S. Commissioner of Education to make grants to institutions of higher education (or to branches of such institutions which are located in a community different from that in which the parent institution is located) which demonstrate a special need for additional library resources and which demonstrate that such additional library resources will make a substantial contribution to the quality of their educational resources or which meet special national or regional needs in the library and information sciences; to combinations of institutions of higher education which need special assistance in establishing and strengthening joint-use facilities; and to other public and private nonprofit library institutions which provide library and information services to institutions of higher education on a formal, cooperative basis—to assist and encourage them in the acquisition of academic library resources.

March 9, 1973, was established as the closing date upon which applications for basic grants under title II–A for the fiscal year expiring June 30, 1973, were to be filed with and received by the U.S. Commissioner of Education. Additional notice is herewith given that the U.S. Office of Education is now accepting applications for special purpose grants under title II–A for consideration in the fiscal year expiring June 30, 1973. Prospective applicants are notified that the funds appropriated for this program must be obligated by the Office of Education no later than June 30, 1973. In order to be considered, an application must be postmarked no later than June 20, 1973.

Application forms, instructions, and other pertinent information will be sent to any institution of higher education and other eligible library agencies desiring to participate in the special purpose grant program in the current fiscal year. Inquiries and requests may be obtained from the Bureau of Libraries and Learning Resources, U.S. Office of Education, Washington, D.C. 20202, attention: Training and Resources Branch, room 5929, ROB–3 (telephone 202–963–4384).

This notice is effective immediately.

Dated May 21, 1973.

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

Approved June 8, 1973.

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

[FR Doc.73–11982 Filed 6–13–73;10:05 am]

FELLOWSHIPS FOR TEACHERS AND RELATED EDUCATIONAL PERSONNEL

Notice of Closing Date for Receipt of Applications for Allocation of Fellowships to Institutions of Higher Education

The U.S. Office of Education will accept applications from institutions of higher education requesting an allocation of graduate fellowships for the training of teachers and related educational personnel as authorized under part C of the Education Professions Development Act.

Awards to institutions of higher education will provide for not less than 15 nor more than 25 fellowships for each successful applicant. The fellowships are for full-time graduate study leading to an advanced degree and carry stipends and allowances in amounts consistent with prevailing practices in other comparable federally supported programs. An additional amount, also consistent with such prevailing practices, will be paid to the institution of higher education in connection with each fellowship allocated to it. The allocation of fellowships may be made to institutions of higher education only in connection with a graduate program approved by the Commissioner of Education as meeting the conditions of section 524(a) of the act.

Awards will be made available to a small number of institutions of higher education located in various parts of the United States to provide fellowships for the training of administrators, potential administrators, and trainers of administrators for elementary and secondary education or postsecondary vocational education, including preschool and adult and vocational education, career education, library science, school nursing, school social work, guidance and counseling, educational media, and special education.

The bulk of the allocations of fellowships made to institutions will be for the support of comprehensive programs which focus on the development of managers of educational change and which involve such disciplines as management, organizational behavior, the behavioral sciences, and education. In these programs, training related to modern management knowledge and techniques involving the field setting of the fellowship holders or field settings similar to those of the fellowship holders.

All proposals submitted under this program must give evidence that the training activities are based on convincing theories of institutional change in education. Proposals must cite the sources of the theoretical base of the training activities, such as documents stored in ERIC or other relevant literature.

Proposals will be judged on the following criteria:

The quality and adequacy of the proposed design.

The quality of the theoretical base of the training activities.

The quality of the field experiences.

The degree of integration of interdisciplinary aspects of the program and of the training and field experiences.

The qualifications of the staff to be involved in the training.

The existing rather than potential institutional capabilities (as described above) for launching the program.

Ordinarily to compete successfully for an award, an applicant institution of higher education will be one which (1) already awards doctoral degrees in education administration, (2) has a recognized capability in research and development as well as in training in educational administration and organizational management, (3) generally provides in its existing training programs for educational administrators an integrated curriculum of education courses with appropriate social and behavioral sciences, (4) has a demonstrated commitment to a long-range planning and program improvement, and (6) has ongoing cooperative relationships with local educational agencies and other institutions of higher education or consortiums of institutions of higher education.

At least 5 percent of the total number of fellowships under this program will be provided for the training of teachers and related educational personnel for service in programs for children with limited English-speaking ability.

Prospective applicants are notified that the funds appropriated for this program must be obligated by the Office of Education no later than June 30, 1973. Applications may be obtained from and are to be submitted to the National Center for the Improvement of Educational Systems, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202 (telephone 202–962–1292).

All grants for the support of activities covered by this notice are governed by applicable statutory requirements and will be made subject to standard terms and conditions appropriate thereto. A copy of such terms and conditions are available upon request at the above address.

This notice is effective immediately.

Dated May 21, 1973.

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

Approved June 8, 1973.

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

[FR Doc.73–11980 Filed 6–13–73;10:05 am]

UNDERGRADUATE PREPARATION OF EDUCATIONAL PERSONNEL PROGRAM

Notice of Closing Date for the Submission of Applications

The U.S. Office of Education will accept proposals for 1-year grants for the improvement of undergraduate programs for educational personnel authorized under section 531 of the Education Professions Development Act, as amended by Public Law 92-318, the Education Amendments of 1972. Eligible applicants include institutions of higher education, State education agencies, local education agencies, and consortia of the above.

Grants will be made for the purpose of developing and installing alternative programs for the undergraduate preparation of educational personnel that are based upon active cooperation among the public schools, the arts and sciences disciplines and professional teacher education. Proposals must demonstrate that the undergraduate preparation programs will be developed in concert with and show continuing responsiveness to the needs of the schools and the communities they serve. It is expected that activities funded under this program will act as a catalyst for multiyear efforts using local funds. Expenses covered by these grants will include costs of program development and installation or conversion to the new alternatives from existing training programs and will not include stipends and the costs of the operation of the training activities themselves.

Criteria upon which proposals will be evaluated are:

The appropriateness of the budget to the statement of work;

The quality and adequacy of the proposed design;

The influence and experience of personnel;

Degree of participation of the schools, professional education, and the faculties of arts and science in both planning and implementing the program;

Extent to which the proposed design is a clear alternative to the present system; and

Likelihood that the proposed design will influence the reform of the undergraduate preparation of educational personnel.

Prospective applicants are notified that the funds appropriated for this program must be obligated by the Office of Education no later than June 30, 1973. In order to be considered a properly completed application must be received no later than June 20, 1973. Applications may be obtained from and are to the submitted to the National Center for the Improvement of Educational Systems, U.S. Office of Education, 400 Maryland Avenue SW., Washington, D.C. 20202. (telephone 202-962-8176 or 202-962-1292.)

All grants for the support of activities covered by this notice are governed by applicable statutory requirements and will be made subject to standard terms and conditions appropriate thereto. A copy of such terms and conditions are available upon request at the above address.

This notice is effective immediately.

Dated May 21, 1973.

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

Approved June 8, 1973.

CASPER W. WEINBERGER,
Secretary, Health, Education, and Welfare.

[FR Doc.73-11981 Filed 6-13-73;10:05 am]

Office of the Secretary

SOCIAL SECURITY ADMINISTRATION

Statement of Organization and Functions and Delegations of Authority

Part 8 (Social Security Administration) of the statement of organization and functions and delegations of authority of the Department of Health, Education, and Welfare (33 FR 5836-5837, dated Apr. 16, 1968), as amended, including, as pertinent here, the additional amendments made by 35 FR 7033-34, dated May 2, 1970, is hereby further amended by adding the following subsection at the end of section 8-D.1, Delegations of authority to the Commissioner of Social Security:

g. The functions vested in the Secretary by sections 301, 305, 401, and 402 of Public Law 92-603 (86 Stat. 1465-1478 and 1484-1487). This includes all authority under Public Law 92-603 as is necessary to effectuate those administrative measures required during the current period of preparation for the Social Security Administration's formal assumption of the supplemental security income program on January 1, 1974.

Part 8 is further amended by adding the following new subdivisions under subsection a. of section 8-D.2, Delegations of authority to the Bureau of Hearings and Appeals:

(6) By individuals from determinations made under title XVI of the Social Security Act, as amended by section 301 of Public Law 92-603, and affecting their eligibility to, and amount of, benefits, both during the current transitional period prior to January 1, 1974, and thereafter; and

(7) By persons furnishing items and services under title XVIII, from determinations described in section 1862(d)(1) and (2) of the Social Security Act.

Subsection b. of section 8-D.2 is amended by adding "or section 1631(d)(3)" after "section 206(a)".

These delegations are effective on June 14, 1973.

(Sec. 6, Reorganization Plan No. 1 of 1953.)

Dated June 4, 1973.

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

[FR Doc.73-11901 Filed 6-13-73;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Assistant Secretary for Housing Management

[Docket No. N-73-112]

APPLICANTS FOR ASSISTED ADMISSION TO MULTIFAMILY HOUSING PROJECTS

Revocation of Minimum Income Requirement

On June 13, 1972, the Department of Housing and Urban Development published in the FEDERAL REGISTER (37 FR 11758) a notice concerning minimum income limits for admission into multifamily housing projects insured and assisted under section 236 of the National Housing Act. Under the notice applicants for admission to such projects, with certain enumerated exceptions, are required to have sufficient income to be able to pay the basic rent with not more than 35 percent of adjusted income.

The Department is now proposing regulations concerning tenant selection policy, which proposed regulations are being published for comment concurrently with this notice. The proposed regulations include guidelines for determining ability to pay rent. Accordingly, the June 13, 1972, notice is revoked as of this date. This revocation shall not be deemed to foreclose the Department from adopting a final regulation that includes minimum income limits for assisted admission into section 236 projects.

Effective date.—This notice of revocation is effective on June 14, 1973.

ABNER D. SILVERMAN,
Acting Assistant Secretary for Housing Management.

[FR Doc.73-11903 Filed 6-13-73;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON REACTOR PRESSURE VESSELS

Notice of Meetings

JUNE 12, 1973.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Reactor Pressure Vessels will hold meetings on June 25 and July 6, 1973, in room 1062, 1717 H Street NW., Washington, D.C. The subject scheduled for discussion is a draft report to the full Committee on light water reactor pressure vessel integrity.

The Subcommittee is meeting with their consultants and a regulatory staff participant to formulate recommendations in the form of a report to the full ACRS regarding the above subject.

I have determined, in accordance with subsection 10(d) of Public Law 92-463, that the meetings will be to discuss a document which falls within exemption

(5) of 5 U.S.C. 552(b) and will consist of an exchange of opinions, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b). It is essential to close this meeting to protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

JOHN C. RYAN,
Acting Advisory Committee Management Officer.

[FR Doc.73-11994 Filed 6-13-73;10:04 am]

[Dockets Nos. PRM-30-45, PRM-30-46, PRM-30-48]

CANRAD PRECISION INDUSTRIES, INC., ET AL.

Notice of Withdrawal of Petitions for Rulemaking

Notice is hereby given that the Atomic Energy Commission has received letters from Canrad Precision Industries, Inc., Minnesota Mining and Manufacturing Co., and United States Radium Corp., in which each withdraws its petition for rulemaking, PRM-30-45, PRM-30-46, and PRM-30-48 respectively.

Each of the petitioners had requested that the Commission amend its regulations to increase the maximum amount of byproduct material which may be contained in a single luminous safety device for use in aircraft.

The petitions were submitted shortly after the Federal Aviation Administration proposed revisions in its regulations to require increased brightness levels for such markers. It now appears that requisite brightness can be achieved with the quantities of byproduct material presently authorized for use in such markers and there is no need for the rulemaking action.

Copies of the letters from the petitioners withdrawing their petitions are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C.

Dated at Germantown, Md., this 8th day of June 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.73-11862 Filed 6-13-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23843]

AEROLINEAS ARGENTINAS

Notice of Prehearing Conference and Hearing

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 6, 1973, at 10 a.m. (local time) in room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before Administrative Law Judge Frank M. Whiting.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before June 28, 1973.

Dated at Washington, D.C., June 8, 1973.

[SEAL] ROBERT L. PARK,
Associate Chief Administrative Law Judge.

[FR Doc.73-11902 Filed 6-13-73;8:45 am]

COMMITTEE FOR PURCHASE OF PRODUCTS AND SERVICES OF THE BLIND AND OTHER SEVERELY HANDICAPPED

PROCUREMENT LIST

Notice of Withdrawal of Proposed Additions

Notice is hereby given that the commodities and services published on pages 6348 and 6349 of the FEDERAL REGISTER of March 28, 1972, as proposed additions to the Initial Procurement List are withdrawn except for those listed below.

COMMODITIES

Class 5510:
Stakes, Wood:
5510-171-7700
5510-171-7701
5510-171-7732
5510-171-7733
5510-171-7734
Class 6505:
Ammonia Inhalant:
6505-106-0875
Class 7105:
Frame, Picture:
7105-051-1212
7105-052-8686
7105-052-8695
7105-052-8697
7105-053-0170
7105-061-5834

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-11864 Filed 6-13-73;8:45 am]

PROCUREMENT LIST 1973

Notice of Proposed Addition

Notice is hereby given pursuant to section 2(a)(2) of Public Law 92-28; 85 Stat. 79, of the proposed addition of the following commodity to Procurement List 1973, March 12, 1973 (38 FR 6742).

COMMODITY

Class 7510:
Envelope, transparent:
7510-687-2664

Comments and views regarding this proposed addition may be filed with the committee on or before July 16, 1973. Communications should be addressed to the Executive Director, Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped, 2009 14th Street, North, suite 610, Arlington, Va. 22201.

By the committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-11865 Filed 6-13-73;8:45 am]

PROCUREMENT LIST

Notice of Withdrawal of Proposed Additions

Notice is hereby given that the commodities and services published on pages 7944 and 7945 of the FEDERAL REGISTER of April 21, 1972, as proposed additions to the Initial Procurement List are withdrawn except for those listed below.

SERVICE

Furniture Rehabilitation:
Sacramento, Calif., and 8-mile radius

By the Committee.

CHARLES W. FLETCHER,
Executive Director.

[FR Doc.73-11866 Filed 6-13-73;8:45 am]

COUNCIL ON ENVIRONMENTAL QUALITY

ENVIRONMENTAL IMPACT STATEMENTS

Notice of Availability

Environmental impact statements received by the Council from May 29, through June 1, 1973.

NOTE.—At the head of the listing of statements received from each agency is the name of an individual who can answer questions regarding those statements.

DEPARTMENT OF AGRICULTURE

Contact: Dr. T. C. Byerly, Office of the Secretary, Washington, D.C. 20250, 202-447-7803.

FOREST SERVICE

Draft

Private lands, Sawtooth National Forest, Idaho, May 29: Proposed is the setting of standards, under Public Law 92-400 for the use, subdivision, and development of privately owned porperty within the Sawtooth National Recreation Area of the Forest. The standards will define the activities that do not impair the fishery, historic, wildlife, natural, scenic, pastoral, and other values of the Area (62 pages). (ELR Order No. 00913.) (NTIS Order No. EIS 73 0913-D.)

Final

Blanchard Spring Caverns, Ark., June 1: The proposal is for the operation and administration, beginning July 1973, of the Blanchard Spring Caverns of the Ozark and St. Francis National Forests. Development will include a visitor information center, elevators to the caverns, 0.7 mile of paved and curbed trails, lighting, water, sewer, and electrical systems, and related work. The fragile ecosystem of the caverns will be disturbed; the rare and endangered Indiana Bat will be deprived of some habitat; the culture of the area will become commercialized. Comments made by: USDA, DOI, COE, and EPA. (ELR Order No. 30933.) (NTIS Order No. EIS 73 0933-F.)

Herbicide Use * * * Malheur, Umatilla, and Wallowa-Whitman, Oregon, several counties, May 31: The statement refers to the proposed use of the herbicide 2,4-D, 2,4,5-T, 2,4,5-TP, Amitrole T, Dicamba, and Picloram on the three national forests in northeastern Oregon. Counties affected will be Baker, Harney, Morrow, Grant, Malheur, Umatilla, Union, Wallowa, and Wheeler. The chemicals will be used in reforestation, site preparation, utility and road right-of-way maintenance, range revegetation and noxious weed and poison plant control. The herbicides will be put into the environment in varying amounts; nontarget species will be affected (374 pages). Comments made by: USDA, DOC, DOI, and

DOT. (ELR Order No. 00931.) (NTIS Order No. EIS 73 0931–F.)

DEPARTMENT OF COMMERCE

Contact: Dr. Sidney R. Galler, Deputy Assistant Secretary for Environmental Affairs, Department of Commerce, Washington, D.C. 20230, 202–967–4335.

MARITIME ADMINISTRATION

Final

Tanker construction program, May 31: The program involves the subsidized construction of liquid bulk carriers under the Merchant Marine Act of 1970. Included is a mix of vessels, such as handy size tankers (35,000 dwt), intermediate tankers (85,000 dwt), supertankers (250,000 dwt), jumbo supertankers (400,000 dwt), and combination oil/bulk/oil (OBO) carriers (up to 160,000 dwt). The statement treats the deleterious effects of oil introduced into navigable waters by tankers and secondary effects, particularly in the area of future deep water terminal construction. Special assessments have been made of the effects of catastrophic release from the largest tanker considered under the program (4 volumes). Comments made by: AEC, DOI, DOT, EPA, FPC, COE, and USN. (ELR Order No. 00725.) (NTIS Order No. EIS 73 0725–F.)

DEPARTMENT OF DEFENSE

ARMY CORPS

Contact: Mr. Francis X. Kelly, Director, Office of Public Affairs, attention: DAEN–PAP, Office of the Chief of Engineers, U.S. Army Corps of Engineers, 1000 Independence Avenue SW., Washington, D.C. 20314, 202–693–7168.

Draft

Wildcat and San Pablo Creeks, Contra Costa County, Calif., May 29: Proposed is the construction of channel works on the two creeks, in order to provide protection from a 100-year frequency flood. There will be adverse impact from construction disruption (34 pages). (ELR Order No. 00918.) (NTIS Order No. EIS 73 0918–D.)

C–135 and Tower Hillsborough basin, Four River basin, Fla., May 31: The proposed project is the construction of a 14-mile bypass canal (C–135) from the Hillsborough River to McKay Bay with three control structures; construction of a 2-mile Hillsborough River diversion canal (C–136) and one control structure. About 3,500 acres of land will be converted to the flood control system. Adverse impacts are: Loss of forest land and other vegetative matter, destruction of benthic organisms and marine life, degradation of water quality due to saltwater intrusion, and lowering of the water table and an artesian aquifer (63 pages). (ELR Order No. 00925.) (NTIS Order No. EIS 73 0925–D.)

West Hickman, Fulton County, Ky., May 31: The project recommends the construction of a pumping station and control gate designed to alleviate flooding. Clearing of approximately 2.8 acres of willow trees will occur. Adverse impacts stemming from the project are increased turbidity in Bayou du Chien (22 pages). (ELR Order No. 00921.) (NTIS Order No. EIS 73 0921–D.)

Cochiti Dam, N. Mex., May 1: Proposed is the completion of Cochiti Dam, a unit of the Middle Rio Grande Valley project. The multipurpose project is intended to arrest floodflows, retain sediment, and promote recreation and fish and wildlife resources. Approximately 1,240 acres will be inundated by the project; which is 60-percent complete. There will be a potential loss of archeologic resources (140 pages). (ELR Order No. 00743.) (NTIS Order No. EIS 73 0743–D.)

Rio Grande and tributaries, Socorro and Valencia Counties, N. Mex., May 17: Proposed is the construction of two dry flood and sediment control reservoir projects, one on the Rio Puerco at mile 17 and one on Rio Salado at mile 5. Approximately 35,250 acres along a 62 mile stretch of the Rio Grande would be protected. Land committed to the project will total 14,900 acres (Albuquerque District) (125 pages). (ELR Order No. 00841.) (NTIS Order No. EIS 73 0841–D.)

Paxton Creek and Susquehanna River, Harrisburg, Pa., May 29: Proposed is a flood protection project for the Lower Paxton Creek area of Harrisburg. Included would be a concrete wall and earthen levee system; backflow prevention gates and pumping stations; a diversion channel for Paxton Creek; and the expansion of Wildwood Lake. There will be adverse aesthetic impact, and inundation of approximately 35 acres (144 pages). (ELR Order No. 00916.) (NTIS Order No. EIS 73 0916–D.)

DEPARTMENT OF DEFENSE

NAVY

Contact: Mr. Joseph A. Grimes, Jr., Special Civilian Assistant to the Secretary of the Navy, Washington, D.C. 20350, 202–697–0892.

Draft

U.S. Naval Submarine Base, New London, Conn., May 17. The statement, a revised draft, refers to the widening of a 7.5-mile navigation channel. Deposit of 2.7 million cubic yards of spoil will be at a Providence, R.I., dump site. There will be adverse impact to marine biota. (The original draft statement, filed with the Council on April 10, 1972, is ELR No. 4176, NTIS Order No. PB–208 175–D) (approximately 250 pages). (ELR Order No. 00836.) (NTIS Order No. EIS 73 0836–D.)

DELAWARE RIVER BASIN COMMISSION

Contact: Mr. W. Briton Whitall, Secretary, Post Office Box 360, Trenton, N.J. 08603, 609–883–9500.

Draft

Trout Run Earthfill Dam, Berks County, Pa., May 18: Proposed is the construction of an earthfill dam, and Trout Run Reservoir. The facility will include a multileveled intake tower, bottom outlet, pumping station, spillway and stilling basin, and transmission line. A total of 42 acres of land will be inundated by the project. Adverse impacts stemming from the project are loss of land and associated wildlife cover (approximately 200 pages). (ELR Order No. 00848.) (NTIS Order No. EIS 73 0848–D.)

ENVIRONMENTAL PROTECTION AGENCY

Contact: Mr. Sheldon Meyers, Director, Office of Federal Activities, room 3630, Waterside Mall, Washington, D.C. 20460, 202–755–0940.

Draft

Wastewater Treatment, Wailuku and Kahului Maui County, Hawaii, May 15: Proposed is the construction of a new wastewater treatment and disposal system to serve Wailuku and Kahului, on the island of Maui. The project will include a 6-Mgal/d activated sludge treatment plant with sand filtration, 16,000 ft of force main, two pump stations, and four deep wells for gravity injection disposal. The project will result in short-term inconvenience from construction disruption; the plant may encourage area population growth (approximately 200 pages). (ELR Order No. 00822.) (NTIS Order No. EIS 73 0822–D.)

FEDERAL POWER COMMISSION

Contact: Dr. Richard F. Hill, Acting Advisor on Environmental Quality, 441 G Street NW., Washington, D.C. 20426, 202–386–6084.

Final

Wells Project No. 2149, Chelan and Douglas Counties, Wash., May 31: The proposed action rises from a proceeding presently before the Commission, involving Public Utility District No. 1 of Douglas County and the Washington State Department of Game, regarding a determination of the extent of wildlife losses directly attributable to the Wells Project No. 2149, and mitigation measures as required by the license. Three alternative plans are proposed, including such measures as intensive habitat improvement, the raising and release of pheasants, and continued wildlife studies. The Wells project is located on the Columbia River (approximately 100 pages). Comments made by: DOI and EPA. (ELR Order No. 00932.) (NTIS Order No. EIS 73 0932–F.)

GENERAL SERVICES ADMINISTRATION

Contact: Mr. Rod Kreger, Acting Administrator, GSA–AD, Washington, D.C. 20405, 202–343–6077.

Final

Social Security Payment Center, Cook County, Ill., May 31: The statement refers to the proposed construction of a 10-story (757,000 gross ft²) building to house the Social Security Administration Payment Center of the Department of Health, Education, and Welfare. The construction of the building may cause accelerated deterioration of contiguous neighborhoods (121 pages). Comments made by: EPA, DOI, OEO, AHP, AEC, DOC, and USDA. (ELR Order No. 00923.) (NTIS Order No. EIS 73 0923–F.)

DEPARTMENT OF THE INTERIOR

Contact: Mr. Bruce Blanchard, Director, Environmental Project Review, room 7260, Department of the Interior, Washington, D.C. 20240, 202–343–3891.

BUREAU OF RECLAMATION

Draft

Crystal Dam and Reservoir, Montrose County, Colo., May 2: The statement supplements a final which was filed on December 6, 1971. The supplement covers design changes to the dam, reservoir, and powerplant, including the reduction of channelization from 8,000 ft of stream to 5,000 ft; and the elimination of some overhead powerlines (25 pages). (ELR Order No. 00746.) (NTIS Order No. EIS 73 0746–D.)

NATIONAL PARK SERVICE

Big South Fork National Recreation Area, Ky., and Tenn., May 25: Proposed is the legislative establishment of a 111,000-acre Big South Fork National Recreation Area in McCreary County, Ky., and Fentress, Morgan, and Pickett Counties, Tenn. The area contains one of the last free-flowing whitewater river systems on the Columbia Plateau. There would be adverse effects associated with increased tourism and development (73 pages). (ELR Order No. 00906.) (NTIS Order No. EIS 73 0906–D.)

DEPARTMENT OF LABOR

Contact: Mr. Benjamin W. Mintz, Assistant Solicitor for Occupational Safety and Health, room 5420, Washington, D.C. 20210, 202–961–3695.

Draft

Emergency Standards * * * Carcinogens, May 21: Proposed is the promulgation of an emergency temporary standard to regulate the handling of 14 organic chemical compounds which are identified as carcinogens. The standard is intended to reduce exposure of workers to cancer-causing substances (133 pages). (ELR Order No. 00871.) (NTIS Order No. EIS 73 0871–D.)

SOURIS-RED-RAINY RIVER BASINS COMMISSION

Contact: Mr. Eugene E. Krenz, Planning Director, suite 6, Professional Building, Holiday Mall, Moorhead, Minn. 56560, 701-237-3355.

Draft

Minnesota, North Dakota, South Dakota, May 29: The statement suggests programs for developing and managing the water and related land resources of the region according to the following objectives: Regional economic growth; environmental quality; and national economic growth (3 volumes). (ELR Order No. 00914.) (NTIS Order No. EIS 73 0914-D.)

TENNESSEE VALLEY AUTHORITY

Contact: Dr. Francis Gartrell, Director of Environmental Research and Development, 720 Edney Building, Chattanooga, Tenn. 37401, 615-755-2002.

Final

Briceville flood relief project, Anderson County, Tenn., June 1: The proposal is for the clearing, deepening, and widening of various portions of Coal Creek between Briceville and Lake City, in order to reduce the frequency and severity of flooding. Riparian habitat will be adversely affected (92 pages). Comments made by: EPA, AHP, USDA, COE, HEW, HUD, DOI, and DOT. (ELR Order No. 20934.) (NTIS Order No. EIS 73 0934-F.)

DEPARTMENT OF TRANSPORTATION

Contact: Mr. Martin Convisser, Director, Office of Environmental Quality, 400 Seventh Street SW., Washington, D.C. 20590, 202-466-4357.

Draft

Northeast Railroad Restructing Act of 1973, May 31: The statement refers to legislation which would provide for the restructuring of the rail system in the Northeast, and for other purposes. The bill would provide procedures for the development of one or more new privately owned rail systems from the various railroads now in bankruptcy. The new railroad(s) would operate over systems designed on the basis of economic viability (67 pages). (ELR Order No. 00930.) (NTIS Order No. EIS 73 0930-D.)

FEDERAL AVIATION ADMINISTRATION

Final

Redwood Falls Municipal Airport, Redwood County, Minn., May 31: The proposed project includes acquiring 110 acres of land (30.74—easements; 78.81 acres—fee simple), grading, seeding, sodding, and surfacing; installing visual approach slope indicator system (VASI-2); relocating runway end indicator lighting systems (REILS); and constructing a 1,500 ft by 75 ft extension of the northwest/southeast runway. Adverse impacts include loss of farmland, removal of trees, loss of wildlife habitat, and increases in noise and air pollution (21 pages). (ELR Order No. 00929.) (NTIS Order No. EIS 73 0929-D.)

Columbus Municipal Airport, Bartholomew County, Ind., May 29: The proposed project consists of developing Columbia Municipal Airport. Project features include extension of runway 31-22R; overlaying two runways and constructing a parallel taxiway to the runway extension; and installing lighting. Adverse effects stemming from the project are increased noise, air, and water pollution (34 pages). (ELR Order No. 00919.) (NTIS Order No. EIS 73 0919-D.)

FEDERAL HIGHWAY ADMINISTRATION

Draft

U.S. 95, Bonner County, Idaho, May 31: The proposed project is the relocation of U.S. 95 as a bypass. The relocation is 1.5 miles long. An unspecified amount of land will be taken for right-of-way. Relocations will include the existing Burlington Northern Railroad depot, three warehouses, one motel office, and five families. The facility will traverse the San Creek increasing water pollution. An increase in noise pollution will occur (77 pages). (ELR Order No. 00926.) (NTIS Order No. EIS 73 0926-D.)

I 264, Watterson Expressway, Louisville (Jefferson County), Ky., May 29: Proposed is the reconstruction of 13 miles of Interstate 263 in the city of Louisville, in order to increase its transportation capacity. Arterial crossroads and 13 existing interchanges will be reconstructed. Approximately 315 acres of land will be committed to the project; 835 families and 62 businesses will be displaced. Four tracts of 4(f) land may be encroached upon; noise and air pollution levels will increase (approximately 300 pages). (ELR Order No. 00915.) (NTIS Order No. EIS 73 0915-D.)

Route 61, Pike County, Miss., May 31: The proposed project consists of improving 6 miles of Route 61. A total of 150 acres of agricultural land will be acquired for right-of-way and one family will be displaced. Adverse impacts includes loss of agricultural land and increased noise and air pollution levels (9 pages). (ELR Order No. 00928.) (NTIS Order No. EIS 73 0928-D.)

I-95 Fayetteville Bypass. Cumberland County, North Carolina, May 31: The document, a revised draft, refers to the proposed construction of a 17-mile segment of I-95 to bypass the city of Fayetteville. Approximately 1,600 acres of rural land which is suitable for wildlife habitat will be committed to the project. Thirty-five residences will be displaced. Minor stream siltation and construction disruption will occur (156 pages). (The original statement, ELR Order No. 1603; NTIS Order No. PB-205 583-D, was filed Jan. 12, 1972), (ELR Order No. 00922.) (NTIS Order No. EIS 73 0922D.)

Foster/Woodstock Couplet, Portland, Multnomah County, Oreg, May 16: The project involves a proposal to convert a short section of Southeast Foster Road and Southeast Woodstock Boulevard to one-way streets, construct two connections between those streets, widen a portion of Southeast Foster Road, and widen a portion of Southeast 92d Street. Seven families and three businesses will be displaced to acquire necessary right-of-way (28 pages). (ELR Order No. 00830.) (NTIS Order No. EIS 73 0838D.)

Queens-Mulberry Street, Greenville. Greenville County, South Carolina, May 21: The proposed project involves the construction of a new four-lane highway, Queen-Mulberry Street, in the city of Greenville. The 0.7 mile facility would be on new location and require approximately 80 feet in right-of-way throughout. Thirty-one families and three businesses will be displaced. Adverse impacts include construction disruption and increased noise pollution levels (17 pages). (ELR Order No. 00870.) (NTIS Order No. EIS 73 0870D.)

Southeast Boulevard, Spokane. Spokane County, Washington, May 18: The proposed project is the improvement of Southeast Boulevard in the city of Spokane. The action consists of widening the existing road to a minimum 44-foot width for a length of 1.63 miles beginning at 29th Avenue and terminating at 14th Avenue. Increased traffic volumes on the facility will cause increases in air and noise pollution levels (78 pages). (ELR Order No. 00846.) (NTIS Order No. EIS 73 0846D.)

SR 395, Washington. Franklin County, Washington, May 31: The proposed project involves the improvement of SR 395 and SR 17. Length will vary between 17.42 miles and 18.61 miles. An unspecified amount of land will be acquired for right-of-way. One family will be displaced. Increases in air, noise, and water pollution will occur. Other impacts are revision of utility systems, increased road kills of wildlife, and loss of vegetation (150 pages). (ELR Order No. 00927.) (NTIS Order No. EIS 73 0927D.)

Final

Winslow-Kayenta Highway, S.H. 87. Navajo County, Arizona, May 22: The statement refers to the proposed extension of State Highway route 87, the Winslow-Kayenta Highway. The proposed highway begins at station 59+35 and pursues a new alignment in a northerly direction to station 2752+00 on the Navajo Indian Reservation where it joins U.S. Highway 160. The segment covered in this statement is 18.25 miles long. Adverse effects include construction scars upon the landscape from cuts, fills, and borrows; withdrawal of rangeland from livestock grazing; reduction of wildlife habitat and encroachment of increased human activity upon a remote area (64 pages). Comments made by: EPA, HUD, DOI, and State agencies. (ELR Order No. 00872.) (NTIS Order No. EIS 73 0872F.)

Mission Road Grade Separation. Los Angeles County, California, May 31: The proposed project provides for a separation of grade between the Southern Pacific Co.'s El Paso Line Tracks and two city of Los Angeles streets—Mission Road and Griffin Avenue. The separation will be accomplished by lowering the railroad track and raising the street grade on two vehicular bridges. Approximately 248 families will be displaced and 20 businesses affected by the project. Construction disruption, tree removal, and encroachment on section 4(f) land from Lincoln Park are adverse effects of the action (110 pages). Comments made by: COE, HEW, HUD, DOI, and DOT. (ELR Order No. 00924.) (NTIS Order No. EIS 73 0924F.)

Interstate H-3. Honolulu County, Hawaii, May 21: Proposed is the construction of 9.4 miles of H-3, from the Halawa Interchange to the Halekou Interchange in Honolulu. Approximately 100 acres, including 60 acres of land in the Moanalua Valley, will be committed to the project. There will be some impact to 8 to 10 houses, and great impact to the Halawa jail and to two potential recreation areas. The bed of Moanalua Stream will be rechannelized (7 vols). Comments made by: USDA, DOI, HUD, EPA, State and local agencies, and concerned citizens. (ELR Order No. 00808.) (NTIS Order No. EIS 73 0808F.)

I-69, Michigan. Clinton County, Michigan, May 15: The proposed project is the construction of 8.5 miles of I-69. The project extends from I-66 near North Grand River Avenue, to the I-69/U.S.-27/U.S.-127 interchange under construction north of Clark Road. A minimum 418 feet right-of-way is required throughout the project. Fifteen families will be displaced. Possible adverse impacts are encouragement of urban sprawl and blight; construction disruption; and disruption of natural environmental components with pollution and degradation of wildlife habitat (106 pages). Comments made by: USDA, COE, EPA, HUD, DOI, State and local agencies. (ELR Order No. 00817.) NTIS Order No. EIS 73 0817F.)

County Road No. 18, Ohio, Logan County, Ohio, May 22: The proposed project is the reconstruction of 2.51 miles of county road No. 18 from county road No. 42 to county road No. 11. An unspecified amount of additional right-of-way will be committed to the project (28 pages). Comments made by: EPA,

DOI, DOT, and State agencies. (ELR Order No. 00876.) (NTIS Order No. EIS 73 0876F.)

TIMOTHY ATKESON,
General Counsel.

[FR Doc.73-11789 Filed 6-13-73;8:45 am]

COST OF LIVING COUNCIL

[Phase 3 Ruling 1973-1]

ALCOHOLIC BEVERAGE PRICE INCREASES

Prenotification

Facts.—The liquor control laws in several States provide that manufacturers and distributors of alcoholic beverages must file with the State control board a new price schedule at least 30 days in advance of implementation of any price adjustments. Once filed, the new price schedule may not be withdrawn prior to its effective date and upon becoming effective must remain in effect for at least 30 days. Thus, a firm which files a new price schedule is temporarily bound by State law to sell at the prices quoted in the schedule.

Firm A is an alcoholic beverage manufacturer subject to the prenotification requirements of subpart N of the phase 3, Economic Stabilization Regulations (6 CFR 130.130 et seq.). Effective 4 p.m., e.d.t., May 2, 1973, firms subject to subpart N of the phase 3 regulations must provide 30-day prior notice to the Cost of Living Council before increasing prices. Firm A is also subject to the State liquor control laws in the States in which it sells its products. Between April 10 and May 1, 1973, it filed new price schedules with various State liquor control boards in compliance with State laws. The new prices were bound to become effective under the State laws at least 30 days after the filing in every instance.

Issued.—Does the filing by firm A of the new price schedules with the State liquor control agencies prior to the May 2, 1973, starting date for prenotification under subpart N of the phase 3 regulations, constitute the charging of increased prices and, thereby, relieve firm A from the requirement of giving notice to the Council and waiting 30 days pursuant to the provisions of subpart N before implementing any price increases?

Ruling.—No. To increase a price is to charge an increased price, within the meaning of subpart N of the phase 3 regulations, 6 CFR 130.131. Consistent with Price Commission Ruling 1972-142, a price is charged not when it is posted or published but at the point in time in a sales transaction when the purchase price becomes due and payable.

Firm A did not and could not charge an increased price under the facts until an actual sale occurred after the new price schedule became effective. Since the effective date of the price schedule is after May 2, 1973, firm A is fully subject to the prenotification requirements of subpart N of the phase 3 regulations with respect to these price increases and must provide 30 days prior notice to the Council before implementing any price increase.

