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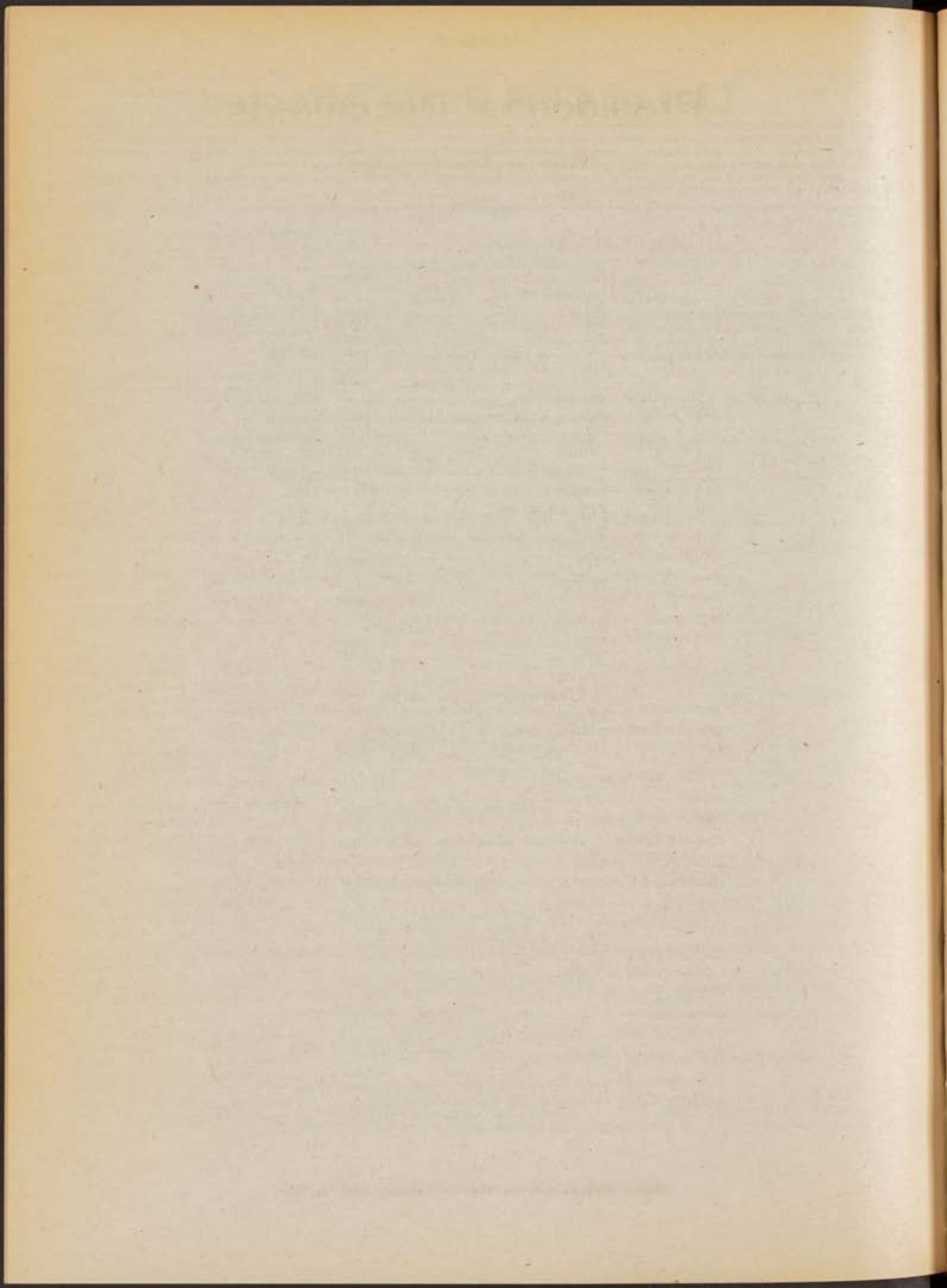
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A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1973, and specifies how they are affected.

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Title 3—The President

PROCLAMATION 4225

National Autistic Children's Week 1973

By the President of the United States of America

A Proclamation

One of the most cruel and difficult to understand of all childhood mental disorders is the baffling condition known as childhood autism.

The autistic child does not develop normal speech, make full contact with the world about him, or learn in the usual way from those who seek to reach him in his seclusion of silence or gibberish.

It is estimated that about four children in every 10,000 are autistic. Without special education and care, nearly all are faced with a life of confinement at home or in an institution for the mentally ill. The human costs are equally disturbing; not only do autistic children lead wasted lives but the lives of their parents are scarred by feelings of frustration as they and others seek to understand the bizarre behavior of the children and try to find help in the community.

Autistic children first received medical recognition as a special group in 1943. Now, thirty years later, the underlying causes of early childhood autism are still unknown, and there is no specific treatment. Furthermore, almost all autistic children continue to be excluded from existing school systems.

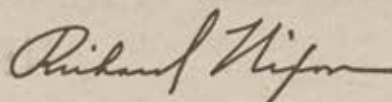
The outlook is not without hope, however. Many experts continue to express cautious optimism that somewhere there is a solution to this frustrating mystery—a chemical key, a treatment approach, or a pivotal research discovery that will unlock the autistic child from his forced isolation. To provide greater public recognition of the plight of these children the Congress has, by a Joint Resolution which I approved today, called upon me to proclaim the last week of June, 1973, as National Autistic Children's Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the week of June 24 through June 30, 1973, as National Autistic Children's Week. I invite the Governors of the States, the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States to issue similar proclamations.

I urge the people of the United States and educational, philanthropic, scientific, medical, and health care organizations and professionals to

provide the educational and other care services needed by autistic children and to support aggressive research efforts to discover the causes and cure of childhood autism and thus alleviate the suffering of persons struck by this tragic disorder.

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



[FR Doc.73-12308 Filed 6-15-73;2:54 pm]

PROCLAMATION 4226

White Cane Safety Day, 1973

By the President of the United States of America

A Proclamation

The White Cane has become an emblem that distinguishes more than one million Americans with severe visual disabilities. It is a symbol of their determination to be self-reliant, independent, and productive members of society.

For all its simplicity, the White Cane provides those individuals with the mobility they need to compete in a very complicated world designed by and for people with unimpaired vision. It helps to provide them with almost miraculous ability to walk in strange and sometimes hazardous surroundings without depending on help from others.

Helen Keller—a courageous pioneer in helping her fellow blind—once observed: “* * * of all the senses, sight must be the most delightful.”

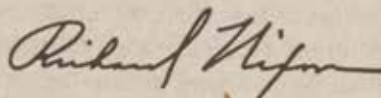
Each of us who is blessed with this “delightful” sense, should resolve that while we respect the independence of the visually disabled, we should also make every effort to smooth the path and ease their burden. The first step is to extend every courtesy and care to those who display this badge of courage—the White Cane.

The Congress, as an annual reminder to Americans of the significance of the White Cane, has, by a joint resolution of October 6, 1964 (78 Stat. 1003), authorized the President to proclaim October 15 of each year as White Cane Safety Day.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim October 15, 1973, as White Cane Safety Day.

I urge all Americans to mark this occasion by giving greater consideration for the special needs of the visually handicapped, and particularly by learning to heed the White Cane in order that our visually handicapped may use our streets and public facilities with optimum safety.

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



[FR Doc.73-12368 Filed 6-18-73;10:41 am]

REORGANIZATION PLAN NO. 2 OF 1973

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 28, 1973, pursuant to the provisions of Chapter 9 of Title 5 of the United States Code.¹

Law Enforcement in Illicit Drug Activities

SECTION 1. *Transfers to the Attorney General.* There are hereby transferred from the Secretary of the Treasury, the Department of the Treasury, and any other officer or any agency of the Department of the Treasury, to the Attorney General all intelligence, investigative, and law enforcement functions, vested by law in the Secretary, the Department, officers, or agencies which relate to the suppression of illicit traffic in narcotics, dangerous drugs, or marihuana, except that the Secretary shall retain, and continue to perform, those functions, to the extent that they relate to searches and seizures of illicit narcotics, dangerous drugs, or marihuana or to the apprehension or detention of persons in connection therewith, at regular inspection locations at ports of entry or anywhere along the land or water borders of the United States: *Provided*, that any illicit narcotics, dangerous drugs, marihuana, or related evidence seized, and any person apprehended or detained by the Secretary or any officer of the Department of the Treasury, pursuant to the authority retained in them by virtue of this section, shall be turned over forthwith to the jurisdiction of the Attorney General; *Provided further*, that nothing in this section shall be construed as limiting in any way any authority vested by law in the Secretary of the Treasury, the Department of the Treasury, or any other officer or any agency of that Department on the effective date of this Plan with respect to contraband other than illicit narcotics, dangerous drugs, and marihuana: and *Provided further*, that nothing in this section shall be construed as limiting in any way any authority the Attorney General, the Department of Justice, or any other officer or any agency of that Department may otherwise have to make investigations or engage in law enforcement activities, including activities relating to the suppression of illicit traffic in narcotics, dangerous drugs, and marihuana, at ports of entry or along the land and water borders of the United States.

SEC. 2. *Transfers to the Secretary of the Treasury.* There are hereby transferred to the Secretary of the Treasury all functions vested by law in the Attorney General, the Department of Justice, or any other officer or any agency of that Department, with respect to the inspection at regular inspection locations at ports of entry of persons, and documents of persons, entering or leaving the United States: *Provided*, that any person apprehended or detained by the Secretary or his designee pursuant to this section shall be turned over forthwith to the jurisdiction of the Attorney General: and, *Provided further*, that nothing in this section shall be construed as limiting, in any way, any other authority that the Attorney General may have with respect to the enforcement, at ports of entry or elsewhere, of laws relating to persons entering or leaving the United States.

SEC. 3. *Abolition.* The Bureau of Narcotics and Dangerous Drugs, including the Office of Director thereof, is hereby abolished, and section

¹ Effective July 1, 1973, under the provisions of section 10 of the plan.

3(a) of Reorganization Plan No. 1 of 1968 is hereby repealed. The Attorney General shall make such provision as he may deem necessary with respect to terminating those affairs of the Bureau of Narcotics and Dangerous Drugs not otherwise provided for in this Reorganization Plan.

SEC. 4. *Drug Enforcement Administration.* There is established in the Department of Justice an agency which shall be known as the Drug Enforcement Administration, hereinafter referred to as "the Administration."

SEC. 5. *Officers of the Administration.* (a) There shall be at the head of the Administration the Administrator of Drug Enforcement, hereinafter referred to as "the Administrator." The Administrator shall be appointed by the President by and with the advice and consent of the Senate, and shall receive compensation at the rate now or hereafter prescribed by law for positions of level III of the Executive Schedule Pay Rates (5 U.S.C. 5314). He shall perform such functions as the Attorney General shall from time to time direct.

(b) There shall be in the Administration a Deputy Administrator of the Drug Enforcement Administration, hereinafter referred to as "the Deputy Administrator," who shall be appointed by the President by and with the advice and consent of the Senate, shall perform such functions as the Attorney General may from time to time direct, and shall receive compensation at the rate now or hereafter prescribed by law for positions of level V of the Executive Schedule Pay Rates (5 U.S.C. 5316).

(c) The Deputy Administrator or such other official of the Department of Justice as the Attorney General shall from time to time designate shall act as Administrator during the absence or disability of the Administrator or in the event of a vacancy in the office of Administrator.

SEC. 6. *Performance of transferred functions.* (a) The Attorney General may from time to time make such provisions as he shall deem appropriate authorizing the performance of any of the functions transferred to him by the provisions of this Reorganization Plan by any officer, employee, or agency of the Department of Justice.

(b) The Secretary of the Treasury may from time to time make such provisions as he shall deem appropriate authorizing the performance of any of the functions transferred to him by the provisions of this Reorganization Plan by any officer, employee, or agency of the Department of the Treasury.

SEC. 7. *Coordination.* The Attorney General, acting through the Administrator and such other officials of the Department of Justice as he may designate, shall provide for the coordination of all drug law enforcement functions vested in the Attorney General so as to assure maximum cooperation between and among the Administration, the Federal Bureau of Investigation, and other units of the Department involved in the performance of these and related functions.

SEC. 8. *Incidental transfers.* (a) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, used, held, available or to be made available in connection with the functions transferred to the Attorney General and to the Secretary of the Treasury by this Reorganization Plan as the

Director of the Office of Management and Budget shall determine shall be transferred to the Department of Justice and to the Department of the Treasury, respectively, at such time or times as the Director shall direct.

(b) Such further measures and dispositions as the Director of the Office of Management and Budget shall deem to be necessary in order to effectuate transfers referred to in subsection (a) of this section shall be carried out in such manner as he shall direct and by such Federal agencies as he shall designate.

SEC. 9. *Interim Officers.* (a) The President may authorize any person who, immediately prior to the effective date of this Reorganization Plan, held a position in the Executive Branch of the Government to act as Administrator until the office of Administrator is for the first time filled pursuant to the provisions of this Reorganization Plan or by recess appointment as the case may be.

(b) The President may similarly authorize any such person to act as Deputy Administrator.

(c) The President may authorize any person who serves in an acting capacity under the foregoing provisions of this section to receive the compensation attached to the office in respect to which he so serves. Such compensation, if authorized, shall be in lieu of, but not in addition to, other compensation from the United States to which such person may be entitled.

SEC. 10. *Effective date.* The provisions of this Reorganization Plan shall take effect as provided by section 906(a) of title 5 of the United States Code or on July 1, 1973, whichever is later.

[FR Doc.73-12317 Filed 6-18-73;8:45 am]

LEGISLATIVE HISTORY OF REORGANIZATION PLAN NO. 2 OF 1973

Weekly Compilation of Presidential Documents, Vol. 9, No. 13:

March 28, Presidential message transmitting plan to Congress.

House Report No. 93-228 accompanying H. Res. 382 (Comm. on Government Operations).

Congressional Record, Vol. 119 (1973):

June 7, considered and approved by House.