It is recognized that the Federal prenotification requirement in this circumstance prevents firm A from selling at a higher price until the 30-day notice period has expired while the State law requires that after the effective date of the new price schedule, firm A may no longer sell at its current price. The only way in which firm A can comply with both laws is to refrain from selling in those States during the interval after the price schedules become effective but before the 30 day Federal period has expired. The inequity resulting from these conflicting requirements can best be resolved by firm A's seeking an exception from the Council that would allow the 30-day waiting period to be expedited in this particular situation.

Where State law provides that the filing of a new price list is an irrevocable agreement to charge those prices on and after a stated time, firm A should in the future prenotify its proposed price increases to the Council 30 days prior to the time that it files a new schedule with the State. This procedure will minimize any possible conflict between State and Federal rules in the event that the Council challenges or disapproves the proposed price increase.

WILLIAM N. WALKER,
General Counsel,
Cost of Living Council.

JUNE 8, 1973.

[FR Doc.73-11882 Filed 6-11-73;3:05 pm]

ENVIRONMENTAL PROTECTION AGENCY

CHRYSLER CORP.

Suspension Request; Notice and Procedure for Public Hearing

On May 29, 1973, Chrysler Corp., pursuant to section 202(b)(5)(B) of the Clean Air Act, as amended, filed with the Administrator of the Environmental Protection Agency an application for a 1-year suspension with respect to that company of the effective date of the 1976 emission standard for oxides of nitrogen (set forth at 40 CFR 85.076-1).

Section 202(b)(5)(B) of the act provides that any time after January 1, 1973, any automobile manufacturer may file with the Administrator an application requesting suspension for 1 year only of the effective date, with respect to that manufacturer, of the oxides of nitrogen emission standards applicable to light duty vehicles manufactured beginning with model year 1976.

Section 202(b)(5)(C) provides that if the Administrator determines that such suspension should be granted, he shall simultaneously with such determination prescribe by regulation interim emission standards which shall apply to emissions of oxides of nitrogen from such vehicles manufactured during model year 1976. Such interim standards shall reflect the greatest degree of emission control which the Administrator determines is available, giving appropriate consideration to the cost of applying such technology within the period of time available to manufacturers.

Section 202(b)(5)(D) provides that the Administrator shall issue a decision granting such suspension only if he determines, after public hearing, that (1) such suspension is essential to the public interest or the public health and welfare of the United States, (2) all good faith efforts have been made to meet the established standards, (3) the applicant has established that effective control technology, processes, operating methods, or other alternatives are not available or have not been available for a sufficient period of time to achieve compliance prior to the effective date of such standards, and (4) the study and investigation of the National Academy of Sciences and other information available to him have not indicated that technology, processes, or other alternatives are available to meet such standards.

Pursuant to section 202(b)(5)(D), a public hearing on Chrysler Corp.'s application and all other applications for suspension of the 1976 emission standard for oxides of nitrogen received not later than June 20, 1973, will be held in room 3908, Environmental Protection Agency Building, 401 M Street SW., Washington, D.C., commencing at 9 a.m. on June 25, 1973. Applications received after June 20, 1973, will be the subject of a subsequent hearing.

The hearing is intended to consider arguments and information which any person may present relevant to the findings required by sections 202(b)(5)(C) and (D) of the act. Participants are encouraged to include in their discussions of the technical feasibility of achieving the statutory emission standards, or any proposed interim standards, a proposed methodology for demonstrating or predicting whether or not such emission standards are achievable on the basis of presently available vehicle test data and other information.

Any interested person may participate in this hearing through the filing of written comments or information and by oral statement at the hearing. Any interested person desiring to make an oral statement at the hearing shall file a written request (10 copies, if practicable) to make an oral statement with the Director, Mobile Source Enforcement Division, Environmental Protection Agency, room 3220I, 401 M Street SW., Washington, D.C. 20460, not later than June 25, 1973. Persons failing to submit timely written requests to make oral presentations at the public hearing shall not be entitled to appear at the hearing either to give direct presentations or to directly question other witnesses, except at the discretion of the hearing panel. Such persons are not precluded, however, from submitting written statements for the record and written questions to be propounded by the hearing panel. Such written requests to make oral presentations shall state whether such person supports or opposes suspension, shall set forth any interim standards which such person contends should be established, and shall contain a summary of such person's oral statement. Direct oral statements by participants other than applicants shall be

limited to 10 minutes, followed by such questioning as the hearing panel deems appropriate.

Written statements and information not presented orally at the hearing may be submitted to the above address for inclusion in the record of the hearing at any time prior to completion of the hearing. Any person who provides written or oral information for consideration in this hearing shall be required, upon 24 hours' notice, to appear at the hearing to respond to questioning by the hearing panel or by such other interested persons as the panel deems appropriate at any time prior to conclusion of the hearing.

The application and all supporting documentation will be available for public inspection in the Office of Public Affairs, Environmental Protection Agency, room 329, 401 M Street SW., Washington, D.C. 20460. Information and data not disclosed to the public will not be relied upon by the Administrator in making the required findings. Any person may obtain copies of portions of the applications as provided for by 40 CFR part 2.

Procedures.—Since the public hearing is designed to give all interested persons an opportunity to participate in this proceeding, participants may present data, views, arguments, or other pertinent information concerning the action requested of the Administrator and may submit written questions to be propounded to a witness by the hearing panel. Participants in the proceeding may, in addition, submit written requests to question directly specified witnesses. Such written requests may be submitted at any time and shall be allowed at the discretion of the hearing panel. Requests to question witnesses directly shall contain a showing that the issues to be addressed are critical to the issues in the proceeding and that interrogation of the witness by the panel and through written questions submitted by such participant is inadequate to protect fully such participant's interests. Such request shall specify the particular issues to be pursued by such participant on direct examination of a witness.

Appropriate representatives of the applicants and other members of the automotive and related industries will be required to attend the hearing and respond under oath to questions propounded by the hearing panel and other such persons as the hearing panel may appoint. The panel may limit the length of oral presentations and questions, may exclude irrelevant or redundant material or questions, and may direct that corroborative material be submitted in writing rather than presented orally.

A verbatim transcript of the proceeding will be made and copies will be available from the reporter at the expense of any person requesting them.

Dated June 11, 1973.

ALAN G. KIRK II,
Acting Assistant Administrator for Enforcement and General Counsel.

[FR Doc.73-11911 Filed 6-13-73;8:45 am]

CHECKER MOTORS CORP.; SUSPENSION REQUEST

Notice of Time and Place of Public Hearing

A notice in the June 4, 1973, FEDERAL REGISTER at page 14708 announced a public hearing to be held pursuant to section 202(b)(5)(D) of the Clean Air Act to consider applications by vehicle manufacturers for a 1-year suspension of the effective date of the 1975 light-duty emission standards for carbon monoxide and hydrocarbons.

That hearing will commence at 9 a.m., June 18, 1973, in room 3305, Environmental Protection Agency Building, 401 M Street SW., Washington, D.C.

Dated June 12, 1973.

ALAN G. KIRK II,
Acting Assistant Administrator for Enforcement and General Counsel.

[FR Doc.73-11993 Filed 6-13-73;8:45 am]

MAJOR STANDARDS, REGULATIONS, AND GUIDELINES

Procedures for Preparation and Issuance of Explanations

The Environmental Protection Agency has adopted the following procedures whereby the Agency, when it proposes certain standards, regulations, and guidelines, will publish full explanations of the action taken. The new procedures are responsive to the growing demand by the judiciary and the public that Government agencies provide full and public explanation of their actions. EPA has in the past published comprehensive explanations for some of its standards and regulations. For example, such explanations were published in connection with the Standards of Performance for Marine Sanitation Devices under section 13 of the Federal Water Pollution Control Act (37 FR 12391, June 23, 1972), and in connection with Standards of Performance for New Stationary Sources under section 111 of the Clean Air Act (36 FR 24876-95, Dec. 23, 1971, supplemental statement published at 37 FR 5767, Mar. 21, 1972). The procedures adopted here provide that such explanations will be issued in connection with all major standards, regulations, and guidelines.

Two considerations underlie these procedures. First, the Agency believes the public should be fully apprised of the environmental effects of the Agency's major standard-setting actions. Second, the Agency's believes that the public should be provided with detailed background information to assist it in commenting on the merits of a proposed action. Accordingly, the procedures provide that the explanation will be issued at the time the standard, regulation, or guideline is published in proposed form.

As a result of these procedures, the Agency believes the public and interested parties will be more fully informed about the environmental consequences of, and rationale behind, proposed major standard-setting actions.

The procedures are as follows:

PROCEDURES FOR THE PREPARATION AND ISSUANCE OF ENVIRONMENTAL EXPLANATIONS IN CONNECTION WITH THE ENVIRONMENTAL PROTECTION AGENCY'S PROPOSAL OF MAJOR STANDARDS, REGULATIONS, AND GUIDELINES

Sec.
1. Applicability.
2. General requirement.
3. Revision.
4. Publication and availability.
5. Extension of time.
6. Effective date.

SECTION 1. *Applicability.*—The procedures set forth below apply to major standards, regulations, and guidelines established by the Administrator of the Environmental Protection Agency which either prescribe national standards of environmental quality, or require national emission, effluent, or performance standards or limitations.

SEC. 2. *General requirement.*—At the time of publication of any notice of proposed rulemaking with respect to any action identified in section 1 hereof, the Administrator shall make available to any interested party a statement of the basis and purpose of the proposed action and an explanation of its environmental effects. The explanation will set forth:

(a) Information available to the Agency delineating the major environmental effects of the proposed action;

(b) A discussion of pertinent nonenvironmental factors affecting the decision including, where relevant under the applicable statute, legal, technical, social, and economic factors; and

(c) An explanation of viable options available to the Agency, and the rationale for the option selected, in sufficient detail to apprise a reader, not an expert in the subject matter involved, of the issues.

SEC. 3. *Revision.*—When a standard, regulation, or guideline is published in final form after initial publication in proposed form, the materials required under section 2 may be revised in light of the comments received, and in light of the Agency's further consideration of the matter. Any such revised materials will be made avialable at the time the standard, regulation, or guideline is promulgated in final form.

SEC. 4. *Publication and availability.*—Where practicable, materials prepared pursuant to section 2 or 3 shall be published in the FEDERAL REGISTER to accompany the regulatory action involved. Where, because of the length of the materials, such publication would be impracticable, a statement shall be published in the FEDERAL REGISTER, as a preamble to the proposed action, identifying the issues discussed in the materials, and setting forth instructions as to how a copy of the materials may be obtained.

SEC. 5. *Extension of time.*—The Administrator may authorize the publication of any standard, regulation, or guideline identified in section 1 hereof,

even though preparation of the materials required under section 2 has not been completed, where necessary to comply with a statutory deadline or where the compelling need for pollution abatement requires the immediate establishment of a regulatory framework. In any such case, the materials required under section 2 shall be prepared and made available to the public within 90 days following publication of such standard, regulation, or guideline, unless the Administrator by order establishes a longer or shorter period.

SEC. 6. *Effective date.*—These procedures will become effective December 31, 1973. Standards, regulations, and guidelines proposed prior to this date will not be affected by these procedures.

Dated June 8, 1973.

ROBERT W. FRI,
Acting Administrator.

[FR Doc.73-11834 Filed 6-13-73;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

CABLE TELEVISION

Annual Reporting Forms Available; Filing Deadlines Extended

JUNE 5, 1973.

The Commission has completed the previously announced revisions in its annual cable television reporting forms and has sent copies of the forms to all known cable television owners or operators. The following revised schedule of filing deadlines has been established:

Form 326-A (annual fee), June 30, 1973.
Form 325 (services/ownership report), July 31, 1973.
Form 326 (financial report), for calendar year reporting—August 31, 1973; for fiscal year reporting—within 90 days after the end of the fiscal year that began after January 1, 1972.
Form 395 (EEO report), August 31, 1973 or Form 395-N (alternative to Form 395), August 31, 1973.

Because the forms have been only slightly revised, familiarity with them is assumed, and no extensions of time to file are contemplated.

In completing the forms three points should be observed:

(1) A separate form must be filed for each cable community. If data is being consolidated or incorporated by reference, the special instructions on the forms should be followed.

(2) One copy of each of the forms mailed to cable owners or operators, except Form 395-N, has an address label attached to it, and it is essential that the forms with the label be returned to the Commission.

(3) Form 326-A (annual fee), is due no later than June 30, 1973, regardless of whether the reporting cable system operates on a calendar or fiscal year basis, and must contain subscriber data for calendar year 1972.

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

[FR Doc.73-11757 Filed 6-13-73;8:45 am]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the appendix to the recommendations of the North American regional broadcasting agreement engineering meeting January 30, 1941.

MAY 24, 1973.

CANADIAN LIST NO. 310

Call letters	Location	Power kW	Antenna	Schedule	Class	Antenna height (feet)	Ground system: Number of radials	Ground system: Length (feet)	Proposed date of commencement of operation
		810 kHz							
CHQR (PO 10 kW, DA-2)	Calgary, Alberta, N. 50°53'50", W. 114°05'38".	50	DA-2	U	II				E.I.O. 8-24-73.
		1250 kHz							
CBGA (change in call letters)	Matane, Quebec, N. 48°51'03", W. 67°30'01".	10D/5N	DA-N ND-D-190.	U	III				
		1540 kHz							
CBGN (change in call letters)	Ste. Anne des Monts, Quebec, N. 49°07'48", W. 66°27'46".	1D/0.25N	ND-184	U	IV	150	120	205	

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION.
WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.73-11758 Filed 6-13-73;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. R-459]

FLARING AND VENTING OF NATURAL GAS

Order Denying Rehearing

JUNE 8, 1973.

The Public Service Commission for the State of New York (PSCNY), filed on May 10, 1973, an application for rehearing or clarification of the Commission's order No. 482 issued April 12, 1973, in the above-entitled proceeding. The Commission in order No. 482 amended its general rules of practice and procedure by the addition of a new § 2.77 (18 CFR 2.77) relating to the recovery of natural gas for sale in interstate commerce which would otherwise be flared or vented.

PSCNY seeks clarification of the provisions of paragraph (b) of § 2.77.[1] PSC NY is concerned that the language of paragraph (b) might be read as indicating that action by the pipeline pursuant to paragraph (b) of § 2.77 is an alternative to action by the Commission upon application by a producer pursuant to paragraph (a) of that same section PSC NY states that the filing of budget application by a pipeline will not serve the function of alerting the Commission or other interested parties to the price implications of a sale purporting to come within the policy established by § 2.77. In the alternative, PSCNY requests deletion of the provisions in § 2.77b.

PSCNY has misconstrued our order. Under § 2.77 either a producer or a pipeline, or both, may seek relief. As we envisage it, in some cases the pipeline alone will seek relief, and it will not be necessary for the producer to seek any

[1] Paragraph b of § 2.77 reads as follows:

(b) A pipeline purchaser may, if it desires, build such facilities under its regular gas purchase budget authorization (pursuant to § 157.7(b) of the regulations under the Natural Gas Act). Any pipeline purchaser authorized to build such facilities may file a petition requesting the Commission to permit it to use the appropriate accounting entries for depreciation of the facilities over the life of the additional reserves to be recovered citing the Commission's order in docket No. R-459 and the docket number of the Commission's certificate order authorizing such facilities. This treatment will be accepted by the Commission in rate proceedings of the pipeline company.

relief. Moreover, while the filing of a budget application by a pipeline does not alert either the Commission or interested parties as to the type of problem under consideration in order No. 482, all interested parties will have an opportunity to intervene in connection with any request by a pipeline to depreciate the facilities over the life of the additional reserves to be recovered. In view of the foregoing, the clarification sought by PSCNY is not appropriate.

The Commission finds

PSCNY's application for rehearing sets forth no further facts or principles of law which were not fully considered in order No. 482, or which, having now been considered, warrant any modification of that order.

The Commission orders

The application for rehearing filed by PSCNY on May 10, 1973, with respect to order No. 482 is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-11883 Filed 6-13-73;8:45 am]

[Docket Nos. E-8182, E-8183]

ALABAMA POWER CO.

Notice of Initial Rate Schedule and Additional Delivery Point

JUNE 6, 1973.

Take notice that on May 7, 1973, Alabama Power Co. (Applicant) filed with the Federal Power Commission, pursuant to § 35.12 of the regulations under the Federal Power Act, two applications, as follows:

(A) In docket No. E-8182 Applicant filed an agreement, dated March 1, 1973, with the city of Piedmont, Ala. (City), pursuant to Applicant's tariff rate schedule MUN-1, filed with the Commission on November 1, 1971. Included as exhibit A to the aforementioned agreement are descriptions of the existing delivery point to the City of Piedmont and of a proposed delivery point to said City.

Piedmont No. 1.—The point of connection between Applicant's 4,160-volt conductors and City's 4,160-V conductors at the Applicant's substation in Piedmont, Calhoun County, Ala. Effective date is June 2, 1973.

Piedmont No. 2.—The point of connection between Applicant's 4,160-V bus and City's 4,160-V conductors at Applicant's substation, located on Smith Street in Piedmont, Calhoun County, Ala. Effective date is July 1, 1973.

(B) In docket No. E-8183 Applicant filed an agreement, dated March 30, 1973, with Tallapoosa Electric Cooperative, Inc. (Co-op), pursuant to Applicant's tariff rate schedule REA-1, filed with the Commission on November 1, 1971.

This agreement constitutes filing an initial rate schedule. The agreement includes, as exhibit A, description of the Ellas point of delivery as the point of connection between Applicant's 44,000-V conductors and Co-op's 44,000-V conductors at the Co-op's substation located in the south half of the southeast quarter of the northwestern three-quarters of section 13, T22S, R6E, Clay County, Ala. The effective date at this point of delivery will be June 1, 1973.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before June 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-11809 Filed 6-13-73;8:45 am]

[Docket No. E-8162 etc.]

ALABAMA POWER CO. ET AL.

Notice of Applications

JUNE 7, 1973.

Take notice that each of the applicants listed herein has filed an application pursuant to section 205 of the Federal Power Act and part 35 of title 18 of the Code of Federal Regulations.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The applications are on file with the Commission and available for public inspection.

Docket No.	Filing date	Name of applicant
E-8162.....	Apr. 30, 1973	Alabama Power Co.

Applicant files a service agreement dated March 1, 1973, with Dixie Electric Cooperative, Inc., pursuant to rate schedule MUN-1 filed with the Commission on November 1, 1971, by Alabama Power Co. The service agreement, which becomes effective May 1, 1973, describes three new delivery points designated as Arrowhead, Halstead, and LeGrand in Montgomery County, Ala.

Docket No.	Filing date	Name of applicant
E-8165.....	Apr. 30, 1973	Northern States Power Co.

Applicant files supplement No. 5, dated April 16, 1973, to the integrated transmission agreement between Cooperative Power Association and Northern States Power Co., dated August 25, 1967, and designated rate schedule FPC No. 342.

Supplement No. 5 provides a fifth revised exhibit D, updating the subtransmission system and points of delivery exhibit, and a fourth revised exhibit F, updating the tabulation of Cooperative Power Association's construction costs for credit under the agreement. Supplement No. 5 also provides a fifth revised exhibit H, updating the points of metering with Cooperative Power Association.

Pursuant to paragraph 1.03 of supplement No. 1 to the system control and load dispatching agreement, dated November 6, 1972 (FPC supp. No. 1 to supp. No. 7 to the subject agreement FPC No. 342), Northern States Power Co. files a determination of charge, dated April 23, 1973, which establishes the monthly compensation for services provided Cooperative Power Association for the annual period beginning April 1, 1973.

Docket No.	Filing date	Name of applicant
E-8168.....	Apr. 30, 1973	Central Telephone & Utilities Corp.

Applicant files participation power service schedule P, dated April 23, 1973, supplementing an interconnecting agreement between Control Telephone Utilities Corp. and Wheatland Electric Cooperative, Inc., designated rate schedule FPC No. 33.

Service schedule P provides for the sale by Central of 30 megawatts of capacity without reserves to be supplied from the LaCygne No. 1 unit of the Kansas Gas & Electric Co. for a 12-month period beginning July 1, 1973.

Docket No.	Filing date	Name of applicant
E-8166.....	Apr. 30, 1973	Utah Power & Light Co.

Applicant files five revised sheets for Utah Power & Light Co.'s FPC electric tariff, original volume No. 1, resale service rates. The revisions, which supersede sheet Nos. 1, 3, 6, 10, and 11 of the applicant's FPC electric tariff, effective June 1, 1973, reflect (1) changes and additions in system facilities as of the end of 1972, (2) a change in the renewal and termination of service agreements provisions in paragraph 12 of the Company's electric service regulations, to provide for a mutually acceptable advance notice requirement to be specified in the service agreement in lieu of the 1 year's advance notice requirement set forth in original sheet No. 6. In addition, reference to supply of supplemental power and energy has been deleted from sheet No. 10, and the contract year provision of sheet No. 11 has been broadened to allow the supplemental service purchaser to select the

most appropriate and beneficial 12-month period as the contract year for minimum bill purposes.

Docket No.	Filing date	Name of applicant
E-8167.....	Apr. 30, 1973	St. Joseph Light & Power Co.

Applicant files service schedule for participation power dated December 20, 1971, as provided for by January 22, 1971, amendment to the interconnection and interchange agreement between St. Joseph Light & Power Co. and Iowa Power & Light Co., designated St. Joseph rate schedule FPC No. 12 and Iowa rate schedule FPC No. 34.

The service schedule provides for the sale of 40 megawatts of participation power by applicant to Iowa Power & Light Co. from June 1, 1973, to June 1, 1974, with a demand charge estimate under the rate schedule of $60,000 per month.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11808 Filed 6-13-73;8:45 am]

[Docket No. E-7674]

ALABAMA POWER CO.

Notice of Proposed Change in Tariff

JUNE 7, 1973.

Take notice that on May 21, 1973, Alabama Power Co. (Alabama Power) tendered for filing third revised sheets Nos. 35 and 37 and fourth revised sheet No. 38, of the index of purchasers under rate schedules REA-1 and MUN-1 of the company's tariff filed on November 1, 1971, which is currently under review in docket No. E-7674. The revised tariff sheets contain effective dates for various delivery points and provide for new delivery points generally for the city of Piedmont, a municipal customer under rate schedule MUN-1, and the following electric cooperatives, under rate schedule REA-1: Black Warrior Electric Cooperative, Inc.; Central Alabama Electric Cooperative, Inc.; Dixie Electric Cooperative, Inc. and Tallapoosa Electric Cooperative, Inc. The tariff sheets are proposed to become effective as of January 3, 1972.

Any person desiring to be heard or to protest said filing should, on or before June 15, 1973, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, a petition to intervene or protest in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). Protests filed with the Commission will be considered by it 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 the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11796 Filed 6-13-73;8:45 am]

[Docket No. CI73-804]

APACHE EXPLORATION CORP.

Notice of Application

JUNE 7, 1973.

Take notice that on May 24, 1973, Apache Exploration Corp. (Applicant), P.O. Box 2299, Tulsa, Okla. 74101, filed in docket No. CI73-804 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Co. from the South Carlsbad Field, Eddy County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 150,000 M ft^3 of gas per month at 53c/M ft^3 at 14.65 lb/in^2a, subject to upward and downward Btu adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervent is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11810 Filed 6-13-73;8:45 am]

[Docket No. CI73-697]

C. & K. PETROLEUM, INC.

Notice of Extension of Time

JUNE 6, 1973.

On June 4, 1973, C. & K. Petroleum, Inc. requested an extension of time within which to file testimony and exhibits as required by order issued May 29, 1973 in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including June 21, 1973 within which C. & K. Petroleum, Inc., shall file its exhibits and testimony. The hearing will be held on July 9, 1973, at 10 a.m., e.d.t., as previously scheduled, in a hearing room of the Federal Power Commission at 825 North Capitol Street NE., Washington, D.C.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11806 Filed 6-13-73;8:45 am]

[Docket Nos. E-8194 and E-8195]

CAROLINA POWER & LIGHT CO.

Notice of Changes in Interconnection Agreements

JUNE 6, 1973.

Take notice that on May 14, 1973, Carolina Power & Light Co. (Applicant) filed with the Federal Power Commission, pursuant to section 35 of the regulations under the Federal Power Act, two separate applications, as follows:

(A) In docket No. E-8194 Applicant filed an agreement between Applicant and Duke Power Co. (Duke), dated October 9, 1972, for a temporary circuit to increase the capacity of the Eno Interconnection between the two companies. This agreement for the third circuit in the Roxboro-Eno Interconnection will automatically terminate when Applicant needs the capacity of this line for the operations on its system and in any event not later than the time of commercial operation of Applicant's Roxboro No. 4 generating unit.

The power and energy supplied by Applicant to Duke will be accounted for in accordance with the applicable provisions of an agreement between the two companies, dated June 1, 1961, which is on file with the Federal Power Commission, designated in Applicant's Rate Schedule FPC No. 45 and Duke Power Co. Rate Schedule FPC No. 10.

(B) In docket No. E-8195, Applicant filed a supplement to its Interconnection Agreement with the Carteret-Craven Electric Membership Corp. (CCEMC), dated January 5, 1956 and designated in Applicant's Rate Schedule FPC No. 53. This supplementary filing changes the metering voltage and the location of the metering equipment for the Newport point of delivery under the aforementioned agreement. The metering voltage is changed from 33 kV to 115 kV, and the location of the metering equipment is changed from the secondary side of CCEMC's 110/33 kV substation to the bus side jumpers of CCEMC's 115 kV breaker.

This relocation is required in order that CCEMC may extend its 115 kV line

to a new load center and at the same time maintain service from its Newport 115/33 kV breaker. In order to accomplish this change, Applicant will make an additional investment of approximately $9,500 for metering facilities.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before June 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11811 Filed 6-13-73;8:45 am]

[Docket No. E-8164]

CENTRAL HUDSON GAS & ELECTRIC CORP.

Notice of Application

JUNE 7, 1973.

Take notice that Central Hudson Gas & Electric Corp. (Central Hudson), on April 30, 1973, tendered for filing as an initial rate schedule an executed agreement dated December 28, 1972, between Central Hudson and Consolidated Edison Co. of New York, Inc. (Con Edison). The proposed rate schedule provides for transmission of Con Edison's share of the output of the Roseton Electric Generating Plant by Central Hudson over its 345 kV transmission line from Roseton to Leeds, N.Y., during the period from commercial operation of Roseton until completion of Con Edison's Ramapo-Rock Tavern transmission line or until October 31, 1975, whichever is earlier.

The initial monthly charges to Con Edison are estimated to be $30,770 and $61,540 respectively with one and both Roseton units in service. Central Hudson states that charges under the proposed rate schedule with both Roseton units in service will be identical to charges under its Rate Schedule FPC No. 42 for use of the same facilities to transmit an equal amount of Roseton generation for Niagara Mohawk Power Corp.

Central Hudson states that a copy of its filing was served on Con Edison.

Any person desiring to be heard or to make any protest with reference to such application should, on or before June 25, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. 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 rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11812 Filed 6-13-73;8:45 am]

[Project No. 553]

CITY OF SEATTLE, WASHINGTON

Notice of Application for Amendment of License for Constructed Project

JUNE 7, 1973.

Public notice is hereby given that application for amendment of license has been filed March 29, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by the city of Seattle, Wash. (correspondence to: Mr. Gordon Vickery, superintendent of lighting, the city of Seattle, Department of Lighting, 1015 Third Avenue, Seattle, Wash. 98014) for constructed project No. 553, known as the Skagit River project, which is entirely surrounded by the Ross Lake National Recreation Area, located in Whatcom County, Wash., near the towns of Newhalem and Diablo, an the Skagit River.

Applicant seeks Commission approval of its plans to construct a tourist visitors center on Diablo Lake, 1,500 ft downstream from Ross Dam and adjacent to the Ross powerhouse. The proposed facility would replace an existing dock and boat shelter which is constructed of lumber and corrugated aluminum and floats on large cedar logs. The new facility would consist of a permanent precast concrete structure, designed to be compatible with the Ross powerhouse, set on concrete foundation piers on an existing but unutilized embankment, and would provide docking for work and tour boats, an assembly room, sanitation facilities, and space for educational and historic exhibits. Estimated cost of the proposed new facility is $400,000.

The establishment of the Ross Lake National Park, coupled with the opening of the new North Cascades Highway, is expected to create an influx of recreational tourists in the immediate future far beyond the carrying capability of existing facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before July 17, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11813 Filed 6-13-73;8:45 am]

[Docket No. CP73-44]

COLORADO INTERSTATE GAS CO.

Notice of Petition To Amend

JUNE 6, 1973.

Take notice that on May 21, 1973, Colorado Interstate Gas Co. (Petitioner), a division of Colorado Interstate Corporation, P.O. Box 1087, Colorado Springs, Colo. 80901, filed in docket No. CP73-44 a petition to amend the order issued in said docket on March 30, 1973 (49 FPC), pursuant to section 7(c) of the Natural Gas Act by authorizing the Petitioner to construct and operate an air injection facility having a capacity of 8,000 M ft³ per day of air at the Watkins Junction Regulator Station, located east of Denver, Colo., all as more fully set forth in the petition to amend on file with the Commission and open to public inspection.

By Commission order in docket No. CP73-44 Petitioner was authorized, among other things, to construct and operate an inert gas generator with a daily capacity of 8,000 M ft³ of inert gas which is to be injected into Petitioner's system in order to reduce the heating value of natural gas received from Panhandle Eastern Pipe Line Co. under a gas exchange agreement. Petitioner states that technological problems associated with the use of air injection have been eliminated and now proposes to substitute hereinbefore-mentioned air injection facility for the inert gas generator and injection facility. Petitioner states that most design computations for the inert gas generator are directly applicable to air injection, but the air injection facility will not require the inert gas generation furnace which will reduce natural gas consumption by 134,000 M ft³ for a 6-month period of operation. In addition, Petitioner indicates that since the inert gas generator will not be required, there will be a savings in the annual cost of service of $184,280, as well as, a decrease in the construction costs from $3,166,266 for the inert facility to $1,963,175 for the air injection facility.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests

filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11814 Filed 6-13-73;8:45 am]

[Docket No. CI73-805]

FLAG-REDFERN OIL CO.

Notice of Application

JUNE 6, 1973.

Take notice that on May 21, 1973, Flag-Redfern Oil Co. (Applicant), P.O. Box 23, Midland, Tex., 79701, filed in docket No. CI77-805 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale of natural gas in interstate commerce from the Sawyer Field, Lea County, N. Mex., and the delivery of said gas at the tailgate of Cities Service Oil Co.'s Bluitt Gasoline Plant in Roosevelt County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it anticipates that it will have commenced the sale of natural gas prior to May 20, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act and proposes to continue said sale for 18 months from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell from 2,000 to 5,000 M ft³ of gas per day at 43c/M ft³, subject to upward and downward British thermal unit adjustment. Etimated initial upward British thermal unit adjustment is .86c/M ft³. The estimated monthly sales volume is 60,000 M ft³ of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11800 Filed 6-13-73;8:45 am]

[Project No. 362]

FORD MOTOR CO.

Notice of Issuance of Annual License

JUNE 6, 1973.

Ford Motor Co., Licensee for Twin City Lock and Dam Project No. 362 located at U.S. Lock and Dam No. 1 on the Mississippi River in Hennepin and Ramsey Counties between the cities of St. Paul and Minneapolis, Minn., has advised the Commission of its intent to file for a new license for the project.

The license for project No. 362 was issued effective June 7, 1923, for a period ending June 6, 1973. In order to authorize the continued operation of the project, pursuant to section 15 of the act pending filing and completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Ford Motor Co. for the continued operation and maintenance of Twin City Lock and Dam Project No. 362.

Take notice that an annual license is issued to Ford Motor Co. (Licensee) for the period June 7, 1973, to June 6, 1974, or until Federal takeover, or until the issuance of a new license for the project whichever comes first, for the continued operation and maintenance of project No. 362, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11815 Filed 6-13-73;8:45 am]

[Docket No. CI73-812]

GENERAL AMERICAN OIL CO. OF TEXAS

Notice of Application

JUNE 7, 1973.

Take notice that on May 23, 1973, General American Oil Co. of Texas (Applicant), Meadows Building, Dallas, Tex. 75206, filed in docket No. CI73-812 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. from the Church Point Field, Acadia Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on April 23, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 2 years from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and Interpretations (18 CFR 2.70). Applicant proposes to sell up to 1,500 M ft³ of gas per day, plus additional gas which may be available and which the purchaser may be able to receive, at 45 c/M ft³ at 14.65 lb/in²a, subject to upward and downward British thermal unit adjustment with upward adjustment limited to 1,150 Btu M/ft³.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be

unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11816 Filed 6-13-73;8:45 am]

[Docket No. CI73-811]

GENERAL AMERICAN OIL CO. OF TEXAS

Notice of Application

JUNE 6, 1973.

Take notice that on May 22, 1973, General American Oil Co. of Texas (Applicant), Meadows Building, Dallas, Tex. 75206, filed in docket No. CI73-811 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line, Co. from the East Hawkins Field, Wood County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 3,000 M ft^3 of gas per day at 45c/M ft^3 at 14.65 lb/in^2a. The estimated monthly sales volume is 90,000 M ft^3 of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11799 Filed 6-13-73;8:45 am]

[Project No. 1494]

GRAND RIVER DAM AUTHORITY

Notice of Application for Change in Land Rights

JUNE 7, 1973.

Public notice is hereby given that application was filed April 9, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by the Grand River Dam Authority (correspondence to: Mr. Richard W. Lock, General Manager, Grand River Dam Authority, P.O. Drawer G, Vinita, Okla. 74301) for change in land rights for the Pensacola Project No. 1494 located on the Grand River which is a navigable waterway of the United States, in Mayes, Delaware, Craig, Muskogee, Rogers, Tulsa, Wagoner, and Ottawa Counties, Okla., and McDonald County, Mo., near the city of Pensacola, Okla. The land affected is within Delaware County, Okla.

Applicant requests Commission approval for a granting of an easement to the Southwestern Bell Telephone & Telegraph Co. to cross the project with underground wires and cables. The proposed crossing would be a 25-foot right-of-way, beneath the waters of Honey Creek, an arm of Grand Lake. The purpose of the proposed easement would be to furnish telephone service to the residents of the Honey Creek Estates subdivision.

Any person desiring to be heard or to make protest with reference to said application should on or before July 16, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11817 Filed 6-13-73;8:45 am]

[Docket No. CI73-820]

J. M. HUBER CORP. ET AL.

Notice of Application

JUNE 7, 1973.

Take notice that on May 23, 1973, J. M. Huber Corp. (Operator) et al. (Applicant), 2000 West Loop South, Houston, Tex. 77027, filed in docket No. CI73-820 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Transwestern Pipeline Co. from the South Carlsbad area, Eddy County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act and proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 326,000 M ft^3 of gas per month at 53¢/M ft^3, subject to upward and downward Btu adjustment with upward Btu adjustment limited to 1,175 Btu/ft^3.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11818 Filed 6-13-73;8:45 am]

[Docket No. E-8216]

IDAHO POWER CO.

Notice of Application

JUNE 7, 1973.

Take notice that on May 22, 1973, Idaho Power Co. (Applicant) filed an application with the Federal Power Commission seeking an order pursuant to section 204 of the Federal Power Act authorizing the company to enter into a guaranty agreement with the trustee of pollution control revenue bonds to be issued by the county of Sweetwater, Wyo., in the amount of $30 million which bonds will be sold by the county as soon as possible after obtaining approval of this guaranty.

Applicant is incorporated under the laws of the State of Maine, and is duly qualified to do business in the States of Idaho, Oregon, Nevada, and Wyoming, with its principal business office at Boise, Idaho.

The bonds of the county will be sold to purchase pollution abatement equipment at Idaho Power Co.'s Jim Bridger Steam Electric Generating Station near Rock Springs, Wyo., which installation is expected to be completed in 1976. Said equipment will be leased by the county to the Applicant and payments under said lease will be sufficient to pay principal, premium if any, and interest due on said bonds. The bonds will not be issued by the Applicant. The rate of interest will be negotiated at a private sale of the bonds between the county and the underwriters.

The authorization sought is for Applicant to issue an independent guaranty to the trustee for the benefit of the holders of the bonds of payment of principal, premium if any, and interest on said bonds. No payments will be required under the guaranty if all payments are made pursuant to the lease.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11797 Filed 6-13-73;8:45 am]

[Docket No. RP73-66]

INTER-CITY MINNESOTA PIPELINES, LTD., INC.

Notice of Proposed Rate Change

JUNE 6, 1973.

Take notice that Inter-City Minnesota Pipelines, Ltd., Inc. (ICM), on January 24, 1973, tendered for filing FPC gas tariff original volumes Nos. 1 and 2 of Inter-City Minnesota Pipelines, Ltd., Inc. ICM requests that FPC gas tariff original volumes Nos. 1 and 2 become effective November 1, 1972, and November 1, 1970, respectively.

ICM states that it is filing these tariffs because the Federal Power Commission desires a filing be made and desires that ICM transport and sell gas under Commission approved tariffs. ICM hopes that its purchased gas cost adjustment is in accordance with Commission Orders 452 and 452A and docket No. R-406.

ICM states that under separate special contracts, it has sold gas to Inter-City Gas Ltd. and transported gas for ICG Transmission Ltd. ICM further maintains that it intends to enter into service agreements with Inter-City Gas Ltd. for the sale of gas and ICG Transmission Ltd. for the transportation of gas.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, 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 15, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11792 Filed 6-13-73;8:45 am]

[Docket No. E-8222]

IOWA POWER & LIGHT CO.

Notice of Application

JUNE 7, 1973.

Take notice that on May 22, 1973, Iowa Power & Light Co. (Applicant) of Des Moines, Iowa, filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of 500,000 shares of additional common stock, par value $10 per share, and 100,000 shares of cumulative preferred stock, par value $100 per share.

Applicant proposes to issue the aforesaid 500,000 shares of common stock, par value $10 per share, and 100,000 shares of cumulative preferred stocks, par value $100 per share, under competitive bidding pursuant to the Commission's regulations under the Federal Power Act. Neither the common stock nor the cumulative preferred stock will be issued to present holders of Applicant's securities or pursuant to any preemptive right.

The purpose for which the common stock and cumulative preferred stock are to be issued is to provide funds necessary for retirement of $14,033,000 principal amount of first mortgage bonds at maturity on August 1, 1973, and for the repayment of short-term bank loans incurred as temporary financing.

Any person desiring to be heard or to make any protest with reference to such application should, on or before June 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11798 Filed 6-13-73;8:45 am]

[Docket No. ID-1693]

JAMES A. McDIVITT

Notice of Application for Disclaimer of Jurisdiction

JUNE 6, 1973.

Take notice that on April 2, 1973, James A. McDivitt (Applicant) filed an application pursuant to section 305(b) of the Federal Power Act requesting the Commission to disclaim jurisdiction over Applicant's holding of the interlocking positions following below. If the Commission does not disclaim jurisdiction, Applicant further requests the Commission to authorize the holding of the following positions:

Senior vice president, Consumers Power Co. (Consumers), public utility.
Director, Pullman Inc. (Pullman), public utility.

Applicant requests the Commission to disclaim jurisdiction over his holding of the above positions because Applicant contends that past and future transactions between Consumers and Pullman and its subsidiaries do not and will not constitute the sale of electrical equipment as that term is used in section 305(b) of the Federal Power Act. Alternatively, it is Applicant's position, that if the Commission determines such transactions do or will constitute the sale of electrical equipment, Applicant must request authority to hold the interlocking positions mentioned above.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Com-

mission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11803 Filed 6-13-73;8:45 am]

[Docket No. CI73-815]

JOHN R. McGINLEY, JR.

Notice of Application

JUNE 6, 1973.

Take notice that on May 14, 1973, John R. McGinley, Jr. (Applicant), 11422 Pecan Creek, Houston, Tex. 77043, filed in docket No. CI73-815 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Northern Natural Gas Co. from the Gomez Field, Pecos County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant seeks authorization to sell up to 52,084 M ft³ of gas per day before payout or 104,168 M ft³ of gas per day after payout, for 1 year, at 40c/M ft³ at 14.65 lb/in²a, subject to upward and downward British thermal unit adjustment, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Estimated initial downward British thermal unit adjustment is 1.78c/M ft³. Estimated monthly sales volumes are 1,560 M ft³ before payout and 3,120 M ft³ after payout. Applicant's contract provides for the sale of an average daily volume of 20,000 M ft³ of gas, subject to reduction if Applicant's interest is less than 100 percent.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11801 Filed 6-13-73;8:45 am]

[Docket No. CI73-802]

MOBIL OIL CORP.

Notice of Application

JUNE 7, 1973.

Take notice that on May 24, 1973, Mobil Oil Corp. (Applicant), 800 Three Greenway Plaza East, Houston, Tex. 77046, filed in docket No. CI73-802 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Co. from the Pecos Valley South (Ellenburger) S. E. Field, Pecos County, N. Mex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 2 years within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell up to 1,000 M ft³ of gas per day, plus additional gas which may be available, at 40c/M ft³ at 14.65 lb/in²a, subject to upward and downward British thermal unit adjustment. The estimated initial upward British thermal unit adjustment is 4c/M ft³. The estimated initial monthly sales volume is 24,800 M ft³ of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application, if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or to be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11819 Filed 6-13-73;8:45 am]

[Docket No. RP73-110]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Proposed Changes in Rates and Charges

JUNE 7, 1973.

Take notice that on May 31, 1973, Natural Gas Pipeline Co. of America (Natural) filed revised tariff sheets to its FPC gas tariff, third revised volume No. 1, and second revised volume No. 2.

The revised tariff sheets would increase the charges for service under all of the rate schedules in volumes Nos. 1 and 2 of Natural's tariff. The proposed increased rates provide for a $61,600,000 annual increase in jurisdictional revenues above the revenues collected under the rates presently in effect subject to refund in docket No. RP72-132 and provide for a $63,900,000 revenue increase above revenues based on the proposed settlement rates in that docket.[1] The proposed rates are based upon sales for the 12-month period ended February 28, 1973, as adjusted.

Natural states that of the above revenue increases: (1) $6,700,000 is dependent on Natural's pending petition for

[1] Both the rates subject to refund and the settlement rates are adjusted to reflect the PGA unit adjustments (excluding the surcharge for recovery of the deferred purchased gas cost balance) filed by Natural to be effective June 1, 1973.

Commission order in docket No. RP73–63 under which it is proposed to price gas produced from leases acquired prior to October 7, 1969, at the applicable area rates instead of on the cost of service basis at which such gas is now priced, and (2) $24,300,000 would have been billed under the advance payment tracking procedure of Natural's proposed settlement in docket No. RP72–132. After excluding these amounts totaling $31 million, the indicated annual revenue increases would be $30,600,000 and $32,900,000 (on a percentage basis, 6.2 percent and 6.7 percent respectively) as compared with the $61,600,000 and $63,900,000 stated above.

In addition to the increased costs associated with advance payments and pricing of Natural's own production, Natural states that the principal increased costs result from a proposed increase in overall rate of return to 9.14 percent, which would permit a rate of return to equity of 13 percent, and a change in depreciation rate to 4.25 percent for all property which formerly was depreciated at a 3.5 percent rate. Natural says that the sales rates and charges proposed were derived from demand and commodity cost components utilizing an unmodified Seaboard cost allocation. Natural further states that the use of the Seaboard method is for purposes of limiting issues in this proceeding but is without prejudice for future proposals and contentions which differ from the unmodified Seaboard method.

Copies of this filing have been mailed to the customers of Natural and interested state commissions.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., 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 19, 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.73–11820 Filed 6–13–73;8:45 am]

[Docket No. CP73–214]

NATURAL GAS PIPELINE CO. OF AMERICA

Notice of Supplement to Application

JUNE 6, 1973.

Take notice that on May 29, 1973, Natural Gas Pipeline Co. of America (Applicant), 122 South Michigan Avenue, Chicago, Ill. 60603, filed in docket No. CP73–214 a supplement to its application filed in said docket on February 8, 1973, pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of sales of natural gas from the North Lansing Field, Harrison County, Tex., all as more fully set forth in the application, as supplemented, which is on file with the Commission and open to public inspection.

By its application of February 8, 1973, Applicant seeks certificate authorization to continue sales of natural gas from the North Lansing Field heretofore authorized by the Commission to be made by independent producers pursuant to rate schedules on file with the Commission. Among those sales is one to Texas Eastern Transmission Corp., authorized in docket No. G–14134 to be made pursuant to Gulf Oil Corp. (Operator), et al., FPC gas rate schedule No. 132. In the instant supplement to its application, Applicant states that the well from which gas was produced for this sale was plugged and abandoned prior to the time that Applicant acquired its interests. Accordingly, Applicant requests permission and approval pursuant to section 7(b) of the Natural Gas Act to abandon the sale.

Any person desiring to be heard or to make any protest with reference to said application, as supplemented, should on or before June 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests or petitions to intervene need not file again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–11821 Filed 6–13–73;8:45 am]

[Docket No. RP73–8]

NORTH PENN GAS CO.

Notice of Proposed PGA Rate Adjustment

JUNE 7, 1973.

Take notice that North Penn Gas Co. (North Penn), on May 18, 1973, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1 (33d revised sheets Nos. 4 and 5 and sixth revised sheet No. PGA–1) to become effective July 1, 1973. North Penn states that the proposed changes would increase its rates by 0.639c/M ft³ to reflect supplier increases by Consolidated Gas Supply Corporation of 0.27c/M ft³ and by Transcontinental Gas Pipe Line Corp. of 3.90c/M ft³ to become effective on July 1, 1973. North Penn states that copies of the filing were sent to all of its jurisdictional customers and the appropriate state public service commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., 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 14, 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 the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–11804 Filed 6–13–73;8:45]

[Dockets Nos. CP72–156 and CP73–126]

NORTHERN NATURAL GAS CO.

Notice of Extension of Time and Postponement of Hearing

JUNE 6, 1973.

On May 30, 1973, Northern Natural Gas Co. requested an extension of time within which to serve its testimony and exhibits and a postponement of the hearing date as set by the order issued May 3, 1973, in the above-designated matter. The request states that Staff Counsel and Iowa Public Service Co. have no objection to the request.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of testimony and exhibits by applicant, June 6, 1973. Hearing, June 19, 1973 (10 a.m., e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–11805 Filed 6–13–73;8:45 am]

[Docket No. G–10632]

NORTHERN NATURAL GAS CO.

Notice of Petition for Waiver of Regulations Under the Natural Gas Act

JUNE 6, 1973.

Take notice that on May 21, 1973, Northern Natural Gas Co. (Petitioner), 2223 Dodge Street, Omaha, Nebr. 68102, filed in docket No. G–10632 a petition to waive the 60-day limitation contained in § 157.22(a) of the Commission's regulations under the Natural Gas Act in order to enable petitioner to continue emergency deliveries heretofore initiated to Northern Illinois Gas Co. (NI-Gas), all as more fully set forth in the petition which is on file with the Commission and open to public inspection.

Petitioner has advised the Commission that on April 1, 1973, it commenced the emergency sale and delivery of natural gas to NI-Gas, a partial requirements customer of petitioner. Petitioner indicates that NI-Gas has experienced, and

will continue to experience, substantial curtailment of deliveries from its other pipeline suppliers and, as a result, urgently needs additional gas volumes during the summer months to bring its gas storage fields up to the level needed to serve its winter demand. Petitioner also states that it urgently needs additional gas for delivery to its utility customers during the winter months in order to enable these distributors to meet the wintertime requirements of high-priority consumers connected to their respective distribution systems.

Petitioner and NI–Gas have entered into an agreement, dated March 22, 1973, which provides for Petitioner to deliver or cause to be delivered to NI–Gas up to 10,800,000 M ft³ of natural gas which NI–Gas will cause to be injected into its gas storage fields. NI–Gas will reduce its takes from Petitioner during the period November 1, 1973, through March 31, 1974, by a total amount equal to one-third of the volume of gas delivered to NI–Gas during the summer months, but not to exceed a total volume of 3,600,000 M ft³. Petitioner states that this delivery arrangement will have the effect of converting summertime off-peak gas supplies to wintertime high priority end-use utilization by Petitioner's and NI–Gas' customers and thus assist Petitioner and NI–Gas in meeting the requirements of their customers during the 1973–74 heating season.

The petition indicates that gas sold to NI–Gas under the subject agreement will be physically delivered to the facilities of Natural Gas Pipeline Co. of America (Natural) at an interconnection between the facilities of Petitioner and Natural in Mills County, Iowa, and Natural will transport and redeliver such gas to NI–Gas at the Troy Grove Storage area for the account of Petitioner. Natural's proposed transportation service is the subject of its pending application in docket No. CP73–275. Additionally, Petitioner has pending in docket No. CP73–286 an application for certificate authorization for the delivery and sale of gas to Applicant as hereinabove described.

Accordingly, Petitioner requests that the Commission waive the 60-day limitation upon emergency deliveries prescribed by § 157.22 of the regulations under the Natural Gas Act in order that Petitioner may continue the sale and delivery of gas to NI–Gas under the above-described special arrangement and in order to permit continuation of such deliveries until the date of issuance of certificate authorizations requested by Petitioner and Natural in dockets Nos. CP 73–286 and CP73–275, respectively.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said petition should on or before June 18, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–11791 Filed 6–13–73;8:45 am]

[Project No. 108]

NORTHERN STATES POWER CO.

Notice of Extension of Time

JUNE 6, 1973.

On May 29, 1973 and June 1, 1973, the Lac Courte Oreilles Band of Lake Superior Chippewa Indians and the Wisconsin Department of Natural Resources, respectively, filed requests for an extension of time to file comments on the Draft Environmental Impact Statement prepared by the staff in accordance with the order issued January 30, 1973, in the above designated matter.

Upon consideration, notice is hereby given that the time is extended to and including June 14, 1973, within which all parties may file comments on the staff's draft environmental statement. The other procedural dates are modified as follows:

Service of direct testimony by staff and interveners, August 2, 1973.

Service of staff's final environmental impact statement, August 2, 1973.

Cross-examination, September 5, 1973. (10 a.m., e.d.t.)

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–11807 Filed 6–13–73;8:45 am]

[Docket No. E–8218]

ORANGE AND ROCKLAND UTILITIES, INC. AND CONSOLIDATED EDISON CO.

Notice of Application

JUNE 7, 1973.

Take notice that on May 21, 1973, Orange and Rockland Utilities, Inc. (Orange and Rockland) and Consolidated Edison Co. of New York, Inc. (Con Edison) filed an application seeking an order pursuant to section 203 of the Federal Power Act authorizing the transfer and sale of interests in certain lands and rights-of-way and certain transmission facilities from Orange and Rockland to Con Edison.

Orange and Rockland is incorporated under the laws of the State of New York and is domesticated in the State of New Jersey. Orange and Rockland is principally engaged in the electric and gas utility business with its principal business office at Spring Valley, N.Y.

Con Edison is incorporated under the laws of the State of New York and is authorized to transact business only in the State of New York. Con Edison is principally engaged in the electric, gas, and steam utility business with its principal business office at 4 Irving Place, New York (Manhattan), N.Y.

Orange and Rockland proposes to transfer to Con Edison lands and rights-of-way and the following facilities located in the State of New York:

A 500 kV overhead transmission line running from a point on the New York-New Jersey State border in the town of Warwick, N.Y., a distance of about 5.2 miles to the site of a substation in the town of Ramapo, N.Y., 500/345 kV substation in the town of Ramapo, N.Y., an undivided 85 percent interest in a 345 kV overhead transmission line extending from the 500/345 kV substation in the town of Ramapo, N.Y., to the middle of the Hudson River adjacent to the town of Stony Point, N.Y. and an undivided 66⅔ percent interest in a 345 kV transmission line extending underground from the site of the Bowline Point electric generating plant in the town of Haverstraw and the village of Haverstraw, N.Y., to a terminal facility at West Haverstraw, N.Y., and extending overhead from said terminal facility to Ladentown, N.Y.

Authorization of the transfer to Con Edison of all Orange and Rockland's interest in the 500-kV line and a 500/345-kV substation, an undivided 85 percent interest as a tenant in common in the 345-kV line, and an undivided 66⅔ percent interest as a tenant in common in the Bowline Point line is consistent with the public interest and will permit implementation of contractual arrangements between the parties worked out at arm's length after almost 2 years of negotiation allocating ownership of the facilities and responsibility for operating and maintenance expenses and fixed charges on the basis of the benefits Con Edison and Orange and Rockland will realize from the operation of the facilities.

Any person desiring to be heard or to make any protest with reference to said application should, on or before June 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–11794 Filed 6–13–73;8:45 am]

[Docket No. E–8221]

PACIFIC POWER & LIGHT CO.

Notice of Application

JUNE 7, 1973.

Take notice that on May 22, 1973, Pacific Power & Light Co. (Applicant), a corporation organized under the laws of the State of Maine and qualified to

transact business in the States of Oregon, Wyoming, Washington, California, Montana, and Idaho, with its principal business office at Portland, Oreg., filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing it to assume liability as guarantor for the payment of not exceeding $60 million of pollution control revenue bonds to be issued by the county of Sweetwater, Wyo., and to enter into a guaranty agreement guaranteeing payment of the principal of, premium, if any, and interest on said bonds.

Any person desiring to be heard or to make any protest with reference to said application should, on or before June 14, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11795 Filed 6-13-73;8:45 am]

[Docket No. CI73-813]

PENNZOIL PRODUCING CO. (OPERATOR), ET AL.

Notice of Application

JUNE 6, 1973.

Take notice that on May 18, 1973, Pennzoil Producing Co. (Operator), *et al.* (Applicant), 900 Southwest Tower, Houston, Tex. 77002, filed in docket No. CI73-813 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Co., from the Comitas Area, Zapata County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on May 10, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 4 months from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 240,000 M ft³ of gas per month at 45 cents per M ft³ at 14.65 lb/in²a, subject to upward and downward British thermal unit adjustment. Estimated upward British thermal unit adjustment is 1.215 cents per thousand cubic feet.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 73-11802 Filed 6-13-73;8:45 am]

[Docket No. CI72-552]

PHILLIPS PETROLEUM CO.

Notice of Petition To Amend

JUNE 7, 1973.

Take notice that on May 18, 1973, Phillips Petroleum Co. (Phillips), Bartlesville, Okla. 74004, filed in docket No. CI72-552, a petition to amend the order issuing a certificate of public convenience and necessity in said docket pursuant to section 7(c) of the Natural Gas Act by authorizing petitioner to exchange up to 10 million M ft³ of natural gas during any 12-month period, to Natural Gas Pipeline Co. of America (Natural) at an existing interconnection in Brazoria County, Tex., and to have redelivered to it by Natural equivalent volumes, for a period of 3 years from the date of initial delivery and so long thereafter as mutually beneficial to the parties, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner, which is authorized to exchange up to 3 million M ft³ of gas during a 12-month period, states that it has entered into an amendatory agreement with Natural to increase the total exchange volumes to 10 million M ft³ during any 12-month period at daily rates mutually agreeable to both parties, with such exchange volumes to be returned to petitioner at mutually agreeable times.

Petitioner alleges that this proposal will increase the flexibility of operations on its system.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11822 Filed 6-13-73;8:45 am]

[Project No. 2729]

POWER AUTHORITY OF THE STATE OF NEW YORK

Notice of Application for License for Unconstructed Project

JUNE 7, 1973.

Public notice is hereby given that application for a major license under the Federal Power Act (16 U.S.C. 791a-825r), was filed on March 30, 1973, by the Power Authority of the State of New York (correspondence to: Mr. Asa George, general manager and chief engineer, Power Authority of the State of New York, 10 Columbus Circle, New York, N.Y. 10019; copies to: John C. Mason, Esq., Morgan, Lewis & Bockius, 1140 Connecticut Avenue NW., Washington, D.C. 20036) for the proposed Breakabeen pumped storage project No. 2729. The project would be located on Schoharie Creek, tributary of the Mohawk River, in Schoharie County, N.Y., near the towns of Blenheim, Fulton, and Gilboa. The proposed project would affect the interests of interstate or foreign commerce.

Applicant, a municipality within the meaning of section 3(7) of the Federal Power Act, proposes to construct and operate hydroelectric facilities comprising a pumped storage development having a capacity of 1 million kW. Applicant states that the power developed at the project would be used for public utility purposes to meet projected power needs within New York State, with approximately 300 MW of project capacity expected to be utilized by the Metropolitan Transit Authority.

The proposed pumped storage project would consist of: (1) An upper reservoir enclosed on three sides by a 105-foot-high and 9,800-foot-long earth and rockfill embankment and on the fourth side by a natural ridge, with a water surface area of 216 acres and storage capacity of 13,000 acre-feet, of which 11,900 acre-feet would be usable storage between elevation 1,920 and 1,985 feet; (2) and ungated submerged circular weir which would operate as a water inlet and outlet, located in the southeast portion of the reservoir; (3) a concrete-lined vertical 1,000-foot-long pressure shaft, a 6,150-foot-long horizontal tunnel and manifold, all 28.5 feet in diameter, and four 500-foot-long, 13-foot-diameter pressure tunnels to provide passageways for water between the pumping-generating units and the upper reservoir; (4) a lower reservoir created by a 75-foot-high and 2,800-foot-long earth and rockfill dam across Schoharie Creek with a concrete-lined side chute spillway containing four 42.5-foot-wide by 40-foot-high tainter gates, having a storage capacity of 3,300 acre-feet (11,900 acre-feet of usable storage between elevations 766 and 780 feet) with 1,020 acres of surface area; (5) an underground powerhouse located on the west side of the lower reservoir which would contain four generator-motor units rated at 250,000 kW when operated as generators and about 420,000 horsepower when operated as motors; (6) step-up transformers located in the plant and connected through a system of disconnects and gas insulated high voltage buses to underground cables extending to the switchyard; (7) a switchyard located on the east bank of Schoharie Creek immediately downstream from the dam; and (8) three 345-kV transmission lines which would share a common right-of-way extending 4.4 miles in a southeasterly direction from the switchyard to a juncture with the existing Gilboa-New Scotland transmission line and thereafter utilizing existing or proposed rights-of-way for transmission lines of applicant's Blenheim-Gilboa pumped storage project No. 2685.

Recreation areas and facilities, including a boat ramp, constant level pools, fishing areas, hiking trails, fishing and ice skating pond, and related facilities for use by the public, are proposed for construction with funds to be provided in part by applicant and in part by agencies of the United States.

Any person desiring to be heard or to make protest with reference to said application should on or before August 8, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11823 Filed 6-13-73;8:45 am]

[Docket No. CI73-800]

SHENANDOAH OIL CORP.

Notice of Application

JUNE 7, 1973.

Take notice that on May 17, 1973, Shenandoah Oil Corp. (Applicant), 1500 Commerce Building, Fort Worth, Tex. 76102, filed in docket No. CI73-800 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Co. from the South Salon Prospect, Ellis County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on May 1, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and under the authorization sought herein proposes to sell gas within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) for a period ending on the first day of the month following expiration of 1 year from the date of first delivery. Applicant seeks authorization to sell all volumes available from the dedicated acreage at 50c/M ft^3 at 14.65 lb/in^2a, subject to upward and downward Btu adjustment. The estimated monthly sales volume is 2,000 M ft^3 of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11824 Filed 6-13-73;8:45 am]

[Docket No. CI73-799]

SHENANDOAH OIL CORP.

Notice of Application

JUNE 7, 1973.

Take notice that on May 17, 1973, Shenandoah Oil Corp. (Applicant), 1500 Commerce Building, Fort Worth, Tex. 76102, filed in docket No. CI73-799 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Co. from the East Sampsell Prospect, Cimarron County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on April 25, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and under the authorization sought herein proposes to sell gas within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) for a period ending on the first day of the month following expiration of 1 year from the date of first delivery. Applicant seeks authorization to sell up to 10,000 M ft^3 of gas per day at 50c/M ft^3 at 14.65 lb/in^2a, subject to upward and downward British thermal unit adjustment. The estimated monthly sales volume is 60,000 M ft^3 of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any

hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11825 Filed 6-13-73;8:45 am]

[Docket No. CI73-801]

SOC GAS SYSTEMS, INC.

Notice of Application

JUNE 7, 1973.

Take notice that on May 17, 1973, SOC Gas Systems, Inc. (Applicant), 1500 Commerce Building, Fort Worth, Tex. 76102, filed in docket No. CI73-801 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Panhandle Eastern Pipe Line Co. from the Keenan Field, Woodward County, Okla., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commerce the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to sell gas under the authorization sought herein for a period ending on the first day of the month following expiration of 1 year from the date of first delivery within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant seeks authorization to sell up to 2,000 M ft^3 of gas per day at 50c/M ft^3 at 14.65 lb/in^2a, subject to upward and downward British thermal unit adjustment. Monthly sales are estimated at 30,000 M ft^3 of gas.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11826 Filed 6-13-73;8:45 am]

[Docket No. CP73-308]

SOUTH TEXAS NATURAL GAS GATHERING CO.

Notice of Application

JUNE 6, 1973.

Take notice that on May 17, 1973, South Texas Gas Gathering Co. (Applicant), P.O. Drawer 521, Corpus Christi, Tex. 78403, filed in docket No. CP73-308 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the Commission's regulations thereunder, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing May 15, 1973, and operation of certain natural gas facilities to enable Applicant to take into its pipeline system supplies of natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the proposed facilities will not exceed $1 million, with no single project costing in excess of $250,000. Applicant states that these costs will be financed from funds on hand generated by normal operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 29, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene if filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11827 Filed 6-13-73;8:45 am]

[Docket No. E-8176]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Proposed Changes in Rates and Charges

JUNE 7, 1973.

Take notice that on May 8, 1973, Southern California Edison Co. tendered for filing proposed changes in its schedules R-1 and R-2, applicable to its small resale and large resale customers, respectively, and incorporated in its FPC electric rate schedules. The proposed effective date for the increase is July 7, 1973, and the increased rates would increase revenues from jurisdictional sales and service by an estimated $16,846,583 based upon service rendered during the 12-month period ending June 1973.

The increase in rates averages an estimated 46.9 percent for R-1 service and an estimated 50.9 percent for R-2 service.

Copies of the filing were served upon the utility's 13 jurisdictional customers, the California Public Utilities Commission, the Public Service Commission of

the State of Nevada, and upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, Union Center Plaza, 825 North Capitol Street NE., 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 10, 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.73-11828 Filed 6-13-73;8:45 am]

[Docket No. CI73-798]

SUN OIL CO.

Notice of Application

JUNE 7, 1973.

Take notice that on May 14, 1973, Sun Oil Co. (Applicant), P.O. Box 2880, Dallas, Tex. 75221, filed in docket No. CI73-798 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Texas Eastern Transmission Corp. from the North Hostetter Field, McMullen County, Tex., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it commenced the sale of natural gas on May 7, 1973, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for 1 year from the end of the 60-day emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 50,000 M ft^3 of gas per month at 45 c/M ft^3 at 14.65 lb/in^2a.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11829 Filed 6-13-73;8:45 am]

[Dockets Nos. R-427 and RP72-27]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Order on Rehearing Amending Prior Orders

JUNE 7, 1973.

This proceeding involves a request originally made on August 19, 1971, by Transcontinental Gas Pipe Line Corp. for authorization to track certain increases in the cost of gas purchased by Transco in southern Louisiana. Transco requested that such authorization be made effective as of September 19, 1971, or such other date as permitted for producer rate increases in the southern Louisiana area. The purpose of Transco's filing was to enable it to track producer rate increases approved by the Commission in opinion No. 598.[1] These increases became effective pursuant to opinion No. 598 on September 19, 1971. Significantly, this date fell within the 90-day price freeze imposed by the President from August 15 through November 14, 1971, as part of the Economic Stabilization program. On December 10, 1971, the Commission in order No. 437A-6 granted Transco its requested tracking authorization, but provided for an effective date as of the end of the price freeze on November 14, 1971.

On July 3, 1972, Transco filed a letter with the Commission pointing out that certain producer rate increases in southern Louisiana had been permitted by the Commission to become effective as of September 19, 1971, "subject to the provisions of the Economic Stabilization Act of 1970, as amended, and Executive Orders Nos. 11615 and 11627." Transco in its letter requested amendment of order No. 437A-6 so as to permit Transco to track the subject producer rate increases as of September 19, 1971, should the producer increases themselves be approved by the Price Commission.

On April 12, 1973, the Commission denied Transco's request. Transco now applies for rehearing of that action.

Upon further review of this entire matter and of the arguments made by Transco in its application for rehearing filed on May 7, 1973, we find that Transco and the Commission are in agreement that this Commission is without authority to approve either the producer rate increases involved or Transco's tracking of those increases. Such approval is a matter for the Cost of Living Council or other appropriate authority under the Economic Stabilization Act. At the same time we recognize that under the terms of order No. 437A-6, Transco is precluded from tracking the subject producer increases should they ultimately be approved.

In light of this fact and giving consideration to the action we have previously taken with respect to the related producer rate increases, we find that Transco should be permitted to track the producer increases if and when they are approved, and order No. 437A-6 will be amended to so provide. We will provide however that before the increased rates may be charged, Transco shall submit to the Commission written documentation that the producer rate increases here involved and Transco's tracking of such increases have been approved pursuant to the Economic Stabilization Act.

The Commission orders:

(A) Commission order No. 437A-6, issued December 10, 1971, is hereby amended to provide that Transco's effective date in docket No. RP72-27 shall be September 19, 1971, rather than November 14, 1971.

(B) Before any increased charges are made pursuant to order No. 437A-6, as amended by paragraph (A) above, Transco shall submit, in writing, documentation that the producer rate increases here involved and Transco's tracking of such increases have been approved pursuant to the Economic Stabilization Act.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11832 Filed 6-13-73;8:45 am]

[Docket No. CP73-316]

Notice of Application

TRUNKLINE GAS CO. AND TRANSCONTINENTAL GAS PIPE LINE CORP.

JUNE 7, 1973.

Take notice that on May 24, 1973, Trunkline Gas Co. (Trunkline), P.O. Box 1642, Houston, Tex. 77001, and Transcontinental Gas Pipeline Corp. (Transco), P.O. Box 1396, Houston, Tex. 77001 (Applicants), filed in docket No. CP73-316 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and neces-

[1] Area rate proceeding et al. (southern Louisiana area), dockets Nos. AR61-2 et al. and AR69-1, issued July 16, 1971.

sity authorizing the exchange of natural gas from March 1, 1973, until March 1, 1975, and month-to-month thereafter, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants seek authorization for the exchange of up to 50,000 M ft³ of natural gas daily, pursuant to a January 22, 1973, agreement under which Trunkline will deliver up to 50,000 M ft³ daily to Transco at two points of interconnection of Applicants' facilities in Bee and Jackson Counties, Tex. Redelivery of exchange volumes, according to Applicants, will take place at the point of interconnection of their facilities in Waller County, Tex.

Trunkline states that it will construct, own, and operate the gas delivery facilities in Jackson and Bee Counties, plus a side valve at the delivery point in Waller County, at an estimated cost of $96,770 to be financed with funds on hand.

Transco states that it will construct, own, and operate the Waller County redelivery point, plus side valves at the facilities in Jackson and Bee Counties, at an estimated cost of $98,800 to be financed with funds on hand.

Trunkline indicates that it will pay Transco 3c/M ft³ for gas redelivered by Transco, and 1 percent of the volumes delivered by Trunkline will be retained by Transco to replenish the fuel gas that Transco will use in making the exchange.

Applicants allege that the proposed exchange of gas will assist Trunkline in maintaining adequate natural gas service on its pipeline system.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 20, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11830 Filed 6-13-73;8:45 am]

[Docket No. E-8026]

VIRGINIA ELECTRIC & POWER CO.

Notice of Change in Hearing Date

JUNE 6, 1973.

On May 18, 1973, the North Carolina Electric Membership Corp., Roanoke Electric Membership Corp., Old Dominion Electric Cooperative, and Northern Neck Electric Cooperative filed a motion for an extension of the hearing date as established by the notice issued in the above-designated matter. The motion states that neither Virginia Electric & Power Co. nor the municipal interveners have any objection to the motion.

Upon consideration, notice is hereby given that the hearing in the above matter is postponed to June 27, 1973, at 10 a.m. in a hearing room of the Federal Power Commission at 825 North Capitol Street, Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11793 Filed 6-13-73;8:45 am]

[Project No. 349]

ALABAMA POWER CO.

Notice of Issuance of Annual License

JUNE 8, 1973.

On June 1, 1970, Alabama Power Co., Licensee for Martin Dam project No. 349 located on Tallapoosa River in Elmore, Tallapoosa and Coosa Counties within 30 miles of the cities of Alexander City, Auburn, and Montgomery, Ala., filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The license for Martin Dam project No. 349, was issued effective June 9, 1923, for a period ending June 8, 1973. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Alabama Power Co. for continued operation and maintenance of project No. 349.

Take notice that an annual license is issued to Alabama Power Company (Licensee) under section 15 of the Federal Power Act for the period June 9, 1973, to June 8, 1974, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Martin Dam project No. 349 subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11873 Filed 6-13-73;8:45 am]

[Rate Schedule Nos. 13, etc.]

MARATHON OIL CO., ET AL.

Notice of Rate Change Filings Pursuant to Commission's Opinion No. 639

JUNE 8, 1973.

Take notice that the producers listed in the appendix attached hereto have filed proposed increased rates to the applicable area new gas ceiling based on the interpretation of vintaging concepts set forth by the Commission in its opinion No. 639, issued December 12, 1972.

The information relevant to each of these sales is listed in the appendix.

Any person desiring to be heard or to make any protest with reference to said filing should on or before June 22, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any party wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

APPENDIX

Filing date	Producer	Rate schedule No.	Buyer	Area
May 29, 1973	Marathon Oil Co., Findlay, Ohio 45840.	13	Natural Gas Pipeline Co. of America.	Texas Gulf Coast.
Do	Getty Oil Co., P.O. Box 1404, Houston, Tex. 77001.	11	Tennessee Gas Pipeline Co.	Do.
May 31, 1973	Amoco Production Co., 500 Jefferson Bldg., P.O. Box 3092, Houston, Tex. 77001.	29	Trunkline Gas Co.	Do.
May 24, 1973	Charles S. Beck, 2020 National Bank of Commerce Bldg., San Antonio, Tex. 78205.	(1)	Tennessee Gas Pipeline Co.	Do.

[1] No assigned rate schedule number. Charles S. Beck has filed an application in docket No. CI73-831 to continue a portion of the sales formerly made under Champlin Petroleum Co. FPC Gas Rate Schedule No. 6.

[FR Doc.73-11871 Filed 6-13-73;8:45 am]

[Docket No. E-8212]

MONTANA-DAKOTA UTILITIES CO.

Notice of Application

JUNE 8, 1973.

Take notice that on May 18, 1973, Montana-Dakota Utilities Co. filed an application pursuant to section 204 of the Federal Power Act seeking an order authorizing the issuance of up to $25 million in promissory notes.

Applicant is incorporated under the laws of the State of Delaware with its principal business office at Bismarck, N. Dak., and is engaged in the gas and electrical utility business in the States of Montana and North Dakota.

The maximum of $25 million of promissory notes proposed to be issued will be ordinary unsecured promissory notes, dated as of the dates of their respective issue, which will be not later than May 15, 1974, due not more than 1 year (270 days for commercial paper) after the dates of their respective issue and not later than May 14, 1975. The notes will bear interest at the prevailing commercial paper rates for prime 1 companies or at the prime commercial rate for bank loans in effect on the dates such notes are issued. The notes will be issued as commercial paper to A. G. Becker & Co., Inc., or other recognized investment bankers in an amount not exceeding $5 million outstanding at any one time and/or to commercial banks.

The notes issued directly to the purchasing commercial banks will be due not more than 1 year after the dates of their respective issue. The notes issued as commercial paper will be issued in bearer form to A.G. Becker & Co. or other recognized investment bankers at a discount 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 like maturities. Applicant proposes to sell commercial paper only so long as the discount rate or the effectice cost for such commercial paper does not exceed the equivalent cost of borrowings from commercial banks on the date of sales. The commercial paper will have varying maturities of not more than 270 days after the date of issue and will be issued and sold in varying denominations of not less than $100,000 and not more than $1 million.

The purpose for which such notes are to be issued is to provide temporary financing for part of the cost of the 1973 and 1974 construction programs. $20 million of such notes will be repaid out of the proceeds of $20 million of first mortgage bonds which the applicant plans to sell in 1974. An application for authority to issue such bonds will be filed prior to December, 1974.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 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, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding or to participate as a party in any hearing therein. Any person wishing to become a party must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11874 Filed 6-13-73;8:45 am]

[Docket No. E-8224]

SIERRA PACIFIC POWER CO.

Notice of Rate Increase

JUNE 8, 1973.

Take notice that Sierra Pacific Power Co. (Sierra) on May 22, 1973, tendered for filing a request for an increase in FPC rate schedules Nos. R-1 and R-2 (redesignated as FPC rate schedule R) to become effective July 31, 1973. Sierra states that the proposed increase is based upon a test period of 12 months ended December 1972.

Sierra maintains that the increase in rates is necessitated by increases in operating expenses, particularly in fuel costs, increases in costs of plant additions, and higher capital costs.

The company states that the proposal contains a change in the basis of computing the adjustment for fuel price changes and incorporates a method of computing an adjustment for changes in purchased power costs. Sierra further states that the proposal also includes a change in the base costs of fuels from 4.35 mills to 5.57 mills per kilowatthour generated.

Sierra explains that the changes proposed in rates include the consolidation of the existing rate schedules R-1 and R-2 into a single rate schedule R, with an appropriate voltage discount for high-voltage service. The company proposes that the demand charge contain a minimum block of 600 kW and be priced at the prices contained in the stipulation of facts in dockets Nos. E-7706 and E-7750, adjusted to include the purchased power cost offset No. E-8092 plus the following:

Kilowatt block:	*Increase (per kilowatt) $18 plus—*
0 to 600	0.2034
601 to 1,000	0.2034
1,001 to 2,000	0.2034
Excess	0.2034

Sierra further proposes that the energy charge consist of the blocking and prices contained in the stipulation of facts in dockets Nos. E-7706 and E-7750, adjusted to include the purchased power offset of docket No. E-8092 plus the following:

Kilowatt-hour block:	*Increase (cents per kilowatt-hour)*
First 150 kWh/kW	0.286
Next 150 kWh/kW	0.276
Next 150 kWh/kW	0.266
Excess kWh/kW	0.256

Sierra also includes a revised copy of the service area map which shows the addition of the 230-kV line to the Utah border.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., 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 27, 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.73-11875 Filed 6-13-73;8:45 am]

[Docket No. RP73-100]

SYLVANIA CORP.

Order Accepting for Filing and Suspending Proposed Revised Tariff and Providing for Hearing

JUNE 8, 1973.