Rules and Regulations

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

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

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Recordkeeping Firms Required to Submit CLC-2

The purpose of these amendments is to redesignate paragraph (b) of § 130.9 (appearing at 38 FR 12201) as paragraph (c) of that section and to add a new paragraph (b) to the section. The new paragraph (b) establishes a one-time reporting requirement for all recordkeeping firms, i.e., firms with annual sales or revenues in excess of \$50 million who are subject in whole or in part to the general price standards of subpart B or who are subject in whole or in part to subpart F. These firms, which are currently required to maintain a completed form CLC-2 in their files, are required by the amendment to file a completed form CLC-2 with the Council by June 30, 1973.

This amendment also applies to those price reporting firms subject to subpart B who qualify, pursuant to the instructions to form CLC-2, for abbreviated reporting. Such firms, which are currently required to maintain a completed form CLC-2 in their records, are required by the amendment to submit a completed form CLC-2 to the Council by June 30, 1973.

The form CLC-2 required to be submitted by the amendment must be completed in accordance with the provisions of appendix C of this part which describes the matters to be included in preparing the first such form.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the administration of the economic stabilization program, the Council finds that further notice and procedure thereon is impracticable and that good cause exists for making it effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Public Law 92-210, 85 Stat. 743; Public Law 93-28, 87 Stat. 27; Executive Order 11695, 38 FR 1473; Executive Order 11723, 38 FR 15765; Cost of Living Council Order No. 14, 38 FR 1489.)

In consideration of the foregoing, part 130 of chapter 1 of title 6 of the Code of Federal Regulations is amended effective June 18, 1973.

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

WILLIAM N. WALKER,
Acting Deputy Director,
Cost of Living Council.

Section 130.9 is amended as follows:
1. Paragraph (b) is redesignated paragraph (c); and

2. A new paragraph (b) is added as follows:

§ 130.9 Reports required by Cost of Living Council: Violations.

(b) Each person required to maintain records pursuant to §§ 130.22, 130.53, or § 130.55 and each person required to file reports with the Council pursuant to § 130.21 who qualifies for abbreviated reporting pursuant to appendix C of this part, must also submit to the Council by June 30, 1973, the first form CLC-2 completed in accordance with the provisions of appendix C of this part.

[FR Doc.73-12409 Filed 6-18-73; 12:01 pm.]

PART 130—COST OF LIVING COUNCIL PHASE III REGULATIONS

Appendix C—Cost of Living Council Reporting Forms

The purpose of this amendment is to add forms CLC-8 and CLC-9 to appendix C.

Form CLC-8, Petroleum Industry Special Report, is the one-time report of price increases for crude petroleum and petroleum products required by para-

graph 6(a) of special rule No. 1 of appendix I of subpart K of part 130, title 6, Code of Federal Regulations.

It has been decided that a list of base prices should not be filed with the Cost of Living Council because of the numerous documents that would be involved. However, this information must be prepared and maintained by the firm, and must be available for inspection by the Council or its designated agent. In an effort to conform to customary accounting practices, the form requires information on price increases for the period February 1, 1973, through March 31, 1973, rather than for the period January 11, 1973, through March 6, 1973. The form is due July 19, 1973.

Form CLC-9, Petroleum Industry Monthly Report, is the report of posted price movements, cost increases, and supply conditions required by paragraphs 6(b) of special rule No. 1. Reports are required 30 days after the close of every month beginning with March 1973. Reports for the months of March, April, and May of 1973 are due July 19, 1973.

Filing of forms CLC-8 and CLC-9 does not relieve any firm from filing any other forms required by the Cost of Living Council.

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

In consideration of the foregoing, appendix C of part 130 of title 6 of the Code of Federal Regulations is amended as set forth herein, effective June 14, 1973.

Issued in Washington, D.C., June 14, 1973.

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

Appendix C of part 130 of title 6 of the Code of Federal Regulations is amended by adding forms CLC-8 and CLC-9 to read as follows:

Cost of Living Council

2000 M Street, N.W.
Washington, D.C. 20508

Instructions for the Preparation of Form CLC-8

General Instructions

Form CLC-8 is a special one-time report that must be received by the Cost of Living Council no later than 30 days from the date of its publication in the Federal Register. The General Instructions applicable to Form CLC-9 also apply to the completion of Form CLC-8.

CLC-8 SPECIFIC INSTRUCTIONS

Section II, Column B—Base Price Revenues

For purposes of calculating the entry in this column:

"Base Price Revenues" for an individual product are computed by multiplying its base price (as defined in Special Rule No. 1 in the Appendix to subpart K of part 130 of Title 6, Code of Federal Regulations) times the number of units of the product sold during the months of February and March 1973. Total Base Price Revenues are calculated by adding all of the Base Price Revenues for the individual product for the category of products in Column A.

Column C—Weighted Average Per Cent Price Adjustment

The entry in Column C is calculated by subtracting the total base price revenues from the current revenues (actual revenues during February and March 1973) for each product in Column A, dividing the result by base price revenues, and multiplying the entire fraction by 100 to convert the entry to a percentage.

For example:

$$\text{Base Price Revenues} = (\text{Base Price}) \times (\text{Units sold in February and March 1973})$$

$$\left[\frac{(\text{Current Revenues}) - (\text{Base Price Revenues})}{\text{Base Price Revenues}} \right] \times 100 = \text{Weighted Average \% Price Adjustment}$$

Line 20—The percentage entered in Column C is a weighted average of all price adjustments for all products where sales are shown in lines 1-19, Column B. For purposes of Section II, the following definitions will apply:

Aviation Gasoline

As defined in ASTM D910

Diesel Fuel

As defined in ASTM D975, grades 1-D and 2-D

Distillate Burner Fuels

As defined in ASTM D396, grades No. 1 and No. 2

Retail Gasoline—Premium

As defined in ASTM D439, gasoline antiknock designation 5

Retail Gasoline—Regular

As defined in ASTM D439, gasoline antiknock designation 3

Retail Gasoline—Unleaded

As defined in ASTM D439, unleaded fuel designation 2

Jobber Gasoline—Premium

As defined in ASTM D439, gasoline antiknock designation 5

Jobber Gasoline—Regular

As defined in ASTM D439, gasoline antiknock designation 3

Jobber Gasoline—Unleaded

As defined in ASTM D439, unleaded fuel designation 2

Commercial Gasoline—Premium

As defined in ASTM D439, gasoline antiknock designation 5

Commercial Gasoline—Regular

As defined in ASTM D439, gasoline antiknock designation 3

Commercial Gasoline—Unleaded

As defined in ASTM D439, unleaded fuel designation 2

Kerosene

Lighting or burning grade

Aviation Kerosene

As defined in ASTM D1655, types A and A1

Residual Fuel Oil

As defined in ASTM D396, numbers 5 & 6

Crude Petroleum

Includes all grades of crude petroleum

It is recognized that in some cases the aforementioned definitions may not be appropriate in terms of a petroleum firm's historical accounting practices. For example, if it is not possible to report separately for kerosene and aviation fuel these two products could be combined into a single reporting category. However, in the event that any deviation from the requested item description is necessary, an explanation must accompany the Form CLC-8 filing.

Form CLC-8

(MAY 1973)

Cost of Living
Council
2000 M St. NW.
Washington D.C.
20508

OMB Number
172-S73001
Approval expires:
April 1974

Petroleum Industry Special Report

Section I Identification Data

Is This a Resubmission? ☐ A. Yes ☐ B. No

Report for Month C Day D Year E

1. Name of Petroleum Firm

2. Address (Street, City, State and Zip Code)

3. Name of Chief Executive Officer

Cost of Living Council Use Only

CLC Identification Number

Parent

Unconsolidated Entity

Reference Number

Batch Number

Section II

Schedule of Petroleum Price Increases

A Item	B Base Price Revenues	C Weighted Average Percent Price Adjustment
1. Aviation Gasoline		
2. Diesel Fuel		
3. Distillate Burner Fuels		
4. Retail Gasoline—Premium		
5. Retail Gasoline—Regular		
6. Retail Gasoline—Unleaded		
7. Jobber Gasoline—Premium		
8. Jobber Gasoline—Regular		
9. Jobber Gasoline—Unleaded		
10. Commercial Gasoline—Premium		
11. Commercial Gasoline—Regular		
12. Commercial Gasoline—Unleaded		
13. Kerosene		
14. Aviation Kerosene		
15. Residual Fuel Oil		
16. Crude Petroleum		
17. Other Petroleum Products		
18.		
19.		
20. Total Sales		

Section III

Certification

I CERTIFY that the information submitted on and with this form is factually correct, complete, and in accordance with Economic Stabilization Regulations (Title 6, Code of Federal Regulations) and Instructions to this form.

Typed Name & Title of Chief Executive Officer of Parent
(or other authorized Executive Officer)

Signature

Date Signed

INDIVIDUAL TO BE CONTACTED FOR FURTHER INFORMATION

Typed Name and Title

Address (Street, City, State and Zip Code)

Telephone No.
(Include Area Code)

You must maintain for possible inspection and audit, a record of all price changes subsequent to January 10, 1973.

Cost of Living Council

2000 M Street, N.W.
Washington, D.C. 20508

Instructions for the Preparation of Form CLC-9

General Instructions

1. PURPOSE—In order to facilitate the timely analysis of price and cost data applicable to the petroleum industry during Phase III, it is necessary that certain reporting requirements be established. Form CLC-9 is designed to provide the data necessary for the Cost of Living Council to execute its role in monitoring the performance of the petroleum industry pursuant to the provisions of paragraph 6(b) of Special Rule No. 1. This report will contain the fundamental elements of analysis upon which the Cost of Living Council will rely in determining conformity with the established petroleum policy.

2. WHO MUST PREPARE FORM CLC-9—

This form is required to be submitted by each petroleum firm with annual sales and revenues in excess of \$250 million in covered products as defined in Paragraph 2 of Special Rule No. 1. The following definitions are provided to clarify who must prepare Form CLC-9:

DETERMINATION OF "FIRM". If a firm directly or indirectly controls another firm or firms, and is not itself directly or indirectly controlled by another firm, that firm is called a "Parent" for the purpose of this form. If a firm does not directly or indirectly control any other firm or firms, and is not itself directly or indirectly controlled by another firm, that firm is also called a "Parent." The Parent and its consolidated and unconsolidated controlled firms (if any), taken all together, constitute the "Firm" for the purposes of this form.

"PETROLEUM FIRMS." This means any firm having annual sales or revenues in excess of \$250 million in covered products as defined in Paragraph 2 of Special Rule No. 1.

3. WHEN TO SUBMIT—This form must be submitted no later than 30 days after the close of each calendar month. The reports for March, April and May 1973 must be received by the Cost of Living Council no later than 30 days from the date of publication in the Federal Register.

4. WHERE TO SUBMIT—Petroleum firms must forward this form and any attachments to:

Cost of Living Council
Form CLC-9 Submission
2000 M Street, N.W.
Washington, D. C. 20508

5. SUGGESTIONS FOR IMPROVEMENT—The Cost of Living Council welcomes suggestions for improving this and other forms. The Council seeks ways of obtaining the information it needs to exercise its responsibilities under the Phase III Economic Stabilization Program with the minimum amount of reporting burden. Suggestions should be submitted to:

Cost of Living Council
Office of Price Monitoring
Special Projects Division
2000 M Street, N. W.
Washington, D. C. 20508

6. CONFIDENTIALITY OF INFORMATION—

a. Section 205 of the Economic Stabilization Act of 1970, as amended, requires that all information reported to or otherwise obtained by the Cost of Living Council which contains or relates to a trade secret or other matter referred to in section 1905 of Title 18, United States Code, be considered confidential for the purposes of that section, except that such information may be disclosed to other persons empowered to carry out the Act solely for the purpose of carrying out the Act or when relevant in any proceeding under the Act. Other information contained in or attached to Form CLC-9 which is filed with the Council may be made available to the public.

b. Requests for confidential treatment of any information supplied to the Council may be made by marking appropriate portions of Form CLC-9 or its attachments with the designation "confidential treatment requested." Each such request must be supported by a statement, to be attached to Form CLC-9, providing the reasons for confidential treatment. The Council reserves the authority to make the ultimate determination concerning confidentiality of information submitted.

7. ROUNDING—For the purposes of this form all percentages must be expressed to the nearest two decimal places (such as 1.48%). All dollar entries must be rounded to the nearest \$1000, and the 000 should be omitted (such as \$1,750,250,150 entered as \$1,750,250).

8. SANCTIONS—The monthly submission of Form CLC-9 by "Petroleum Firms" is a mandatory requirement under Spe-

cial Rule No. 1. Failure to file, to keep records or otherwise to comply with these instructions may result in criminal fines and civil penalties and other sanctions as provided by law including the Economic Stabilization Act of 1970, as amended, by Executive Order 11695 and by the Economic Stabilization Regulations.

Specific Instructions

Section I—Identification Data

Item captioned "Is This A Resubmission?" If you are supplying additional information, or are resubmitting a report, check the "Yes" box. (In either case, the form must be completed in its entirety.)

Item captioned "Report For Month Ending"—Enter the date of the last day in the reporting month.

Item 1. Name of Petroleum Firm—Enter the legal name of the parent submitting the form for a petroleum firm.

Item 2. Address—Enter the address of the parent's executive office.

Item 3. Name of Chief Executive Officer—Enter the name and title of the Chief Executive Officer.

Section II—Changes In Posted Prices

Line Item A. Selling Prices—Identify changes in posted prices for each product designated in column A. All prices shown in columns B and C are to be calculated on a weighted average basis.

Column B—Enter the average price (weighted by quantity sold) for the products in Column A for calendar year 1972. Enter this amount for subsequent Form CLC-9 reports. The following is an example of average price weighted by quantity.