The Sylvania Corp. (Sylvania), on April 26, 1973, tendered for filing a proposed revised tariff to become effective on June 10, 1973.[1] The proposed new tariff includes a single rate for all of its sales under revised rate schedule G-1 and the cancellation of its rate schedules G-2, F-1, and F-2. All of such sales are to United Natural Gas Co., Sylvania's affiliate, both companies being subsidiaries of National Fuel Gas Co. The revised G-rate schedule contains a single rate of 46.55c/M ft³ which would yield an annual revenue increase of $338,069, based upon sales for the 12-month period ended December 31, 1972, as adjusted.

In support of the proposed increased rate, Sylvania cites increases in cost of labor, employee benefits and taxes, and claims a 9.0 percent rate of return on invested capital. Sylvania indicates that for the 12-month period ended December 31, 1972, it experienced an actual operating loss of $377,317. Sylvania accordingly requests that it be permitted to place its increased rate into effect without suspension. Sylvania also requests that in the event the Commission suspends the proposed rate changes, it be permitted to file statement P (testimony and material) within 15 days after the date of issuance of the Commission's order. With respect to its changes in the provisions of its tariff and service agreement, Sylvania states that its present tariff provisions limit the rate levels and revenues, and that the proposed changes will permit it to adjust its rates in the future as costs for the service change.

[1] First Revised Volume No. 1 to Sylvania's FPC gas tariff, containing original sheets Nos. 1 through 5, 12 through 25, and 34.

The Commission on May 7, 1973, issued public notice of the filing which was published in the FEDERAL REGISTER of May 14, 1973, (38 FR 12647). Copies of the filing have been served upon United Natural and interested State commissions. No protests or petitions to intervene have been filed.

Upon a review of Sylvania's filing, it appears that certain issues are raised which may require development in an evidentiary proceeding. The proposed increased rates and charges have not been shown to be just and reasonable, and may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful. Under the circumstances, we believe that a 1-day suspension is appropriate.

The Commission finds

(1) It is necessary and appropriate in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Sylvania's FPC gas tariff, as proposed to be amended herein, and that the tendered revised tariff described above be accepted for filing and suspended as hereinafter provided.

(2) In the event this proceeding is not concluded prior to the termination of the suspension period herein ordered, the placing of the tariff changes applied for in this proceeding into effect, subject to refund with interest while pending Commission determination as to their justness and reasonableness is consistent with the purpose of the Economic Stabilization Act of 1970, as amended.

The Commission orders

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR ch. I), a public hearing shall be held commencing with a prehearing conference on August 15, 1973, at 10 a.m., e.d.t. in a hearing room of the Federal Power Commission, Washington, D.C. 20425, concerning the lawfulness of the rates, charges, classifications and services contained in Columbia's FPC gas tariff, as proposed to be amended herein.

(B) Pending hearing and a decision thereon Sylvania's revised tariff described in footnote 1 above is accepted for filing, suspended for 1 day and the use thereof deferred until June 11, 1973, provided Sylvania within 10 days thereafter files a motion to make the revised tariff effective in the manner provided in the Natural Gas Act.

(C) At the prehearing conference on August 15, 1973, Sylvania's prepared testimony (statement P) together with its entire rate filing, shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding.

(D) On or before September 25, 1973, the Commission staff shall serve its prepared testimony and exhibits. Any rebuttal evidence by Sylvania shall be served on or before October 19, 1973. The public hearing herein ordered shall convene on October 30, 1973, at 10 a.m., e.s.t.

(E) Sylvania's request for permission to file its statement P in support of the filing within 15 days after issuance of this order is hereby granted.

(F) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-11876 Filed 6-13-73;8:45 am]

[Docket No. RP73-69]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Extension of Time

JUNE 8, 1973.

On June 5, 1973, Staff Counsel filed a motion for the postponement of the procedural dates as set by the order issued January 31, 1973, in the above-designated matter pending the placement of the settlement proposal on the record at the prehearing conference on June 26, 1973. The motion states that all parties attending the conference on June 1, 1973, joined in the motion.

Upon consideration, notice is hereby given that the procedural dates, except the date for the prehearing conference, are deferred pending the submission of the settlement proposal at the prehearing conference to be held as scheduled on June 26, 1973.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-11877 Filed 6-13-73;8:45 am]

[Docket No. CP73-58]

TRUNKLINE GAS CO.

Notice of Extension of Time

JUNE 7, 1973.

On June 1, 1973, Trunkline Gas Co. requested an extension of time to submit the tabulation and market data requested by letter dated April 16, 1973, in conjunction with the pending application of Trunkline in docket No. CP73-58 and Coastal States Energy Co. in docket No. CP73-67.

Upon consideration, notice is hereby given that the time is extended to and including July 6, 1973, within which to submit tabulation and market data requested by letter of April 16, 1973.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-11878 Filed 6-13-73;8:45 am]

[Dockets Nos. E-8174, E-8180, E-8181]

VIRGINIA ELECTRIC & POWER CO.

Notice of Changes in Interconnection Agreements

JUNE 8, 1973.

Take notice that on May 4, 1973, Virginia Electric & Power Co. (Applicant) filed with the Federal Power Commission, pursuant to section 35 of the regulations under the Federal Power Act, two applications requesting alterations in existing interconnection agreements in dockets Nos. E-8174 and E-8180. On May 7, 1973, Applicant filed a similar application in docket No. E-8181. The substance of these filings are as follows:

(A) In docket No. E-8174, Applicant filed a supplement, dated December 14, 1972, to its agreement with Southside Electric Cooperative, designated in Applicant's Rate Schedule FPC No. 85-37, requesting the establishment of a new point of delivery. This point of delivery, called Martins, will be located 5 miles south of the N. & W. Railroad intersection with Route 49, south of and near Crewe, Nottoway County, Va., on and west of Route 49. Delivery at this point will be at 115,000 V, and will be effective on the date of connection, February 9, 1973.

(B) In docket No. E-8180, Applicant filed a supplement dated April 3, 1973, to its agreement with Prince William Electric Cooperative (PWEC), designated in Applicant's Rate Schedule FPC No. 83-26, for establishment of the new Catharpin point of delivery. This point of delivery will be located east of Route 705 and west of Route 677 on the north side of Route 234 in Prince William County, Va. The delivery point will be at the PWEC attachment to the Applicant's 15 kV disconnects and the electricity will be metered at 13,200 V. The requested effective date is the date of connection of the proposed facilities.

(C) In docket No. E-8181, Applicant filed its proposed rate schedule FPC No. 90-17, dated January 25, 1973, to revise its agreement with the Edgecombe-Martin County Electric Membership Corporation. On April 6, 1973, Applicant changed the transformer serving the Benson delivery point, located 2,000 ft southwest of the intersection of State Routes 1404 and 1407 in or near Edgecombe, N.C. Applicant requests that the effective date be April 6, 1973, the date of connection of aforementioned facilities. The instant supplement cancels and supersedes that dated March 4, 1969.

Any person desiring to be heard or to make any protest with reference to said applications should, on or before June 28, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-11879 Filed 6-13-73;8:45 am]

[Docket No. G-10632]

NORTHERN ILLINOIS GAS CO.

Notice of Application for Declaration of Continuing Exemption

JUNE 6, 1973.

Take notice that on May 18, 1973, Northern Illinois Gas Co. (Applicant), P.O. Box 190, Aurora, Ill. 60507, filed in docket No. G-10632 an application pursuant to section 1(c) of the Natural Gas Act for a continuing exemption from the provisions of the Natural Gas Act and the regulations of the Commission pertaining thereto, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By Commission order issued July 26, 1956, in docket No. G-10632 (16 FPC 798), Applicant was declared exempt from the provisions of the Natural Gas Act pursuant to section 1(c) of said act. Applicant states that it and one of its suppliers, Northern Natural Gas Co. (Northern) have entered into an agreement, dated March 22, 1973, providing for a mutually beneficial rescheduling of takes of natural gas by Applicant. Northern will deliver or cause to be delivered to Applicant during the period April 1, 1973, through October 31, 1973, up to 10,800,000 M ft³ of natural gas which Applicant will cause to be injected into its gas storage fields. Pursuant to said agreement, Applicant will reduce its takes from Northern during the period November 1, 1973, through March 31, 1974, by a total amount equal to one-third of the volume of gas delivered to Applicant during the summer months, but not to exceed a total volume of 3,600,000 M ft³.

Applicant states that the rescheduling of takes by it will have the effect of converting summertime off-peak gas supplies to wintertime high priority end-use utilization by the customers of Applicant and Northern and thereby assist Northern and Applicant in meeting the requirements of their customers during the 1973-74 heating season.

The agreement between Applicant and Northern is for a limited-term ending March 31, 1974, and Applicant states that it is intended only as a temporary arrangement to assist the two companies. Applicant states that all of the natural gas delivered to it will be received within the State of Illinois and will be ultimately consumed within said State.

In order to accommodate the physical delivery of a portion of the gas to be delivered to Applicant during the summer period, the application indicates that Northern has entered into a transportation arrangement with Natural Gas Pipeline Co. of America (Natural) which is the subject of Natural's pending application in docket No. CP73-275. Additionally, Northern has pending in docket No. CP73-286 an application for certificate authorization for the delivery and sale of gas to Applicant as hereinabove described.

Accordingly, Applicant requests that the Commission declare that Applicant's existing exemption from the provisions of the Natural Gas Act continues and shall not be affected by Applicant's participation in the proposed rescheduling of deliveries hereinabove described.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before June 18, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.2 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-11790 Filed 6-13-73;8:45 am]

FOREIGN-TRADE ZONES BOARD

[Order No. 94]

SAULT STE. MARIE, MICHIGAN

Resolution Approving Application and Order Authorizing Issuance of Grant for a Foreign-Trade Zone

Proceedings of the Foreign-Trade Zones Board, Washington, D.C.

Resolution and order.—Pursuant to the authority granted in the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board has adopted the following Resolution and Order:

The Board, having considered the matter hereby orders:

After consideration of the application of the State of Michigan, made by its Department of Commerce, filed with the Foreign-Trade Zones Board on July 26, 1972, requesting a grant of authority for the establishing, operating and maintaining of a foreign-trade zone at Sault Ste. Marie, Mich., and the application record, the Board, finding that the requirements of the Foreign-Trade Zones Act, as amended, and the Board's regulations are satisfied, approves the application for a grant. The grantee shall notify the Board's Executive Secretary for approval prior to the commencement of any manufacturing operation within the zone. The Secretary of Commerce, as Chairman and Executive Officer of the Board, is hereby authorized and directed to sign and issue an appropriate grant of authority in favor of the State of Michigan.

GRANT TO ESTABLISH, OPERATE, AND MAINTAIN A FOREIGN-TRADE ZONE AT SAULT STE. MARIE, MICH.

Whereas, by an Act of Congress approved June 18, 1934, an Act "To provide for the establishment, operation, and maintenance of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes", as amended (19 U.S.C. 81a-81u) (hereinafter referred to as "the Act") the Foreign-Trade Zones Board (hereinafter referred to as "the Board") is authorized and empowered to grant to corporations the privilege of establishing, operating, and maintaining foreign-trade zones in or adjacent to ports of entry under the jurisdiction of the United States;

Whereas, the State of Michigan (hereinafter referred to as "the Grantee"), through its Department of Commerce, has made application (filed July 26, 1972), in due and proper form to the Board requesting the establishment, operation, and maintenance of a foreign-trade zone at Sault Ste. Marie, Mich.

Whereas, notice of said application has been given and published, and full opportunity has been afforded all interested parties to be heard; and

Whereas, the Board has found that the requirements of the Act and the Board's regulations (15 CFR, pt. 400) are satisfied with respect to the zone proposal;

Now, therefore, the Board hereby grants to the Grantee the privilege of establishing, operating, and maintaining a foreign-trade zone, designated on the records of the Board as Zone No. 16, at the location mentioned above and more particularly described on the maps accompanying the application requesting authority for a foreign-trade zone at Sault Ste. Marie, Mich., marked as exhibits No. IX and No. X, said grant being subject to the provisions, conditions, and restrictions of the Act and the regulations issued thereunder, to the same extent as though the same were fully set forth herein, and also to the following express conditions and limitations, to-wit:

Operation of the foreign-trade zone shall be commenced by the Grantee within a reasonable time from the date of issuance of the grant, and prior thereto the Grantee shall obtain all necessary permits from Federal, State, and municipal authorities.

The Grantee shall allow officers and employees of the United States of America free and unrestricted access to, and throughout the foreign-trade zone in the performance of their official duties.

The Grantee shall notify the Executive Secretary of the Board for approval prior to the commencement of any manufacturing operation within the zone.

The grant shall not be construed to relieve the Grantee from liability for injury or damage to the person or property of others occasioned by the construction, operation, or maintenance of said zone, and in no event shall the United States of America be liable therefor.

The grant is further subject to settlement locally by the District Director of Customs and the District Engineer with the Grantee regarding compliance with their respective requirements for the protection of the revenue of the United States and the installation of suitable facilities.

In witness whereof, the Foreign-Trade Zones Board has caused its name to be signed and its seal to be affixed hereto by its Chairman and Executive Officer, Frederick B. Dent, at Washington, D.C., this 11th day of June 1973, pursuant to Order of the Board.

FOREIGN-TRADE ZONES BOARD,
FREDERICK B. DENT,
Chairman and Executive Officer.

Attest

JOHN J. DA PONTE, Jr.,
Executive Secretary.

[FR Doc.73-11909 Filed 6-13-73;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

CLINCHFIELD COAL CO. ET AL.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Correction

In FR Doc. 73-11389 appearing at page 14987 in the issue of Thursday, June 7, 1973, in the second line of paragraph (10), "Federal No. 2 Mine", should read "Belmont Mine".

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 73-50]

NASA COMETS AND ASTEROIDS SCIENCE ADVISORY COMMITTEE

Notice of Date and Place of Meeting

The NASA Comets and Asteroids Science Advisory Committee will meet on June 21 and 22, 1973, at the headquarters of the National Aeronautics and Space Administration. The meeting will be held in room 5092 of Federal Office Building 6, 400 Maryland Avenue SW., Washington, D.C. 20546. Members of the public will be admitted to the meeting beginning at 8:30 a.m. on both days, the agenda for which is noted below, on a first-come-first-served basis up to the seating capacity of the room, which can accommodate about 30 persons.

The NASA Comets and Asteroids Science Advisory Committee serves in an advisory capacity only. It serves to advise NASA in planning unmanned missions to comets and asteroids to investigate the origin and evolution of the solar system. The Committee is chaired by Dr. Frederick Whipple. Currently, there are nine members, plus a recording secretary, Dr. Kenneth Atkins, who can be contacted for further information at 213-354-3095.

JUNE 21, 1973

Time	*Topic*
9:00 a.m.----	Opening remarks. (Action: Preview agenda and agree on objectives for this meeting.)
9:10 a.m.----	Review of minutes of April 30/May 1 Committee meeting. (Action: To obtain concurrence regarding accuracy and completeness.)
9:30 a.m.----	NASA Planning for Comet and Asteroid Missions. (Action: To present studies being conducted by NASA in regard to comet and asteroid missions. This information is required by the Committee in order for the Committee to develop an integrated program which will assist NASA in its planning for future comets and asteroids missions.)
10:15 a.m.---	German Comet Exploration Participation. (Action: To apprise the Committee of interest on the part of German scientists and the Federal Republic of Germany for comet exploration both on their own and jointly with the United States. The Committee expects to take these plans into consideration in its program recommendations to NASA.)
11:00 a.m.---	Working Session on Document Preparation. (Action: Individuals will work on assignments for preparation of the comets and asteroids exploration program recommendations report.)

JUNE 22, 1973

9:00 a.m.----	Editing and Review of the Draft Manuscript. (Action: The full Committee will review individual contributions.)

HOMER E. NEWELL,
Associate Administrator.

[FR Doc.73-11891 Filed 6-13-73;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Notice of Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of an ad hoc panel of the Business Advisory Council on Federal Reports to be held in room 10103, New Executive Office Building, 726 Jackson Place NW., Washington, D.C., on Wednesday, July 11, 1973, at 9:30 a.m.

The purpose of the meeting is to obtain advice on reporting problems involved in public use reports of the Federal Communications Commission, the "Application For Renewal of Broadcast Station License" and the "Annual Programming Report." The meeting will be open to public observation and participation.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.73-11889 Filed 6-13-73;8:45 am]

BUSINESS ADVISORY COUNCIL ON FEDERAL REPORTS

Notice of Public Meeting

Pursuant to Public Law 92-463, notice is hereby given of a meeting of the Business Advisory Council on Federal Reports to be held in room 10103, New Executive Office Building, 726 Jackson Place NW., Washington, D.C., on June 19, 1973, at 9:30 a.m.

The purpose of the meeting is to conduct Council business such as the Treasurer's report and reports of various committees, to hear remarks from the Chief of the Statistical Policy Division, and to receive reports of recent actions by the Office of Management and Budget which affect the burden on business firms of reporting to Federal agencies. The meeting will be open to public observations and participation.

Anyone wishing to participate should contact the Chief, Statistical Policy Division, room 10202B, New Executive Office Building, Washington, D.C. 20503, telephone 202-395-3730.

VELMA N. BALDWIN,
Assistant to the Director for Administration.

[FR Doc.73-11890 Filed 6-13-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

AADAN CORP.

Order Suspending Trading

JUNE 6, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $0.10 par value, and all other securities of Aadan Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 7, 1973, through June 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-11846 Filed 6-13-73;8:45 am]

[File No. 500-1]

AIR CALIFORNIA

Order Suspending Trading

JUNE 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, $1 par value, and all other securities of Air California, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this

order to be effective for the period from June 10, 1973 through June 19, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-11847 Filed 6-13-73;8:45 am]

[File No. 500-1]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

JUNE 8, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value, of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976 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 9, 1973 through June 18, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-11848 Filed 6-13-73;8:45 am]

[File No. 500-1]

FIRST HOME INVESTMENT CORP. OF KANSAS, INC.

Order Suspending Trading

JUNE 1, 1973.

The common stock, $3.50 par value of First Home Investment Corp. of Kansas, Inc., being traded on the National Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of First Home Investment Corp. of Kansas, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 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 11:15 a.m. (e.d.t.) June 1, 1973 through June 10, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-11849 Filed 6-13-73;8:45 am]

[File No. 500-1]

GOODWAY, INC.

Order Suspending Trading

JUNE 6, 1973.

The common stock, $0.10 par value of Goodway, Inc., being traded on the American Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Goodway, Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a nation securities exchange be summarily suspended, this order to be effective for the period from June 7, 1973, through June 16, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-11850 Filed 6-13-73;8:45 am]

[File No. 500-1]

JEROME MACKEY'S JUDO, INC.

Order Suspending Trading

JUNE 8, 1973.

It appearing to the Securities and Exchange Commission, that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Jerome Mackey's Judo, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 9, 1973, through June 18, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-11851 Filed 6-13-73;8:45 am]

[File No. 500-1]

LECTRO MANAGEMENT INC.

Order Suspending Trading

JUNE 6, 1973.

The common stock, no par value; warrants for common; and 6 percent convertible subdebentures due 1984 of Lectro Management Inc., being traded on the National Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Lectro Management Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to 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 2 p.m. e.d.t., June 6, 1973 through June 15, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-11852 Filed 6-13-73;8:45 am]

[812-3453]

ML GOVERNMENT GUARANTEED SECURITIES TRUST

Notice of Filing of Application Pursuant to Section 6(c) of the Act for an Order Granting Exemptions From Section 14(a) of the Act and From Rules 19b-1 and 22c-1 Under the Act

JUNE 8, 1973.

Notice is hereby given that the ML Government Guaranteed Securities Trust, First Monthly Payment Series (a unit investment trust) and Subsequent Monthly Payment Series (Applicant) care of Merrill Lynch, Pierce, Fenner & Smith, Inc., 125 High Street, Boston, Mass. 02110, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (the Act) for an order of exemption from the provisions of section 14(a) of the Act and rule 19b-1 and 22c-1 under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant is registered under the Act as a unit investment trust. It is composed of the First Monthly Payment Series (First Series), and an unspecified number of Subsequent Monthly Payment Series (hereinafter referred to collectively with First Series as the Trusts). A registration statement on form S-6 under the Securities Act of 1933 (the 1933 Act) has been filed in connection with a proposed public offering of units of First Series, and separate registration statements under the 1933 Act will be filed in connection with any public offering of any series established in the future.

Each of the Trust will be created under Massachusetts law by a Trust Agreement (the Agreement) under which Merrill

Lynch, Pierce, Fenner & Smith, Inc. (the Sponsor) acts as sponsor and sole underwriter, The Bank of New York and The National Shawmut Bank of Boston act as Trustee and Co-Trustee, respectively (the Trustees) and Interactive Data Services, Inc. acts as evaluator (the Evaluator). Each Agreement will contain standard terms and conditions of Trust which will be common to all Trusts.

Fund Series and each of the following series will invest in a portfolio consisting solely of obligations (the Obligations), the payment of which is backed by the full faith and credit of the United States either by statute or as determined by an opinion of the Attorney General of the United States or an opinion of counsel for the Sponsor. With respect to First Series, the Sponsor intends, at the present time, to deposit with the Trustee not less than $25 million principal amount of Obligations at closing, at which time the Trustee will simultaneously deliver to the Sponsor certificates representing fractional undivided interests in First Series at approximately one unit for each $1,000 an amount of obligations deposited. After registration, the units of each Trust will be offered for sale to the public at a public offering price computed by adding a sales charge of 2½ percent of the public offering price (equal to 2.564 percent of the value of the underlying Obligations) to the per share offering side evaluation of the Obligations (reflecting the best price at which the Evaluator believes an individual could purchase the Obligations). Regardless of the time of the close of trading on the New York Stock Exchange, such evaluation will be made during the initial offering period by determining the net assets of each Trust as of 3:30 p.m., effective for all transactions during the preceding 24-hour period and after the completion of the initial public offering, as of 3:30 p.m. on the last business day of each week effective for all trades during the following week.

Each Agreement will provide that the Obligations of which each of the Trusts will be composed will not be sold or transferred except to provide funds to effect redemptions, to allow the Trustee to take certain action for nonpayment of principal or interest on the Obligations, and to terminate the Trust upon the final payment of principal respecting the last of the Obligations held thereunder.

Units of each of the Trusts will be redeemable, and the redemption value of each unit will be computed as of 3:30 p.m. New York City time on the day on which the unit is tendered for redemption. The computation of the unit net asset value of each Trust will be made as follows: (a) Cash on hand, excluding cash declared held especially for purchase of Obligations, less cash held for distribution to unitholders of record as of a date prior to the evaluation, will be added together with the aggregate value of Obligations (including the value of the Obligations to be purchased with cash held for that purpose as set forth in (a) above) determined by reference to the bid side of the market (reflecting the best price at which the Evaluator believes an individual could sell the particular Obligations) and the accrued but unpaid interest on the Obligations as of the date of computation; from the sum of the foregoing there will be deducted the sum of taxes or governmental charges against the Trust not previously deducted and accrued fees and expenses; the resultant sum will be divided by the number of units outstanding as of the date of such computation of redemption value.

Each Agreement will contain a provision that it may be terminated in the discretion of the Trustee, or at the direction of the Co-Trustee or the Sponsor, if the value of the Trust based on a bid side evaluation is less than $10 million, and that it may be terminated at any time by the depositor with the consent of the holders of 66⅔ percent of the units on the Trust then outstanding.

Section 14(a).—Section 14(a) provides that no registered investment company may make a public offering of its securities unless (a) such company has a net worth of at least $100,000, (b) such company has previously made a public offering and at that time had a net worth of at least $100,000 or (c) provision is made in connection with the registration of such securities which insures that after the effective date of such registration statement such company will not issue any security or receive any proceeds of any subscription for any security until firm agreements have been made with such company by not more than 25 responsible persons to purchase securities issued by the company for an aggregate net amount which, when added to the then net worth of the company, if any, will equal at least $100,000.

Applicant seeks an exemption from the provisions of section 14(a) of the Act so that units of the Trusts may be offered in the Trusts in the manner described above. The exemption requested is subject to the condition that the Sponsor will refund, on demand and without deduction, all sales charges if, within 90 days from the time that a registration statement relating to the units of a Trust becomes effective, either (i) the net worth of such Trust shall be reduced to less than $100,000 or (ii) such Trust shall have been terminated. The Sponsor has further agreed to instruct the Trustee to terminate the Trust in the event redemption by the Sponsor of unsold units results in such Trust having a net worth of less than 40 percent of the principal amount of the initial portfolio, and, in the event of such termination to refund all sales charges.

Rule 19b–1.—Applicant proposes to distribute principal, including any capital gains and interest, received on account of securities portfolio of each Trust, to unitholders of the Trust, each month. Distributions to unitholders of principal constituting capital gains may arise when securities are liquidated in order to provide funds necessary to meet redemptions, or when certain Obligations purchased at a discount are paid either at maturity, through redemption, or otherwise.

Rule 19b–1(a) provides, in part, that no registered investment company which is a "regulated investment company" as defined in section 851 of the Internal Revenue Code shall distribute more than one capital gains dividend in any taxable year. Paragraph (b) of the rule contains a similar prohibition for a registered investment company not a regulated investment company but permits a unit investment trust to distribute capital gains distributions received from a regulated investment company within a reasonable time after receipt.

Applicant states that the dangers which rule 19b–1 is intended to guard against will not exist in connection with the Trusts since neither the Trusts nor the Sponsor will have control over the events which could give rise to the capital gains; i.e. the tendering of units for redemption.

Applicant contends that, in this regard, it should be considered to be like a unit investment trust. Applicant also states that any capital gains in any monthly distribution will be clearly indicated as such in the accompanying report by the Trustee to unitholders. Applicant also contends that since the Sponsor intends to maintain a secondary market for the units at a price above their redemption value, redemptions will be rare and that sales of Obligations necessary to effect redemptions will result in extremely small capital gains to the Trusts. Applicant submits that it would be to the detriment of unitholders if the Trusts were forced to withhold moneys constituting capital gains from such unitholders until the end of the year and therefore that they should be exempted from the provisions of rule 19b–1 to the extent that the rule would limit the number of times capital gains may be distributed during the year.

Rule 22c–1.—Rule 22c–1 requires that redeemable securities of registered investment companies be sold, redeemed, or repurchased at a price based on the current net asset value (computed on each day during which the New York Stock Exchange is open for trading not less frequently than once a day as of the time of the close of trading on such Exchange) which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

Applicant states that rule 22c–1 has two purposes (1) to eliminate or reduce any dilution of the value of outstanding redeemable securities of registered investment companies which would occur through the redemption or repurchase of such securities at a price above their net asset value or the sale of such securities at a price based on a previously established net asset value which would permit a potential investor to take advantage of an upswing in the market and the accompanying increase in the net asset value of the securities; and (2) to minimize speculative trading practices in the securities of registered investment companies.

Although not obligated to do so, the Sponsor presently intends to maintain a market for units of the Trusts after the initial public offering of units of each Trust and thereafter to continuously offer to purchase such units at a price, subject to change at any time, equal to or greater than the offering side evaluation then in effect. If the supply of units exceeds demand or for other business reasons, the Sponsor may discontinue purchases of units of the Trust. To avoid the Sponsor's receiving more than the specified sales charge on the resale of units, the Sponsor has undertaken not to resell any units which it purchased at a price below the current offering side evaluation.

Applicant maintains that the Sponsor's secondary market activities in units of the Trusts will not cause dilution of the assets of the Trusts or give rise to speculation. There will be no dilution because upon redemptions of units, the Trusts will follow the practice of daily pricing and forward pricing set forth in rule 22c-1. Other transactions in units of the Trusts in the secondary market by the Sponsor will not dilute the value of the Trusts since assets of the Trusts will in no way be involved.

Applicants further assert that secondary market trading in the Trusts will not be attractive to speculators. The Trusts are designed for investors who desire safety of principal and income. Since all of the obligations in the Trusts will be guaranteed as to payment by the faith and credit of the United States, rapid swings in their value will be minimized because considerations respecting their soundness will not be present. Applicant further states that a speculator would only be able to recover the costs of approximating the statistical techniques used by the Evaluator in evaluating the portfolio of a Trust by making very large trades in the secondary market. However, Applicant states that the number of units available in the secondary market will be very limited.

Applicant states that since the independent Evaluator is paid for each evaluation, it would be very costly for the Trusts to have an evaluation made daily and that costs would not result in any benefit to unitholders, particularly because of the anticipated low volume of secondary market activity.

Applicant also states that backward pricing in the secondary market is necessary to enable the Sponsor, unitholders and investors to know the prices at which units will be bought and sold. Trades to be accomplished at prices to be determined in the future, would be unsatisfactory both to investors and the Sponsor.

Procedures will be followed in connection with each of the Trusts which will insure that in trades in the secondary market an investor will never receive less than the redemption value of his units. The Sponsor proposes to obtain from the Evaluator for each Trust on each day a unit is traded in the secondary market a letter to the effect that, in its independent judgment, it can state that the bid side evaluation of the securities in such Trust as of such day is not higher than or equal to the offering side evaluation of such securities made the previous Friday, and if the Evaluator does not feel that it can give such a letter the Sponsor will order a formal evaluation. Should such evaluation disclose that the bid side price is the higher of the two, repurchases will be made at the bid side price. Normally, resales in the secondary market will be made on the basis of the offering side price evaluation made on the preceding Friday. However, in order to minimize the risk that a purchaser in the secondary market might pay more than he would pay if daily evaluations were made, the Sponsor agrees that, if the Evaluator cannot state that the previous Friday's price is not more than ½-point greater than the current offering price, a full evaluation will be ordered.

All of the securities in the portfolios of the various Trusts will be traded exclusively in the over-the-counter market. Therefore, the time of the close of trading on the New York Stock Exchange is not related to the evaluation procedures used in determining net asset values of the Trusts. Because the evaluation procedure depends heavily on developments in the over-the-counter market during the day on which an evaluation is made, the Evaluator has indicated that 3:30 p.m. New York City time would be the sued exempting the Trust from that porout regard to the time of the close of trading on the New York Stock Exchange.

For all of the aforementioned reasons Applicant requests that an order be issued exemptin gthe Trust from that portion of rule 22c-1 which requires net asset value to be determined as of the close of trading on the New York Stock Exchange and permitting the Sponsor to engage in the secondary market activities in units of the Trusts in the manner set forth above.

Section 6(c) of the Act.—Section 6(c) of the Act provides, in part, that the Commission may by order upon application, exempt 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 26, 1973, at 5:30 p.m., submit to the Commission in writing a request for 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 (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of 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.73-11857 Filed 6-13-73;8:45 am]

[File No. 500-1]

PACER CORP.

Order Suspending Trading

JUNE 8, 1973.

It appearing to the Securities and Exchange Commission, that the summary suspension of trading in the common stock, $0.01 par value, and all other securities of Pacer Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 11, 1973, through June 20, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-11853 Filed 6-13-73;8:45 am]

[File No. 500-1]

RADIATION SERVICE ASSOCIATES INC.

Order Suspending Trading

JUNE 8, 1973.

It appearing to the Securities and Exchange Commission, that the summary suspension of trading in the common stock, $0.01 par value, of Radiation Service Associates Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this

order to be effective for the period from June 10, 1973, through June 19, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-11854 Filed 6-13-73;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Order Suspending Trading

JUNE 8, 1973.

It appearing to the Securities and Exchange Commission, that the summary suspension of trading in the common stock, $5 par value and all other securities of Royal Properties Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from 10 a.m. (e.d.t.) on June 8, 1973, and continuing through June 17, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-11855 Filed 6-13-73;8:45 am]

[File No. 500-1]

WESTGATE-CALIFORNIA CORP.

Order Suspending Trading

JUNE 8, 1973.

It appearing to the Securities and Exchange Commission, that the summary suspension of trading in the class A common stock ($5 par value), class B common stock ($5 par value), 6 percent cumulative preferred ($10 par value), 5 percent cumulative preferred ($70 par value), 6½ percent convertible subordinated debentures due 1987, 6 percent subordinated debentures due 1979 and all other securities of Westgate-California Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 10, 1973, through June 19, 1973.

By the Commission.

[SEAL] RONALD F. HUNT, *Secretary.*

[FR Doc.73-11856 Filed 6-13-73;8:45 am]

TARIFF COMMISSION

[TEA-W-202]

WORKERS' PETITION FOR A DETERMINATION OF THE TRADE EXPANSION ACT OF 1962

Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of the Hubbard Shoe Co., Inc., Rochester, N.H., the U.S. Tariff Commission, on June 8, 1973, instituted an investigation under section 301(c)(2) of the act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for men and women (of the types provided for in items 700.26, 700.27, 700.29, 700.35, 700.43, 700.45, and 700.55 of the tariff schedules of the United States), produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before June 25, 1973.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Street NW., Washington, D.C., and at the New York City office of the Tariff Commission located in room 437 of the customhouse.

By order of the Commission.

Issued June 11, 1973.

[SEAL] KENNETH R. MASON, *Secretary.*

[FR Doc.73-11910 Filed 6-13-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 46]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

JUNE 8, 1973.

The following applications (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 special rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission on or before July 16, 1973. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shal linclude the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and on or before August 13, 1973, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 531 (sub-No. 291), filed April 30, 1973. Applicant: YOUNGER BROS., INC., 4904 Griggs Road, P.O. Box 14048, Houston, Tex. 77021. Applicant's repre-

[1] Copies of special rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

sentative: Wray E. Hughes, 4904 Griggs Road, Houston, Tex. 77021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silicon tetrachloride*, in bulk, in tank vehicles, from Maricopa County, Ariz., to Sistersville, W. Va.

NOTE.—Common control was approved in MC-F-10104. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 2900 (sub-No. 237), filed May 1, 1973. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, P.O. Box 2408, Jacksonville, Fla. 32203. Applicant's representative: John Carter (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except commodities in bulk, household goods as defined by the Commission, classes A and B explosives, and those requiring special equipment), serving Bloomington, Ind., as an off-route point in connection with carrier's authorized regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga. or New York, N.Y.

No. MC 9325 (sub-No. 66), filed April 23, 1973. Applicant: K LINES, INC., P.O. Box 1348, Lake Oswego, Oreg. 97034. Applicant's representative: Eugene A. Feise (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry bulk commodities* (except wood chips and sugar), in tank or hopper type equipment, between points in Oregon, Washington, and Idaho, in nonradial movements.

NOTE.—Applicant states that the requested authority can be tacked with its authority in No. MC-9325 (sub-No. 33) authorizing cement, from Gray Rocks, Calif., to southern Oregon; (sub-No. 36) authorizing lime, from Portland, Oreg., to northern California; (sub-No. 37) authorizing lime, from Tacoma, Wash., to northern California. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 10343 (sub-No. 24), filed May 3, 1973. Applicant: CHURCHILL TRUCK LINES, INC., Highway 36 West, Chillicothe, Mo. 64601. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of French & Hecht at Walcott, Iowa, as an off-route point in connection with applicant's regular-route operations to and from Davenport, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 14552 (sub-No. 49), filed May 7, 1973. Applicant: J. V. McNICHOLAS TRANSFER CO., a corporation, 555 West Federal Street, Youngstown, Ohio 44501. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel sheets and coils*, from the plantsites or warehouses of Jones and Laughlin Steel Corp., at or near Cleveland, Ohio, to Fisher Body Division of General Motors Corp., at or near Marion, Ind., restricted to traffic originating at and destined to the plantsites and warehouses named above.

NOTE.—Dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 22229 (sub-No. 77), filed April 30, 1973. Applicant: TERMINAL TRANSPORT CO., INC., 248 Chester Avenue SE., Atlanta, Ga. 30316. Applicant's representative: Ralph B. Matthews (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Southwestern Publishing Co., at or near Franklin (Williamson County), Tenn., as an off-route point in connection with carrier's presently authorized regular-route operations to and from Nashville, Tenn.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 22254 (sub-No. 67), filed April 3, 1973. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 8900 South Freeway, Fort Worth, Tex. 76134. Applicant's representative: Elliott Bunce, 618 Perpetual Building, 1111 E Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Uncrated pianos and piano benches*, between Memphis, Tenn., on the one hand, and, on the other, points in the United States (including Alaska and Hawaii).

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Memphis, Tenn., Washington, D.C., or Dallas, Tex.

No. MC 37918 (sub-No. 11) (correction), filed March 7, 1973, published in the FEDERAL REGISTER issue May 3, 1973, and republished, as corrected, this issue. Applicant: DIRECT WINTERS TRANSPORT LIMITED, 890 Caledonia Road, Toronto 19, Ontario, Canada. Applicant's representative: William J. Hirsch, suite 444, 35 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and facilities of Ford Motor Co., Romeo, Mich., as an off-route point in connection with carrier's regular route operations from and to Detroit, Mich.

NOTE.—The purpose of this republication is to indicate applicant's request is in connection with carrier's regular route operations to and from Detroit, Mich., which was erroneously omitted in the previous notice. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Chicago, Ill., or Washington, D.C.

No. MC 39249 (sub-No. 15), filed April 23, 1973. Applicant: MARTY'S EXPRESS, INC., 2335 Wheatsheaf Lane, Philadelphia, Pa. 19137. Applicant's representative: Ira G. Megdal, 1730 M Street NW., suite 501, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, between Cornwells Heights, Bensalem Township, Pa., on the one hand, and, on the other, points in Delaware and New Jersey, restricted to the transportation of traffic originating at or destined to a Gimbel's store or warehouse.