Posting Area	Posted Price	Quantity	Total
1	\$5.00	12	\$60.00
1	4.85	8	38.80
2	3.00	30	90.00
3	4.25*	20	85.00
3	4.25	10	42.50
4	4.00	20	80.00
		100	\$396.30

$\$396.30 \div 100 = \3.96 (Weighted Average Price)

*REPRESENTS TRANSACTION OCCURRING OUTSIDE THE DEFINITION OF POSTED PRICE

In the above example, posting area 1 experienced a movement in its posted price during the reporting period. This movement is reflected by the inclusion of both the posted prices and the volumes which correspond to each of the two postings. The volume attributable to each of the postings is determined by the quantity of the particular product that was sold during the period for which the postings were effective. Additionally, posting Area 3 sold a quantity (20) of product A that could not be related to any specific posted price; this was a negotiated price

which fell outside the parameters of the standard posting procedure. These sales must be included for purposes of both price and volume calculations. The price to be reported must be that which corresponds to the posted price within the posting area in which the sale was transacted at the time of the sale. In the above example, the actual or realized price may have been \$3.75 but the prevailing posted price at the time of the sale was \$4.25. Consequently, the price to be used for purposes of calculating the weighted average posted price must be \$4.25.

Column C—For products in Column A enter the average price (weighted by quantity sold) during the reporting period. It should be specifically noted, that since there may be movements in the posted price for a specific product within a reporting period, these movements must be considered within the weighting calculation. The method for calculating the average price in this column must be consistent with the method for calculating the average price in Column B.

Column D—Calculate the percentage increase or decrease from previous posted price as follows:

$$\left[\frac{(\text{Column C} - \text{Column B})}{\text{Column B}} \right] \times 100 = \text{percentage increase or decrease from previous posted price}$$

Column E—Percent change quantity—Enter the percentage change in the quantity sold during the current reporting period as it would relate to the average monthly quantity sold, for the products listed in Column (A), during calendar year 1972. The method of calculating the percentage change in quantity is as follows:

$$\left[\frac{\text{quantity sold during reporting period} - \text{1972 average monthly quantity sold}}{\text{1972 average monthly quantity sold}} \right] \times 100 = \text{Percentage change quantity}$$

Line Item B—Buying Prices—This refers to the posted buying prices of the product(s) listed in Column A. Specific information to be included in Columns B, C, D, and E are to be reflected and calculated in a manner similar to that for the products listed in Line Item A, above.

Any negative amount entered in Section II should be shown in parenthesis.

For purposes of Form CLC-9, the following definitions will apply:

A. For petroleum product sales posted price means:

An offer to sell a specific petroleum product to a specific class of purchasers in a specific geographical area at a specific price. It is a posted or scheduled price at a given level (tank wagon, yard, tank car, transport truck, barge, bunkers or cargo) posted at a bulk plant, terminal, or a refinery, depending on level of sale. The term is inclusive of any other term which may be used in a manner which coincides with the above definition.

B. For crude petroleum purchases, posted price means:

A public offer to buy a specific grade of petroleum in a specific geographical area at a specific price.

C. Definitions for items in Section II, Column A of Form CLC-9:

- Aviation Gasoline**
As defined in ASTM D910
- Diesel Fuel**
As defined in ASTM D975, grades 1-D and 2-D
- Distillate Burner Fuels**
As defined in ASTM D396, grades No. 1 and No. 2
- Retail Gasoline—Premium**
As defined in ASTM D439, gasoline antiknock designation 5
- Retail Gasoline—Regular**
As defined in ASTM D439, gasoline antiknock designation 3
- Retail Gasoline—Unleaded**
As defined in ASTM D439, unleaded fuel designation 2
- Jobber Gasoline—Premium**
As defined in ASTM D439, gasoline antiknock designation 5
- Jobber Gasoline—Regular**
As defined in ASTM D439, gasoline antiknock designation 3
- Jobber Gasoline—Unleaded**
As defined in ASTM D439, unleaded fuel designation 2
- Commercial Gasoline—Premium**
As defined in ASTM D439, gasoline antiknock designation 5
- Commercial Gasoline—Regular**
As defined in ASTM D439, gasoline antiknock designation 3
- Commercial Gasoline—Unleaded**
As defined in ASTM D439, unleaded fuel designation 2
- Kerosene**
Lighting or burning grade
- Aviation Kerosene**
As defined in ASTM D1655, types A and A1

Residual Fuel Oil

As defined in ASTM D396, numbers 5 & 6

Crude Petroleum

Includes all grades of crude petroleum

It is recognized that in some cases the aforementioned definitions may not be appropriate in terms of a petroleum firm's historical accounting practices. For example, if it is not possible to report separately for kerosene and aviation fuel these two products could be combined into a single reporting category. However, in the event that any deviation from the requested item descriptions is necessary, an explanation must accompany the Form CLC-9 filing.

Section III—Increased Costs

Significant data concerning increased costs, as for materials, labor, etc., should be reflected in narrative form in this Section.

Section IV—Supply Conditions

Any significant problems associated with the supply of covered items should be described in this Section. This would include problems such as existing or anticipated short-falls (by product line) in specific geographical areas, as well as shortages that may be attributed to the lack of crude petroleum for domestic refining.

Section V—Certification

Type the name and title of the individual who signs the certification and the date of signing. The individual who signs and certifies this form must be the Chief Executive Officer of the Parent or such other Executive Officer of the Parent as authorized by the Chief Executive Officer to sign for him for this purpose.

Form CLC-9

(May 1973)

Cost of Living
Council
2000 M St. N.W.
Washington, D.C.
20508

OBM Number
172-R0002
Approval Expires
April 1974

Petroleum Industry Monthly Report

Section I Identification Data

Is This A Resubmission?

A. ☐ Yes B. ☐ No

Report For
Month Ending

Month
C

Day
D

Year
E

1. Name Of Petroleum Firm

2. Address (Street, City, State and Zip Code)

Cost of Living Council Use Only
CLC Identification Number

Parent

Unconsolidated Entity

Reference Number

Batch Number

3. Name Of Chief Executive Officer

Section II

Changes In Posted Prices

A Item	B Previous Posted Price	C Current Posted Price	D Percent Change Price	E Percent Change Quantity
A. Selling Prices				
1. Aviation Gasoline				
2. Diesel Fuel				
3. Distillate Burner Fuels				
4. Retail Gasoline—Premium				
5. Retail Gasoline—Regular				
6. Retail Gasoline—Unleaded				
7. Jobber Gasoline—Premium				
8. Jobber Gasoline—Regular				
9. Jobber Gasoline—Unleaded				
10. Commercial Gasoline—Premium				
11. Commercial Gasoline—Regular				
12. Commercial Gasoline—Unleaded				
13. Kerosene				
14. Aviation Kerosene				
15. Residual Fuel Oil				
16. Crude Petroleum				
17.				
18.				
19.				
B. Buying Prices				
1. Crude Petroleum				
2.				
3.				
4.				

Section III Significant Data Concerning Increased Costs

Brief Narrative Statement

Section IVSupply Conditions

Brief Narrative Statement

Section VCertification

I CERTIFY that the information submitted on and with this form is factually correct, complete, and in accordance with Economic Stabilization Regulations (Title 6, Code of Federal Regulations) and Instructions to this form.

Typed Name & Title Of Chief Executive Officer Of Parent
(or other authorized Executive Officer)

Signature

Date Signed

Individual To Be Contacted For Further Information

Typed Name And Title

Address (Street, City, State and Zip Code)

Telephone No.
(Include Area Code)

You must maintain for possible inspection and audit, a record of all price changes subsequent to January 10, 1973.

[FR Doc. 73-12178 Filed 6-14-73; 4:07 pm]

Title 14—Aeronautics and Space
CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73-CE-6-AD; Amendment 39-1663]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Models 95-C55, 95-C55A, D55, D55A, E55, E55A, 58 and 58A Airplanes

There have been failures of flexible hose assemblies located in the engine compartment between the engine driven pump and the firewall of Beech models 95-C55, 95-C55A, D55, D55A, E55, E55A, 58, and 58A airplanes. These failures are the result of synthetic rubber deterioration, which if not corrected can lead to the discharge of hazardous amounts of fuel into the engine compartment with possible resultant inflight fires. Since this condition is likely to exist or develop in other airplanes of the same type design, an airworthiness directive is being issued requiring replacement of Stratoflex P/N 156001-8D0100 hose assemblies with improved hose assemblies.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is impractical and good cause exists for making this amendment effective in less than 30 days.

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

BEECH.—Applies to models 95-C55, 95-C55A, D55, D55A, E55 and E55A (serial Nos. TE-1 through TE-837) airplanes; 58 and 58A (serial Nos. TH-1 through TH-139) airplanes.

Compliance: Required, unless already accomplished, within 50 hours' time in service after the effective date of this AD for all airplanes with 500 or more hours' time in service and prior to 550 hours' time in service for those airplanes with less than 500 hours' time in service on the effective date of this AD. (For airplanes in which one or both of the Stratoflex P/N 156001-8D0100 hose assemblies have been replaced in the field, compliance may be established on the basis of time in service of the replaced hose(s).)

To preclude failure or leakage of flexible hose assemblies which may allow fuel to spray on engine exhaust components, accomplish the following:

Replace Stratoflex P/N 156001-8D0100 hose assemblies located between the firewall and engine fuel injection pump with Beech P/N 58-9200-35-1 hose assemblies, or any other equivalent hose assembly approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

Beechcraft service instruction No. 0409-282, rev. 1, or later FAA-approved revisions cover the subject matter of this AD.

This amendment becomes effective June 25, 1973.

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

Issued in Kansas City, Mo., on June 11, 1973.

JOHN M. CYROCKI,
Director, Central Region.

[FR Doc.73-12110 Filed 6-18-73;8:45 am]

[Docket No. 73-NW-7-AD; Amendment 39-1668]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes; Rescission of Restrictions

Amendment 39-1176 (36 F.R. 5286), AD 71-6-7, requires inspection and rework if necessary of the inboard nacelle strut upper links on Boeing 747 airplanes. After issuing amendment 39-1176, due to service experience, structural testing, and analysis, the agency has determined that the reported cracks do not create an unsafe condition. Therefore, the need for AD 71-6-7 is obviated.

Since this amendment relieves a restriction, and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 FR 13697) § 39.13 of Part 39 of the Federal Aviation Regulations is amended by rescinding amendment 39-1176 (36 FR 5286), AD 71-6-7.

This amendment becomes effective June 27, 1973.

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

Issued in Seattle, Wash., on June 11, 1973.

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

[FR Doc.73-12109 Filed 6-18-73;8:45 am]

[Docket No. 73-GL-6; Amendment 39-1669]

PART 39—AIRWORTHINESS DIRECTIVES
Grumman American Aviation Corp. Models AA-1, AA-1A, and AA-1B Airplanes

There have been several recent spin accidents involving the Grumman American Aviation Corp. models AA-1, AA-1A, and AA-1B airplanes. Investigation of those accidents has revealed a distinct lack of awareness on the part of the operators concerning the airplane operating limitations as provided on the present airplane limitations placard. In accordance with FAR 23.221 and FAR 23.1567, the models AA-1, AA-1A, and AA-1B are prohibited from intentional spins. Accident investigations revealed a high degree of probability that just prior to the accidents pilots were either intentionally spinning the aircraft or permitting the airplane to enter into a spin from an exaggerated stall condition resulting in uncontrollable flight conditions. Since this phenomenon is likely to occur in other airplanes of the same

make and model, an airworthiness directive is being issued to forcefully call the pilot's attention to the fact that intentional spins are a prohibited maneuver and are in violation of the airplane operating limitations. This airworthiness directive is being issued to require the installation of an additional "spins prohibited" placard to be conspicuously located on the instrument panel, and to add an additional placard to provide stall speeds for various angles of bank.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

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

GRUMMAN AMERICAN AVIATION CORP.—Applies to all model AA-1, model AA-1A, and model AA-1B airplanes through serial Nos. AA-1B-0177 certificated in all categories.

Compliance required within the next 10 hours' time in service or 30 calendar days, whichever comes first, after the effective date of this airworthiness directive. To clearly indicate to the pilot that spins are prohibited in this make and model airplane, and to provide information to assist in preventing conditions that might lead to accidental spin entry, install the new placards as provided by Grumman American Aviation Corp. service bulletin No. 138 or by a suitable alternate procedure as approved by the Chief, Engineering and Manufacturing Branch, Great Lakes Region.

This amendment becomes effective June 25, 1973.

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

Issued in Des Plaines, Ill., on June 11, 1973.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.73-12111 Filed 6-18-73;8:45 am]

[Airspace Docket No. 73-SW-2]

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

Revocation, Designation, and Alteration of Control Zones

The purpose of this amendment to part 71 of the Federal Aviation Regulations is to delete the Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field), control zone, designate the Dallas-Fort Worth, Tex. (Regional Airport), control zone, and alter the Dallas, Tex. (Addison Airport), (Love Field), (NAS Dallas), and (Redbird Airport), control zones.

On January 24, 1973, a notice of proposed rulemaking was published in the

FEDERAL REGISTER (38 FR 2335) stating the Federal Aviation Administration proposed to delete the Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field), control zone, designate the Dallas-Fort Worth, Tex. (Regional Airport), control zone, and alter the Dallas, Tex. (Love Field), (NAS Dallas), and (Redbird Airport), control zones. Subsequent to publication of the notice of proposed rulemaking, it was determined that the Dallas, Tex. (Addison Airport), control zone requires alteration due to the closure of the Highland Park Airport, Dallas, Tex., which is included in the present control zone description.

Interested persons were afforded an opportunity to participate in the rule-making through submission of comments. All comments received were favorable. Subsequent to this proposal, it was determined that there is an operational requirement to conduct flight operations from Greater Southwest International Airport and the new Dallas-Fort Worth Regional Airport starting on July 12, 1973, and extending until the closure of Greater Southwest International Dallas-Fort Worth Field on or about September 30, 1973.