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. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 43038 (sub-No. 456), filed May 7, 1973. Applicant: COMMERCIAL CARRIERS, INC., 10701 Middlebelt Road, Romulus, Mich. 48174. Applicant's representatives: Paul H. Jones, 29725 Shacket Avenue, Madison Heights, Mich. 48071 and Phillip Malone, 3800 Frederica Street, Owensboro, Ky. 42301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, in secondary movements, in truckaway service, between Detroit, Mich., on the one hand, and, on the other, points in Virginia and West Virginia. Restriction: Restricted to traffic manufactured, assembled, imported, or distributed by General Motors Corp.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich., or Atlanta, Ga.

No. MC 44128 (sub-No. 38), filed May 9, 1973. Applicant: EPES TRANSPORT SYSTEM, INC., 870 South Main

Street, Blackstone, Va. 23834. Applicant's representative: James E. Wilson, 1032 Pennsylvania Building, Pennsylvania Avenue and 13th Street NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Reconstituted, reconstructed, or homogenized tobacco*, (1) from Spotswood, N.J., to Louisville, Ky; and (2) from Louisville, Ky., to Petersburg, Va.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 59680 (sub-No. 207), filed April 27, 1973. Applicant: STRICKLAND TRANSPORTATION CO., INC., 3011 Gulden Avenue, P.O. Box 5689, Dallas, Tex. 75222. Applicant's representative: Oscar P. Peck (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, articles of unusual value, household goods as defined by the Commission, liquid commodities in bulk and those requiring special equipment), from Philadelphia, Pa., to the warehouses and installations of Western Electric Co., Inc., and its affiliates located in Delaware, Chester, and Montgomery Counties, Pa., on traffic having a prior or subsequent movement in interstate commerce.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority but 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. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., Dallas, Tex., or Washington, D.C.

No. MC 61619 (sub-No. 9), filed March 27, 1973. Applicant: GLENN L. HORMEL AND LAWSON E. LONGSTRETH, a partnership, doing business as L & H TRUCKING CO., Rural Delivery No. 3, Spring Grove, Pa. 17362. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from Spring Grove, Pa., to points in Connecticut (except those points west of the Connecticut River), Delaware (except Smyrna), Indiana (except Angola, Crawfordsville, Elkhart, Fort Wayne, Greencastle, Hammond, Huntington, Indianapolis, and South Bend), Illinois (except Chicago), Kansas, Maryland (except Hagerstown, Baltimore, Chestertown, Easton, and Westminster), Massachusetts, Michigan, Missouri, North Carolina, Ohio (except Chardon and Cleveland), Rhode Island and Tennessee, under a continuing contract with P. H. Glatfelter Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 64932 (sub-No. 513), filed April 16, 1973. Applicant: ROGERS CARTAGE CO., a corporation, 10735 South Cicero Avenue, Oaklawn, Ill. 60453. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (a) from the Texas Eastern Transmission Pipeline, at or near Anna, Ill., to points in Indiana, Kentucky, and Missouri; (b) from Barnhart, Mo., to points in Illinois, Indiana, and Kentucky; and (c) from the Texas Eastern Transmission Pipeline, at or near Princeton, Ind., to points in Illinois, Kentucky, and Missouri.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 65941 (sub-No. 39), filed May 10, 1973. Applicant: TOWER LINES, INC., P.O. Box 6010, Wheeling, W. Va. 26003. Applicant's representative: Paul M. Daniell, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, from Winston-Salem, N.C., to points in Ohio, Pennsylvania, and West Virginia; and (2) *empty malt beverage containers*, from points in Ohio, Pennsylvania, and West Virginia, to Winston-Salem, N.C.

NOTE.—Common control was approved in MC-F-11423. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wheeling, W. Va., or Pittsburgh, Pa.

No. MC 71067 (sub-No. 10), filed March 16, 1973. Applicant: NATIONWIDE HORSE CARRIERS, INC., P.O. Box 9906, Louisville, Ky. 40299. Applicant's representative: Ollie L. Merchant, suite 202, 140 South Fifth Street, Louisville, Ky. 40202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Livestock, other than ordinary livestock*, and in the same vehicle with livestock, *mascots, personal effects* of attendants, trainers, exhibitors, and *supplies and equipment* used in the care and maintenance of such livestock, between points in New Mexico, Oregon, and Washington, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Santa Fe, N. Mex.

No. MC 71199 (sub-No. 1), filed May 7, 1973. Applicant: AL'S TRUCK LINES, INC., 758 Schmidt Road, P.O. Box 3785, Davenport, Iowa 52808. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of French & Hecht at Walcott, Iowa, as an off-route point in connection with applicant's regular-route operations to and from Davenport, Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 73165 (sub-No. 323), filed April 16, 1973. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, P.O. Box 11086, Birmingham, Ala. 35202. Applicant's representative: Robert M. Pearce, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction and road making equipment, rollers, mobile cranes and highway freight trailers*, and (2) *parts, attachments, and accessories* of the commodities in (1) above, between the plantsites of Hyster Co. at or near Danville, Peoria, and Kewanne, Ill., and Crawfordsville, Ind., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee, and Texas, restricted to the transportation of shipments originating at or destined to the above-named plantsites.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 75320 (sub-No. 164), filed April 30, 1973. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: John A. Crawford, 700 Petroleum Building, P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), serving the plantsite and storage facilities of General Motors Corp., Packard Electric Division, at or near Clinton, Miss., as an off-route point in connection with carrier's authorized regular route operations to and from Jackson, Miss.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Warren, Ohio.

No. MC 78040 (sub-No. 8), filed February 16, 1972. Applicant: BOYD TRANSFER CO., a corporation, 4600 East Fayette Street, Baltimore, Md. 21224. Applicant's representative: William J. Augello, 103 Fort Salonga Road, Northport, N.Y. 11768. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Totowa, N.J., to Baltimore, Md.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority at Baltimore to permit through service to New Jersey, Maryland, Delaware, Pennsylvania, Virginia, Washington, D.C., and West Virginia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 80430 (sub-No. 146), filed April 9, 1973. Applicant: GATEWAY TRANSPORTATION CO., INC., 455 Park Plaza Drive, La Crosse, Wis. 54061. Applicant's representative: Joseph E. Ludden (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite of Anaconda Aluminum Co., located approximately 3 miles north of Sebree, Ky., as an off-route point in connection with applicant's presently authorized operations to and from Evansville, Ind.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., Cincinnati, Ohio, or Indianapolis, Ind.

No. MC 81835 (sub-No. 8), filed April 30, 1973. Applicant: MONIOWCZAK TRANSIT CO., a corporation, P.O. Box 96, Bark River, Mich. 49807. Applicant's representative: William B. Elmer, 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: (1) *Paper and paper products* from the plantsite of the Manistique Pulp and Paper Co. at Manistique, Mich., to points in Illinois, Indiana, Minnesota, Ohio, and Wisconsin; and (2) *paper mill supplies* from points in Illinois, Indiana, Minnesota, Ohio, and Wisconsin, to the plantsite of the Manistique Pulp and Paper Co. at Manistique, Mich.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., Escanaba, Mich., Chicago, Ill., or Milwaukee, Wis.

No. MC 93003 (sub-No. 54), filed May 4, 1973. Applicant: CARROLL TRUCKING CO., a corporation, 4901 U.S. Route 60, East, Huntington, W. Va. 25703. Applicant's representative: John M. Friedman, 2930 Putnam Avenue, Hurricane, W. Va. 25526. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Huntington, W. Va., to points in Alabama, Florida, Georgia, Iowa, Kansas, Kentucky, Louisiana, Michigan, Mississippi, North Carolina, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, and Wisconsin.

NOTE.—Applicant states that the requested authority can be joined with its existing authority at Huntington, W. Va., for through service from points in Ohio south of Route 40, points in West Virginia and those in Kentucky east of U.S. Highway 27. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at either Charleston, W. Va., Washington, D.C., or Columbus, Ohio.

No. MC 95540 (sub-No. 869), filed April 30, 1973. Applicant: WATKINS MOTOR LINES, INC., 1940 Monroe Drive NE., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Jerome F. Marks (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy, confectionery, and related items*, and *premiums and advertising materials* when moving with above named commodities, from Freehold, N.J., to points in Michigan, Illinois, Wisconsin, Missouri, Iowa, Minnesota, Kansas, Nebraska, Colorado, Utah, Montana, Idaho, Oregon, Washington, and Nevada.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 98154 (sub-No. 13), filed May 2, 1973. Applicant: BRUCE CARTAGE, INC., 3460 East Washington Road, Saginaw, Mich. 48601. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt with by retail department stores, between Saginaw and Grand Rapids, Mich., on the one hand, and, on the other, J. C. Penney Co., Inc., stores and warehouses located at points in Michigan south of a line beginning at Lake Michigan and extending east along the north boundary of Manistee, Wexford, and Missaukee Counties, thence south along the east boundary of Missaukee County to the north boundary of Clare County, thence east along the north boundary of Clare County and the north boundary of Gladwin County to the east boundary of Gladwin County, thence south along the east boundary of Gladwin and Midland Counties to a point due west of Kawkawlin, Mich., thence east along an imaginary line drawn east and west through Kawkawlin, Mich., to Saginaw Bay.

NOTE.—Applicant has authority to transport merchandise as is dealt with by retail department stores except that the same is restricted against transportation of articles weighing in the aggregate more than 500 pounds from one consignor at one location to one consignee at one location on any one day except traffic moving from Wauwatosa, Wis., Secaucus and Jersey City, N.J., and Statesville, N.C., which is not subject to said restriction. Also, applicant's authority to serve J. C. Penney Co., Inc. is restricted against transportation to or from stores and warehouses located in Monroe, Washtenaw, Oakland, Macomb, St. Clair, and Wayne Counties, Mich. The purpose of this application is to eliminate such restriction insofar as shipments are made to stores and warehouses of J. C. Penney Co., Inc. Also, it is intended to allow the carrier to transport commodities sold or given away free of charge by J. C. Penney Co., Inc. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 106644 (sub-No. 153), filed May 9, 1973. Applicant: SUPERIOR TRUCKING CO., INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30318. Applicant's representative: Archie B. Culbreth, suite 246, 1252 West Peachtree Street NW., Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rubber mounted cranes and power shovels*, in driveaway service, and their *booms and parts thereof*, when moving at the same time, from Chattanooga, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control and dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 106674 (sub-No. 109), filed April 30, 1973. Applicant: SCHILLI MOTOR LINES, INC., P.O. Box 122, Delphi, Ind. 46923. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed, feed supplements; drugs, medicines, medicated feeding compounds, conditioning powders, regulators and tonics, agricultural insecticides and fungicides, animal and poultry dip*, and *paper bags*, from Clinton, Indianapolis, and Lafayette, Ind., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Nebraska, Ohio, Tennessee, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or St. Louis, Mo.

No. MC 106943 (sub-No. 109), filed May 4, 1973. Applicant: EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind. 47808. Applicant's representative: Peter M. Witham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock, grain, petroleum products, in bulk, household goods as defined by the Commission, and those requiring special equipment), serving the plantsite of French & Hecht in Walcott,

Iowa, as an off-route point in connection with carrier's regular route operations to and from Davenport, Iowa.

NOTE.—Common control was approved in MC-F-10813. If a hearing is deemed necessary, applicant does not state a location.

No. MC 108119 (sub-No. 40), filed May 7, 1973. Applicant: E. L. MURPHY TRUCKING CO., a corporation, P.O. Box 3010, St. Paul, Minn. 55165. Applicant's representative: Donald A. Morken, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, in containers, and (2) *empty containers*, between points in the United States (except Alaska and Hawaii).

NOTE.—Common control was approved in MC-F-8180. Applicant states that the requested authority can be tacked with its size and weight authority between Minnesota on the one hand, and, on the other, points in the United States, but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 108382 (sub-No. 19), filed March 7, 1973. Applicant: SHORT FREIGHT LINES, INC., 459 South River Road, Bay City, Mich. 48706. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Midland and Auburn, Mich., as off-route points in connection with applicant's presently authorized regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 109265 (sub-No. 25), filed April 12, 1973. Applicant: W. L. MEAD, INC., P.O. Box 31, Norwalk, Ohio 44857. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving North Fairfield, Ohio, as an intermediate point in connection with applicant's presently authorized regular-route operations between Boston, Mass., and Columbus, Ohio.

NOTE.—Common control may be involved. Applicant has concurrently filed a petition to reopen the original "grandfather" proceedings in No. MC-14554 and sub 1, and MC-109256, also seeking to include service at the intermediate point of North Fairfield, Ohio. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110525 (sub-No. 1053), filed May 10, 1973. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. 19335. Applicant's representative: Thomas J. O'Brien (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from plantsite of Owens-Corning Fiberglas Corp., at or near Valparaiso, Ind., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Pennsylvania, South Carolina, and Texas.

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. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111231 (sub-No. 181), filed April 16, 1973. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. 72764. Applicants' representative: James B. Blair, 111 Holcomb Street, Springdale, Ark. 72764. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automatic car washing equipment, truck washing equipment, steam washers, hot water washers, golf carts, and cleaning compounds* (except in bulk or requiring the use of special equipment), from Siloam Springs, Ark., to Arizona, Arkansas, California, Florida, Georgia, Illinois, Louisiana, Maryland, Missouri, New York, Ohio, Pennsylvania, Tennessee, and Texas; (2) *plastic pipe, tubing, and fittings* (except in bulk or requiring the use of special equipment), from Siloam Springs, Ark., to Alabama, Colorado, Florida, Georgia, Illinois, Indiana, Missouri, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Virginia, and Wisconsin; and (3) (a) *foodstuffs* (except in bulk or frozen), and (b) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities named in (a) above, between Benton, Carroll, Sebastian, and Washington Counties, Ark., and Adair, Haskell, and Le Flore Counties, Okla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii)).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in MC 111231 and subs thereunder, but does not indicate 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. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., Dallas, Tex., Kansas City, Co., or St. Louis, Mo.

No. MC 111545 (sub-No. 184), filed May 7, 1973. Applicant: HOME TRANSPORTATION CO., INC., 1425 Franklin Road, Marietta, Ga. 30062. Applicant's representative: Robert E. Born, P.O. Box 6426, Station A, Marietta, Ga. 30062. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel castings machinery parts, iron and steel articles*, and *buckets*, from Newton, Miss., to points in Illinois, Indiana, Iowa, Michigan, Missouri, Minnesota, Ohio, Wisconsin, and Pennsylvania.

NOTE.—Applicant states that the requested authority can be tacked with its size and weight 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. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Jackson, Miss.

No. MC 112304 (sub-No. 65), filed April 20, 1973. Applicant: ACE DORAN HAULING & RIGGING CO., 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, (1) between points in Ohio, Indiana, Kentucky, West Virginia, Michigan, and those in that part of Pennsylvania on the west of U.S. Highway 15; (2) between points in Ohio on the one hand, and, on the other, points in Illinois, Wisconsin, New York, New Jersey, and those in that part of Pennsylvania east of U.S. Highway 15; and (3) between Clarksburg, W. Va., and points within 50 miles of Clarksburg on the one hand, and, on the other, points in Maryland, Virginia, the District of Columbia, and those in that part of Pennsylvania east of U.S. Highway 15.

NOTE.—Applicant proposes to tack, where possible, the services authorized in parts (1), (2) and (3) named above. Applicant presently holds authority to transport size and weight commodities between all points involved in parts (1) through (3) in its sub 1 and sub 36 Certificates. Tacking opportunities exist with applicant's sub 7, 11, 17, 25, 32, 33, 45, and 64 certificates. Applicant further states that it is presently participating in traffic moving between points involved in parts (1) through (3), as well as tacking pursuant to its sub 1 and sub 36 heavy hauling authority and files this application for clarification of its rights to continue to provide such service pursuant to the criteria established by the Commission in *Ace Doran Hauling & Rigging Co., Investigation of Operations*, 108 M.C.C. 717. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 112304 (sub-No. 67), filed May 7, 1973. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, Ohio 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215. Authority sought

to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asbestos cement pipe and accessories*, from St. Louis, Mo., and points in its commercial zone to points in Wyoming, Colorado, New Mexico, North Dakota, Nebraska, Kansas, Oklahoma, Texas, Iowa, Minnesota, Arkansas, Louisiana, Michigan, Indiana, Kentucky, Tennessee, Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New York, Ohio, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, and (2) *damaged or rejected shipments* on return from the destination States named in (1) above to points in St. Louis County, Mo.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in sub-Nos. 1 and 64 but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 112822 (sub-No. 273), filed May 7, 1973. Applicant: BRAY LINES INC., P.O. Box 1191, 1401 North Little, Cushing, Okla. 74023. Applicant's representative: J. R. Gardner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from points in Colorado east of the Continental Divide and those points on and north of U.S. Highway 24, to points in Kansas and Missouri.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Denver, Colo., or Kansas City, Mo.

No. MC 113843 (sub-No. 191), filed December 7, 1972. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Appleton, Wis., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, and the District of Columbia.

NOTE.—Common control was approved by the Commission in No. MC-F-6781. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo or Rochester, N.Y.

No. MC 114004 (sub-No. 130), filed May 9, 1973. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, in sections, mounted on wheeled undercarriages, from points of manufacture in Montana, to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Helena, Mont.

No. MC 114004 (sub-No. 131), filed May 9, 1973. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. 72209. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, in sections, mounted on wheeled undercarriages, from points of manufacture in Leflore County, Miss., to points in the United States, including Alaska, but excluding Hawaii.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Memphis, Tenn.

No. MC 115621 (sub-No. 5) (correction), filed March 5, 1973, published in the FEDERAL REGISTER issue of April 19, 1973, and republished, in part, this issue. Applicant: ROCKY MOUNTAIN MOBILE HOME TOWING SERVICE, INC., 2202 Tower Road, Route 3, Aurora, Colo. 80011. Applicant's representative: John H. Lewis, the 1650 Grant Street Building, Denver, Colo. 80203.

NOTE.—The purpose of this republication is to indicate the applicant's correct address in Colorado. The rest of the application remains as previously published.

No. MC 115840 (sub-No. 90), filed April 30, 1973. Applicant: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, Birmingham, Ala. 35202. Applicant's representative: Roger M. Shaner, P.O. Box 10327, Birmingham, Ala. 35202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, tubing, conduits, moldings, valves, fittings, siding, compounds, joint sealer, bonding cement, and accessories and materials* used in the installation thereof (except commodities in bulk), from Williamsport, Md., to points in the United States on and east of a line beginning at the mouth of the Mississippi River, and extending along the Mississippi River to its junction with the western boundary of Itasca County, Minn., thence northward along the western boundaries of Itasca and Koochiching Counties, Minn., to the international boundary line between the United States and Canada, and those in Kansas, Oklahoma, Texas, and Arkansas (except New York, Rhode Island, Connecticut, New Hampshire, Vermont, and Maine), restricted to traffic originating at the plantsites and storage facilities of Certain-Teed Products located at nor near the named origin.

NOTE.—Common control was approved in MC-F-7304. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Baltimore, Md., or Washington, D.C.

No. MC 115904 (sub-No. 28), filed April 16, 1973. Applicant: LOUIS GROVER, 1710 West Broadway, Idaho Falls, Idaho 83401. Applicant's representative: Irene Warr, 430 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products* (except in bulk), from Sigurd, Utah, to points in Idaho.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Idaho Falls, Idaho.

No. MC 115944 (sub-No. 10), filed May 10, 1973. Applicant: THE BRISSON TRUCKING CO., INC., 4415 McIntyre Road, P.O. Box 723, Golden, Colo. 80401. Applicant's representative: Leslie R. Kehl, suite 1600, Lincoln Center, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, and *related advertising material, bottle and can openers*, and *can and keg tappers* when transported in mixed shipments with malt beverages, from Golden, Colo., to Parker, Ariz., with no transportation on return except as otherwise authorized.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority: If a hearing is deemed necessary, applicant requests it be held at Golden or Denver, Colo.

No. MC 117119 (sub-No. 473), filed April 27, 1973. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except commodities in bulk and hides), from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the named origins.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Amarillo, Tex.

No. MC 117119 (sub-No. 474), filed April 27, 1973. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: Bobby G. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boxes*, fiberboard of paperboard, knocked down flat or folded flat, (other than corrugated), from the plantsite of American Can Co., at Newnan, Ga., to points in Arkansas and Missouri.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Little Rock, Ark.

No. MC 117815 (sub-No. 207), filed April 26, 1973. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, Iowa 50317. Applicant's representative: Larry D. Knox, Ninth floor, Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk) from St. Joseph and Paw Paw, Mich., to points in Iowa, Kansas, Missouri, Nebraska, and those points in Illinois within the Davenport, Iowa, and Rock Island and Moline, Ill., commercial zone, restricted to shipments originating at the plantsite and/or warehouse facilities utilized by Pet, Inc. at the named origins.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117892 (sub-No. 3), filed May 1, 1973. Applicant: THREE "I" TRUCK LINE, INC., P.O. Box 426, Bettendorf, Iowa 52722. Applicant's representative: Kenneth F. Dudley, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment), serving the plantsites of French & Hecht Division of Kelsey Hayes at or near Walcott, Iowa, as an off-route point in connection with carrier's authorized regular-route operations.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 118610 (sub-No. 14), filed May 1, 1973. Applicant: L & B EXPRESS, INC., 768 Center Street, Madisonville, Ky. 42431. Applicant's representative: Fred F. Bradley, Courthouse, Box 773, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment, winches, compaction and roadmaking equipment, rollers, mobile cranes, and highway freight trailers*, and (2) *parts, attachments, and accessories* of the commodities in (1) above, between the plantsites of Hyster Co. at or near Crawfordsville, Ind., on the one hand, and, on the other, points in Indiana and Kentucky, restricted to the transportation of shipments originating at or destined to the above-named plantsites.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or St. Louis, Mo.

No. MC 119777 (sub-No. 255), filed April 30, 1973. Applicant: LIGON SPECIALIZED HAULER, INC., P.O. Box L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tillage equipment, cultivators, bulldozers and parts and accessories thereof*, from Yazoo City, Miss., to points in Alabama, Connecticut, Florida, Georgia, Louisiana, Maine, Massachusetts, Mississippi, New Hampshire, North Carolina, Rhode Island, South Carolina, Tennessee, Texas, and Vermont.

NOTE.—Applicant also holds contract carrier authority under MC 126970 and subs, therefore dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 123392 (sub-No. 52), filed April 23, 1973. Applicant: JACK B. KELLEY, INC., U.S. Highway 66 West at Kelley Drive (Route 1), Amarillo, Tex. 79106. Applicant's representative: Oth Miller, 1012 Fisk Building, P.O. Box 2330, Amarillo, Tex. 79105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied natural gas*, in bulk, in carrier-owned trailers, from Scott City, Kans., to Los Angeles, Calif.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Oklahoma City, Okla., or Dallas, Tex.

No. MC 123407 (sub-No. 123), filed May 8, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board, particle board and plywood, accessories, materials, and supplies* used in the sale and installation thereof, from points in Calhoun County, Fla., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; (2) *materials, supplies, and accessories* used in the manufacture and installation of the commodities in (1) above, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas to the plant and warehouse sites of Abitibi Corp. in Calhoun County, Fla., restricted in (1) and (2) above, against the transportation of commodities in bulk.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot 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. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 123407 (sub-No. 124), filed May 8, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Roofing and building material*, from Shreveport, La., to points in Illinois, Indiana, Kentucky, Missouri, Oklahoma, Tennessee, and Texas.

NOTE.—Common control may be involved. 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. If a hearing is deemed necessary, applicant requests it be held at Baton Rouge, La., or Washington, D.C.

No. MC 123407 (sub-No. 125), filed April 27, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roofing, building, and paving materials* (except commodities in bulk), from Brookville, Ind., to points in Illinois, Michigan, Ohio, Kentucky, West Virginia, Virginia, Delaware, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, Maryland, Pennsylvania, and Indiana, and (2) *materials and supplies* used in the manufacture of the commodities named in (1) above (except commodities in bulk), from points in the above-named destination States to Brookville, Ind.

NOTE.—Common control may be involved. 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. If a hearing is deemed necessary, applicant requests

it be held at Brookville, Ind., or Washington, D.C.

No. MC 123407 (sub-No. 126), filed April 27, 1973. Applicant: SAWYER TRANSPORT, INC., South Haven Square, U.S. Highway 6, Valparaiso, Ind. 46383. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Knocked down metal buildings, and wrought iron or steel conduit, and conduit fittings*, from Parkersburg and Winfield, W. Va., to points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, and (2) *materials and supplies* used in the manufacture and distribution of the commodities described in (1) above (except commodities in bulk, in tank vehicles), from points in the United States in and east of Montana, Wyoming, Colorado, and New Mexico, to Parkersburg and Winfield, W. Va.

NOTE.—Common control may be involved. 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. If a hearing is deemed necessary, applicant requests it be held at Charleston, W. Va., or Washington, D.C.

No. MC 123885 (sub-No. 13), filed April 6, 1973. Applicant: C & R TRANSFER CO., a corporation, 1315 West Blackhawk, Sioux Falls, S. Dak. 57101. Applicant's representative: James W. Olson, 506 West Boulevard, Rapid City, S. Dak. 57701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement*, in bags and bulk, from Sioux Falls, S. Dak., to points in Minnesota, Iowa, Nebraska, and North Dakota; (2) *Cement*, in bags and bulk, from points in Codington County, S. Dak., to points in North Dakota, Minnesota, Iowa, and Nebraska; (3) *Cement*, in bags and bulk, from points in Pennington County, S. Dak., to points in Minnesota and Iowa; (4) *Cement*, in bags, from points in Pennington County, S. Dak., to points in Nebraska (except points in that part of Nebraska located on U.S. Highway 83 and points in the counties of Brown, Rock, Keya Paha, Blaine, Loup, and Garfield), points in Cherry and Thomas Counties east of U.S. Highway 83 and points in Boyd, Wheeler, and Holt Counties on and west of U.S. Highway 281; and (4) *Cement*, in bulk, from points in Pennington County, S. Dak., to points in that part of Nebraska located south and west of a line beginning at the Nebraska-Iowa State line, and extending westerly along U.S. Highway 30 to its intersection with U.S. Highway 83, thence northerly along U.S. Highway 83, to the Nebraska-South Dakota State line.

NOTE.—Dual operations may be involved. Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Rapid City or Sioux Falls, S. Dak.

No. MC 124078 (sub-No. 547), filed May 7, 1973. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, Wis. 53246. Applicant's representative: Richard H. Prevette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Decatur County, Ga., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

NOTE.—Dual operations and common control may be involved. 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. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124154 (sub-No. 55), filed April 9, 1973. Applicant: WINGATE TRUCKING CO., INC., P.O. Box 645, Albany, Ga. 31702. 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: *Iron or steel products*, viz, plate, sheet and coils; structural and pipe, between Savannah and Port Wentworth, Ga., on the one hand, and, on the other, points in Georgia.

NOTE.—Applicant states that the requested authority can be tacked with its size and weight authority in MC 124154 (sub-No. 12) at Albany, Ga., to serve points in Alabama, Florida, North Carolina, South Carolina, and Tennessee. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 124887 (sub-No. 3), filed April 30, 1973. Applicant: ELBERT GRADY SHELTON, doing business as SHELTON TRUCKING, Route 1, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips, veneer, and wooden waste materials*, from points in Calhoun County, Fla., to Cedar Springs, Ga.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla.

No. MC 125433 (sub-No. 44), filed April 12, 1973. Applicant: F-B TRUCK LINE CO., a corporation, 1891 West 2100 South, Salt Lake City, Utah 84119. Applicant's representative: David R. Parker, P.O. Box 8208, Lincoln, Nebr. 68051. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities*, which by reason of size or weight, require special handling or the use of special equipment and *commodities* which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; (2) *self-propelled articles, transported on trailers, and related machinery, tools, parts, and supplies* moving in connection therewith; (3) *iron and steel articles* as described in appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209; (4) *pipe*, other than iron and steel, together with fittings; and (5) *construction materials*, between points in Colorado, on the one hand, and, on the other, points in Idaho, Utah, and Wyoming.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority in subs 1 and 38 at Utah. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Denver, Colo.

No. MC 125996 (sub-No. 35), filed April 27, 1973. Applicant: ROAD RUNNER TRUCKING, INC., P.O. Box 37491, Omaha, Nebr. 68137. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, suite 1133, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities utilized by Krey Packing Co., at St. Louis, Mo., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia; and (2) *frozen bakery products*, from the plantsite and storage facilities of Wolferman's Original English Muffin Co., at Kansas City, Mo., to points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Iowa, Kansas, Louisiana, Maryland, Massachusetts, Missouri, Nebraska, New Jersey, New Mexico, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Texas, Virginia, Washington, and the District of Columbia.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Omaha, Nebr.

No. MC 126458 (sub-No. 5), filed April 27, 1973. Applicant: ASCENZO &

SONS, INC., 535 Brush Avenue, Bronx, N.Y. 10465. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, N.Y. 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles* as described in appendix V to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, from Boston, Mass., Providence, R.I., and Bridgeport and New Haven, Conn., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, under contract with Cosid, Inc., and Taft Steel Corp.

NOTE.—Applicant also holds common carrier authority under MC 95965, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 127042 (sub-No. 116), filed May 1, 1973. Applicant: HAGEN, INC., 4120 Floyd Boulevard, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from the facilities of Missouri Beef Packers, Inc., at or near Boise, Idaho, to points in California, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, North Dakota, Ohio, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, restricted to traffic originating at the named origin.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boise, Idaho, or Salt Lake City, Utah.

No. MC 127042 (sub-No. 117), filed May 3, 1973. Applicant: HAGEN, INC., 4120 Floyd Boulevard, P.O. Box 98, Leeds Station, Sioux City, Iowa 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cleaning, scouring, washing, bufing, and polishing compounds, sodium hypoclorite solution*, and *soap base lubricants*, from Joliet and Chicago, Ill., to points in Washington, Oregon, California, Montana, Idaho, Utah, Nevada, New Mexico, Arizona, Colorado, Iowa, North Dakota, South Dakota, Nebraska, Missouri, Kansas, Minnesota, and Wyoming.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127705 (sub-No. 39), filed April 11, 1973. Applicant: KREVDA BROS. EXPRESS, INC., P.O. Box 68, Gas City, Ind. 46933. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers and closures therefor, and materials and supplies* used in the manufacture and distribution of glass containers, (1) between the plantsite of Glass Containers Corp. at Indianapolis, Ind., on the one hand, and, on the other, points in Tennessee, and (2) from the plantsite of Glass Containers Corp. at Indianapolis, Ind., to points in Delaware.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 128021 (sub-No. 8), filed May 10, 1973. Applicant: DIVERSIFIED PRODUCTS TRUCKING CORP., 309 Williamson Avenue, Opelika, Ala. 36801. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies* used in the manufacture of plastic articles, from points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas, to the plantsite of Alabaster Industries, at Alabaster, Ala.; and (2) *plastic articles*, from the plantsite of Alabaster Industries, at Alabaster, Ala., to the origin territory named in (1) above, under a continuing contract, or contracts, in (1) and (2) above with Alabaster Industries, at Alabaster, Ala.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Montgomery, Ala.

No. MC 128375 (sub-No. 98), filed May 4, 1973. Applicant: CRETE CARRIER CORP., P.O. Box 249, 1444 Main Street, Crete, Nebr. 68333. Applicant's representative: Duane W. Acklie (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicle parts, accessories, equipment*, and *materials and supplies* used in the production and distribution thereof (except in bulk and those commodities which because of size and weight require special equipment) between Paulding, Ohio, on the one hand, and, on the other, points in the United States (except Alaska, Hawaii, and Ohio), under contract with Maremont Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln, Nebr., or Chicago, Ill.

No. MC 128762 (sub-No. 8) (correction), filed April 25, 1973, and published in the FEDERAL REGISTER issue of June 1, 1973, and republished as corrected, in part, this issue. Applicant: P. O. LAWTON, INC., P.O. Box 325, Berwick, Pa. 18603. Applicant's representative: John M. Musselman, 410 North Third Street, Harrisburg, Pa. 17108.

NOTE.—The purpose of this partial republication is to correct the commodity description in (1) to read as follows: (1) *Building sections, panels, curtain wall units, doors and door frames, windows and window frames, molding and architectural shapes*, and *parts and accessories* for the above-described commodities, (a) from Franklin, Ind., to points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington); (b) from Jonesboro, Ga., to points in Florida and Texas; (2) *returned shipments* of the above-named commodities from the named destinations to the named origins in (1) (a) and (b). The word "and" was inadvertently omitted in the previous publication between "molding and architectural shapes". The rest of the application remains as previously published.

No. MC 133478 (sub-No. 8), filed April 26, 1973. Applicant: HEARIN TRANSPORTATION, INC., 8565 Southwest Beaverton-Hillsdale Highway, Portland, Oreg. 97225. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Alder Street, Portland, Oreg. 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, plywood, particle board, and wood beams*, between points in Oregon, Washington, and California, under a continuing contract with Hearin Forest Industries, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 133591 (sub-No. 8), filed May 4, 1973. Applicant: WAYNE DANIEL, doing business as WAYNE DANIEL TRUCK, P.O. Box 303, Mt. Vernon, Mo. 65712. Applicant's representative: Richard A. Kerwin, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed foods*, from Warden, Wheeler, and Connell, Wash., and Nampa, Aberdeen, and American Falls, Idaho, to points in Arkansas, Mississippi, Alabama, Texas, Oklahoma, Louisiana, Kansas, Missouri, Florida, Tennessee, and Kentucky.

NOTE.—Applicant also holds contract carrier authority under MC 134494 subs 1 and 2, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., Portland, Oreg., or San Francisco, Calif.

No. MC 134262 (sub-No. 4), filed April 16, 1973. Applicant: FARMERS FEED & SUPPLY TRANSPORTATION, INC., Boyden, Iowa 51234. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizers and fertilizer ingredients* (except anhydrous ammonia and liquids in bulk), (a) between points in Nebraska and Iowa; (b) from points in Iowa and Nebraska to points in Minnesota, Missouri, and South Dakota; and (c) from points in Louisiana, Mississippi, New Mexico, and Texas to points in Illinois, Iowa, Kansas, Minnesota, Missouri,

Nebraska, South Dakota, and Wisconsin, under a continuing contract or contracts with Farmers Feed & Supply, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 134820 (sub-No. 3), filed April 5, 1973. Applicant: ROBERT ALBRIGHT, an individual, 11271 Glendale Way, Seattle, Wash. 98168. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foundry supplies*, (1) From Milwaukee, Wis., Conneaut and Mansfield, Ohio, Harrison, N.J., and Buffalo, N.Y., to Seattle, Wash., under contract with Western Sand Division, Frank H. Jefferson, Inc.; and (2) from Milwaukee, Wis., to Jerome, Idaho, and Portland, Oreg., and Longview, Richland, and Yakima, Wash., under contract with Western Industrial Supply Division of Delta Oil Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 135874 (sub-No. 18), filed April 16, 1973. Applicant: LTL PERISHABLES, INC., P.O. Box 37468, Millard Station, Omaha, Nebr. 68137. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mechanically refrigerated vehicles, from points in the St. Paul-Minneapolis, Minn., commercial zone to points in Iowa, Nebraska, South Dakota, North Dakota, and those in that part of Illinois on and west of U.S. Highway 51.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 136066 (sub-No. 7), filed April 12, 1973. Applicant: G. P. SULLIVAN CO., a corporation, 1808 South Laramie Avenue, Cicero, Ill. 60650. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Household appliances*, between points in the Chicago, Ill., commercial zone on the one hand, and, on the other, points in Lake, Porter, La Porte, Starke, Pulaski, Newton, and Jasper Counties, Ind., under continuing contracts with General Electric Co. and Zayre of Illinois, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Lansing, Mich.

No. MC 136446 (sub-No. 3), filed April 30, 1973. Applicant: PRINCETON MESSENGER SERVICE, INC., U.S. Route 1, Princeton, N.J. 08540. Applicant's representative: Harold G. Hernly, 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records, interoffice communications, computer printouts, magnetic tapes, and keypunch cards, legal documents, marketing and social research data, watches, clocks, and casings for watches and clocks*, in passenger automobiles, between Plainfield, N.J., and points in Somerset and Middlesex Counties, N.J., on the one hand, and, on the other, New York, N.Y.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 136512 (sub-No. 2), filed May 2, 1973. Applicant: SPACE CARRIERS, INC., 444 Lafayette Road, St. Paul, Minn. 55101. Applicant's representative: William S. Rosen, 630 Osborn Building, St. Paul, Minn. 55102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight), between points in Alabama, Arkansas, Florida, Georgia, Illinois, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and Wisconsin, restricted to shipments wherein Minnesota Mining & Manufacturing Co. is the named shipper or consignee.

NOTE.—Applicant holds temporary contract carrier authority under MC 134429 subs 1 and 2, therefore dual operations may be involved. Common control may also be involved. Applicant intends to tack so as to permit operations between all points it is presently authorized to serve and points requested in this application. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Washington, D.C.

No. MC 136746 (sub-No. 2) (correction), filed March 23, 1973, published in the FEDERAL REGISTER issue of May 10, 1973, and republished, as corrected this issue. Applicant: CONSOLIDATED PARCEL SERVICE, INC., 9847 Page, Overland, Mo. 63132. Applicant's representative: Douglas E. Tonkinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by department and other retail stores*, from St. Louis, Mo., and points in St. Louis County, Mo., to points in Madison and St. Clair Counties, Ill., within a territory described as follows: From St. Louis, Mo., westward along the Mississippi River to the western boundary of Madison County, thence northward along the western boundary of Madison County, to the northwest boundary of Madison County, thence eastward along the northern boundary of Madison County to the intersection of Illinois Highway 159, thence southward along Illinois Highway 159 to the intersection of Illinois Highway 140, thence eastward along Illinois Highway 140 to the intersection of Illinois Highway 4, thence southward along Illinois Highway 4 to the intersection of Illinois Highway 177, thence westward along Illinois Highway 177 to the intersection of Illinois Highway 158, thence southwestward along Illinois Highway 158 to the southwest boundary of St. Clair County, thence northwestward along the southwest boundary of St. Clair County to the Mississippi River, thence along the Mississippi River to St. Louis.

NOTE.—The purpose of this publication is to indicate that applicant seeks its destination territory as described above in Illinois, in lieu of Missouri which was previously published in error. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 136762 (sub-No. 1), filed April 30, 1973. Applicant: OSBORNE HIGHWAY EXPRESS, a corporation, 127 University Avenue, Berkeley, Calif. 94710. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard and wood particleboard*, between points in California, Colorado, Idaho, Montana, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Ukiah, Calif., and serve points in Nevada and Arizona. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Portland, Oreg.

No. MC 136762 (sub-No. 2), filed May 1, 1973. Applicant: OSBORNE HIGHWAY EXPRESS, a corporation, 127 University Avenue, Berkeley, Calif. 94104. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, Calif. 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products*, between points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

NOTE.—Applicant states that the requested authority cannot or will not be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Portland, Oreg.

No. MC 136885 (sub-No. 2), filed March 22, 1973. Applicant: L. P. GUAY, INC., St. Henry, Levis County, Province of Quebec, Canada. Applicant's representative: Adrien R. Paquette, 200 St. James Street West, Montreal, Province of Quebec, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from the ports of entry on the international boundary line between the United States and Canada at or near Champlain, N.Y., and Highgate Springs and Derby Line, Vt., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Delaware, under continuing contracts with Leonard Ellen, Inc., and G. A. Grier & Sons Ltd.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Plattsburgh or Albany, N.Y., or Montpelier, Vt.

No. MC 138014 (sub-No. 2), filed May 1, 1973. Applicant: EDMOND L. BARNES, doing business as BLUE HEN DELIVERY CO., 50 Greenhill Avenue, Dover, Del. 19901. Applicant's representative: Charles E. Creager, suite 523, 816 Easley Street, Silver Spring, Md. 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Furniture and appliances*, from Thorofare, N.J., to Dover, Del., under contract with J. C. Penney Co., Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138101 (sub-No. 2), filed April 23, 1973. Applicant: DOUG AMORE, doing business as AMORE'S HEAVY DUTY WRECKER SERVICE, 355 Gale Street, Oconto, Wis. 54153. Applicant's representative: John J. Keller, 145 West Wisconsin Avenue, Neenah, Wis. 54956. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, tractors, and semitrailers* as replacement vehicles for wrecked or disabled trucks, tractors, and semitrailers; and *wrecked or disabled trucks, tractors, and semitrailers* by wrecker service, between points in Brown, Marinette, Menominee, Oconto, Shawano, Waupaca, and Wood Counties, Wis., and points in the United States (except Alaska and Hawaii).

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Green Bay or Milwaukee, Wis.

No. MC 138383 (sub-No. 1), filed May 7, 1973. Applicant: JON C. SAWYER, doing business as SAWYER TRANSPORT CO., 3535 Wolf Road, Saginaw, Mich. 48601. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Building, Lansing, Mich. 48933. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap iron and scrap steel* in dump vehicles for Tuschman Steel Co. and Kasle Iron & Metals, Inc., between Toledo, Ohio, and points in Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Toledo, Ohio.

No. MC 138426 (sub-No. 2), filed April 23, 1973. Applicant: CENTRAL CARRIER CORP., 313 Central Street, Leominster, Mass. 01433. Applicant's representative: Arthur A. Wentzell, P.O. Box 764, Worcester, Mass. 01613. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except currency and negotiable securities) as used in the conduct and operations of banks and banking institutions, between Windsor Locks, Conn., on the one hand, and, on the other, points in Berkshire, Hampshire, Hampden, Franklin, and Worcester Counties, Mass.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Boston or Worcester, Mass.

No. MC 138462 (sub-No. 1), filed March 14, 1973. Applicant: GRACO CARTAGE CO., INC., 437 North Preston Street, Louisville, Ky. 40202. Applicant's representative: Herbert D. Liebman, 403 West Main Street, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, from the warehouses and facilities of the Port of Louisville, Inc., located in Jefferson County, Ky., to points in Oldham, Henry, Shelby, Franklin, Woodford, Fayette, Clark, Montgomery, Bullitt, Hardin, Carroll, Trimble, Bourbon, Scott, Owen, Meade, Spencer, Washington, Anderson, Nelson, and Larue Counties, Ky., restricted to shipments having a prior movement by water.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville or Frankfort, Ky.

No. MC 138478 (sub-No. 2), filed May 4, 1973. Applicant: GRACE SCHNITKER & MICHAEL E. SCHNITKER, a partnership, doing business as SCHNITKER TRUCK LINES, P.O. Box 155, Arenzville, Ill. 62611. Applicant's representative: O. H. Weaver, Jr., P.O. Box 58, Griffin, Ga. 30223. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, plywood, wood shingles, and timbers*, both surfaced or rough, untreated or pressure treated with chemicals to prevent attack by fungi and insects, or to render the material fire-retardant; (2) *wooden posts, poles, and piling*, untreated or pressure treated with chemicals to prevent fungi and insect attack, or to render the material fire-retardant; (3) *rough native hardwood*, rough surfaced, kiln dried; (4) *green lumber;* and (5) *wood chips*, from Beardstown, Ill., to points in Indiana, Iowa, Kentucky, and Missouri, under contract with Beardstown Hardwood Manufacturing, Inc., and Casswood Treated Products Co., Beardstown, Ill.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either (1) Springfield, Ill.; (2) St. Louis, Mo.; or (3) Chicago, Ill.

No. MC 138555 (sub-No. 2), filed May 7, 1973. Applicant: ROBERT H. COWEN, doing business as COWEN TRUCK LINE, Route 2, Perrysville, Ohio 44864. Applicant's representative: John P. McMahon, 100 East Broad Street, Columbus, Ohio 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Parts, materials, supplies and equipment* used in the manufacture of household applicances, between North Canton, Ohio, on the one hand, and, on the other, Holly Springs, Miss., under a continuing contract, or contracts with The Hoover Co., of North Canton, Ohio.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 138557 (sub-No. 2), filed May 10, 1973. Applicant: WALT KEITH TRUCKING, INC., Route No. 1, P.O. Box 30, Rushville, Mo. 64484. Applicant's representative Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite of Missouri Beef Packers, Inc., at Phelps City, Mo., to points in Kansas, Missouri, Illinois, and Oklahoma, under a continuing contract, or contracts, with Missouri Beef Packers, Inc., of Phelps City, Mo.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 138570 (sub-No. 2), filed April 23, 1973. Applicant: JOHN B. LAMBERT TRUCKING CO., a corporation, 8 McIntosh Street, Newnan, Ga. 30263. Applicant's representative: Monty Schumacher, 2045 Peachtree Road NE., suite 310, Atlanta, Ga. 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand and gravel*, in bulk, in dump vehicles, from the processing plantsite of Vulcan Materials Co. near Shorter, Ala., to Plant Wansley of the Georgia Power Co. located in Heard and Carroll Counties, Ga.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Greenville, S.C.

No. MC 138653, filed April 12, 1973. Applicant: DONALD C. ALBERTSON, doing business as ALBERTSON DRIVE-AWAY, 1190 South Marylin Street, Martinsville, Ind. 46151. Applicant's representative: Robert W. Loser, 1009 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Vehicles equipped with bus bodies*, including, but not limited to, schoolbus type bodies, in driveaway service, from Mitchell and Richmond, Ind., to points in California, Nevada, Oregon, Washington, Utah, and Idaho, and (2) *vehicles equipped with garbage bodies* (garbage packers), in driveaway service, from Milwaukee, Wis., to points in Washington.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 138702, filed May 3, 1973. Applicant: ECONOMY CARRIERS LTD., 4086 Ogden Road South East, Calgary 25, Alberta, Canada. Applicant's representative: Jerome Anderson, 100 Transwestern Building, Billings, Mont. 59101. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from the ports of entry on the international boundary line between the United States and Canada located in Montana, Washington, and Idaho, to points in Montana, Washington, and Idaho.

NOTES.—If a hearing is deemed necessary, applicant requests it be held at Great Falls or Billings, Mont.

No. MC 138704 (sub-No. 1), filed May 8, 1973. Applicant: GARY L. DUNPHY, Embden, Maine 04958. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water*, from the facilities of Poland Spring Bottling Corp. at or near Poland Spring, Maine, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *materials, supplies, and equipment* used in the bottling and distribution of water (except in bulk), from the destination territory named in (1) above to the facilities of Poland Spring Bottling Corp. at or near Poland Spring, Maine, under a continuing contract, or contracts, in (1) and (2) above with Poland Spring Bottling Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138705 (sub-No. 1), filed May 8, 1973. Applicant: DANIEL L. HASKELL, doing business as CASCO BAY TRANSPORTATION CO., 185 Commercial Street, Portland, Maine 04111. Applicant's representative: William P. Jackson, Jr., 919 18th Street NW., Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Water*, from the facilities of Poland Spring Bottling Corp. at or near Poland Spring, Maine, to points in the United States in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas; and (2) *materials, supplies, and equipment* used in the bottling and distribution of water (except in bulk), from the destination territory named in (1) above, to the facilities of Poland Spring Bottling Corp. at or near Poland Spring, Maine, under a continuing contract, or contracts, in (1) and (2) above with Poland Spring Bottling Corp.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 138710, filed May 1, 1973. Applicant: JOHN AURENZ, doing business as A & A TOWING & WRECKER SERVICE, 9006 West 123d Street, Palos Park, Ill. 60464. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked and disabled vehicles and replacement vehicles therefor*, between points in Cook County, Ill., on the one hand, and, on the other, points in Ohio, Michigan, Wisconsin, Indiana, and Iowa.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 138724, filed March 22, 1973. Applicant: BOSCO POWERS, doing business as BOSCO'S TRAILER TOWING, Frijole Route, Carlsbad, N. Mex. 88220k. Applicant's representative: Malcolm McGregor, 1011 North Mesa Street, El Paso, Tex. 79902. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes*, from points in New Mexico to points in Texas.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at El Paso, Tex., or Carlsbad, N. Mex.

MOTOR CARRIER OF PASSENGERS

No. MC 138746, filed December 5, 1972. Applicant: SUN VALLEY STAGES, INC., P.O. Box 936, Twin Falls, Idaho 83301. Applicant's representative: Garth Kirkman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at Buhl, Twin Falls, Filer, Kimberly, Hansen, Murtaugh, Rogerson, Hollister, Eden, Hazelton, Jerome, Wendell, Hagerman, Bliss, Gooding, Fairfield, Richfield, Dietrich, Shoshone, Minidoka, Acequia, Rupert, Paul, Heyburn, Malta, Albion, Declo, Burley, Oakley, Hammett, Glens Ferry, and King Hill, Idaho, and extending to points in Arizona, California, Colorado, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Twin Falls or Boise, Idaho.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-11766 Filed 6-13-73;8:45 am]

[Notice 77]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 8, 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 1131) published in the FEDERAL REGISTER issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of these applications must be filed with the field official named in the FEDERAL REGISTER publication, on or before June 29, 1973. 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 3581 (sub-No. 19 TA), filed May 25, 1973. Applicant: THE MOTOR CONVOY, INC., mail: P.O. Box 82432, Hapeville, Ga. 30054 and office: 275 Convoy Drive SW., Atlanta, Ga. 30354. Applicant's representative: Paul M. Daniell, suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, in initial movements, in truckaway service, from West Palm Beach, Fla., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Glassic Industries, Inc., 3175 Belvedere Road, West Palm Beach, Fla. 33406. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., room 309, Atlanta, Ga. 30309.

No. MC 59640 (sub-No. 34 TA), filed May 25, 1973. Applicant: PAULS TRUCKING CORP., 3 Commerce Drive, Cranford, N.J. 07016. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, N.J. 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, catalog showroom stores, and home center stores, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such businesses (except commodities in bulk), for the account of Supermarket General Corp., (1) between Linden and South Plainfield, N.J., on the one hand, and, on the other, points in Connecticut, Delaware, Massachusetts, New York, and Pennsylvania, and (2) between Springfield and Chicopee, Mass., on the one hand, and, on the other, points in Connecticut, Delaware, New Jersey, New York, and Pennsylvania, for 180 days. Supporting shipper: Supermarkets General Corp., 301 Blair Road, Woodbridge, N.J. 07095. Send protests to: Robert E. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, N.J. 07102.

No. MC 59957 (sub-No. 41 TA), filed May 31, 1973. Applicant: MOTOR FREIGHT EXPRESS, Arsenal Road and Toronita Street, P.O. Box 1029 (Box Zip 17405) York, Pa. 17402. Applicant's representative: Walter M. F. Neugebauer

(same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the site of Motor Freight Express terminal in Marlborough, Middlesex County, Mass., as an off-route point in connection with its regular service route between New Haven, Conn. and Boston, Mass., for 180 days.

NOTE.—Applicant intends to tack with MC 59957 at the site of Motor Freight Express terminal in Marlborough, Middlesex County, Mass.

Supporting shipper: Not applicable. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, P.O. 869, Harrisburg, Pa. 17108.

No. MC 95540 (sub-No. 871 TA), filed May 25, 1973. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Clyde Carver, suite 212, 5299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix 1 to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Alma, Ga., to points in Wisconsin, Texas, Illinois, Mississippi, Florida, Alabama, and Tennessee for 180 days. Supporting shipper: Lee-Johnson Packing Co., Alma, Ga. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., room 309, Atlanta, Ga. 30309.

No. MC 95540 (sub-No. 872 TA), filed May 25, 1973. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Alan E. Serby, suite 1600, First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in containers, from the plantsites and warehouse facilities of Sea Pak, division of W. R. Grace & Co., in Glynn County, Ga., to points in the United States (except Alaska and Hawaii), for 150 days. Supporting shipper: Sea Pak, division of W. R. Grace & Co., P.O. Box 667, St. Simons Island, Ga. 31522. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., room 309, Atlanta, Ga. 30309.

No. MC 95540 (sub-No. 873 TA), filed May 25, 1973. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, Fla. 33801. Applicant's representative: Clyde W. Carver, suite 212, 2299 Roswell Road NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, yogurt, and prepared desserts*, from South Edmeston, N.Y., to points in North Carolina, South Carolina, Georgia, and Florida, for 180 days. Supporting shipper: Breakstone Sugar Creek Foods Division, Kraftco Corp., 450 East Illinois Street, Chicago, Ill. 60611. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street NW., room 309, Atlanta, Ga. 30309.

No. MC 95876 (sub-No. 139 TA), filed May 22, 1973. Applicant: ANDERSON TRUCKING SERVICE, INC., 203 Cooper Avenue North, P.O. Box 1377, St. Cloud Minn. 56301. Applicant's representative: Arthur A. Budde (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and particle board*, from Roseburg and Dillard, Oreg., and points in Douglas, Lane, Coos, and Klamath Counties, Oreg., and points in King, Snohomish, Grays Harbor, Pacific, and Cowlitz Counties, Wash., to points in Minnesota, for 180 days. Supporting shippers: Avon Lumber Yard, Inc., Avon, Minn. 56310; Emmer Bros. Co., 6800 France Avenue South, Minneapolis, Minn. 55435; and Reserve Supply Co., P.O. Box 4450, Fridley, Minn. 55421. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 107403 (sub-No. 848 TA), filed May 25, 1973. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from the plantsite of Owens-Corning Fiberglas Corp., at or near Valparaiso, Ind., to points in Alabama, Georgia, Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Pennsylvania, South Carolina, and Texas, for 180 days. Supporting shipper: Owens-Corning Fiberglas Tower, Toledo, Ohio 43659, attention: J. J. Horrigan, general traffic manager. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, room 1600, Philadelphia, Pa. 19102.

No. MC 107496 (sub-No. 892 TA), filed May 31, 1973. Applicant: RUAN TRANSPORT CORP., Third and Keosauqua Way, P.O. Box 855 (Box ZIP 50304), Des Moines, Iowa 50309. Applicant's representative: E. Check (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and road oils*, in bulk, in tank vehicles, from the Jebro, Inc., facilities at Bridgeport Industrial Park, Sioux City, Iowa, to points in South Dakota, for 150 days. Supporting shipper: Jebro, Inc., 313 South Phillips, Sioux Falls, S. Dak. 57102. Send protests to: Herbert W. Allen, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 109326 (sub-No. 1 TA), filed May 25, 1973. Applicant: C & D TRANSPORTATION CO., INC., P.O. Box 10506, New Orleans, La. 70121. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of Appendix "1" to the report in Description in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of John Morrell & Co., Shreveport, La., to points in Alabama, Georgia, Mississippi, Florida, North Carolina, South Carolina, and Tennessee, for 180 days. Restriction: Restricted to shipments originating at named origin and destined to named destination points. Supporting shipper: John Morrell & Co., 208 South La Salle Street, Chicago, Ill. 60604, Mr. Robert L. Lee, Manager Rates and Service. Send protests to: Paul D. Collins, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room T-9038 U.S. Postal Service Building, 701 Loyola Avenue, New Orleans, La. 70113.

No. MC 109397 (sub-No. 285 TA), filed May 25, 1973. Applicant: TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, east on Interstate Business Route 44, Joplin, Mo. 64801. Applicant's representative: Max G. Morgan, 600 Leninger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radioactive waste materials*, from the facilities of Florida Power & Light Co., in Dade County, Fla., to points in Barnwell County, S.C., for 180 days. Supporting shipper: Hittman Nuclear & Development Corp., 9190 Red Branch Road, Columbia, Md. 21045. Send protests to: John V. Barry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 110988 (sub-No. 296 TA), filed May 29, 1973. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, Wis. 54956. Applicant's representative: David A. Petersen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wax*, in bulk, in tank vehicles, from Beaumont, Tex., to Chicago, Ill., for 180 days. Supporting shipper: Sweetheart Cup Corp., 7575 South Kostner Avenue, Chicago, Ill. 60652 (Jerome E. Barton, Traffic Manager). Send protests to: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of

Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 113678 (sub-No. 494 TA), filed May 25, 1973. Applicant: CURTIS, INC., office: 4810 Pontiac Street, Commerce City, Colo. 80022, and mailing: P.O. Box 16004, Stockyards Station, Denver, Colo. 80216. Applicant's representative: David L. Metzler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rugs, carpets, vinyl sheeting, floor coverings, floor covering materials, and supplies* (except commodities in bulk), from Carlisle, Fullerton, Lancaster, Marietta, Marcus Hook, and Philadelphia, Pa.; Houston, Dallas, Fort Worth, Hillsboro, and Marlin, Tex.; Hope, Lewisville, Monticello, and Fort Smith, Ark.; Miami, Bristol, and Wilberton, Okla., to Denver, Arvada, Aurora, Boulder, Fort Collins, Colorado Springs, Commerce City, Glenwood Springs, Grand Junction, Brush, Pueblo, Durango, Canyon City, Breckenridge, Fountain, Colorado City, Aspen, Rifle, Vail, Eagle, Delta, and Montrose, Colo.; Holdredge, Nebr.; Provo, Ogden, Springfield, Salt Lake City, Green River, and Moab, Utah; Casper, Laramie, Rawlins, and Cheyenne, Wyo., for 180 days. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: District Supervisor H. C. Ruoff, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114604 (sub-No. 14 TA), filed May 25, 1973. Applicant: CAUDELL TRANSPORT, INC., State Farmers Market No. 33, Forest Park, Ga. 30050. Applicant's representative: Frank D. Hall, suite 713, 3384 Peachtree Road, NE., Atlanta, Ga. 30329. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (except commodities in bulk), from the plantsites and warehouse facilities of Atlantic Refrigerated Warehouse, division of Munford, Inc., at Atlanta, Ga., and its commercial zone, to points in North Carolina, for 180 days. Supporting shipper: Atlantic Refrigerated Warehouse, division of Munford, Inc., Atlanta, Ga. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., room 309, Atlanta, Ga. 30309.

No. MC 115524 (sub-No. 17 TA), filed May 29, 1973. Applicant: BURSCH TRUCKING, INC., 415 Rankin Road NE., Albuquerque, N. Mex. 87107. Applicant's representative: Don F. Jones (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, lumber products, and byproducts of lumber and building materials*, between points in Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Missouri, Nebraska, New Mexico, Nevada, Texas, Oklahoma, and Utah, for 180 days. Supporting shipper: Sagebrush Sales Co., P.O. Box 25021, Albuquerque, N. Mex. 87125. Send protests to: William R. Murdoch, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1106 Federal Office Building, 517 Gold Avenue SW., Albuquerque, N. Mex. 87101.

No. MC 118468 (sub-No. 34 TA), filed May 31, 1973. Applicant: UMTHUN TRUCKING, 910 South Jackson, P.O. Box 236, Eagle Grove, Iowa 50533. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated metal products*, from the plantsite of United States Gypsum Co., Chicago, Ill., to points in Nebraska, for 180 days. Supporting shipper: United States Gypsum Co., 101 South Wacker Drive, Chicago, Ill. 60606. Send protests to: Herbert W. Allen, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 875 Federal Building, Des Moines, Iowa 50309.

No. MC 123233 (sub-No. 43 TA), filed May 25, 1973. Applicant: PROVOST CARTAGE INC., 7887 2d Avenue, Ville d'Anjou 437, Quebec, Canada. Applicant's representative: J. P. Vermette, 250 Napoleon Provost Street, Repentigny, Province of Quebec, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium chlorate and caustic soda*, in bulk, in tank vehicles, from the ports of entry on the International Boundary line, between the United States and Canada located at or near Highgate Springs and Derby Line, Vt., to Jay, Maine, for 180 days. Restriction: Restricted to traffic having a prior movement in foreign commerce. Supporting shipper: International Paper Co., 220 East 42d Street, New York, N.Y. 10017. Send protests to: District Supervisor Norman T. Fowlkes, Interstate Commerce Commission, Bureau of Operations, 52 State Street, room 5, Montpelier, Vt. 05602.

No. MC 126276 (sub-No. 79 TA), filed May 25, 1973. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, Ill. 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers, caps, covers, and tops and corrugated containers*, from the plant and warehouse of Midland Glass Co. at Terre Haute, Ind., to the plant and warehouse sites of Schlitz Brewing Co. and Pabst Brewing Co. at Milwaukee, Wis., for 180 days. Supporting shipper: Midland Glass Co., Inc., P.O. Box 557, Cliffwood, N.J. 07721. Send protests to: District Supervisor R. G. Anderson, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

No. MC 128532 (sub-No. 2 TA), filed May 25, 1973. Applicant: ORVILLE LAMBE, doing business as LAMBE'S TRUCKING, P.O. Box 414, Claresholm, Alberta, Canada. Applicant's representative: J. F. Meglen, P.O. Box 1581, Billings, Mont. 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Finished trus-joists*, from the port of entry on the international boundary line between the United States and Canada at or near Sweetgrass, Mont.; Eastport, Idaho; and Sumas, Wash., to points in Idaho, Montana, and Washington and (2) *Lumber, steel tubing and steel pins*, from points in Idaho, Montana, Oregon, and Washington, to the international boundary line between the United States and Canada, using ports of entry at or near Sweetgrass, Mont.; Eastport, Idaho; and Sumas, Wash., for 180 days. Supporting shipper: Trus-Joist (Western) Ltd., P.O. Box 1060, Claresholm, Alberta, Canada. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 222, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 133492 (sub-No. 8 TA), filed May 25, 1973. Applicant: CECIL CLAXTON, East Elm Street, Wrightsville, Ga. 31096. Applicant's representative: William Addams, 5299 Roswell Road NW., Atlanta, Ga. 30342. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in containers, from Chicago, Ill., and Hammondsport, N.J., to Athens and Dublin, Ga., for 180 days. Supporting shipper: Southern Sales Co., P.O. Box 9, Dublin, Ga. 31021. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., room 309, Atlanta, Ga. 30309.

No. MC 133684 (sub-No. 11 TA), filed May 24, 1973. Applicant: GORDON FAST FREIGHT, INC., 2205 Pacific Highway East, Tacoma, Wash. 98422. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, Wash. 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from San Francisco, Calif., to Vancouver, Wash., for 180 days. Supporting shipper: Lucky General Brewing Co., P.O. Box 1210, Vancouver, Wash. 98660. Send protests to: L. D. Boone, Transportation Specialist, Bureau of Operations, Interstate Commerce Commission, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 138720 (sub-No. 1 TA), filed May 25, 1973. Applicant: C. G. GRANT CONSTRUCTION CORP., Rear 919 Wyoming Avenue, Wyoming, Pa. 18644. Applicant's representative: Richard M. Goldberg, 700 United Penn Bank Building, Wilkes-Barre, Pa. 18701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers and mobile homes*, from points in Pennsylvania, to points in Mississippi, Louisiana, Missouri, Illinois, Ohio, Arkansas, Tennessee, and

Michigan, for 90 days. Supporting shipper: Pennsylvania Recovery Office, Department of Housing and Urban Development, 116 South Main Street, Wilkes-Barre, Pa. 18702. Send protests to: Paul J. Kenworth, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 138748 (sub-No. 1 TA), filed May 25, 1973. Applicant: DODDS REALTY CO., doing business as DODDS SERVICE CO., 40 Terminal Street, Dubuque, Iowa 52001. Applicant's representative: Michael J. Wyngaard, 329 West Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Twine*, (1) from Dubuque, Iowa, to points in Wisconsin, Iowa, Illinois, Minnesota, Nebraska, Kansas, Indiana, and Missouri, and (2) from Minneapolis, Minn., to points in Wisconsin, Iowa, Minnesota, and Nebraska, for 180 days. Supporting shipper: Dubuque Twine Co., Jones and Terminal Streets, Dubuque, Iowa 52001. 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 138666 (sub-No. 1 TA), filed May 21, 1973. Applicant: TREK-AMERICA, INC., 215 South Broad Street, Philadelphia, Pa. 19102. Applicant's representative: Francis P. Desmond, 115 East Fifth Street, Chester, Pa. 19013. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage and outdoor equipment*, in personally conducted all-expense camping tours, in special round-trip operations, in vehicles limited to 14 passengers, not including the driver and escort, beginning and ending at New York, N.Y. and Philadelphia, Pa. and extending to all points in the United States, for 180 days. Supporting shipper: British Student Travel Centre, Ltd., suite 1602, 80 Fifth Avenue, New York, N.Y. 10011. Send protests to: Peter R. Guman, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Federal Building, room 3238, 600 Arch Street, Philadelphia, Pa. 19107.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-11892 Filed 6-13-73;8:45 am]

[Notice 293]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by division 3 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 general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before July 16, 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-74317. By order of June 6, 1973, the Commission, Appellate Division 3, approved the transfer to Delbert D. McClelland, doing business as All Ways Freight Line, Leavenworth, Kans., of that portion of the operating rights in certificate No. MC-10601 issued February 24, 1972, to Floyd Brune, doing business as Holton-St. Joseph Freight Line, Circleville, Kans., authorizing the transportation of general commodities, with usual exceptions, between Havensville, Kans., and Kansas City and St. Joseph, Mo., serving named intermediate and off-route points, and between Holton, Kans., and St. Joseph, Mo., serving named intermediate points. Erle W. Francis, suite 719, 700 Kansas Avenue, Topeka, Kans. 66603. Attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.73-11893 Filed 6-13-73;8:45 am]

[Notice 294]

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 5, 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-74127. By order of May 25, 1973, the Motor Carrier Board approved the transfer to East-South Express, Inc., Nashville, Tenn., of a portion of the operating rights in certificate No. MC-65941 (sub-No. 37), issued December 22, 1972, to Tower Lines, Inc., Wheeling, W. Va., authorizing the transportation of specified commodities from points in Roanoke County, Va., to points in the United States (except Hawaii, Alaska, Virginia, North Carolina, South Carolina, Georgia, Washington, Oregon, California, Montana, Idaho, Utah, Nevada, and Florida). Walter Harwood, 1822 Parkway Towers, Nashville, Tenn., 37219, attorney for transferee. Paul M. Daniell, suite 1600, First Federal Building, Atlanta, Ga. 30303., attorney for transferor.

No. MC-FC-74504. By order of June 7, 1973, the Motor Carrier Board approved the transfer to Farr's Coach Lines, Ltd., Dunnville, Ontario, Canada, of the operating rights in certificate No. MC-135985 (sub-No. 1), issued May 26, 1972, to Harry F. Farr, doing business as Farr's Coach Lines, Dunnville, Ontario, Canada, authorizing the transportation of passengers and their baggage in charter and special operations, in round trip sightseeing and pleasure tours beginning and ending at ports of entry on the United States-Canada boundary line and extending to points in the United States except Alaska and Hawaii. S. Harrison Kahn, suite 733 Investment Building, Washington, D.C. 20005. Attorney for applicants.

No. MC-FC-74505. By order entered June 5, 1973, the Motor Carrier Board approved the transfer to P. Rodney Hoffman, Inc., Birdsboro, Pa., of the operating rights set forth in certificate No. MC-135205, issued July 13, 1971, to P. Rodney Hoffman, Birdsboro, Pa., authorizing the transportation of ferro alloys and silicon metal, in bulk, from the storage facilities of P. Rodney Hoffman located at Exeter Township (Berks County), Pa., to points in that part of Pennsylvania on and east of U.S. Highway 15. Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101, attorney for applicants.

No. MC-FC-73611. By order entered June 7, 1973, the Motor Carrier Board approved the transfer to Gale B. Alexander, Ottumwa, Iowa, of the operating rights set forth in certificate No. MC-119895 (sub-No. 11), issued March 13, 1968, to Intercity Express, Inc., Fort Dodge, Iowa, authorizing the transportation of packinghouse products (except hides, skins, and pieces thereof, and except commodities in bulk), frozen food for other than human consumption, used empty steel drums, from Ottumwa, Iowa, to points in Illinois (except points in Rock Island County), and Wisconsin, and from North Chicago, Ill., to Ottumwa, Iowa, restricted to traffic originating at or destined to the plantsite of John Morrell & Co.; canned goods, malt beverages, empty malt beverage containers, nonalcoholic beverages, empty nonalcoholic beverage containers, carbonated beverages, in containers, and new empty containers for carbonated beverages, from Ottumwa, Iowa, to points in Arkansas, Illinois, Kansas, Missouri, Nebraska, Minnesota, Wisconsin, and South Dakota, and from points in the above-specified States to Ottumwa, Iowa. Kenneth F. Dudley, Yates Building, 611

Church Street, P.O. Box 279, Ottumwa, Iowa 52501.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-11894 Filed 6-13-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

NEVADA STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Nevada State Advisory Committee will convene at 10 a.m. on June 16, 1973, at the Pioneer Inn, 221 Virginia Avenue, Reno, Nev. 89101.

Persons wishing to attend this meeting should contact the Committee Chairman, or the Western Regional Office, room 1015, 312 North Spring Street, Los Angeles, Calif. 90012.

The purpose of this meeting shall be to discuss program plans and specific projects under consideration for study by the State Advisory Committee during the coming fiscal year.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 11, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee Management Officer.

[FR Doc.73-12010 Filed 6-13-73;10:08 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	15043–15356	June 8
14661–14732	4	15357–15427	11
14733–14805	5	15429–15490	12
14807–14906	6	15491–15594	13
14907–15041	7	15595–15710	14

federal register

THURSDAY, JUNE 14, 1973

WASHINGTON, D.C.

Volume 38 ■ Number 114

PART II

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

■

RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES

Notice of Proposed Rulemaking

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[49 CFR, Part 25]

[Docket No. 29, Notice No. 73-7]

RELOCATION ASSISTANCE AND LAND ACQUISITION POLICIES

Notice of Proposed Rulemaking

By this notice the Department is proposing to amend its regulations in part 25 of title 49 of the Code of Federal Regulations entitled "Relocation Assistance and Land Acquisition for Federal and Federally Assisted Programs." These regulations provide for services and payments to persons who are displaced from their homes, businesses, or farms by Federal or federally assisted programs administered by the Department. Part 25 also contains uniform policies for the acquisition of land under those programs.

Part 25 was originally published on May 20, 1971 (36 FR 9178), in accordance with the interim guidelines issued by the Office of Management and Budget (OMB) in the Executive Office of the President to insure uniformity by Federal agencies in their promulgation of regulations administering the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, 84 Stat. 1894. On May 1, 1972, OMB issued revised guidelines (Circular No. A-103), for the promulgation by Federal agencies of final regulations to implement the act. The proposed amendment to part 25 reflects the changes contained in OMB's revised guidelines.

The amendments being proposed affect all nine subparts of part 25, and appendix B. In addition, a new appendix C would be added to publish the clauses set forth in appendix A of the Civil Rights Assurances referred to in § 25.235(f). These clauses are presently contained in an internal departmental order which is not readily available outside the Department. No changes are being proposed to appendix A, but it has been included in the notice for purposes of continuity and persons may direct comments toward it. Because the proposed changes in each of the nine subparts are too numerous to facilitate spot amendments, each subpart is being published in its entirety with the proposed changes contained therein. The section numbers remain the same. Therefore, if a reader is interested in detail, he may compare the existing and proposed new sections to discern the differences. Many existing sections are published without proposed changes. Some new sections have been added. In the case of appendix B, which sets forth tables of moving expense allowances by States, only minor changes are proposed, and the complete retyping of the tables for purposes of including a full text in this notice was considered unnecessary.

Some of the more significant changes proposed by this notice are as follows:

(1) Definition of the word "family."

(2) A revision § 25.11 to include a person who moves from real property because he is displaced from other real property on which he conducts a business or farm operation.

(3) Requirement in § 25.12 for an agency concerned to issue a notice of displacement.

(4) In § 25.15(c), a standard for determining whether a replacement dwelling is within the financial means of an individual or family.

(5) Provisions in §§ 25.25 and 25.27 for the approval of planning loans or the development of housing in accordance with criteria of the Secretary of Housing and Urban Development.

(6) Provision in § 25.30 for State acquired real property provided as a contribution incident to a Federal or federally assisted project.

(7) A revision of §§ 25.53 and 25.57 requiring a State agency to submit to the appropriate DOT official information on the displacement problems of the project and proposed actions to resolve the problems.

(8) An extension of the time for filing an application for moving expenses from 12 to 18 months under § 25.117.

(9) A revision that would clarify § 25.127 in determining actual direct losses for business and farm operations. mining actual direct losses for business and farm operations.

(10) A revision of the eligibility requirements for homeowners under § 25.181.

(11) A new § 25.202 to place a limitation on rental payments.

(12) A provision in § 25.205 that would allow a lump sum rental payment in an amount up to $2,000.

All interested persons are invited to submit their comments on these proposed regulations. Two written copies of the comments should be sent to the Docket Clerk, Office of the General Counsel, Department of Transportation, Washington, D.C. 20590. All comments received by the close of business on August 10, 1973, will be considered in formulating the final regulations, and will be available for public inspection and copying until that date between 9 a.m. and 5:30 p.m., Monday to Friday, except Federal holidays, in the Office of the Assistant General Counsel for Regulation, room 10100, Department of Transportation Headquarters (Nassif) Building, 400 Seventh Street SW., Washington, D.C.

This notice is issued under the authority of section 213, 84 Stat. 1900, 42 U.S.C. 4633.

In consideration of the foregoing it is proposed to amend part 25 of title 49 of the Code of Federal Regulations by—

(a) Revising the table of sections;

(b) Revising subparts A through I;

(c) Republishing appendix A;

(d) Amending the allowances for moving expenses for the States of Colorado and New York in tables I and II of appendix B; and

(e) Adding a new appendix C;

as set forth below.

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

CLAUDE S. BRINEGAR,
Secretary of Transportation.

PART 25—RELOCATION ASSISTANCE AND LAND ACQUISITION FOR FEDERAL AND FEDERALLY ASSISTED PROGRAMS

Subpart A—General

Subpart B—Requirements for Federal Projects

Subpart C—Requirements for Federally Assisted Projects

Subpart D—Relocation Assistance Advisory Programs

Subpart E—Moving and Related Expenses

Subpart A—General

§ 25.1 Purpose and policy.

(a) This part implements the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 which provides for the uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and establishes uniform and equitable land acquisition policies for Federal and federally assisted programs.

(b) In implementing the act, it is the policy of the Department of Transportation to deal consistently and fairly with all persons whose property is taken for public projects and all persons who are displaced from their homes, businesses, or farms. The Department will not participate in displacing individuals and families from their homes unless comparable replacement dwellings are available to them in advance of their displacement.

§ 25.3 Definitions.

As used in this part—

"Agency concerned" means the operating administration within the Department of Transportation or the State agency responsible for carrying out the project concerned, or the Office of the Secretary of Transportation in the case of a project being carried out by that office.

"Appropriate DOT official" means an official of the Department of Transportation to whom the Secretary of Transportation has delegated authority to carry out this part and includes any person to whom that official has redelegated that authority.

"Business" means a lawful activity, other than a farm operation, conducted primarily—

(1) For the purchase, sale, lease, or rental of personal and real property, and the manufacture, processing or marketing of products, commodities, or other personal property;

(2) For the sale of services to the public; or

(3) By a nonprofit organization.