On March 30, 1973, FR Doc. No. 73-6063 was published in the FEDERAL REGISTER (38 FR 8244). This document amended part 71 of the Federal Aviation Regulations and contained only an alteration of the Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field), control zone. Alteration of the Dallas, Tex. (Love Field) (NAS Dallas), and (Redbird Airport), control zones was deferred pending the closure of the Greater Southwest International Dallas-Fort Worth Field on September 30, 1973. Alteration of the Greater Southwest International Dallas-Fort Worth Field control zone was effective July 12, 1973. Subsequent to document No. 73-6063, document No. 73-7546 was published in the FEDERAL REGISTER (38 FR 9661) on April 19, 1973, amending the effective date of the alteration of the greater Southwest International Dallas-Fort Worth Field control zone to July 1, 1973.

In consideration of the foregoing, part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., September 30, 1973, as hereinafter set forth.

(1) In § 71.171 (38 FR 351), the Fort Worth, Tex. (Greater Southwest International Dallas-Fort Worth Field), control zone is deleted.

(2) In § 71.171 (38 FR 351), the following control zone is added:

DALLAS-FORT WORTH, TEX., REGIONAL AIRPORT

Within a 5-mile radius of Dallas/Fort Worth Regional Airport (lat. 32°53'53" N., long. 97°02'24" W.); within 2.5 miles west and 3.5 miles east of the runway 17R/35L ILS localizer courses extending from the 5-mile radius zone to the OMs, and within 2.5 miles each side of the runway 31 ILS localizer course extending from the 5-mile radius zone to the OM.

(3) In § 71.171 (38 FR 351), the following control zones are altered:

DALLAS, TEX. (ADDISON AIRPORT)

Delete "and excluding the portion within a 1-mile radius of Highland Park Airport (lat. 32°55'15" N., long. 96°46'17" W.)."

DALLAS, TEX. (LOVE FIELD)

Delete "and within 2 miles each side of the Love Field No. 2 ILS localizer southeast course, extending from the arc of a 5-mile radius circle centered at Love Field to the runway 31L OM (lat. 32°46'39" N., long. 96°46'28" W.)." and substitute therefor "within 2 miles each side of the Love Field runway 31L ILS localizer southeast course, extending from the Love Field 5-mile radius zone to the OM; and excluding that airspace within the Dallas-Fort Worth, Tex. (Regional Airport), control zone."

DALLAS, TEX. (NAS DALLAS)

Delete the description of the control zone and amend it to read: "Within a 6-mile radius of NAS Dallas (lat. 32°44'00" N., long. 96°58'05" W.); within a 5-mile radius of Redbird Airport (lat. 32°40'50" N., long. 96°52'00" W.); excluding the portion within the Dallas-Fort Worth, Tex. (Regional Airport), and Dallas, Tex. (Love Field), control zones; and excluding the portion east of a line from latitude 32°37'00" N., longitude 96°56'00" W. to latitude 32°39'35" N., longitude 96°54'15" W. to latitude 32°48'00" N., longitude 96°53'45" W."

DALLAS, TEX. (REDBIRD AIRPORT)

Delete "excluding the portion west of a line from the intersection of the Redbird Airport 5-mile radius zone and the arc of an 8-mile radius circle centered at NAS Dallas (lat. 32°44'00" N., long. 96°58'05" W.), southwest of Redbird Airport, through latitude 32°39'35" N., longitude 96°54'15" W., to longitude 96°53'30" W. and the arc of a 5-mile radius circle centered at Love Field (lat. 32°51'00" N., long. 96°50'50" W.) southwest of Love Field." and substitute therefor "excluding the portion west of a line from latitude 32°37'00" N., longitude 96°56'00" W., to latitude 32°39'35" N., longitude 96°54'15" W., to latitude 32°48'00" N., longitude 96°53'45" W."

Issued in Fort Worth, Tex., on June 7, 1973.

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

R. V. REYNOLDS,
Acting Director,
Southwest Region.

[FR Doc. 73-12108 Filed 6-18-73; 8:45 am]

Title 18—Conservation of Power and Water Resources

[Docket No. R-473; Order No. 415-C]

CHAPTER I—FEDERAL POWER COMMISSION

PART 2—GENERAL POLICY AND INTERPRETATIONS

Guidelines for Preparation of Applicants' Environmental Reports

JUNE 7, 1973.

On March 2, 1973, the Federal Power Commission gave notice of proposed

guidelines and solicited comments in this docket concerning its intention to amend part 2 of its general rules by adding guidelines for preparation of applicants' environmental reports pursuant to the requirements of order No. 415-C (38 FR 6401, Mar. 9, 1973). Comments were to be filed on or before April 12, 1973. By notice dated April 4, 1973, the period for comments was extended to April 23, 1973. A subsequent request for a further extension of time was denied by notice issued April 15, 1973. A total of 35 comments were filed. Notwithstanding the fact that several comments were filed late, the merits of all comments were given careful consideration. In general, the comments reflected an awareness of the Commission's purpose in proposing the guidelines, and we have made minor suggested changes; such changes, however, do not touch the substance or the intent of the proposals, but were made solely to provide increased clarification and guidance. Some of the changes are simply editorial in nature and others eliminate unnecessary duplication.

A substantial number of the comments requested a public conference. Since all comments were carefully considered we see no value to a public conference. The necessity for providing these guidelines without further delay has been measured against the uncertainty of achieving substantive results from a public conference. No public conference will be held.

As a result of the case of *Greene County v. F.P.C.*, 455 F. 2d 412, cert. den. 409 U.S. 849 (1972), the Commission on December 18, 1972, issued order No. 415-C. That order amended the Commission's regulations implementing the National Environmental Policy Act to comply with the mandate of *Greene County*. Among other things, order No. 415-C requires the staff to collect environmental information, conduct an independent analysis of such information, prepare a draft environmental statement, circulate it for comment, and revise the draft as

¹ Twenty-nine comments were timely filed: Alabama Power Co.; Alaskan Arctic Gas Study Co.; State of California, Department of Water Resources; Colorado Interstate Gas Co.; Columbia Gas System Service Corp.; Consolidated Natural Gas System Companies; Consumers Power Co.; Continental Oil Co.; Dames & Moore; Duke Power Co.; El Paso Natural Gas Co.; Environmental Defense Fund; Environmental & Energy Systems, Inc.; Georgia Power Co.; Independent Natural Gas Association of America; Michigan-Wisconsin Pipe Line Co.; National Wildlife Federation; Natural Gas Pipeline Co. of America; Natural Resources Defense Council, Inc. (Striped Bass Fund); New York State Society of Professional Engineers; Albany County Chapter; Northern Natural Gas Co.; Public Service Electric & Gas Co.; Resources Advisory Board (comments filed Mar. 23, 1973, supplemented Mar. 28, 1973); Transcontinental Gas Pipeline Corp.; Tennessee Gas Pipeline Co.; Texas Eastern Transmission Corp.; Texas Gas Transmission Corp.; and Virginia Electric & Power Co.

Six comments were filed late: The Conservation Foundation; GPU Service Corp.; Pacific Gas & Electric Co.; Southern California Edison Co.; Southern California Gas Co.; and U.S. Department of the Interior.

necessary to produce a final environmental impact statement. In order to assist staff collecting the necessary environmental information, order No. 415-C requires an applicant for certain licenses under part I of the Federal Power Act, and certificates under section 7 of the Natural Gas Act, to submit with its application a "detailed report" of certain environmental factors. Several of those parties commenting on the proposed order No. 415-C requested more guidance in preparing this report.

In the notice we emphasized that the current energy crisis cries for speedy and creative solutions of environmental problems associated with our jurisdictional responsibilities. To that end we proposed these guidelines both to assist the staff in assimilating the necessary environmental information and to provide guidance to the applicant in preparing the required environmental report.

The guidelines have been structured to indicate to the applicant both the relevant information and the differing viewpoints which must be taken into account in the preparation of its environmental report. The environmental report should be a substantially self-supporting public document in which the presentation is well-documented by data and other key information. Though a certain amount of cross-referencing is permitted, information which is highly pertinent to assessment of environmental impact must be included in its text. In response to comments, we wish to make it clear that the Guidelines are intended to provide guidance in the preparation of the environmental report and do not impose rigid requirements as to format. The essential point which must be understood is that the report must be presented in a form which is readily understandable by the Commission staff and the public; we call for a good-faith effort on the part of the applicant to provide the necessary information in order to assist the Commission in meeting the requirements of applicable laws and regulations. For in the final analysis, it is this Commission which has the ultimate responsibility for successfully meshing its various statutory mandates.

We wish at this point to make it clear that we do not intend that the foregoing be read as permission to slight the necessary substantive information. Some of the comments stated that the material required appears to be redundant. The fact is that though the material may be similar to that previously requested, the viewpoint from which it is considered is substantially different, and thus the basic information is repetitive only to the extent made necessary by the different viewpoint. This does not prohibit appropriate cross-referencing of information within the applicant's report. We expect the applicant to make the detail of the environmental report commensurate with the complexity of the possible environmental impact of the proposed action. We expect the applicant to utilize an imaginative, comprehensive,

interdisciplinary approach with a broad physical, biological and social overview while planning its proposal. This shall include site selection, design, methods of construction, operation/maintenance, and abandonment where necessary. We expect the applicant to consult with appropriate Federal, regional, State, and local entities during the preliminary planning stages of its proposed action to assure identification of relevant environmental factors. Applicant is expected to conduct all necessary studies to determine impact of the proposed action on the "human environment" and to propose reasonable measures which may be necessary to protect the existing values of the affected area.

Several comments reflected confusion regarding whether a proposed action would be a "major Federal action significantly affecting the quality of the human environment" within the meaning of NEPA so as to require application of order No. 415-C and these guidelines. We wish to clarify these matters at this point. Sections 2.81(a)/2.82(a) of order No. 415-C require that certain applications be accompanied by an applicant's detailed environmental report.³ These applications were carefully selected by the Commission on the theory that actions proposed under the relevant sections of the Power and Gas Acts would often be major Federal actions significantly affecting the quality of the human environment. This report must be prepared in accordance with these guidelines, but should be prepared with the thought in mind that it be commensurate with the complexity of the possible environmental impact of the proposal. Upon receipt of the application and the environmental report, the Commission staff will make an initial review of the materials submitted. After that review, the determination will be made whether the proposal, if granted, will in fact be a major Federal action significantly affecting the quality of the human environment. If not, staff will not prepare an environmental impact statement. If it is determined that the proposed action would be a major Federal action significantly affecting the quality of the human environment staff will proceed to prepare an environmental impact statement in compliance with order No. 415-C. An applicant may confer with staff prior to submission of an application for guidance as to whether approval would probably constitute a major Federal action significantly affecting the quality of the human environment; it must be realized, however, that such a conference would in no way con-

stitute a bar to a later determination that a major Federal action is involved.

Questions were raised as to whether the guidelines replaced exhibit F-IV which is required by §§ 157.14(a)(6-d) and 157.7 of Commission regulations to accompany abbreviated applications filed in accordance with §§ 157.7 (b), (c), and (d) of Commission regulations. Those applications do not require a detailed environmental report prepared pursuant to order No. 415-C and in accordance with these guidelines but do require an exhibit F-IV. These distinctions were carefully explained in order No. 415-C.

Many of the comments expressed concern with the scope and breadth of the proposed section which deals with alternatives. It is true that it is broad in concept; however, a rigorous discussion of alternatives is required by NEPA and judicial interpretations of NEPA.⁴ Some of those filing comments pointed out that it is the task of the Commission, not the applicant, to consider alternatives to its application which are neither within the jurisdiction of the Commission nor within the responsibilities and capabilities of the applicant; such an examination, they contend, is the proper function of the Commission. Certainly, the Commission has a responsibility under NEPA to consider alternatives, but this does not relieve the applicant of any responsibility for supplying the substantive information necessary to assist the Commission in making its determination. Therefore, we will not alter the requirements of the guidelines in this respect. In line with these comments, it may be pointed out that the extent of discussion of alternatives will vary with the magnitude and complexity of any proposal and, in any event, this discussion must be construed in the light of the standard of reasonableness set forth in the *Morton* decision.

We point out that the Court in *Morton* held an agency responsible for consideration of environmental effects of reasonable alternatives,⁵ and that it stated that "crystal ball" inquiry was not required in the agency consideration:

"... NEPA was not meant to require detailed discussion of the environmental effects of 'alternatives' put forth in comments when these effects cannot be readily ascertained and the alternatives are deemed only remote and speculative possibilities."

This rule of reasonableness may be applied equally to applicant's report and the Environmental Impact Statement of the Commission.

Several comments expressed concern that certain technical information required by the guidelines would violate proprietary information. We do not consider this to be a serious problem, for we do not feel it will arise in the vast majority of cases. In the event the problem does arise, applicant may submit the information to staff with a request

³ Sec. 2.81(a) requires, among other things, that all applications under part I of the Federal Power Act for license or relicensing for major projects or for regulatory reservoirs, and all applications for surrender or amendment of a license proposing certain actions must be accompanied by an applicant's detailed environmental report. Sec. 2.82(a) requires that all certificate applications filed under sec. 7(c) of the Natural Gas Act, with certain exceptions, must be accompanied by an applicant's detailed report.

⁴ *Natural Resources Defense Council v. Morton*, 458 F.2d 827 (CA-DC, 1972).

⁵ *Id.* at 834.

⁶ *Id.* at 837, 838.

that it remain confidential. Staff will make its determination on a case-by-case basis.

These guidelines are to become effective as of the date of issuance. All relevant applications filed after this date must be filed in compliance with these guidelines. Moreover, in relevant applications now pending before the Commission, staff shall use the guidelines to determine deficiencies in the information submitted and to request necessary additional information.

The Commission finds

(1) The guidelines herein adopted result from a recognition that it is the responsibility of the Commission to take all possible steps to relieve the current shortage of supplies of energy within its regulatory responsibility. Accordingly, the Commission has determined that these guidelines, together with existing Commission regulations, provide one method of quickly resolving environmental problems in the sectors of the energy industry regulated by the Federal Power Commission.

(2) The modifications to the guidelines prescribed herein which were not included in the notice are of a minor nature, and are consistent with the substantive intent of the proposal; therefore further notice thereof is unnecessary.