"Dwelling" means the place of permanent or customary and usual residence of an individual or family, and includes:

(1) A single-family house;

(2) A single-family unit in a multifamily building;

(3) A unit of a condominium or cooperative housing project;

(4) A mobile home which qualifies as realty under State law or cannot be moved without substantial damage or unreasonable cost; and

(5) Any other residential unit.

"Economic rent" means the amount of rent a tenant or homeowner would have to pay for a dwelling comparable to the acquired dwelling in a similar area.

"Family" means two or more individuals who live together in a dwelling and are—

(1) Related by blood, marriage, adoption, or legal guardianship; or

(2) Determined to be jointly eligible for benefits under this part by the appropriate DOT official.

"Farm operation" means a lawful activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing those products or commodities in sufficient quantity to be capable of providing at least one-third of the operator's income, however, in instances where such operation is obviously a farm operation, it need not contribute one-third to the operation's income for him to be eligible for relocation payments.

"Federal agency" means a department, agency, or instrumentality in the executive branch of Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve Banks and branches thereof.

"Federal financial assistance" means a grant, loan, or contribution by the United States, other than a Federal guarantee or insurance or an annual payment or capital loan to the District of Columbia.

"Federally assisted" means assisted by a grant, loan or contribution by the United States, other than a Federal guarantee or insurance or an annual payment or capital loan to the District of Columbia.

"Homeowner" means an individual or family who owns and occupies a dwelling.

"Initiation of negotiations" means the date the agency concerned makes its first personal contact with the owner of real property, or his representative, to give him a written offer for the property to be acquired.

"Mortgage" means a lien commonly given to secure an advance on, or the unpaid purchase price of, real property under the laws of the State in which real property is located, together with any credit instruments secured thereby.

"Own" means holding any of the following interests in a dwelling, a contract to purchase one of those interests, or evidence of impending succession to one of those interests by devise or operation of law:

(1) A fee title.

(2) A life estate.

(3) A 99-year lease.

(4) A lease with at least 50 years to run from the date of acquisition of the property.

(5) An interest in a cooperative housing project which includes the right to occupy a dwelling; or

(6) Any other interest which the appropriate DOT official determines to be a sufficient proprietary right.

"Person" includes a partnership, company, corporation, or association as well as an individual or family.

"State" means any of the several States of the United States, the District of Columbia, the Commonwealth of

Puerto Rico, a territory or possession of the United States, the trust territories of the Pacific Islands, or a political subdivision of any of those jurisdictions.

"State agency" means a department, public body, agency or instrumentality of a State or of a political subdivision of a State, or any department, agency or instrumentality of two or more States or of two or more political subdivisions of a State or States, the National Capitol Housing Authority and the District of Columbia Redevelopment Land Agency.

"Tenant" means an individual or family who rents, or is temporarily in lawful possession of a dwelling, including a sleeping room.

§ 25.5 Applicability.

This part applies to projects which are are part of a Federal or federally assisted program administered by the Department of Transportation and which, after January 1, 1971, cause the displacement of persons or the acquisition of real property, including acquisition by a State agency without Federal financial assistance.

§ 25.7 Delegations of authority.

(a) Except as provided in § 25.153, the functions, powers, and duties of the Secretary of Transportation with respect to the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" are delegated to—

(1) The Assistant Secretary for Administration with respect to programs administered directly by the Office of the Secretary; and

(2) The head of each of the following operating administrations with respect to programs administered by their respective organizations:

(i) U.S. Coast Guard.

(ii) Federal Aviation Administration.

(iii) Federal Highway Administration.

(iv) Federal Railroad Administration.

(v) Urban Mass Transportation Administration.

(vi) National Highway Traffic Safety Administration.

(vii) St. Lawrence Seaway Development Corporation.

(b) Each officer to whom authority is delegated by paragraph (a) of this section may redelegate and authorize successive redelegations of that authority within the organization under his jurisdiction.

§ 25.9 Regulations.

(a) Each officer to whom authority is delegated by § 25.7 may prepare, and submit to the Assistant Secretary for Environment, Safety and Consumer Affairs for approval, regulations that—

(1) Implement the requirements of the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" (84 Stat. 1894) and this part; and

(2) Prescribe additional procedures and requirements that are appropriate to the particular programs administered by the preparing officer's organization and are not inconsistent with the act or this part.

(b) After the Assistant Secretary for Environment, Safety and Consumer Affairs approves the regulations, the preparing officer shall submit them to the FEDERAL REGISTER for publication.

(c) Regulations issued under this section are effective only after approval by the Assistant Secretary for Environment, Safety and Consumer Affairs and publication in the FEDERAL REGISTER.

(d) This section applies to each amendment of regulations issued under this section.

(e) Regulations issued under this section shall be revised, as necessary, to conform to any amendments that may be made to this part.

§ 25.11 Displaced person; qualifications.

(a) Subject to the requirements of paragraphs (c), (d), and (e) of this section, a person qualifies as a displaced person for the purposes of this part if after January 1, 1971, he moves from real property, or moves his personal property from real property, and the move is a direct result of—

(1) The initiation of negotiations—

(i) For the real property; or

(ii) For the purposes of subparts D and E and §§ 25.153 and 25.155, for other real property on which he conducts a business or farm operation;

(2) A written notice from the agency concerned of its intent—

(i) To acquire the real property by a definite date; or

(ii) For the purposes of subparts D and E and §§ 25.153 and 25.155, to acquire other real property on which he conducts a business or farm operation; or

(3) A written order from the agency concerned—

(i) To vacate the real property; or

(ii) For the purposes of subparts D and E and §§ 25.153 and 25.155, to vacate other real property on which he conducts a business or farm operation.

(b) A person may qualify as a displaced person, regardless of—

(1) Whether the property is acquired by a Federal or State agency;

(2) The method of acquisition;

(3) The name or status of the person who acquires or holds fee title to the property; or

(4) Whether Federal funds contribute directly to the payment for the property, if the property must be acquired for a Federal or federally assisted program or project, and the end result is to serve or be considered to serve in the public interest.

(c) A person does not qualify as a displaced person under paragraph (a) (1) or (2) of this section until—

(1) The agency concerned becomes entitled to possession of the real property under an agreement or a court order in a condemnation proceeding for acquiring the property;

(2) The owner conveys title to the real property to the agency concerned; or

(3) The owner and the agency concerned enter into a contract for the purchase of the real property, but only if the real property is not to be reoccupied before the agency is to acquire title or the right to possession.

§ 25.12 Notice of displacement.

The agency concerned shall serve personally, or by certified or registered first-class mail, return receipt requested, a written notice to each prospective displaced person of the date he is required to move. This notice may be combined with the information delivered to each displaced person in accordance with § 25.93. A notice provided under § 25.253(b)(1) satisfies the requirement of this section.

§ 25.13 Notices of intent to acquire real property.

The agency concerned may not issue written notices of intent to acquire real property by a definite date until—

(a) The beginning of any project phase which will cause the displacement of persons who are to receive the written notices; and

(b) The appropriate DOT official has approved the issuance of the written notices.

§ 25.15 Comparable replacement dwelling; requirements.

(a) A dwelling is a comparable replacement dwelling for the purposes of this part if it is available on the market and—

(1) Decent, safe, and sanitary;

(2) Functionally equivalent and substantially the same as the dwelling being acquired with respect to—

(i) Number of rooms;

(ii) Area of living space;

(iii) State of repair; and

(iv) Type of construction;

(3) In an area not generally less desirable than the dwelling being acquired with respect to—

(i) Public utilities;

(ii) Public and commercial facilities; and

(iii) Neighborhood conditions, including municipal services, and environmental considerations;

(4) Reasonably accessible to the place of employment, or potential place of employment, of the head of the displaced family, or the displaced individual, as the case may be;

(5) Adequate in size to accommodate the needs of the displaced family or individual;

(6) In an equal or better neighborhood;

(7) Within the financial means of the displaced family or individual;

(8) Is open to all individuals regardless of race, color, religion, or national origin and consistent with the requirements of title VIII of the Civil Rights Act of 1968.

(b) If replacement dwellings which meet the requirements of paragraphs (a) (1) through (8) of this section are not available on the market, the agency concerned may, after a proper finding of

the need therefor, treat available dwellings which exceed those requirements as comparable replacement dwellings.

(c) For the purpose of paragraph (a)(7) of this section, a dwelling is within the financial means of an individual or family if, taking into account payments made under subpart G of this part, the monthly housing cost (including payments for mortgage, insurance, and property taxes) or rental cost is not more than—

(1) 25 percent of the monthly gross income of the individual or family, including supplemental income payments received from public agencies; or

(2) The portion of the monthly gross income of the individual or family, including supplemental income payments received from public agencies, paid for rent or housing cost at the acquired dwelling if the rent or housing cost is not excessive taking into consideration the cost of other needs of the family or individual.

§ 25.17 Decent, safe, and sanitary dwelling; requirements.

(a) A dwelling is decent, safe, and sanitary for the purposes of this part if it—

(1) Meets the applicable State or local building, plumbing, electrical, housing, and occupancy codes or similar ordinances or regulations for existing structures;

(2) Has a continuing and adequate supply of potable safe water;

(3) Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected to hot and cold water, and properly connected to a sewage disposal system;

(4) Has a cooking stove and refrigerator in good operating condition, if required by local code, ordinance, or custom or, if not so required, utility service connections and adequate space for these installations in the kitchen or area set aside for kitchen use;

(5) Except in a geographical area where it is not normally included in new housing, has an adequate heating system in good working order capable of maintaining a minimum temperature of 70° F. in the living area (not including the bedrooms) under local outdoor design temperature conditions;

(6) Has a bathroom, well lighted and ventilated and affording privacy to an individual within it, containing a lavatory and a bathtub or shower stall, properly connected to an adequate supply of hot and cold running water, and a flush toilet, all in good working order and properly connected to a sewage disposal system;

(7) Has an electrical wiring system in each room;

(8) Is structually sound, clean, weathertight, and in good repair and adequately maintained;

(9) Has a safe, unobstructed means of egress leading to a safe open space at ground level and, in the case of a multidwelling building, access from each dwelling unit directly or through a common corridor to a means of egress to a safe open space at ground level and, in the case of a multidwelling building of more than two stories, at least two means of egress from the common corridor on each story;

(10) Has habitable sleeping, living, cooking, and dining floor space (exclusive of such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfurnished attics, foyers, storage spaces, cellars, utility rooms, or similar spaces), which—

(i) Measures at least 150 ft^2 for the first occupant and 100 ft^2 (70 ft^2 in the case of a mobile home) for each additional occupant;

(ii) Is subdivided into adequately ventilated rooms sufficient to accommodate the occupants; and

(11) Is reasonably convenient to community services including schools, stores, and public transportation.

(b) If the applicable local housing code does not conform to all the requirements of paragraph (a) of this section but is reasonably comparable, the agency providing relocation assistance may submit a copy of the local code to the appropriate DOT official for approval as acceptable standards for decent, safe, and sanitary housing.

(c) In case of extreme hardship or other similar extenuating circumstances involving a displaced individual or family, the agency concerned may, with the concurrence of the appropriate DOT official, waive any requirement of paragraph (a) of this section.

§ 25.19 Decent, safe, and sanitary rental sleeping rooms; requirements.

(a) A rental sleeping room is decent, safe, and sanitary for the purposes of this part if it—

(1) Meets the applicable State or local building, plumbing, electrical, housing, and occupancy codes or similar ordinances or regulations for existing structures;

(2) Except in a geographical area where it is not normally included in new housing, has an adequate heating system in good working order which will maintain a minimum temperature of 70° F under local outdoor design temperature conditions;

(3) Has an electrical wiring system;

(4) Is structurally sound, clean, weathertight, and in good repair and adequately maintained;

(5) Has a safe, unobstructed means of egress leading to a safe open space at ground level and, in the case of a rooming house, access from each sleeping room directly or through a common corridor to a means of egress to a safe open space at ground level and, in the case of a rooming house of more than two stories, at least two means of egress from the common corridor on each story;

(6) Is reasonably convenient to community services such as stores and public transportation;

(7) Has at least 100 ft^2 of habitable floor space for the first occupant and 50 ft^2 of habitable floor space for each additional occupant; and

(8) Provides use of a bathroom, well lighted and ventilated and affording privacy to an individual within it, including a door that can be locked if the facilities are separate from the sleeping room, containing a lavatory and a bathtub or shower stall, properly connected to an adequate supply of hot and cold running water, and a flush toilet, all in good working order and properly connected to a sewage disposal system.

(b) If the applicable local housing code does not meet all the requirements of paragraph (a) of this section but is reasonably comparable, the agency providing relocation assistance may submit a copy of the local code to the appropriate DOT official for approval as acceptable standards for decent, safe, and sanitary housing.

(c) In case of extreme hardship or other similar extenuating circumstances involving a displaced individual or family, the agency concerned may, with the concurrence of the appropriate DOT official, waive any requirement of paragraph (a) of this section.

§ 25.21 Appeals.

(a) An applicant for a payment under this part who is aggrieved by an agency's determination as to the applicant's eligibility for payment or the amount of the payment may appeal that determination in accordance with the procedures established by the agency concerned under paragraph (b) of this section.

(b) Each agency concerned shall establish procedures for reviewing appeals by aggrieved applicants for payments under this part. The procedures shall insure that—

(1) Each appellant applicant has the opportunity for oral presentation;

(2) Each appeal will be decided promptly and the applicant is informed of the decision in writing;

(3) Each appeal decision will include a statement of the reasons upon which it is based;

(4) The agency retains all documents associated with each appeal; and

(5) Each appellant applicant has a right of final appeal to the head of the agency concerned.

§ 25.23 Records.

Each agency concerned shall maintain relocation records in accordance with the requirements of appendix A and make them available during regular business hours for inspection by appropriate DOT officials. The records shall be retained by the agency for at least 3 years after completion of a project.

§ 25.25 Last resort housing.

If a relocation plan submitted under § 25.33 or § 25.55 discloses that comparable replacement dwellings are not available, the appropriate DOT official may use project funds, or authorize a State agency to use project funds, as the case may be, to develop housing pursuant to the criteria and procedures of the Sec-

retary of Housing and Urban Development published on February 18, 1972 at 37 FR 3633.

§ 25.27 Loans for planning and preliminary expenses.

An appropriate DOT official may make or approve loans for planning and preliminary expenses in connection with the construction or rehabilitation of housing under section 215 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894) in accordance with the criteria and procedures of the Secretary of Housing and Urban Development published on July 25, 1972 at 37 FR 14768.

§ 25.29 Consultation at planning stage.

(a) Each agency concerned that plans a project which will result in the displacement of persons in an area in which one or more other Federal or State agencies are also planning projects which will result in the displacement of persons, shall—

(1) Coordinate its relocation assistance activities and available housing resources with the other agencies;

(2) Designate at least one employee to meet with the representatives of the other agencies to review the impact of their respective projects on the persons that will be displaced by the project; and

(3) Consult with the appropriate Housing and Urban Development regional area office on the availability of housing resources and provide that office with information concerning the persons that will be displaced by the project. (See 37 FR 17403 for a listing of the area offices.)

(b) In the case of a direct Federal development project or a project eligible for Federal assistance under any of the following programs, the agency concerned shall coordinate its projects through the State, regional, and metropolitan planning and development clearinghouses established pursuant to title IV of the Intergovernmental Cooperation Act of 1968 and section 204 of the Demonstration Cities and Metropolitan Development Act of 1966:

(1) Airport development aid program;

(2) Forest highways;

(3) Highway beautification—landscaping and scenic enhancement;

(4) Highway planning and construction;

(5) Highway planning and research studies (involving construction);

(6) Public lands highways;

(7) Traffic operations program to increase capacity and safety (construction only);

(8) Urban mass transportation capital improvement grants (construction only);

(9) Urban mass transportation capital improvement loans (construction only); or

(10) Urban mass transportation technical studies grants (planning only).

§ 25.30 State agency obligated to provide real property for Federal or federally assisted project.

(a) Whenever real property is acquired by a State agency and provided as the required contribution incident to a Federal or federally assisted project, no DOT official may accept that real property until he determines that the State agency has carried out the requirements of §§ 25.57 and 25.59. However, in the case of real property acquired by a State agency before July 1, 1972, this section is applicable only to the extent that agency was able to meet the requirements of §§ 25.57 and 25.59 under State law.

(b) The cost to a State agency of providing the payments and services required by this part shall be paid in the same manner and to the same extent as the cost of the real property acquired for the project. The Department of Transportation will pay a State agency the full amount of the first $25,000 of the cost of providing payments and services for any person displaced before July 1, 1972.

Subpart B—Requirements for Federal Projects

§ 25.31 Scope.

This subpart prescribes requirements governing the administration of real property acquisition and relocation assistance for displaced persons for projects which are part of a Federal program administered by the Department of Transportation.

§ 25.33 Determinations; displacement of persons.

(a) No DOT official may approve a Federal project to which this part applies which will result in the displacement of any person until he determines that—

(1) Fair and reasonable relocation payments will be provided to displaced persons as required by subparts E, F, and G of this part;

(2) Relocation assistance programs offering the services described in subpart D of this part will be provided for displaced persons;

(3) The public was or will be adequately informed of the relocation payments and services which will be available under subparts D, E, F, and G of this part; and

(4) Comparable replacement dwellings will be available, or provided if necessary, with a reasonable period of time before any individual or family is displaced.

(b) No DOT official may proceed with any phase of a Federal project if that phase will cause the displacement of any individual or family until—

(1) He determines that based on a current survey and analysis of available replacement housing and in consideration of competing demands for that housing, comparable replacement dwellings will be available within a reasonable period of time prior to displacement equal in number to the displaced individuals and families that require them;

(2) He determines that adequate provisions have been made to provide orderly, timely, and efficient relocation of displaced individuals and families to decent, safe, and sanitary housing available without regard to race, color, religion, or national origin with minimum hardship to those affected; and

(3) He prepares a relocation plan which meets the requirements of § 25.55 (a), (b), and (c).

§ 25.35 Determinations; acquisition of real property.

No DOT official may approve a Federal project to which this part applies and which will result in the acquisition of real property until he determines that adequate provisions have been made to—

(a) Fully comply with the requirements of subpart I, of this part; and

(b) Inform the public of the acquisition policies, requirements, and payments which will apply to the project.

Subpart C—Requirements for Federally Assisted Projects

§ 25.51 Scope.

This subpart prescribes requirements governing the administration of real property acquisition and relocation assistance for displaced persons for projects which are part of a federally assisted program administered by the Department of Transportation.

§ 25.53 Preliminary requirements.

Before a State agency begins a federally assisted project to which this part applies, it shall—

(a) Make preliminary investigations to determine—

(1) The approximate number of persons that will be displaced, including the number of businesses and farm operations; and

(2) The probable availability of comparable replacement dwellings.

(b) Submit to the appropriate DOT official—

(1) A statement of the basis for the data required by paragraph (a) of this section;

(2) A statement of the displacement problems involved at each identifiable location, along with possible solutions; and

(3) If the data required by paragraph (a) of this section disclose that the comparable replacement dwellings will be insufficient to meet the displacement needs of the project, a description of the actions proposed to insure that the necessary dwellings will be available in advance of any displacement.

If a public hearing is held concerning the project, the State agency shall submit the information required by paragraph (b) of this section in advance of that hearing.

§ 25.55 Relocation plan required.

No DOT official may authorize a State agency to proceed with any phase of a federally assisted project to which this part applies and which will result in the displacement of any person until the State agency has submitted a relocation plan to him for approval. The plan must include:

(a) An enventory of the characteristics and needs of persons to be displaced and may be based upon a representative sampling process rather than a complete occupancy survey.

(b) An estimated inventory of currently available comparable replacement

dwellings which sets forth for each dwelling the type of house or building, state of repair, number of rooms, type of neighborhood, proximity of public transportation, schools, and commercial shopping areas, and distance to any pertinent social institutions, such as religious and community facilities.

(c) An analysis of the information required by paragraphs (a) and (b) of this section which—

(1) Discusses relocation problems and possible solutions, including—

(i) If a project divides or disrupts an established community, the impact on the human environment in which the project will be located; and

(ii) An estimate of the businesses and farm operations to be displaced and the effect of their displacement on the economy of the area involved;

(2) Provides an analysis of Federal, State, and community programs currently in operation in the project area which will affect the availability of housing;

(3) Provides detailed information on concurrent displacement and relocation by other governmental agencies or private concerns;

(4) Describes the methods to be used to help displaced persons relocate;

(5) Explains the amount of lead time necessary to carry out a timely, orderly, and humane relocation program; and

(6) Sets forth the results of consultation held under § 25.29.

§ 25.57 Assurances required; displacement of persons.

(a) No DOT official may make any approval with respect to a federally assisted project to which this part applies and which will result in the displacement of any person until the head of the State agency provides that official with satisfactory written assurance that—

(1) It will provide fair and reasonable relocation payments to displaced persons as required by subparts E, F, and G of this part;

(2) It will provide relocation assistance programs for displaced persons offering the services described in subpart D of this part;

(3) It will adequately inform the public of the relocation payments and services which will be available under subparts D, E, F, and G of this part; and

(4) Based on the requirements of § 25.53, comparable replacement dwellings will be available, or provided if necessary, within a reasonable period of time before any individual or family is displaced.

(b) No DOT official may authorize a State agency to proceed with any phase of a project if that phase will cause the displacement of any individual or family until that official receives satisfactory, written assurance from the head of the State agency that—

(1) Based on a current survey and analysis of available replacement housing and in consideration of competing demands for that housing, comparable replacement dwellings will be available within a reasonable period of time prior to displacement, equal in number to the displaced individuals and families that require them; and

(2) The State agency relocation program is realistic and is adequate to provide orderly, timely, and efficient relocation of displaced individuals and families to decent, safe, and sanitary housing available without regard to race, color, religion, or national origin with minimum hardship to those affected.

§ 25.59 Assurances required; acquisition of real property.

No DOT official may make any approval with respect to a federally assisted project to which this part applies and which will result in the acquisition of real property until the head of the State agency concerned provides the appropriate DOT official with satisfactory assurances that it will—

(a) Be guided by the requirements of §§ 25.253, 25.255, 25.257, and 25.259 to the greatest extent practicable under State law and fully comply with all other requirements of subpart I of this part; and

(b) Adequately inform the public of the acquisition policies, requirements, and payments which will apply to the project.

§ 25.60 Monitoring assurances.

After a State agency provides the assurances under §§ 25.57 and 25.59 for a federally assisted project, the appropriate DOT official shall monitor the activities of the State agencies with respect to the project to insure that those assurances are carried out.

§ 25.61 Required information concerning State agency policy and procedure.

(a) Before beginning any project phase which will cause the displacement of any person, the State agency shall submit the following information to the appropriate DOT official:

(1) A functional description of the office in the State agency which has responsibility for implementing relocation programs and the name of the individual in charge of that office.

(2) The estimated number and job titles of personnel having responsibilities for providing relocation payments and services in the central office and in any field offices showing to whom they report and their relationship to the central office.

(3) Job classifications, descriptions and qualifications for all relocation assistance supervisory and field personnel.

(b) Before beginning any project phase which will cause the displacement of any person, the State agency shall submit to the appropriate DOT official a complete statement explaining the procedures it will follow in furnishing relocation services and making payments. The statement must include:

(1) The citation and effective date of any applicable law.

(2) A declaration of understanding that the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is applicable to federally assisted projects including those projects on which real property acquisition is financed by State money, but where Federal financial assistance will be used in construction.

(3) A description of the extent to which relocation assistance offices, including project or field offices, will be used, their office hours, the type of lists, maps, and other information to be maintained, and the measure of accessibility to displaced persons.

(4) A description of when and by whom personal contacts with displaced persons will be made.

(5) A description of the personnel, timing, methods, and procedures to be used in advance of real property negotiations to determine—

(i) An inventory of comparable replacement dwellings;

(ii) The approximate number of displaced persons;

(iii) The needs of displaced persons for available housing; and

(iv) A relocation plan for the project.

(6) A description of procedures to be used to provide public information through brochures, public hearings, newspapers, radio, television, and other means, concerning available assistance and payments to displaced persons, and a copy of each brochure to be used.

(7) A description of the moving expense payments to which displaced persons are entitled and the methods employed in determining the amount of entitlement. Schedules shall be appended where applicable.

(8) A description of the procedures to be followed in making replacement housing payments to homeowners and tenants; indicating who is responsible for determining replacement housing payments, the time limits and methods of applying for payments, and the eligibility requirements.

(9) A description of the incidental transfer expenses that are payable, and a copy of a typical closing statement indicating those payments.

(10) A description of the appeal procedures that are available to displaced persons.

(11) A copy of all forms developed to carry out the relocation program.

§ 25.63 Use of Federal financial assistance.

(a) Federal financial assistance may not be used for relocation and acquisition costs unless—

(1) The federally assisted project concerned has been approved and authorized to proceed;

(2) The relocation and acquisition costs are lawfully incurred; and

(3) The project agreement has been executed for the particular project involved.

(b) The type of interest acquired in real property does not affect the eligibility of related relocation costs for Federal financial assistance provided the interest is sufficient to cause displacement.

(c) Federal financial assistance may not be used to pay a relocated person for any loss that is due to his negligence.

(d) Federal financial assistance may not be used for any payment under this part to a displaced person if that person receives a separate payment which is—

(1) Required by the State law of eminent domain;

(2) Determined by the appropriate DOT official to have substantially the same purpose and effect as a payment under this part; and

(3) Otherwise included as a project cost for which Federal financial assistance is available.

§ 25.65 Federal share of costs.

(a) The cost to a State agency of providing the payments and services required by this part, shall be included as part of the cost of the federally assisted project and, except as provided in paragraphs (b) and (c) of this section, the State agency is eligible for Federal financial assistance with respect to those costs in the same manner and to the same extent as other project costs.

(b) If Federal financial assistance is by grant or contribution, the Department of Transportation will pay a State agency the full amount of the first $25,000 of the cost of providing the payments and services described in this part for any displaced person because of any acquisition or displacement occurring before July 1, 1972.

(c) If Federal financial assistance is by loan, the Department of Transportation will loan a State agency the full amount of the first $25,000 of the cost of providing the payments and services described in this part for any displaced person because of any acquisition or displacement occurring before July 1, 1972.

Subpart D—Relocation Assistance Advisory Programs

§ 25.71 Scope.

This subpart prescribes requirements for relocation assistance advisory programs for persons who will be displaced by projects which are part of a Federal or federally assisted program administered by the Department of Transportation.

§ 25.73 Extension of services to adjacent occupants.

Each agency concerned shall provide the relocation assistance advisory services described in this subpart to all prospective displaced persons. The agency may also offer those services to any person occupying property immediately adjacent to the real property being acquired who, in the agency's opinion, will suffer substantial economic injury.

§ 25.75 Relocation programs; general requirements.

Each agency concerned shall carry out a relocation assistance advisory program. The program must provide for—

(a) Explaining to persons the relocation assistance and payments that are available;

(b) Assisting persons to complete applications required for payments;

(c) Determining the needs of persons for relocation assistance;

(d) Informing persons as to the availability and costs of comparable replacement dwellings and comparable locations for businesses and farm operations;

(e) Assisting each individual or family to obtain and move to a comparable replacement dwelling;

(f) Informing individuals and families as to Federal and State housing programs; and

(g) Providing counsel and advice to displaced persons that will minimize the hardships associated with adjusting to a new location.

§ 25.77 Organizational requirements.

The organization and procedures of the agency concerned for carrying out a relocation assistance advisory program must include provisions for:

(a) Assigning at least one employee whose primary responsibility is to provide relocation assistance for one or more projects.

(b) Establishing a local relocation office for each project where the agency determines that the volume of work or the needs of the displaced persons so require.

(c) Maintaining and providing the following information for each project:

(1) Lists of replacement dwellings available without regard to race, color, religion, or national origin drawn from various sources, suitable in price, size, and condition for individuals and families.

(2) Current information as to security deposits, closing costs, typical down payments, interest rates, and terms for residential real property in the area.

(3) Maps showing the location of schools, parks, playgrounds, shopping, and public transportation routes in the area.

(4) Schedules and costs of public transportation in the area.

(5) Copies of the agency's brochure explaining its relocation program, local ordinances pertaining to housing, building codes, open housing, consumer education literature on housing, shelter costs, and family budgeting.

(6) Subscriptions for apartment directory services, neighborhood and metropolitan newspapers, and where available, multiple listing services.

§ 25.79 Local relocation office.

(a) A determination of whether or not to establish a local relocation office must be made before any phase of a project causes the displacement of any person, and submitted to the appropriate DOT official for approval.

(b) The office must be established at a place reasonably convenient to public transportation or within walking distance of the project and shall be open during hours (including evening hours when necessary) convenient to the persons being displaced.

(c) In the employment of individuals in the local relocation office, consideration should be given to those who are familiar with the problems of the area.

§ 25.81 Coordination with other agencies.

(a) Each agency concerned shall coordinate its relocation assistance activities with the local officials of the Federal Housing Administration and Veterans' Administration responsible for making properties acquired by those agencies available for direct sale to persons to be relocated as a result of governmental action.

(b) The employee assigned by the agency concerned to provide relocation assistance for a particular project shall maintain personal contact and exchange information with welfare agencies, urban renewal agencies, redevelopment authorities, public housing authorities, the Federal Housing Administration, the Veterans' Administration, the Small Business Administration, and other agencies providing services to displaced persons. He shall also collect and maintain information on private replacement properties in the area of the project through personal contact with real estate brokers, real estate boards, property managers, apartment owners and operators, and home building contractors.

§ 25.83 Public information; general.

(a) To insure public awareness of its relocation assistance advisory program, when a public hearing is held for a project, the agency concerned shall provide an opportunity for presentation of information and discussion of relocation services and payments at the hearing. The agency shall also prepare a relocation brochure, and give full and adequate public notice of the relocation program for each project to which this part applies.

(b) In areas where a language other than English is predominant, public information must be published in the predominant language as well as in English, unless the appropriate DOT official finds that publication in a language other than English is unnecessary.

§ 25.85 Public information; hearings.

If a public hearing is held for a project, the following information must be presented at the hearing:

(a) Eligibility requirements, payment procedures and limitations for moving expenses, and replacement housing;

(b) A description of the expenses incidental to transfer of property that will be paid;

(c) Appeal procedures;

(d) A description of how relocation assistance and services will be provided;

(e) The address and telephone number of the local office of the State agency and the name of the relocation officer in charge;

(f) The identity, local address, and telephone number of any other cooperating agency;

(g) An estimate of the number of individuals, families, businesses, and farm operations to be relocated;

(h) The estimated number of dwelling units presently available to meet the replacement housing needs; and

(i) An estimate of the time necessary for relocation and the number of comparable replacement dwellings that will become available during that period.

The extent of the presentation should depend on the comprehensiveness of the brochure. If the brochure covers a particular item in detail, it is sufficient to merely highlight what the brochure contains. If a particular item is not applicable to the project, it is not necessary to discuss the item in detail.

§ 25.87 Public information; brochure.

The agency concerned shall prepare a brochure which fully describes its relocation assistance advisory program, including information on payments for replacement housing and moving expenses. The brochure must be distributed free of charge at all public hearings and given to any prospective displaced person upon request. The brochure must state where copies of any regulations implementing the relocation assistance program may be obtained.

§ 25.89 Public information; announcements.

The agency concerned shall provide brief public announcements of the relocation services, payments, and where the brochure describing the relocation program can be obtained, unless the appropriate DOT official finds that public announcements are not necessary because only a small number of persons will be displaced. Public announcements must be made over any type of mass media that is familiar to persons who will be displaced by the project, such as local newspapers, radio, television, or posted advertisements.

§ 25.91 Public information; notices.

Within 15 days after approval to begin any phase of a project which will cause the displacement of any person, the agency concerned shall post notices of acquisition in adequate numbers and in places accessible to occupants of dwellings to be taken for the project. In addition, an adequate number of advertisements must be run in newspapers normally read by occupants of dwellings to be taken. The posted notices and newspaper advertisements must—

(a) State the date approval was given for that phase of the project;

(b) Define the area of the project;

(c) Advise occupants of the area of the eligibility requirements for receiving moving and replacement housing payments;

(d) Advise occupants to notify the agency before moving to insure eligibility for moving and replacement housing payments;

(e) Advise homeowners that to be eligible for relocation benefits they must sell to the agency concerned; and

(f) State where the brochure describing the relocation program may be obtained.

§ 25.93 Information for displaced persons.

(a) The agency concerned shall deliver to each prospective displaced person either in person or by certified or registered first-class mail, return receipt requested—

(1) A brochure explaining the relocation assistance advisory program; and

(2) If it is not included in the brochure, a notice stating the eligibility requirements for payments for replacement housing and moving expenses.

(b) In addition to the information furnished under paragraph (a) of this section, the agency concerned shall deliver to each homeowner and tenant that will be displaced, either in person or by certified or registered first-class mail, return receipt requested, a written statement setting forth the optional types and amounts of replacement housing payments to which they may be entitled.

(c) The information required by paragraphs (a) and (b) of this section must be furnished—

(1) To homeowners not later than the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(2) To tenants within 7 days after the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be.

(d) The agency concerned shall notify each prospective displaced person of his right of appeal under § 25.21.

Subpart E—Moving and Related Expenses

§ 25.111 Scope.

This subpart prescribes the requirements governing the payment of moving and related expenses of persons displaced by projects which are part of a Federal or federally assisted program administered by the Department of Transportation.

§ 25.113 Eligibility.

(a) A displaced person is eligible for payment of moving and related expenses under this subpart without regard to the length of time that he occupied the real property from which he is displaced.

(b) A person eligible for a payment under § 25.121 with respect to a business or farm operation may also be eligible for a payment under § 25.121 as a dwelling occupant, even though he resides on the business or farm property that is acquired.

§ 25.115 Payment limited to one move; exception.

(a) Except as provided by paragraph (b) of this section, payment of a displaced person's moving and related expenses may not be made for more than one move in connection with a particular project.

(b) If the appropriate DOT official considers it to be in the public interest, he may authorize payment of a displaced person's moving and related expenses for additional moves.

§ 25.117 Moving expenses; application and payment.

(a) Upon application by a displaced person for payment of moving and related expenses, the agency concerned shall—

(1) Pay those expenses in accordance with this subpart; or

(2) If the applicant elects to receive it, pay him a fixed allowance in accordance with subpart F of this part.

(b) The application must be in writing and filed with the agency concerned within 18 months after the date the applicant moves, or moves his personal property from real property, as the case may be, or the date final payment is made for the cost of acquisition, whichever is later. The application must include an itemization of the expenses involved and, except as provided in paragraphs (d) and (e) of this section, must be supported by receipts and such other evidence as the agency concerned may require.

(c) A displaced person may not be paid for his moving expenses in advance of the actual move unless the agency concerned finds that a hardship would otherwise result.

(d) If a displaced person, his mover, and the agency concerned agree in writing, the displaced person may submit an unpaid bill for moving expenses for direct payment.

(e) If the agency concerned contracts with independent movers on a schedule basis and provides a displaced person with a list of movers he may choose from to move his personal property, payment shall be made directly to the mover.

(f) In the case of a self-move by a displaced person who conducts a business or farm operation, the amount of payment for actual reasonable moving expenses is negotiable but may not be more than the lower of two firm bids or estimates received by the agency concerned, unless the appropriate DOT official determines that a greater amount is justified.

§ 25.119 Exclusions.

A displaced person is not entitled to be paid for—

(a) Additional expenses incurred because of living in a new location;

(b) The cost of moving structures or other improvements to real property in which ownership is reserved by the displaced person, except as otherwise provided under § 25.193.

(c) Improvements to the replacement site, except when required by law;

(d) Interest on loans to cover moving expenses;

(e) Loss of good will;

(f) Loss of profits;

(g) Loss of trained employees;

(h) Personal injury;

(i) Cost of preparing the application for moving and related expenses;

(j) Expenses in searching for a replacement dwelling; or

(k) Any item which the appropriate DOT official excludes from payments consistent with this part.

§ 25.121 Moving expenses: displaced persons.

(a) Except as provided in § 25.117, a displaced person is entitled to actual reasonable expenses for—

(1) Transporting individuals, families, and personal property from the displacement site to a replacement site, but not more than 50 miles unless the agency concerned finds that the displaced person cannot relocate within that distance;

(2) Packing and unpacking, crating and uncrating, and, if the agency concerned finds it necessary, storing his personal property for not more than 12 months;

(3) If the agency concerned finds it necessary advertising for packing, crating, storing, or transporting his personal property;

(4) Insuring against loss or damage of his personal property while in storage or transit;

(5) Removing and reinstalling machinery, appliances, and equipment, including modifying the machinery, appliance, or equipment as considered necessary by the appropriate DOT official, and reconnecting utilities, if—

(i) It is not acquired by the agency concerned as real property;

(ii) The displaced person agrees in writing that the machinery, appliance, or equipment is personal property and releases the agency concerned from paying for it; and

(iii) Unless otherwise required by law, it is not a real property improvement to the location site; and

(6) Searching for a replacement business or farm operation, to the extent those expenses meet the requirements of § 25.129, if the displaced person conducts a business or farm operation which is discontinued or relocated.

(b) A displaced person is entitled to be reimbursed for uninsurable loss or damage of his personal property while in the process of moving, if the loss or damage was not the result of his fault or damage.

(c) A displaced person who conducts a business or farm operation which is discontinued or relocated is entitled to the actual direct losses of personal property resulting from the discontinuation or move, to the extent those losses meet the requirements of § 25.127.

§ 25.123 Moving expenses; advertising businesses.

A displaced person who conducts a lawful activity primarily for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of outdoor advertising displays, whether or not the displays are located on the premises on which any of those activities are conducted, is entitled to the moving expenses described in § 25.121. However, if the cost of moving an outdoor advertising display is more than the inplace fair market value of the display, the agency concerned shall consider acquiring the display as part of the real property, unless prohibited by State law.

§ 25.125 Low value, high bulk property; businesses and farm operations.

In the case of low value, high bulk personal property, such as junk, stockpiled sand, gravel, minerals, metals, or similar items, used in connection with a relocated business or farm operation, payment for actual reasonable moving expenses may not be more than the cost of replacing that property at the relocation site less the amount for which it could be sold at the displacement site.

§ 25.127 Actual direct losses; businesses and farm operations.

(a) Subject to the requirements and limitations in paragraphs (b) through (f) of this section, a displaced person who conducts a business or farm operation is entitled to payment for actual direct losses of personal property that is used in connection with the business or farm operation but is—

(1) No longer needed because the business or farm operation is being discontinued; or

(2) Not being moved to a relocation site because it is not suitable for use there.

(b) A displaced person who conducts a business or farm operation which is discontinued or relocated shall make a bona fide effort to sell personal property he does not move.

(c) If a displaced person relocates a business or farm operation and sells an item of personal property and promptly replaces it with a comparable item, payment for actual direct loss of the original item may not be more than the replacement cost less its sale price, or the estimated cost of moving the original item, whichever is less.

(d) If a displaced person discontinues a business or farm operation and sells an item of personal property, payment for actual direct loss of the item may not be more than the fair market value of the personal property for continued use at its location prior to displacement less its sale price, or the estimated cost of moving the original item 50 miles, whichever is less.

(e) If a displaced person abandons an item of personal property after making a bona fide effort to sell it, payment for the actual direct loss of that item may not be more than the fair market value of the item for continued use at its location prior to displacement or the estimated cost of moving the original item 50 miles, whichever is less, irrespective of the cost to the agency concerned of removing that item.

§ 25.129 Expenses in searching for replacement business or farm operation.

(a) Except as provided in paragraph (b) of this section, a displaced person who conducts a business or farm operation is entitled to not more than $500, or such higher amount as the agency concerned considers justified under the circumstances, for actual reasonable expenses in searching for a replacement business or farm operation including—

(1) Cost of travel;

(2) Cost for meals and lodging;

(3) An amount for time spent searching, based on the salary or earnings of the displaced person from the business or farm operation, but not more than $10 per hour; and

(4) If the agency concerned considers it desirable, the cost of a broker or realtor, or other professional fees, to locate a replacement site.

(b) A displaced person who conducts an advertising business described in § 25.123, is entitled to not more than $100, or if the agency concerned considers it justified under the circumstances not more than $500, for actual reasonable expenses in searching for a replacement outdoor advertising display site.

Subpart F—Fixed Allowance in Lieu of Moving and Related Expenses

§ 25.151 Scope.

This subpart prescribes the requirements governing payment of dislocation and moving expense allowances to displaced persons who are eligible for payment of their actual moving and related expenses under subpart E of this part, but elect to receive a fixed allowance in lieu thereof.

§ 25.153 Schedule of moving expense allowances; individuals and families.

The Federal Highway Administrator shall establish and maintain in appendix B a schedule of moving expense allowances applicable to individuals and families displaced by projects to which this part applies for each State. The schedule shall cover every locality in the State and shall be based on current local moving costs. The allowance for any individual or family may not be more than $300.

§ 25.155 Dislocation and moving expense allowances; individuals and families.

(a) Except as provided in paragraph (b) of this section, a displaced individual or family who elects to receive fixed dislocation and moving expense allowances in lieu of payment of actual moving and related expenses is entitled to—

(1) A dislocation allowance of $200; and

(2) The applicable moving expense allowance specified in the schedule of moving expense allowance maintained in appendix B for the locality in which the displacement occurs.

(b) Two or more individuals, not a family, who occupy the same dwelling, are considered to be a single family for the purposes of this section.

§ 25.157 Fixed allowance; profit and nonprofit businesses.

(a) A displaced person who conducts a business (other than an advertising business as described in § 25.127) which meets the requirements of paragraphs (b) or (c) of this section may elect to receive a fixed allowance in lieu of actual moving and related expenses equal to the average annual net earnings of the business, computed in accordance with § 25.161, but not less than $2,500 or more than $10,000.

(b) A business conducted for profit qualifies for payment under this section if it—

(1) Contributes to the income of the displaced person;

(2) Cannot, in the opinion of the agency concerned, be relocated without substantial loss of existing patronage, taking into consideration—

(i) The type of the business;

(ii) The nature of its clientele;

(iii) The relative importance of the displacement and proposed relocation sites to the business; and

(iv) The availability of the relocation site; and

(3) Is not part of a commercial enterprise having at least one other establishment engaged in the same or similar business which is not being acquired by a State agency or the United States.

(c) A business conducted by a nonprofit organization qualifies for payment under this section if it—

(1) Cannot, in the opinion of the appropriate DOT official, be relocated without substantial loss of existing patronage, taking into consideration the persons, community, or clientele served or affected by the business; and

(2) Is not part of a commercial enterprise having at least one other establishment engaged in the same or similar business which is not being acquired by a State agency or the United States.

§ 25.159 Fixed allowance; farm operation.

(a) A displaced person who conducts a farm operation and elects to receive a fixted allowance in lieu of actual moving and related expenses is entitled to a fixed amount equal to the average annual net earnings of the farm operation, computed in accordance with § 25.161, but not less than $2,500 or more than $10,000.

(b) In the case of a partial acquisition and displacement of a farm operation, the fixed allowance described in paragraph (a) of this section may be paid only if the agency concerned determines that—

(1) The displaced activity was a farm operation before the acquisition of the displacement site; and

(2) The property remaining after acquisition is not a farm operation.

§ 25.161 Computing average annual net earnings; businesses and farm operations.

(a) For the purposes of this subpart, the average annual net earnings is one-half of any net earnings of a business or farm operation before Federal, State, and local income taxes, during the 2 taxable years immediately preceding the taxable year in which it was displaced. Net earnings include any compensation obtained from the business or farm operation by its owner, his spouse, or dependents. However, when a business or farm operation has no average annual net earnings or has an average annual net deficit during the period used to compute average annual net earnings, the person who conducts that business or farm operation may receive a $2,500 payment if he is otherwise eligible for payment under § 25.157 or 25.159.

(b) If the agency concerned finds that the 2 tax years immediately preceding displacement are not representative, or if the business or farm operation has not been in operation that long, it may, with the concurrence of the appropriate DOT official, prescribe some other time period for computing average annual net earnings.

(c) If a displaced person who conducts a business or farm operation elects to receive a fixed payment under this subpart, he shall provide proof of his earnings from the business or farm operation to the agency concerned. Proof of earnings may be established by income tax returns, certified financial statements, or other similar evidence.

Subpart G—Replacement Housing Payments

§ 25.171 Scope.

This subpart prescribes the requirements governing payment for replacement housing for individuals and families displaced by projects which are part of a Federal or federally assisted program administered by the Department of Transportation.

§ 25.173 Purchase of a decent, safe, and sanitary dwelling.

A displaced tenant or homeowner "purchases" a dwelling within the meaning of this subpart when he—

(a) Acquires an existing dwelling;

(b) Rehabilitates a substandard dwelling which he owns or acquires;

(c) Relocates a dwelling which he owns or acquires;

(d) Relocates and rehabilitates a substandard dwelling which he owns or acquires;

(e) Constructs a new dwelling on a site which he owns or acquires;

(f) Contracts to purchase a dwelling on a site provided by a builder; or

(g) Contracts for the construction of a dwelling on a site provided by a builder or on a site which he owns or acquires.

§ 25.175 Occupancy.

(a) A displaced tenant or homeowner "occupies" a dwelling within the meaning of this subpart only if the dwelling is his permanent place of residence.

(b) If a tenant or homeowner contracts for the construction or rehabilitation of a replacement dwelling, and for reasons not within his control the construction or rehabilitation is delayed beyond the date occupancy is required, the agency concerned may extend the period of eligibility for a replacement housing payment until the tenant or homeowner occupies the replacement dwelling.

§ 25.177 Inspection of replacement dwelling required.

(a) Before making a replacement housing payment to a displaced homeowner or tenant, or releasing a payment from escrow, as the case may be, the agency concerned shall inspect the replacement dwelling to determine whether or not it meets the criteria for decent, safe, and sanitary dwellings. The agency concerned may use the services of any public agency ordinarily engaged in housing inspection to conduct the inspection required by this section.

(b) A determination by the agency concerned that a dwelling meets the criteria for decent, safe, and sanitary housing is solely for the purpose of this subpart and is not a representation for any other purpose.

§ 25.179 Application and payment.

(a) Upon application by a displaced homeowner or tenant who meets the requirements of this subpart for a replacement housing payment, the agency concerned shall—

(1) If he has purchased or rented, and occupied a decent, safe, and sanitary dwelling, make the payment directly to him, or, at his option, to the seller or lessor of the decent, safe, and sanitary dwelling; or

(2) If he has purchased or rented, but not yet occupied a decent, safe, and sanitary dwelling, upon his request make the payment into an escrow account.

(b) The application must be in writing and filed with the agency concerned within 6 months after the date the applicant becomes eligible for a replacement housing payment in accordance with § 25.181.

§ 25.181 Eligibility.

(a) A displaced homeowner is eligible for a replacement housing payment under § 25.183 or § 25.185(a), if he—

(1) Qualifies as a displaced person under § 25.11;

(2) Actually owned and occupied the acquired dwelling for at least 180 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be;

(3) In the case of a payment under § 25.183, purchases and occupies, or in the case of a payment under § 25.185(a), rents and occupies a decent, safe and sanitary dwelling within 1 year after the latest of the following events:

(i) He receives final payment for the acquired dwelling;

(ii) In the case of a condemnation suit, the State agency deposits the required amount in court for the benefit of the owner; or

(iii) He is required to move from the acquired dwelling.

(b) A displaced homeowner who is not eligible for a replacement housing payment under § 25.183, is eligible for a payment under § 25.185, if he—

(1) Qualifies as a displaced person under § 25.11;

(2) Actually owned and occupied the acquired dwelling for at least 90 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(3) Rents or purchases, and occupies a decent, safe, and sanitary dwelling within 1 year after the latest of the following events:

(i) He receives final payment for the acquired dwelling;

(ii) In the case of a condemnation suit, the State agency deposits the required amount in court for the benefit of the owner; or

(iii) He is required to move from the acquired dwelling.

(c) A displaced tenant is eligible for a replacement housing payment under § 25.185 if he—

(1) Qualifies as a displaced person under § 25.11;

(2) Actually lawfully occupied the acquired dwelling for at least 90 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(3) Rents or purchases, and occupies a decent, safe, and sanitary dwelling within 1 year after the date he is required to move from the acquired dwelling, or if earlier, the date he actually moves.

(d) For the purpose of paragraphs (a)(2) and (b)(2) of this section, if a homeowner inherits an interest in a dwelling by devise or operation of law, his tenure of ownership includes the tenure of the preceding homeowner.

§ 25.183 Replacement housing payment; purchase price.

A displacement homeowner who qualifies under § 25.181(a) is entitled to a replacement housing payment of not more than $15,000. Within that limitation the payment includes the following amounts:

(a) Subject to the requirements of § 25.189, if the reasonable cost of a comparable replacement dwelling is more than the acquisition price of the acquired dwelling, the difference between them.

(b) If there was a bona fide mortgage which constituted a valid lien on the acquired dwelling for at least 180 days before the initiation of negotiations for the acquired dwelling and if the cost of financing the purchase of a replacement dwelling includes increased interest costs, an amount to compensate for that increase, as provided in § 25.195.

(c) An amount necessary to cover incidental expenses on the purchase of a replacement dwelling, but not including prepaid expenses, as provided in § 25.197.

§ 25.185 Replacement housing payments; rent and down payments.

A displaced homeowner or a displaced tenant who qualifies under § 25.181 is entitled to a replacement housing payment of not more than $4,000. Within that limitation the payment is that amount necessary for—

(a) The homeowner who qualifies under § 25.181(a) to rent a comparable replacement dwelling for a period of not more than 4 years, subject to the requirements of §§ 25.199 and 25.201; or

(b) The homeowner who qualifies under § 25.181(b) or the tenant who qualifies under § 25.181(c) to—

(1) Rent a comparable replacement dwelling for a period of not more than 4 years, subject to the requirements of §§ 25.199 and 25.201; or

(2) Make the down payment required for a conventional loan and cover the incidental expenses on the purchase of a comparable replacement dwelling, subject to the requirements of § 25.207.

§ 25.187 Rules for considering land values.

In determining the amount of a replacement housing payment under § 25.183(a) the following rules apply:

(a) If the acquired dwelling is located on a tract typical for residential use in the area, the maximum amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for the area less the acquisition price of the acquired property.

(b) If the acquired dwelling is located on a tract larger than typical for residential use in the area, the maximum amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for the area less the estimated value of the dwelling at the present location assuming it was located on a tract typical for the area.

(c) If the acquired dwelling is located on a tract that has a use higher and better than residential, the maximum amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for residential use in the area less the estimated value of the dwelling assuming it was located on a tract typical for residential use in the area.

§ 25.189 Limitations; payment for purchase price.

(a) The price established as the reasonable cost of a comparable replacement dwelling under § 25.191 sets the upper limit of the differential amount payable under $25.183(a). To qualify for any amount, the homeowner must purchase and occupy a decent, safe, and sanitary dwelling higher in price than the acquired dwelling.

(b) If the homeowner voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the reasonable cost established for a comparable replacement dwelling, the amount payable under § 25.183(a) is that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the decent, safe, and sanitary dwelling.

§ 25.191 Reasonable cost of comparable replacement dwelling.

(a) In determining the reasonable cost of a comparable replacement dwelling, the agency concerned shall use one of the following methods:

(1) It may establish a schedule of reasonable acquisition costs for the various types of comparable replacement dwellings. If more than one agency is administering a project causing displacements in the area, it shall cooperate with those agencies in establishing a uniform schedule for the area. The schedule must be based on a current analysis of the market to determine a reasonable cost for each type of dwelling to be purchased. In large urban areas this analysis may be confined to one area of the city, or may cover several different areas if they are comparable and equally accessible to public services and places of employment. To assure the greatest comparability of dwellings in an analysis, the analysis must be divided into classifications of the type of construction, number of rooms, and price ranges.

(2) It may determine the reasonable cost of a comparable replacement dwelling by examining the probable selling prices of at least three comparable replacement dwellings. Selection of the dwellings must be made by a qualified employee of the agency concerned who is familiar with real property values and current real estate transactions.

(3) If it finds that the methods described in paragraphs (a) (1) and (2) are not feasible for determining the reasonable cost of a comparable replacement dwelling, it may propose what it considers to be a feasible method to the appropriate DOT official for approval.

§ 25.193 Owner retention.

(a) If a displaced homeowner elects to retain and move his dwelling, the amount payable under § 25.183(a) is the difference between the acquisition price of the acquired dwelling and the sum of—

(1) The moving and restoration expenses;

(2) The cost of correcting decent, safe, and sanitary deficiencies, if any; and

(3) The actual purchase price of a comparable relocation site.

(b) The amount computed in accordance with paragraph (a) of this section is subject to the limitations prescribed in § 25.189.

§ 25.195 Increased interest costs.

(a) The amount payable for increased interest costs under § 25.183(b) is—

(1) The present value of the difference in interest costs and other debt service costs (including points paid by the purchaser) charged for refinancing an amount not more than the balance of the mortgage on the acquired dwelling, at the time of acquisition, over a period not more than the remaining term of that mortgage; or

(2) An amount based on a schedule prescribed or approved by the appropriate DOT official and computed in accordance with this section.

(b) For purposes of computing increased interest costs, the following rules apply:

(1) The interest charge on the new mortgage may not exceed the prevailing interest rate currently charged by mortgage lending institutions in the area in which the replacement dwelling is located.

(2) The present value of the increased interest cost shall be computed at the prevailing interest rate paid on savings deposits by commercial banks in the area in which the replacement dwelling is located.

§ 25.197 Incidental expenses.

(a) The incidental expenses payable under § 25.183(c) or § 25.185(b)(2) is the amount necessary to compensate the homeowner or tenant for actual costs incurred incident to the purchase of a decent, safe, and sanitary dwelling, including the following:

(1) Legal closing costs, including title search, preparing conveyance instruments, notary fees, surveys, preparing plats, and charges incident to recordation.

(2) Lender, FHA, or VA appraisal fees.

(3) FHA or VA application fee.

(4) Certification of structural soundness when required by the lender, FHA, or VA.

(5) Credit report.

(6) Title policies or abstract of title.

(7) Escrow agent's fee.

(8) State revenue stamps or sale or transfer taxes.

(b) An incidental expense which is part of a finance charge under the Truth in Lending Act, title I, Public Law 90–321, and regulation Z (12 CFR, pt. 226), issued thereunder by the Board of Governors of the Federal Reserve System, may not be reimbursed.

§ 25.199 Computation of rental payments; tenants.

(a) Except as provided in § 25.202, the amount payable to a displaced tenant (other than a tenant of the agency concerned) for rent under § 25.185(a) is 48 times the reasonable monthly rent for a comparable replacement dwelling, less 48 times the average month's rent paid by the displaced tenant for the last 3 months before initiation of negotiations for the acquired dwelling if that rent was reasonable, and if not reasonable, 48 times the monthly economic rent for the dwelling unit as established by the agency concerned.

(b) Except as provided in § 25.202, the amount payable to a displaced tenant of the agency concerned for rent under § 25.185(a) is 48 times the reasonable monthly rent for a comparable replacement dwelling, less 48 times the monthly economic rent.

§ 25.201 Computation of rental payments; homeowners.

Except as provided in § 25.202, the amount payable to a displaced homeowner for rent under § 25.185(a) is 48 times the reasonable monthly rent for a comparable replacement dwelling, less 48 times the monthly economic rent.

§ 25.202 Limitation of rental payment.

(a) The rent established as the reasonable monthly rent under § 25.203 for a comparable replacement dwelling sets the upper limit of the differential amount payable under §§ 25.199 and 25.201. To qualify for any amount, the displaced homeowner or tenant must rent and occupy a decent, safe, and sanitary dwelling higher in rent than the rent or economic rent at the acquired dwelling.

(b) If the displaced homeowner or tenant voluntarily rents and occupies a decent, safe, and sanitary dwelling at a rent less than the reasonable monthly rent established for a comparable replacement dwelling, the amount payable under §§ 25.199 and 25.201 is that amount required to pay the difference between 48 times the average monthly rent or economic rent at the acquired dwelling and 48 times the actual monthly rent paid for the decent, safe, and sanitary dwelling.

§ 25.203 Determining reasonable monthly rent.

In determining the reasonable monthly rent for a comparable replacement dwelling for the purposes of §§ 25.199 and 25.201, the agency concerned shall use one of the following methods:

(a) It may establish a schedule of monthly rents for each type of dwelling required. The schedule must be based on a current analysis of the available private market. If more than one agency is administering a project causing displacement in the area, it shall cooperate with those agencies in establishing a uniform schedule for the area.

(b) It may determine a reasonable monthly rent by examining the rent of at least three comparable replacement dwellings.

(c) If it finds that the methods described in paragraphs (a) and (b) of this section are not feasible, it may propose what it considers to be a feasible method to the appropriate DOT official for approval.

§ 25.205 Rental payments; method of payment.

(a) A rental payment under § 25.185(a) must be made in four equal annual installments if:

(1) The payment is more than $2,000; or

(2) The displaced person asks to receive the payment in annual installments.

(b) Each agency concerned shall establish criteria to assure that before making an annual payment under paragraph (a) of this section, the tenant still occupies a decent, safe, and sanitary dwelling.

§ 25.207 Computation of down payments.

The amount payable to a displaced homeowner or tenant for a down payment under § 25.185(b)(2) is the full amount of the first $2,000 of the required down payment plus one-half of any amount required over $2,000. However, the homeowner or tenant shall provide the other half of any amount required over $2,000.

§ 25.209 Down payments.

A displaced homeowner or tenant shall apply the full amount of the payment to which he is entitled under § 25.185(b)(2) to the down payment and the incidental expenses described in the closing statement.

§ 25.211 Provisional payment pending condemnation.

If the exact amount of a replacement housing payment cannot be determined because of a pending condemnation suit, the agency concerned may make a provisional replacement housing payment to the displaced homeowner equal to the difference between the agency's maximum offer for the property and the reasonable cost of a comparable replacement dwelling, but only if the homeowner enters into an agreement with the agency that—

(a) Upon final adjudication of the condemnation suit the replacement housing payment will be recomputed on the basis of the acquisition price determined by the court;

(b) If the acquisition price as determined by the court is greater than the agency's maximum offer upon which the provisional replacement housing payment is based, the difference will be refunded to the agency; and

(c) If the acquisition price as determined by the court is less than the agency's maximum offer upon which the provisional replacement housing payment is based, the difference will be paid to the homeowner.

§ 25.213 Combined payments.

(a) If a homeowner is eligible for payment under § 25.183, but has previously received a rental payment under § 25.185(a), the amount of rental payment previously received must be deducted from any amount that he receives under § 25.183.

(b) If a homeowner or tenant is eligible for a down payment under § 25.185(b), but has previously received a rental payment under § 25.185(a), the amount of rental payment previously received shall be deducted from the amount of any down payment that he receives under § 25.185(b).

§ 25.215 Partial use of home for business or farm operation.

(a) In the case of a displaced homeowner or tenant who has allocated part of his dwelling for use in connection with a displaced business or farm operation, a replacement housing payment may not be paid for that part of the property which is allocated to the business or farm operation.

(b) The eligibility of a homeowner or tenant to receive a payment under § 25.121 is not affected by this section.

§ 25.217 Multiple occupants of a single dwelling.

(a) If two or more families, or an individual and a family, occupy the same dwelling, each individual or family that elects to relocate separately is entitled to a separately computed replacement housing payment.

(b) If two or more individuals, not a family, occupy the same dwelling, they shall be treated as a single family in computing a replacement housing payment.

§ 25.219 Multifamily dwelling.

In the case of a displaced homeowner who is required to move from a one-family unit of a multifamily building which he owns, the replacement housing payment must be based on—

(a) The cost of a comparable one-family unit in a multifamily building without regard for the number of units in the building being acquired; or

(b) If a comparable one-family unit in a multifamily building is not available, the cost of a single-family structure.

§ 25.221 Certificate of eligibility pending purchase of replacement dwelling.

Upon request by a displaced homeowner or tenant who has not yet purchased and occupied a comparable replacement dwelling, but who is otherwise eligible for a replacement housing payment under this subpart, the agency concerned shall certify to any interested party, financial institution, or lending agency, that the displaced homeowner or tenant will be eligible for the payment of a specific sum if he purchases and occupies a decent, safe, and sanitary dwelling within the time limits prescribed by § 25.181 (a) (3), (b) (3), or (c) (3), as the case may be.

Subpart H—Relocation Assistance Functions Carried Out Through Other Agencies

§ 25.231 Authority to carry out relocation assistance through other agencies.

(a) To prevent unnecessary expenses and duplication of activities, an agency concerned that is required to provide relocation services or make relocation payments under this part may carry out any of those functions through the facilities, personnel, and services of the central relocation agency for the area in which the project is located. The appropriate regional area office of the Department of Housing and Urban Development will provide information concerning the services furnished by that agency. (See FR 17403 for a listing of the area offices.)

(b) The agency concerned may carry out its relocation assistance program by contracting with a public or private agency having an established organization for providing relocation services and payments other than the central relocation agency, if—

(1) There is no central relocation agency in the area in which the project is located; or

(2) In the opinion of the agency concerned, the central relocation agency does not have the capacity to furnish the requisite relocation program within the time required by the project's schedule.

§ 25.233 Information to be furnished to DOT.

If an agency concerned elects to provide relocation services or make relocation payments through another agency, the agency shall furnish the appropriate DOT official with the following information concerning the other agency:

(a) The name and location of the agency.

(b) An analysis of the agency's present workload and of its ability to perform the requirements of this subpart.

(c) The estimated number and the job titles of relocation personnel of the agency that will provide the relocation assistance for the project.

§ 25.235 Interagency agreement required.

If an agency concerned elects to provide relocation services or make relocation payments through another agency, it shall enter into a written agreement with that agency. The agreement must be approved by the appropriate DOT official and contain the following:

(a) An obligation on the part of the other agency to perform the services and make the relocation payments in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and this part.

(b) A requirement that the records required by § 25.23 be retained by the other agency or turned over to the agency concerned and that they be retained for a period of at least 3 years after payment of the final voucher on each project, regardless of which agency retains them.

(c) A requirement that the records required by § 25.23 be available for inspection by representatives of the Department of Transportation at any reasonable business hour.

(d) If the contract is with a public agency administering another Federal or federally assisted program, a description of the financial responsibilities of each program to finance the relocation program required by this part.

(e) A provision acknowledging that only those costs directly chargeable to the Federal or federally assisted project are eligible for Federal funds.

(f) The Civil Rights Assurances set forth in appendix C of this part and the requirements of part 21 of this subtitle.

(g) A provision for negotiation of major changes that become necessary in the scope, character, or estimated total cost of the work to be performed.

§ 25.237 Amendment of existing agreements required.

Each agreement between an agency concerned and another agency for carrying out relocation assistance functions through the other agency that is in effect on June 1, 1971, shall be amended or supplemented as necessary to include the requirements of § 25.235. The agency concerned shall furnish the appropriate DOT official with a copy of the amended agreement or the existing agreement and the supplement, as the case may be.

Subpart I—Acquisition of Real Property

§ 25.251 Scope.

This subpart prescribes requirements for the acquisition of real property in a Federal or federally assisted program administered by the Department of Transportation.

§ 25.252 Criteria for appraisals.

(a) The appropriate DOT official shall establish—

(1) Criteria for determining the qualifications of appraisers;

(2) Criteria for a system of review by qualified appraisers; and

(3) Standards for appraisals consistent with the "Uniform Appraisal Standards for Federal Land Acquisition" (1972 edition, published by the Interagency Land Acquisition Conference).

(b) The publication incorporated by reference in paragraph (a) (3) of this section may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., 20402, for 35 cents. Requests for copies should refer to stock No. 5259-0002. A copy may be examined in the Office of the General Counsel, room 10100, Department of Transportation, Seventh and D Streets SW., Washington, D.C.

§ 25.253 Real property acquisition practices.

(a) In acquiring real property, each agency concerned shall to the greatest extent practicable—

(1) Make every reasonable effort to acquire real property expeditiously through negotiation;

(2) Before the initiation of negotiations have the real property appraised and give the owner or his representative an opportunity to accompany the appraiser during inspection of the property;

(3) Before the initiation of negotiations—

(i) Establish an amount which it believes to be just compensation for the real property; and

(ii) Make a prompt offer to acquire the property for that amount;

(4) Before requiring any owner to surrender possession of real property—

(i) Pay the agreed purchase price;

(ii) Deposit with the court, for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of the property; or

(iii) Pay the amount of the award of compensation in a condemnation proceeding for the property;

(5) If any interest in real property is to be acquired by exercise of the power of eminent domain, institute formal condemnation proceedings and not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property; and

(6) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, offer to acquire that remnant.

(b) In acquiring real property, to the greatest extent practicable an agency may not—

(1) Schedule the construction or development of a public improvement that will require any person lawfully occupying real property to move from a dwelling, or to move his business or farm operation, without giving that person at least 90 days' written notice of the date he is required to move.

(2) If it rents acquired real property to the former owner or tenant for short term or subject to termination by the agency on short notice, charge rent that is more than the fair rental value of the property to a short-term occupier;

(3) Compel an agreement on the price to be paid for the property by—

(i) Advancing the time of condemnation;

(ii) Deferring negotiations, condemnation, or the deposit of funds in court for use of the owner; or

(iii) Taking any other coercive action.

(c) For purposes of paragraphs (a)(4)(ii) and (b)(3)(ii) of this section, the word court includes any board, commission, or similar body having jurisdiction over a condemnation proceeding.

(d) In acquiring real property, an agency concerned shall notify tenants and other persons occupying the property of the date of initiation of negotiations for the property.

§ 25.255 Statement of just compensation to owner.

At the time it makes an offer to purchase real property, the agency concerned shall, to the greatest extent practicable, provide the owner of that property with a written statement of the basis for the amount estimated to be just compensation. The statement must include the following:

(a) An identification of the real property and the particular interest being acquired.

(b) A certification, where applicable, that any separately held interest in the real property is not being acquired in whole or in part.

(c) An identification of buildings, structures, and other improvements, including fixtures, removable building equipment, and any trade fixtures which are considered to be part of the real property for which the offer of just compensation is made.

(d) A declaration that the agency's determination of just compensation—

(1) Is based on the fair market value of the property;

(2) Is not less than the agency's approved appraised value of the property;

(3) Disregards any decrease or increase in the fair market value caused by the project for which the property is being acquired; and

(4) In the case of separately held interests in the real property, includes an apportionment of the total just compensation for each of those interests.

(e) In the case of partial taking, the amount of damages, if any, to the remaining real property.

§ 25.257 Equal interest in improvements to be acquired.

In acquiring any interest in real property each agency concerned shall acquire at least an equal interest in all buildings, structures, or other improvements located on that real property which will be removed or which will be adversely affected by the completed project.

§ 25.259 Payments to tenants for improvements.

(a) In the case of a building, structure, or other improvement owned by a tenant on the real property acquired for a project to which this part applies, the agency concerned shall, subject to paragraph (b) of this section, pay the tenant the larger of—

(1) The fair market value of the building, structure, or other improvement, assuming its removal from the property; or

(2) The enhancement to the fair market value of the real property.

(b) A payment may not be made to a tenant under paragraph (a) of this section unless—

(1) The tenant, in consideration for the payment, assigns, transfers, and releases to the agency concerned all his right, title, and interest in the improvement;

(2) The owner of the land involved disclaims all interest in the improvement; and

(3) The payment is not duplicated by any payment otherwise authorized by law.

(c) Nothing in this section shall be construed to deprive the tenant of any rights to reject payment under this section and to obtain payment as otherwise authorized by law.

§ 25.261 Expenses incidental to transfer of title.

As soon as possible after real property has been acquired, the agency concerned shall reimburse the owner for—

(a) Recording fees, transfer taxes, and similar expenses incidental to conveying the real property to the agency;

(b) Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property; and

(c) The pro rata portion of any prepaid real property taxes which are allocable to a period subsequent to the date of vesting title in the agency or the effective date of possession of the real property by the agency, whichever is the earlier.

§ 25.263 Litigation expenses.

(a) In any condemnation proceeding brought by the agency concerned to acquire real property, it shall reimburse the owner of any right, title, or interest in the real property for his reasonable costs, disbursements, and expenses, including attorney, appraisal, and engineering fees, actually incurred because of the proceeding, if—

(1) The final judgment is that the agency concerned cannot acquire the real property by condemnation; or

(2) The proceeding is abandoned by the agency concerned.

(b) In any inverse condemnation proceeding where the owner of any right, title, or interest in real property receives an award of compensation by judgment or settlement, the agency concerned shall reimburse the plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the proceeding.

§ 25.265 Allowance for benefits prohibited.

No allowance for benefits provided by this part may be included in—

(a) Contracts or options to purchase real property;

(b) The appraised value of real property; and

(c) Estimated compensation in the event of condemnation with a declaration of taking.

APPENDIX A—RECORDS

The following list sets forth relocation information which an agency concerned shall maintain for each Federal or federally assisted project that it administers.

I. *General.*—The agency concerned shall keep a record of the following general information concerning the project:

(1) Project and parcel identification.

(2) Name and address of each displaced person; his new address and telephone number if available.

(3) Dates of all personal contacts made with each displaced person.

(4) Date each displaced person is given notice of relocation payments and services.

(5) Name of agency employee who offers relocation assistance.

(6) Whether the offer of assistance is declined or accepted, and the name of the individual who accepts or declines the offer.

(7) Date each displaced person is required to move.

(8) Date of actual relocation, and whether relocation was accomplished with the assistance of the agency concerned, other agencies, or without assistance.

(9) Type of tenure held by each displaced person before and after relocation.

II. *Displacements from dwellings.*—The agency concerned shall keep a record of the following information concerning each individual or family displaced from a dwelling in connection with the project:

(1) Number in family, or number of individuals.

(2) Type of dwelling.

(3) Fair market value, or monthly rent.

(4) Number of rooms.

III. *Displaced businesses.*—The agency concerned shall keep a record of the following information concerning each business displaced in connection with the project:

(1) Type of business.

(2) Whether or not relocated.

(3) If relocated, distance moved.

(4) Data supporting a determination that a business cannot be relocated without a substantial loss of its existing patronage and that it is not part of a commercial enterprise having at least one other establishment not being acquired by a State agency or the United States.

IV. *Moving expenses.*—The agency concerned shall keep a record of the following information concerning each payment of moving and related expenses in connection with the project:

(1) The date personal property is moved, and the original and new locations of the personal property.

(2) If personal property is stored temporarily—

(a) The place of storage;

(b) The duration of storage; and

(c) A statement of why storage is necessary.

(3) An account of all moving expenses that are supported by receipted bills or similar evidence of expense.

(4) Amount of reimbursement claimed, amount allowed, and an explanation of any difference.

(5) In the case of a business or farm operation that receives a fixed allowance in lieu of moving expenses, data underlying the computation of such payment.

V. *Replacement housing payments.*—The agency concerned shall keep a record of the following information concerning each relocation housing payment made in connection with the project:

(1) The date application for payment is received.

(2) The date application for payment is approved or rejected.

(3) Data substantiating the amount of payment.

(4) If replacement housing is purchased, a copy of the closing statement indicating the purchase price, down payment, and incidental expenses.

(5) Whenever a rental payment is made by annual installments, a statement confirming that the tenant still occupies a decent, safe, and sanitary dwelling.

(6) A copy of the truth in lending statement, or other data, including computations, that confirms the increased interest payment.

APPENDIX B—SCHEDULE OF MOVING EXPENSE ALLOWANCES

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TABLE I.—*Personally*

State	Occupant provides furniture										Occupant does not provide furniture	
	Number of rooms of furniture										First room	Each additional room
	1	2	3	4	5	6	7	8	9	10		
*	*	*	*	*	*	*	*	*	*	*	*	*
Colorado	70	110	150	190	230	270	300				20	15
*	*	*	*	*	*	*	*	*	*	*	*	*
New York	75	110	150	190	225	250	275	300			25	15
*	*	*	*	*	*	*	*	*	*	*	*	*

TABLE II.—*Mobile homes*

State	Miles		Area (square feet)		Width (feet)		Allowance (dollars)
	More than	But not more than	More than	But not more than	More than	But not more than	
*	*	*	*	*	*	*	*
Colorado					0	12	2200
					14	16	2250
					16		2300
*	*	*	*	*	*	*	*
New York			0	300			100
			300	500			150
			500	700			200
			700	800			250
			800				300
*	*	*	*	*	*	*	*

APPENDIX C

CIVIL RIGHTS CLAUSES

When an agency concerned enters into an agreement with another agency (hereinafter referred to as "the contractor") to provide services to make payments required by this part, the agreement must contain the following provisions under the heading "Civil rights clauses":

(a) *Compliance with regulations.*—The contractor shall comply with the regulations relative to nondiscrimination in Federally-assisted programs of the Department of Transportation published in title 49 of the Code of Federal Regulations, part 21 (49 CFR, pt. 21), and as they may be amended from time to time which are herein incorporated by reference and made a part of this contract.

(b) *Nondiscrimination.*—The contractor, with regard to the work performed by it during the contract, may not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor may not participate either directly or indirectly in the discrimination prohibited by 49 CFR 21.5, including employment practices when the contract covers a program set forth in appendix B of 49 CFR, part 21.

(c) *Solicitations for subcontracts, including procurements and equipment.*—In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and 49 CFR, part 21, relative to nondiscrimination on the grounds of race, color, or national origin.

(d) *Information and reports.*—The contractor shall provide all information and reports required by 49 CFR, part 21, and directives of the Department of Transportation issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the (agency concerned) to be pertinent to ascertain compliance with 49 CFR, part 21, and departmental directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information the contractor shall so certify to the (agency concerned) and shall set forth the efforts it has made to obtain the information.

(e) *Sanctions for noncompliance.*—In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the (agency concerned) may impose any contract sanctions as it determines to be appropriate, including, but not limited to:

(1) Withholding of payments to the contractor under the contract until the contractor complies;

(2) Cancellation, termination or suspension of the contract, in whole or in part.

(f) *Incorporation of provisions.*—The contractor shall include the provisions of clauses (a) through (f) of these civil rights clauses in every subcontract, including procurements of materials and leases of equipment, unless exempt under 49 CFR, part 21, or directives of the Department of Transportation issued pursuant thereto. The contractor shall take any action with respect to any subcontract or procurement as the (agency concerned) directs as a means of enforcing these civil rights clauses, including sanctions for noncompliance. However, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of a direction by the (agency concerned) the contractor may request the (agency concerned) to enter into litigation to protect the interests of the (agency concerned) and, in addition, the contractor may request the United States to enter into litigation to protect the interests of the United States.

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