(3) The amendments to the Commission's general rules and regulations adopted herein are necessary and appropriate for carrying out the provisions of the Federal Power Act, the Natural Gas Act, and the National Environmental Policy Act.

(4) Good cause exists that the amendments adopted herein become effective June 7, 1973. The Commission acting pursuant to the provisions of the Federal Power Act, particularly sections 4, 10, 15, 307, 309, 311, and 312 (41 Stat. 1065, 1066, 1068, 1070; 46 Stat. 798; 49 Stat. 839, 840, 841, 842, 843, 844, 856, 857, 858, 859, 860; 61 Stat. 501; 82 Stat. 617; 16 U.S.C. 797, 803, 808, 825f, 825h, 825j, 825k) and the Natural Gas Act, particularly sections 7 and 16 (52 Stat. 824, 825, 830; 56 Stat. 83, 84; 61 Stat. 459; 15 U.S.C. 717f, 717g), and the National Environmental Policy Act 1969, Public Law 91-190, approved January 1, 1970, particularly sections 102 and 103 (83 Stat. 853, 854), orders:

(A) The statement of general policy to implement procedures for compliance with the National Environmental Policy Act of 1969 in "Part 2—General Policy and Interpretations," is revised to read as follows:

§ 2.81 Compliance with the National Environmental Policy Act of 1969 under part I of the Federal Power Act.

(a) All applications for major projects (those in excess of 2,000 hp) or for reservoirs only providing regulatory flows to downstream (major) hydroelectric projects under part I of the Federal Power Act for license or relicensing, shall be accompanied by exhibit W, the appli-

cant's detailed report of environmental factors specified in §§ 2.80, 4.41, and appendix A of part 2 of this chapter. All applications for surrender or amendment of a license proposing construction, or operating change of a project shall be accompanied by the applicant's detailed report of environmental factors specified in § 2.80 and appendix A. Notice of all such applications shall continue to be made as prescribed by law.

§ 2.82 Compliance with the National Environmental Policy Act of 1969 under the Natural Gas Act.

(a) All certificate applications filed under section 7(c) of the Natural Gas Act (15 U.S.C. 717(c)) for construction of pipeline facilities, except abbreviated applications filed pursuant to § 157.7 (b), (c), and (d) of Commission regulations and producer applications for the sale of gas filed pursuant to § 157.23-29 of Commission regulations, shall be accompanied by the applicant's detailed report of the environmental factors specified in § 2.80 and appendix B. Notice of all such applications shall continue to be made as prescribed by law.

(B) Part 2 of the general rules are amended to add the following:

APPENDIX A

GUIDELINES FOR THE PREPARATION OF APPLICANTS' ENVIRONMENTAL REPORTS FOR APPLICATIONS UNDER PART I OF THE FEDERAL POWER ACT PURSUANT TO ORDER NO. 415-C

These guidelines:

(1) Identify the kinds of information to be supplied by applicants to assist Federal Power Commission staff in an independent assessment of major Federal actions significantly affecting the quality of the human environment;

(2) Pertain to actions under the Commission's order No. 415-C (issued Dec. 18, 1972) amending §§ 2.80-2.82, title 18, Code of Federal Regulations;

(3) Provide the basis for the preparation of an environmental report (or exhibit W) being prepared pursuant to § 2.81(a) by applicants for hydroelectric and related developments under the jurisdiction of the Commission; and

(4) Provide an insight into the rationale and scope of environmental reports to assure a balanced interdisciplinary analysis of actions significantly affecting the quality of the human environment.

It is the general policy of the Federal Power Commission to expect applicants to take the following actions in carrying out their environmental evaluation responsibilities:

(5) Consult with the appropriate Federal, regional, State, and local entities during the preliminary planning stages of the proposed action to assure that all environmental factors are identified;

(6) Conduct any studies which are necessary to determine the impact of the proposed action on the human and natural resources and the measures which may be necessary to protect the values of the affected area. These analyses of impacts upon living and nonliving elements which make up the environment shall be to the depth necessary for a valid assessment of the impacts;

(7) Utilize a sufficiently imaginative, comprehensive, interdisciplinary approach—utilizing a broad physical, biological, and social

overview—during the development of the plans for a project, including the selection of its site, design, and methods of construction, operation/maintenance, and abandonment; and

(8) Prepare an environmental report for any proposed action that is considered to significantly affect the quality of the human environment. The environmental report should contain information and analyses to the extent appropriate to the proposed action. If the applicant believes that his proposal, if granted, will not involve a major Federal action significantly affecting the quality of the human environment, he may file an abbreviated report sufficient to support his conclusion. However, we point out that the staff may disagree with applicant's view, and may request any additional information it deems necessary to make its own determination of whether a major Federal action is involved. Applicants may confer with staff prior to submission of an application for guidance as to whether or not approval of a specific proposed action would likely be classified as a major Federal action significantly affecting the quality of the human environment; it must be realized, however, that such a conference would in no way constitute a bar to a later determination that a major Federal action is involved.

These guidelines have been prepared to relate to a wide range of possible actions that could come before the Commission for consideration. The applicant is expected to make the detail of the environmental report commensurate with the complexity of the possible environmental impact of the proposed action. It is important to recognize that there is some duplication in the information requested. Often a section asks for an evaluation from a different viewpoint rather than for absolutely new information. Upon review of the applicant's environmental report, staff may request additional information.

COMPONENTS OF AN ENVIRONMENTAL REPORT

1. *Description of proposed action.*—Provide, as an introductory paragraph, a brief description of the action under application. Then describe fully its:

1.1 *Purpose.*—Describe the primary purpose of the proposed action and such secondary purposes as water supply, navigation, flood control, low flow augmentation, recreation, fish, and wildlife. Describe how these purposes, both primary and secondary, fit into existing and future utility systems or aid in meeting system reliability or regional and national needs. List the increases in productivity and values for each purpose described, e.g., power capacity in kW and generation in kWh/year, navigation in tonnage, recreation in visitor days, water use in ft³/s and af.

1.2 *Location.*—Describe the geographical location of the action as related to other similar programs or developments in the same river basin. Locate the proposed action with respect to State boundaries, counties and major cities and, if necessary, by more specific geographical identification such as township and range; provide a map or maps of the area and such other graphic materials as are needed to locate the action.

1.3 *Land requirements.*—Locate and indicate the area and use of lands to be utilized by the proposed action and any measures, other than construction procedures, involved in its use, including clearing, borrow and spoil areas, rip-rap, settling ponds or basins, relocation or development of roads, recreation and wildlife management programs, drilling of wells for water supply or aquifer recharge, and reserving project lands for future uses. Describe the length and width of all existing, joint, or new rights-of-way

required by the proposed action and any land treatment programs proposed thereon, including activities on "adjacent" lands.

1.4 Proposed facilities.—Provide dimensions where pertinent.

1.4.1 Project works.—Describe and locate on functional drawings the project works proposed for construction, including dams, dikes, reservoirs, spillways, powerhouses, switchyards and transmission facilities, water intakes and outlets and conduits, navigation works, visitor centers and other public use facilities, fish ladders, fish hatcheries, and fish protective facilities. Provide dimensions, elevations, data on geological foundations, and other technical data as necessary to give functional design characteristics for safety and adequacy.

1.4.2 Reservoir.—Describe the reservoir and its outlet works giving dimensions in capacity, elevations, area, depth; thermal stratification if present or anticipated; currents, mixing actions, and flow-through of inflowing waters as related to water densities; and locate any water intake structures by elevations and in relation to the occurrence of a reservoir thermocline.

1.4.3 Tailwater features.—Using a profile drawing, show elevations of the turbine or pump runners, maximum and minimum tailwaters, and of any tailrace excavations.

1.4.4 Transmission facilities.—Describe any transmission lines, rights-of-way, and substations existing or planned for future development, not included as part of the action under application but considered a necessary adjunct thereto.

1.5 Construction procedures.—Describe procedures to be taken prior to or during construction of project works such as the relocation of homes and commercial and industrial facilities, clearing, preparation of any diversion works, surveying, land acquisition and environmental planning. Provide a schedule of construction of major project works and how this will meet future power needs and avoid such limiting factors as floods, severe climatic conditions, or migrations of fish. Include schedules for needed relocations or development of transportation and other public use facilities and methods of maintaining service during these activities. Indicate the source of the work forces, numbers involved, and their housing needs in the area.

1.6 Operational and maintenance procedures.—Describe the proposed operational modes and the reasons therefor. Show how the water resources of the area are to be utilized (provide usable reservoir storage capacities for respective purposes, area-capacity curves, hydrology data, drawdowns, and flow duration curves applicable to project operation during dry, average, and wet years). Include a discussion of the quantity and quality of water flows as they enter, pass through the project, and are released to maintain the downstream aquatic habitat; and of any diversions of water for other uses including municipal or industrial uses, or fish ladders or hatcheries. For pumped storage projects describe the daily, weekly, and seasonal exchanges of waters between upper and lower reservoirs and the water currents and temperature changes produced by this pseudo-tidal action. Include also a discussion of any pollutants (and their sources) which would be discharged as a result of the proposed action. Describe maintenance of proposed project works under normal conditions; include types of expected maintenance, and how system or area needs will be met during shutdown for maintenance. Describe capacity of project works to withstand both usual and unusual, but possible, natural phenomena and accidents (e.g., earthquakes, floods, hurricanes or tornadoes,

slides); describe any related geological or structural problems, and measures to be taken to minimize problems arising from malfunctions and accidents.

1.7 Future plans.—Describe plans or potential for future expansion of facilities including land use and the compatibility of these plans with the proposed action.

2. Description of the existing environment.—Provide an overall description of existing conditions for resources which might be affected directly and indirectly by the proposed action; include a discussion of such pertinent topics as:

2.1 Land features and uses.—Identify present uses and describe the characteristics of the land area.

2.1.1 Land uses.—Describe the extent of present uses, as in agriculture, business, industry, recreation, residence, wildlife, and other uses, including the potential for development; locate major nearby transportation corridors, including roads, highways, ship channels, and aviation traffic patterns; locate transmission facilities on or near the lands affected by the proposed action and their placement (underground, surface, or overhead).

2.1.2 Topography, physiography, and geology.—Provide a detailed description of the topographic, physiographic, and geologic features within the area of the proposed action. Includes U.S. Geological Survey Topographic Maps, aerial photographs, and other such graphic material.

2.1.3 Soils.—Describe the physical and chemical characteristics of the soils. Sufficient detail should be given to allow interpretation of the nature of and fertility of the soil and stability of slopes.

2.1.4 Geological hazards.—Indicate the probability of occurrence of geological hazards in the area, such as earthquakes, slumping, landslides, subsidence, permafrost, and erosion.

2.2 Species and ecosystems.—Identify those species and ecosystems that will be affected by the proposed action.

2.2.1 Species.—List in general categories, by common and scientific names, the plant and wildlife species found in the area of the proposed action and indicate those having commercial and recreational importance.

2.2.2 Communities and associations.—Describe the dominant plant and wildlife communities and associations located within the area of the proposed action. Provide an estimate of the population densities of major species. If data are not available for the immediate area of the proposed action, data from comparable areas may be used.

2.2.3 Unique and other biotic resources.—Describe unique ecosystems or communities, rare or endangered species, and other biotic resources that may have special importance in the area of the proposed action. Describe any areas of critical environmental concern, e.g., wetlands and estuaries. Summarize findings of any studies conducted thereon.

2.3 Socioeconomic considerations.—If the proposed action could have a significant socioeconomic effect on the local area, discuss the socioeconomic future, including population and industrial growth, of the area without the implementation of the proposed action; describe the economic development in the vicinity of the proposed action, particularly the local tax base and per capita income; and identify trends in economic development and/or land use of the area, both from a historical and prospective viewpoint. Describe the population densities of both the immediate and generalized area. Include distances from the site of the proposed action to nearby residences, cities, and urban areas and list their populations. Indicate the number and type of residences, farms, businesses, and industries that will be directly affected and

those requiring relocation if the proposed action occurs.

2.4 Air and water environments.—Describe the prevailing climate and the quality of the air (including noise) and water environments of the area. Estimate the quality and availability of surface water resources in the proposed project area.

2.4.1 Climate.—Describe the historic climatic conditions that prevail in the vicinity of the proposed action; extremes and means of monthly temperatures, precipitation, and wind speed and direction. In addition, indicate the frequency of temperature inversions, fog, smog, icing, and destructive storms such as hurricanes and tornadoes.

2.4.2 Hydrology and hydrography.—Describe surface waters, fresh, brackish, or saline, in the vicinity of the proposed action and discuss drainage basins, physical and chemical characteristics, water use, water supplies, and circulation. Describe the ground water situation, water uses and sources, aquifer systems, and flow characteristics.

2.4.3 Air, noise, and water quality monitoring.—Provide data on the existing quality of the air and water, indicate the distance(s) from the proposed action site to monitoring stations and the mean and maximum audible noise and radio interference levels at the site boundaries.

2.5 Unique features.—Describe unique or unusual features of the area, including historical, archeological, and scenic sites and values.

3. Environmental impact of the proposed action.—Describe all known or expected significant environmental effects and changes, both beneficial and adverse, which will take place should the action be carried out. Include the impacts caused by (a) construction, (b) operation, including maintenance, breakdown, and malfunctions, and (c) termination of activities, including abandonment. Include both direct and primary indirect changes in the existing environment in the immediate area and throughout the sphere of influence of the proposed action.¹

3.1 Construction.

3.1.1 Land features and uses.—Assess the impact on present or future land use, including commercial use, mineral resources, recreational areas, public health and safety, and the aesthetic value of the land and its features. Describe any temporary restriction on land use due to construction activities. State the effect of construction related activities upon local traffic patterns, including roads, highways, ship channels, and aviation patterns.

3.1.2 Species and ecosystems.—Assess the impact of construction on the terrestrial and aquatic species and habitats in the area, including clearing, excavation, and impoundment. Discuss the possibility of a major alteration to the ecosystem and any potential loss of an endangered species.

3.1.3 Socioeconomic considerations.—Discuss the effect on local socioeconomic development in relation to labor, housing, local

¹ *Changes in the Environment Throughout the Sphere of Influence of Proposed Action.*—Direct and indirect effects are those effects which can be discerned as occurring primarily because the proposed action would occur. For example: (1) The impact of a borrow pit would be evaluated to the extent that it would be developed or expanded but the manufacture of conventional trucks to work the pit would not; (2) the impact of construction workers moving into the area would be evaluated but not the impact of their leaving present homes. However, the impact of their subsequent leaving this place must be considered.

industry, and public services. Discuss the need for relocations of families and businesses. Describe the beneficial effects, both direct and indirect, of the action on the human environment, such as benefits resulting from the services and products, and other results of the action (include tax benefits to local and State governments, growth in local tax base from new business and housing development and payrolls). Describe the impact on human elements, including the need for increased public services (schools, health facilities, police and fire protection, housing, waste disposal, markets, transportation, communication, energy supplies, and recreational facilities) and uses in the proposed project area, including any changes which will occur in recreational use and potential of the local area or region) due to the proposed action; provisions for public access to and use of project lands and waters, including the impacts these uses will have on the area; project lands reserved for future recreation development and the types of facilities which will be or which may need to be provided thereon and how the incremental uses of these lands will affect the area, including the effects of any increased recreational use on the land and water resources and on the public service facilities which presently exist or which would need to be developed to provide for public needs. Discuss the impact of the proposed action on national and local historic and archeological sites, any existing scenic, and cultural values;

3.1.4 Air and water environment.—Estimate the qualitative and quantitative effects on air, noise, and water quality, including sedimentation, and whether regulatory standards in effect for the area will be complied with.

3.1.5 Waste Disposal.—Discuss the impact of disposal of all waste material such as spoils, vegetation, and construction materials.

3.2 Operation and maintenance.

3.2.1 Land features and uses.—Outline restrictions on existing and potential land use in the vicinity of the proposed action, including mineral and water resources. State the effect of operation related activities upon local traffic patterns including roads, highways, ship channels, and aviation patterns, and the possible need of new facilities.

3.2.2 Species and ecosystems.—Assess the impact of operation upon terrestrial and aquatic species and habitats, including the importance of plant and animal species having economic or aesthetic value to man that would be affected by the action; provide pertinent information on animal migrations, foods, and reproduction in relation to the impacts; and describe any ecosystem imbalances that would be caused by the action and the possibility of major alteration to an ecosystem or the loss of an endangered species. Assess any effects of this action which would be cumulative to those of other similar, existing projects or proposed actions.

3.2.3 Socioeconomic considerations.—Discuss the effect on the local socioeconomic development in relation to labor, housing and population growth trends, relocation, local industry and industrial growth, and public service. Describe the beneficial effects, both direct and indirect, of the action on the human environment such as economic benefits resulting from the services and products, energy, and other results of the action (include tax benefits to local and State governments, growth in local tax base from new business and housing developments, and payrolls). Describe impacts on human elements, including any need for increased public service (schools, police and fire protection, housing, waste disposal, markets, transportation, communication and recreational facilities). Indicate the extent to which

maintenance of the area is dependent upon new sources of energy or the use of such vital resources as water.

3.2.4 Air and water environment.—Assess the impact on present air quality. Assess the impact on present noise levels due to project-related noises. Assess the impact on present water quality, including sedimentation, due to reservoir operations, downstream water releases, power peaking operations, location of outlet works, and sanitary, waste, and process effluents.

3.2.5 Solid wastes.—Describe any impacts from accumulation of solid wastes and by-products that will be produced.

3.2.6 Use of resources.—Quantify the resources necessary for operational uses; e.g., water (human needs and processes), energy requirements, raw products, and specialized needs. Assess the impact of obtaining and using these resources.

3.2.7 Maintenance.—Discuss the impact of maintenance programs, such as subsequent clearing or treatment of rights-of-way. Discuss the potential impact of major breakdowns and shutdowns of the facilities and how service will be maintained during shutdowns.

3.2.8 Accidents and catastrophes.—Describe any impacts resulting from accidents and natural catastrophes, which might occur, and provide an analysis of the capability of the area to absorb predicted impacts.

3.3 Termination and abandonment.—Discuss the impact on land use and aesthetics of the termination and/or abandonment of facilities resulting from the proposed action.

4. Measures to enhance the environment or to avoid or mitigate adverse environmental effects.—Identify all measures which will be undertaken to enhance the environment or eliminate, avoid, mitigate, protect, or compensate for adverse and detrimental aspects of the proposed action, as described under part 3, above, including engineering planning and design, design criteria, contract specifications, selection of materials, construction techniques, monitoring programs during construction and operation, environmental tradeoffs, research and development, and restoration measures which will be taken routinely or as the need arises.

4.1 Preventative measures and monitoring.—Discuss provisions for pre- and post-monitoring of significant environmental impacts of the proposed action. Include programs for monitoring changes in operational phases. Describe proposed measures for detecting and modifying noise levels, monitoring air and water quality, inventorying key species in food chains, and detecting induced changes in the weather. Describe measures, including equipment, training procedures, and vector² control measures, to be taken for protecting the health and welfare of workers and the public at the project during its construction, operation, and maintenance, including structures to exclude people from hazardous areas or to protect them during changes in operations; include sanitary and solid and liquid waste disposal facilities for workers and the public during construction and operation. Discuss measures to be undertaken to minimize problems arising from malfunctions and accidents (with estimates of probability of occurrence). Identify standard procedures for protecting services and environmental values during maintenance and breakdowns. Discuss proposed and alternative construction timetables to prevent significant environmental impacts and plans for implementation of changes whenever necessary to reduce environmental impact.

4.2 Environmental restoration and enhancement.—Discuss all measures to be taken to restore and enhance the environment, including measures for restoration, replacement, or protection of flora and fauna and of scenic, historic, archeological, and other natural values, describe measures to

facilitate animal migrations and movements to protect their life processes (e.g., spawning and rearing of fish); describe programs for landscaping and horticultural practices; describe selection and use of any chemicals needed during construction, operation, and maintenance so as to prevent their entry into waters in the area; discuss programs to assist displaced families and businesses in their relocation; describe provisions for public access to, and use of, lands and waters in the area of the proposed action; and discuss the preparation of lands prior to and following their use.

5. Unavoidable adverse environmental effects.—Discuss all significant environmental effects which cannot be avoided by measures outlined in section 4 above.

5.1 Human resources impacted.—Indicate those human resources and values which will sustain significant, unavoidable adverse effects and discuss whether the impact will be transitory, a one-time but lasting effect, repetitive, continual, incremental, or synergistic to other effects and whether secondary adverse consequences will follow. Focus on the displacement of people by the proposed action and its local, economic, and aesthetic implications; on human health and safety; and on aesthetic and cultural values and standards of living which will be sacrificed or endangered. Where possible provide quantitative evaluations of these effects.

5.2 Uses preempted and unavoidable changes.—Discuss all significant, unavoidable environmental impacts on the land and its present use, caused by inundation, clearing, excavation, and fills; losses to wildlife habitat, forests, unique ecosystems, minerals, and farmlands; effects on fish habitat and migrations; on relocation of populations and manmade facilities, such as homes, roads, highways, and trails; on historical, recreational, archeological, and aesthetic values or scenic areas.

5.3 Loss of environmental quality.—Discuss any significant, unavoidable adverse changes in the air, including dust and emissions to the air, and noise levels; impacts resulting from solid wastes and their disposal; effects on the water resources of the area, including consumptive uses.

6. Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.—Compare the benefits to be derived from the immediate or short-term use of the environment, with and without the proposed action, and the long-term consequences of the proposed action.³ Actions which diminish the diversity of beneficial uses of the environment or preempt the options for future uses or needs require detailed analysis, to assure that shortsighted decisions are not made which may commit future generations to undesirable courses of actions.

6.1 Short-term uses.—Assess the local short-term uses of man's environment in terms of the proposed action's benefit to man, land use, alterations to the ecosystem, use of resources, and public health and safety.

6.2 Long-term productivity.—Discuss any cumulative long-term effects which may be caused by the proposed action in terms of land use, alterations to the ecosystem, use of resources and public health and safety.

7. Irreversible and irretrievable commitments of resources.—Discuss, and quantify

² Carriers (e.g., ticks, mosquitoes, and rodents) of diseases.

³ Duration of Impacts.—Short-term impacts and benefits generally are those which occur during the development and operation of a project. Long-term productivity related to an effect that remains many years (sometimes permanently) after the cause. As examples, strip mining without restoration and land inundation by reservoirs have obvious long-term effects.

when possible, any irrevocable commitments of resources which would be involved in the implementation of the proposed action.

7.1 Land features and uses.—Discuss any permanent changes in land features and/or land use.

7.2 Endangered species and ecosystems.—Assess the possibility of eliminating any endangered species or the loss or alteration of an ecosystem.

7.3 Socioeconomic considerations.—Discuss probable indirect actions (e.g., new highway system or waste water treatment facilities, housing developments, etc.) made economically feasible by the implementation of the proposed action that would likely be triggered and would irrevocably commit other resources under our free enterprise system. Identify the destruction of any historical, archeological, or scenic areas.

7.4 Resources lost or uses preempted.—Analyze the extent to which the proposed action would curtail the range of beneficial uses of the environment. Determine whether, considering presently known technology, the proposed use of resources or any resource extraction method would contaminate other associated resources or foreclose their usage.

7.5 Finite resources.—Indicate the irreversible and/or irretrievable resources that would be committed as a result of the proposed action, such as fossil fuels, and construction materials.

8. Alternatives to the proposed action.—Discuss the systematic procedure used to arrive at the proposed action, starting with the broadest, feasible objectives of the action and progressively narrowing the alternatives to a specific action at a specific site or right-of-way. This systematic procedure should include the decision criteria used, the information weighed, and an explanation of the conclusion at each decision point. The decision criteria must show how environmental benefits/costs, even if not quantifiable, are weighed against economic benefits/costs and technology and procedural constraints. All realistic alternatives must be discussed even though they may not be within the jurisdiction of the Commission or the responsibilities and capabilities of the applicant. Modification of the proposed action may be among the alternatives. Describe the timeliness and the environmental consequences of each alternative discussed.

8.1 Objective.—Explain the need for any proposed new energy supply.

8.2 Energy alternatives.—Discuss the potential for accomplishing the proposed objectives through energy conservation and the potential for using realistic energy alternatives, such as natural and artificial gas, oil, and coal. Also discuss realistic electric energy alternatives, such as gas, oil, coal, and nuclear-fueled powerplants, and other conventional and pumped storage hydroelectric plants. Provide an analysis of environmental benefits and costs.

8.3 Sites and locations.—Discuss considerations given to alternative sites and locations. Include a description of each site, a summary of environmental factors of each site, the reasons for rejection, and an analysis of environmental benefits and costs.

8.4 Designs, processes, and operations.—Describe alternative facility designs, processes (e.g., handling of waste water and solid wastes), and/or operations that were considered and discuss the environmental consequences of each, the reasons for rejection, and an analysis of environmental benefits and costs.

8.5 No action.—Discuss the alternative of no action with an evaluation of the consequences of this option on a national, regional, State, or local level, as appropriate. Present a brief perspective of what future use the proposed site (area) may assume if the proposed facilities are not constructed and summarize the environmental benefits and costs.

9. Permits and compliance with other regulations and codes.

9.1. Permits.—Identify all necessary Federal, regional, State and local permits, licenses, and certificates needed before the proposed action can be completed, such as permits needed from State and local agencies for construction and waste discharges. Describe steps which have been taken to secure these permits and any additional efforts still required.

9.1.1. Authorities consulted.—List all authorities consulted for obtaining permits, licenses, and certificates, including zoning approvals needed to comply with applicable statutes and regulations.

9.1.2. Dates of approval.—Give dates of consultations and of any approvals received.

9.2 Compliance with health and safety regulations and codes.—Identify all Federal, regional, State, and local safety and health regulations and codes which must be complied with in the construction, maintenance, and operation of the proposed project. Also identify other health and safety standards and codes that will be complied with, such as underwriter codes and voluntary industry codes.

9.2.1. Authorities consulted.—List all authorities and professional organizations consulted in identifying pertinent regulations and codes.

9.2.2. Procedures to be followed.—Describe any specific procedures or actions that will be taken to assure compliance with each such regulation and code.

9.3 Compliance with other regulations and codes.—Identify all other Federal, regional, State and local regulations and codes which must be complied with in the construction, maintenance, and operation of the proposed project.

9.3.1. Authorities consulted.—List all authorities and professional organizations consulted in identifying pertinent regulations and codes.

9.3.2. Procedures to be followed.—Explain the specific procedures or actions that will be taken to assure compliance with each such regulation and code.

10. Source of information.

10.1 Public hearings.—Describe any public hearings or meetings held, summarize the general tenor of public comments with the proportions of proponents to those in dissent, and include any public records resulting from these meetings. Include a description of the manner in which the public was informed of the time and place of the hearings. Fully discuss efforts made for seeking constructive inputs from affected people and how their concerns were accommodated.

10.2 Other sources.—Identify all other sources of information utilized in the preparation of the environmental report, including:

10.2.1 Meetings with governmental and other entities.—List meetings held with Federal, regional, State, and local planning, commerce, regulatory, environmental and conservation entities, the subjects discussed (e.g., recreation, fish, wildlife, aesthetics, other natural resources, and values of the area, and economic development), and any environmental conclusions reached as a result of the meeting.

10.2.2 Studies conducted.—Identify the

studies conducted, including those by consultants, the general nature and major findings of those studies, and the title and availability of any reports thereon.

10.2.3 Consultants.—Give the names, addresses, and professional vitae of all consultants who contributed to the environmental report.

10.2.4 Bibliography.—Provide a bibliography of the books, other publications, reports, documents, maps, and aerial photographs consulted for background information, including county land use and other planning reports. Indicate by some method, as by asterisks or numbers, those bibliographic references specifically cited in the environmental report.

10.3 Provide copies of supportive reports.—Supply at least a single copy of all technical reports prepared in conjunction with the preparation of the environmental report, such as model, heat budget, plankton, fish, and benthic sampling studies.

APPENDIX B

GUIDELINES FOR THE PREPARATION OF APPLICANT'S ENVIRONMENTAL REPORTS FOR APPLICATIONS UNDER SECTION 7C OF THE NATURAL GAS ACT PURSUANT TO ORDER NO. 415-C

These guidelines:

- (1) Identify the kinds of information to be supplied by applicants to assist Federal Power Commission staff in independent assessments of major Federal actions significantly affecting the quality of the human environment;
- (2) Pertain to actions under the Commission's Order No. 415-C (issued Dec. 18, 1972) amending §§ 2.80-2.82, title 18, Code of Federal Regulations;
- (3) Provide the basis for the preparation of environmental reports being prepared pursuant to § 2.82(a) by applicants for the construction of pipeline facilities under the jurisdiction of the Commission, and
- (4) Provide an insight into the rationale and scope of environmental reports to assure a balanced interdisciplinary analysis of actions significantly affecting the quality of the human environment.

It is the general policy of the Federal Power Commission to expect applicants to take the following actions in carrying out their environmental evaluation responsibilities:

- (5) Consult with the appropriate Federal, regional, State and local entities during the preliminary planning stages of the proposed action to assure that all environmental factors are identified;
- (6) Conduct any studies which are necessary to determine the impact of the proposed action on the human and natural resources and the measures which may be necessary to protect the values of the affected area. These analyses of impacts upon living and nonliving elements which make up the environment shall be to the depth necessary for a valid assessment of the impacts;
- (7) Utilize a sufficiently imaginative, comprehensive interdisciplinary approach—utilizing a broad physical, biological, and social overview—during the development of the plans for a project, including the selection of its site, design, and methods of construction, operation/maintenance, and abandonment; and
- (8) Prepare an environmental report for any proposed action that is considered to significantly affect the quality of the human environment. The environmental report should contain information and analyses to the extent appropriate to the proposed action. If the applicant believes that his proposal, if granted, will not involve a major Federal action significantly affecting the quality of the human environment, he may file an abbreviated report sufficient to support his conclusion. However, we point out that the

staff may disagree with applicant's view, and may request any additional information it deems necessary to make its own determination of whether a major Federal action is involved. Applicants may confer with staff prior to submission of an application for guidance as to whether or not approval of a specific proposed action would likely be classified as a major Federal action significantly affecting the quality of the human environment; it must be realized, however, that such a conference would in no way constitute a bar to a later determination that a major Federal action is involved.

These guidelines have been prepared to relate to a wide range of possible actions that could come before the Commission for consideration. The applicant is expected to make the detail of the environmental report commensurate with the complexity of the possible environmental impact of the proposed action. It is important to recognize that there is some duplication in the information requested. Often a section asks for an evaluation from a different viewpoint rather than for absolutely new information. Upon review of the applicant's environmental report, staff may request additional information.

COMPONENTS OF AN ENVIRONMENTAL REPORT

1. *Description of proposed action.*—Provide as an introductory paragraph, a brief description of the action under application. Then describe fully its:

1.1 *Purpose.*—Describe the primary purpose of the proposed facilities (onshore/offshore pipelines, LNG, gas storage fields, SNG, and others) and how the proposed action fits into Federal, regional, State, and local energy demand and supply requirements.

1.2 *Location.*—Identify site(s) including all existing natural gas and other power and product pipelines in the general vicinity of the proposed action; locate with respect to State boundaries, counties and major cities; and illustrate with a suitable general location map(s).

1.3 *Land requirements.*—Indicate the length and width and location of all existing, joint, or new right-of-way required by the proposed action; identify the size of each proposed plant and/or operational site; designate what portion of the land at the operation site which will remain unaffected by construction and operation; and identify auxiliary construction activities on adjacent land.

1.4 Proposed facilities.

1.4.1 *Plant/operational facilities.*—Identify all plant and/or operation units to be constructed, such as compressors, unloading and storage facilities, liquefaction/gasification facilities. Provide plan, elevation, and perspective views of all plant facilities.

1.4.2 *Pipeline facilities.*—Describe the length and size of all transmission, lateral, looping, and gathering pipelines to be constructed.

1.5 *Construction procedures.*—Describe procedures to be taken prior to or during construction of proposed action such as the relocation of homes and commercial or industrial facilities, clearing, surveying, land acquisition, and environmental planning. Discuss the methods of pipeline construction which would be used (such as the push method, flotation method, lay method, and barge laying method). Provide a schedule of construction of major facilities and how this will meet future energy needs and avoid such limiting factors as floods, ground slides, or severe climatic conditions. Include schedules for needed relocations or development of transportation and other public use facilities and methods of maintaining service during these activities. Indicate the source of the

work forces, numbers involved, and their housing needs in the area.

1.6 *Operational and maintenance procedures.*—Describe fully the technical and operational considerations of the proposed action, including details of the process, catalyst involved, design, mass, heat and energy balances, flow diagrams, water purification treatment and facilities, waste product disposal facilities, and days and hours of operation. Describe maintenance under normal conditions; include types of expected maintenance, anticipated maintenance problems, and how system or area needs will be met during shutdown for maintenance. Describe capacity of proposed action to withstand both usual and unusual but possible natural phenomena and accidents (e.g., floods, hurricanes or tornadoes, slides, etc.).

1.7 *Future plans.*—Describe plans or potential for future expansion of facilities including land use and the compatibility of these plans with the proposed action.

2. *Description of the existing environment.*—Provide an overall description of existing conditions or resources which might be affected directly and indirectly by the proposed action; include a discussion of such pertinent topics as:

2.1 *Land features and uses.*—Identify present uses and describe the characteristics of the land area.

2.1.1 *Land uses.*—Describe the extent of present uses, as in agriculture, business, industry, recreation, residence, wildlife, and other uses, including the potential for development; locate major nearby transportation corridors, including roads, highways, ship channels, and aviation traffic patterns; locate transmission facilities on or near the lands affected by the proposed action and their placement (underground, surface, or overhead).

2.1.2 *Topography, physiography, and geology.*—Provide a detailed description of the topographic, physiographic, and geologic features within the area of the proposed action. Include U.S. Geological Survey Topographic Maps, aerial photographs, and other such graphic material.

2.1.3 *Soils.*—Describe the physical and chemical characteristics of the soils. Sufficient detail should be given to allow interpretation of the nature of and fertility of the soil and stability of slopes.

2.1.4 *Geological hazards.*—Indicate the probability of occurrence of geological hazards in the area, such as earthquakes, slumping, landslides, subsidence, permafrost, and erosion.

2.2 *Species and ecosystems.*—Identify those species and ecosystems that will be affected by the proposed action.

2.2.1 *Species.*—List in general categories, by common and scientific names, the plant and wildlife species found in the area of the proposed action and indicate those having commercial and recreational importance.

2.2.2 *Communities and associations.*—Describe the dominant plant and wildlife communities and associations located within the area of the proposed action. Provide an estimate of the population densities of major species. If data are not available for the immediate area of the proposed action, data from comparable areas may be used.

2.2.3 *Unique and other biotic resources.*—Describe unique ecosystems or communities, rare or endangered species, and other biotic resources that may have special importance in the area of the proposed action. Describe any areas of critical environmental concern, e.g., wetlands and estuaries. Summarize findings of any studies conducted thereon.

2.3 *Socioeconomic considerations.*—If the proposed action could have a significant socioeconomic effect on the local area, discuss the socioeconomic future, including

population and industrial growth, of the area without the implementation of the proposed action; describe the economic development in the vicinity of the proposed action, particularly the local tax base and per capita income; and identify trends in economic development and/or land use of the area, both from a historical and prospective viewpoint. Describe the population densities of both the immediate and generalized area. Include distances from the site of the proposed action to nearby residences, cities, and urban areas and list their populations. Indicate the number and type of residences, farms, businesses, and industries that will be directly affected and those requiring relocation if the proposed action occurs.

2.4 *Air and water environments.*—Describe the prevailing climate and the quality of the air (including noise) and water environments of the area. Estimate the quality and availability of surface water resources in the proposed project area.

2.4.1 *Climate.*—Describe the historic climatic conditions that prevail in the vicinity of the proposed action; extremes and means of monthly temperatures, precipitation, and wind speed and direction. In addition, indicate the frequency of temperature inversions, fog, smog, icing, and destructive storms such as hurricanes and tornadoes.

2.4.2 *Hydrology and hydrography.*—Describe surface waters, fresh brackish, or saline, in the vicinity of the proposed action and discuss drainage basins, physical and chemical characteristics, water-use, water supplies, and circulation. Describe the ground water situation, water uses and sources, aquifer systems, and flow characteristics.

2.4.3 *Air, noise, and water quality monitoring.*—Provide data on the existing quality of the air and water, indicate the distances(s) from the proposed action site to monitoring stations and the mean and maximum audible noise and radio interference levels at the site boundaries.

2.5 *Unique features.*—Describe unique or unusual features of the area, including historical, archeological, and scenic sites and values.

3. *Environmental impact of the proposed action.*—Describe all known or expected significant environmental effects and changes, both beneficial and adverse, which will take place should the action be carried out. Include the impacts caused by (a) construction, (b) operation, including maintenance, breakdown, and malfunctions, and (c) termination of activities, including abandonment. Include both direct and primary indirect changes in the existing environment in the immediate area and throughout the sphere of influence of the proposed action.¹

3.1 Construction.

3.1.1 *Land features and uses.*—Assess the impact on present or future land use, including commercial use, mineral resources, recreational areas, public health and safety, and the aesthetic value of the land and its features. Describe any temporary restriction

¹ *Changes in the environment throughout the sphere of influence of proposed action.*—Direct and indirect effects are those effects which can be discerned as occurring primarily because the proposed action would occur. For example: (1) The impact of a borrow pit would be evaluated to the extent that it would be developed or expanded but the manufacture of conventional trucks to work the pit would not; (2) the impact of construction workers moving into the area would be evaluated but not the impact of their leaving present homes. However, the impact of their subsequent leaving this place must be considered.

on land use due to construction activities. State the effect of construction-related activities upon local traffic patterns, including roads, highways, ship channels, and aviation patterns.

3.1.2 Species and ecosystems.—Assess the impact of construction on the terrestrial and aquatic species and habitats in the area, including clearing, excavation, and impoundment. Discuss the possibility of a major alteration to the ecosystem and any potential loss of an endangered species.

3.1.3 Socioeconomic considerations.—Discuss the effect on local socioeconomic development in relation to labor, housing, local industry, and public services. Discuss the need for relocations of families and businesses. Describe the beneficial effects, both direct and indirect, of the action on the human environment, such as benefits resulting from the services and products, and other results of the action (include tax benefits to local and State governments, growth in local tax base from new business and housing development and payrolls). Describe the impact on human elements, including the need for increased public services (schools, health facilities, police and fire protection, housing, waste disposal, markets, transportation, communication, energy supplies, and recreational facilities).

3.1.4 Air and water environment.—Estimate the qualitative and quantitative effects on air, noise, and water quality, including sedimentation, and whether regulatory standards in effect for the area will be complied with.

3.1.5 Waste disposal.—Discuss the impact of disposal of all waste material such as spoils, vegetation, construction materials, and hydrostatic test water.

3.2 Operation and maintenance.

3.2.1 Land features and uses.—Outline restrictions on existing and potential land use in the vicinity of the proposed action, including mineral and water resources. State the effect of operation-related activities upon local traffic patterns including roads, highways, ship channels, and aviation patterns, and the possible need of new facilities.

3.2.2 Species and ecosystems.—Assess the impact of operation upon terrestrial and aquatic species and habitats, including the importance on plant and animal species having economic or esthetic value to man that would be effected by the action; provide pertinent information on animal migrations, foods, and reproduction in relation to the impacts; and describe any ecosystem imbalances that would be caused by the action and the possibility of major alteration to an ecosystem or the loss of an endangered species. Assess any effects of this action which would be cumulative to those of other similar, existing projects or proposed actions.

3.2.3 Socioeconomic considerations.—Discuss the effect on the local socioeconomic development in relation to labor, housing, and population growth trends, relocation, local industry and industrial growth, and public service. Describe the beneficial effects, both direct and indirect, of the action on the human environment such as economic benefits resulting from the services and products, energy, and other results of the action (include tax benefits to local and State governments, growth in local tax base from new business and housing development, and payrolls). Describe impacts on human elements, including any need for increased public service (schools, police and fire protection, housing, waste disposal, markets, transportation, communication, and recreational facilities). Indicate the extent to which maintenance of the area is dependent upon new sources of energy or the use of such vital resources as water.

3.2.4 Air and water environment.—Assess the impact on present air quality due to process discharge quantities, and other discharging operational units. Assess the impact on present noise levels due to project-related noises. Assess the impact on present water quality, including sedimentation, due to cooling or heating system discharges, process effluents, sanitary and waste effluents, water use for hydrostatic testing, and water use for other operational units.

3.2.5 Solid wastes.—Describe any impacts from accumulation of solid wastes and by-products that will be produced.

3.2.6 Use of resources.—Quantify the resources necessary for operational processes; that is, water (human needs and processes); energy requirements raw products, and specialized needs. Assess the impact of obtaining and using these resources.

3.2.7 Maintenance.—Discuss the impact of maintenance programs, such as subsequent clearing or treatment of rights-of-way and hydrostatic testing and shutdowns. Discuss the potential impact of major breakdowns and shutdowns of the facilities and how service will be maintained during shutdowns.

3.2.8 Accidents and catastrophes.—Describe any impacts resulting from accidents and natural catastrophes, which might occur, and provide an analysis of the capability of the area to absorb predicted impacts.

3.3 Termination and abandonment.—Discuss the impact on land use and aesthetics of the termination and/or abandonment of facilities resulting from the proposed action.

4. Measures to enhance the environment or to avoid or mitigate adverse environmental effects.—Identify all measures which will be undertaken to enhance the environment or eliminate, avoid, mitigate, protect, or compensate for adverse and detrimental aspects of the proposed action, as described under part 3, above, including engineering planning and design, design criteria, contract specifications, selection of materials, construction techniques, monitoring programs during construction and operation, environmental tradeoffs, research and development, and restoration measures which will be taken routinely or as the need arises.

4.1 Preventative measures and monitoring.—Discuss provisions for pre- and post-monitoring of significant environmental impacts of the proposed action. Include programs for monitoring changes in operational phases. Describe proposed measures for detecting and modifying noise levels, monitoring air and water quality, inventorying key species in food chains, and detecting induced changes in the weather. Describe measures, including equipment, training procedures, and vector control measures, to be taken for protecting the health and welfare of workers and the public at the project during its construction, operation, and maintenance, including structures to exclude people from hazardous areas or to protect them during changes in operations; include sanitary and solid and liquid waste disposal facilities for workers and the public during construction and operation. Discuss measures to be undertaken to minimize problems arising from malfunctions and accidents (with estimates of probability of occurrence). Identify standard procedures for protecting services and environmental values during maintenance and breakdowns. Discuss proposed and alternative construction timetables to prevent significant environmental impacts and plans for implementation of changes whenever necessary to reduce environmental impact.

² Carriers (e.g., ticks, mosquitoes, and rodents) of diseases.

4.2 Environmental restoration and enhancement.—Discuss all measures to be taken to restore and enhance the environment, including measures for restoration, replacement, or protection of flora and fauna and of scenic, historic, archeological, and other natural values, describe measures to facilitate animal migrations and movements and to protect their life processes; describe programs for landscaping and horticultural practices; discuss programs to assist displaced families and businesses in their relocations; and describe provisions for public access to, and use of, lands and waters in the area of the proposed action.

5. Unavoidable adverse environmental effects.—Discuss all significant environmental effects which cannot be avoided by measures outlined in section 4 above.

5.1 Human resources impacted.—Indicate those human resources and values which will sustain significant, unavoidable adverse effects and discuss whether the impact will be transitory, a one-time but lasting effect, repetitive, continual, incremental, or synergistic to other effects and whether secondary adverse consequences will follow. Focus on the displacement of people by the proposed action and its local, economic, and aesthetic implications; on human health and safety; and on aesthetic and cultural values and standards of living which will be sacrificed or endangered. Where possible provide quantitative evaluations of these effects.

5.2 Uses preempted and unavoidable changes.—Discuss all significant, unavoidable environmental impacts on the land and its present use, caused by inundation, clearing, excavation and fills; losses to wildlife habitat, forests, unique ecosystems, minerals, and farmlands; effects on fish habitat and migrations; on relocation of populations and man-made facilities, such as homes, roads, highways, and trails; on historical, recreational, archeological, and aesthetic values or scenic areas.

5.3 Loss of environmental quality.—Discuss any significant, unavoidable adverse changes in the air, including dust and emissions to the air, and noise levels; impacts resulting from solid wastes and their disposal; effects on the water resources of the area, including consumptive uses.

6. Relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.—Compare the benefits to be derived from the immediate or short-term use of the environment, with and without the proposed action, and the long-term consequences of the proposed action. Actions which diminish the diversity of beneficial uses of the environment or preempt the options for future uses or needs require detailed analysis, to assure that shortsighted decisions are not made which may commit future generations to undesirable courses of actions.

6.1 Short-term uses.—Assess the local short-term uses of man's environment in terms of the proposed action's benefit to man, land use, alterations to the ecosystem, use of resources, and public health and safety.

6.2 Long-term productivity.—Discuss any cumulative long-term effects which may be caused by the proposed action in terms of

³ Duration of impacts: Short-term impacts and benefits generally are those which occur during the development and operation of a project. Long-term productivity related to an effect that remains many years (sometimes permanently), after the cause. As examples, strip mining without restoration and land inundation by reservoirs have obvious long-term effects.

land use, alterations to the ecosystem, use of resources and public health and safety.

7. Irreversible and irretrievable commitments of resources.—Discuss, and quantify when possible, any irrevocable commitments of resources which would be involved in the implementation of the proposed action.

7.1 Land features and uses.—Discuss any permanent changes in land features and/or land use.

7.2 Endangered species and ecosystems.—Assess the possibility of eliminating any endangered species or the loss or alteration of an ecosystem.

7.3 Socioeconomic considerations.—Discuss probable indirect actions (e.g., new highway systems or wastewater treatment facilities, housing developments, etc.) made economically feasible by the implementation of the proposed action that would likely be triggered and would irrevocably commit other resources under our free enterprise system. Identify the destruction of any historical, archeological, or scenic areas.

7.4 Resources lost or uses preempted.—Analyze the extent to which the proposed action would curtail the range of beneficial uses of the environment. Determine whether, considering presently known technology, the proposed use of resources or any resource extraction method would contaminate other associated resources or foreclose their usage.

7.5 Finite resources.—Indicate the irreversible and/or irretrievable resources that would be committed as a result of the proposed action, such as fossil fuels, and construction materials.

8. Alternatives to the proposed action.—Discuss the systematic procedure used to arrive at the proposed action, starting with the broadest, feasible objectives of the action and progressively narrowing the alternatives to a specific action at a specific site or right-of-way. This systematic procedure should include the decision criteria used, the information weighed, and an explanation of the conclusion at each decision point. The decision criteria must show how environmental benefits/costs, even if not quantifiable, are weighed against economic benefits/costs and technology and procedural constraints. All realistic alternatives must be discussed even though they may not be within the jurisdiction of the Commission or the responsibilities and capabilities of the applicant. Modification of the proposed action may be among the alternatives. Describe the timeliness and the environmental consequences of each alternative discussed.

8.1 Objective.—Explain the need for any proposed new energy supply.

8.2 Energy alternatives.—Discuss the potential for accomplishing the proposed objectives through energy conservation and the potential for using realistic energy alternatives, such as natural and artificial gas, oil, and coal. Also discuss realistic electric energy alternatives, such as gas, oil, coal, and nuclear fueled powerplants. Provide an analysis of environmental benefits and costs.

8.3 Sites and locations.—Discuss considerations given to alternative sites and locations. Include a description of each site, a summary of environmental factors of each site, the reasons for rejection, and an analysis of environmental benefits and costs.

8.4 Designs, processes, and operations.—Describe alternative facility designs, processes (e.g., handling of waste water and solid wastes), and/or operations that were considered and discuss the environmental consequences of each, the reasons for rejection, and an analysis of environmental benefits and costs.

8.5 No action.—Discuss the alternative of

no action with an evaluation of the consequences of this option on a national, regional, State, or local level, as appropriate. Present a brief perspective of what future use the proposed site (area) may assume if the proposed facilities are not constructed and summarize the environmental benefits and costs.

9. Permits and compliance with other regulations and codes.

9.1 Permits.—Identify all necessary Federal, regional, State and local permits, licenses and certificates needed before the proposed action can be completed, such as permits needed from State and local agencies for construction and waste discharges. Describe steps which have been taken to secure these permits and any additional efforts still required.

9.1.1 Authorities consulted.—List all authorities consulted for obtaining permits, licenses, and certificates, including zoning approvals needed to comply with applicable statutes and regulations.

9.1.2 Dates of approval.—Give dates of consultations and of any approvals received.

9.2 Compliance with health and safety regulations and codes.—Identify all Federal, regional, State, and local safety and health regulations and codes which must be complied with in the construction, maintenance, and operation of the proposed project. Also identify other health and safety standards and codes that will be complied with, such as underwriter codes and voluntary industry codes.

9.2.1 Authorities consulted.—List all authorities and professional organizations consulted in identifying pertinent regulations and codes.

9.2.2 Procedures to be followed.—Describe any specific procedures or actions that will be taken to assure compliance with each such regulation and code.

9.3 Compliance with other regulations and codes.—Identify all other Federal, regional, State and local regulations and codes which must be complied with in the construction, maintenance, and operation of the proposed project.

9.3.1 Authorities consulted.—List all authorities and professional organizations consulted in identifying pertinent regulations and codes.

9.3.2 Procedures to be followed.—Explain the specific procedures or actions that will be taken to assure compliance with each such regulation and code.

9.4 Special cases.

9.4.1 Liquefied natural gas facilities.—Provide detailed design specifications for all facilities to be used for the liquefaction, transport, storage, and regasification of liquefied natural gas. Provide information on the flammability and flame resistance of all tank lining and insulation materials. Describe all construction, maintenance, and operational procedures with particular emphasis on procedures to protect public and workers safety and health. Identify and describe all pertinent safety regulations and codes and any revisions thereto including the Department of Transportation regulations issued by the Office of Pipeline Safety as amendment 192-10 (liquefied natural gas systems) to part 192, "Transportation of Natural and Other Gas by Pipeline: Minimum Federal Safety Standards" and by the U.S. Coast Guard as 33 CFR 6.14-1 (safety measures for waterfront facilities and vessels in port), 33 CFR 124.14 (notice in advance of arrival of a vessel laden with a dangerous cargo), 33 CFR, part 125 (permits for handling of dangerous cargoes within or contiguous to waterfront facilities), and 46 CFR, subchapter D (regulations governing tank vessels). Describe detailed procedures that will be used to comply with these

safety regulations and codes. Identify all Federal, regional, State, and local government agencies that have responsibilities for assuring compliance with these construction, maintenance, and operation regulations and codes. Describe safety reporting procedures, schedules, and recipients.

9.4.2 Ancillary facilities.—Provide detailed design specifications for all ancillary facilities, owned and operated either by applicant or other parties, which will be constructed or operated in relation to the proposed project, such as processing plants and docking facilities. Describe all construction, maintenance, and operational procedures with particular emphasis on procedures to protect public and worker safety and health. Identify and describe all pertinent safety regulations and codes and describe detailed procedures that will be used to comply with these safety regulations and codes. Identify all Federal, regional, State, and local government agencies that have responsibilities for assuring compliance with these construction, maintenance, and operation regulations and codes. Describe safety reporting procedures, schedules, and recipients.

10. Source of information.

10.1 Public hearings.—Describe any public hearings or meetings held, summarize the general tenor of public comments with the proportions of proponents to those in dissent, and include any public records resulting from these meetings. Include a description of the manner in which the public was informed of the time and place of the hearings. Fully discuss efforts made for seeking constructive inputs from affected people and how their concerns were accommodated.

10.2 Other sources.—Identify all other sources of information utilized in the preparation of the environmental report, including:

10.2.1 Meetings with governmental and other entities.—List meetings held with Federal, regional, State, and local planning, commerce, regulatory, environmental and conservation entities, the subjects discussed (e.g., recreation, fish, wildlife, aesthetics, other natural resources, and values of the area, and economic development), and any environmental conclusions reached as a result of the meeting.

10.2.2 Studies conducted.—Identify the studies conducted, including those by consultants, the general nature and major findings of those studies, and the title and availability of any reports thereon.

10.2.3 Consultants.—Give the names, addresses, and professional vitae of all consultants who contributed to the environmental report.

10.2.4 Bibliography.—Provide a bibliography of the books, other publications, reports, documents, maps, and aerial photographs consulted for background information, including county land use and other planning reports. Indicate by some method, as by asterisks or numbers, those bibliographic references specifically cited in the environmental report.

10.3 Provide copies of supportive reports.—Supply at least a single copy of all technical reports prepared in conjunction with the preparation of the environmental report, such as model, heat budget, plankton, fish, and benthic sampling studies.

(C) The amendments adopted herein shall be effective June 7, 1973.

(D) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By direction of the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12049 Filed 6-18-73;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted traveltime periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1973 ed.), as amended January 26, 1973 (38 FR 2442), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

OUTSIDE METROPOLITAN AREA

THREE HOURS

Add: Watertown, Wis. (served from Milwaukee and Madison, Wis.).

(64 Stat. 561; 7 U.S.C. 2260.)

Effective date.—The foregoing amendment shall become effective June 19, 1973.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 13th day of June 1973.

J. M. HEJL,
Acting Deputy Administrator,
Veterinary Services, Animal
and Plant Health Inspection
Service.

[FR Doc.73-12134 Filed 6-18-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

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

ANTITOXICANTS AND/OR STABILIZERS FOR POLYMERS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 2B2747) filed by Argus Chemical Corp., 633 Court Street, Brooklyn, N.Y. 11231, and other relevant material, concludes that the food additive regulations (21 CFR pt. 121) should be amended, as set forth below, to provide for the safe use of 4,4'-isopropylidenediphenol alkyl (C_{12} — C_{18}) phosphites as stabilizers in the manufacture of rigid vinyl chloride plastics intended for use in contact with food, except milk, under conditions where not filled or pasteurized below 150° F and/or under storage conditions.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.2566(b) is amended by alphabetically inserting in the list of substances a new item, as follows:

§ 121.2566 Antioxidants and/or stabilizers for polymers.

Any person who will be adversely affected by the foregoing order may, at any time on or before July 19, 1973, file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

(b) List of substances:

Limitations

4,4'-Isopropylidenediphenol alkyl (C_{12} — C_{18}) phosphites; the phosphorus content is in the range of 5.2-5.6 weight percent.

For use only at levels not exceeding 1.0 percent by weight in rigid polyvinyl chloride and/or rigid vinyl chloride copolymers complying with §§ 121.2521, 121.2608, or 121.2609, and used in contact with food, except milk, only under the conditions described in § 121.2526(c), table 2, under conditions of use D through G.

Effective date.—This order shall become effective on June 19, 1973.

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

Dated June 8, 1973.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.73-12112 Filed 6-18-73;8:45 am]

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER J—RIGHT-OF-WAY AND ENVIRONMENT

PART 772—NOISE STANDARDS AND PROCEDURES

This amendment adds part 772 to the regulations of the Federal Highway Administration.

Part 772 implements 23 U.S.C. 109(h) by providing standards for highway noise levels that are compatible with different land uses for use by State highway agencies and the Federal Highway Administration in the planning and design of highways approved pursuant to title 23, United States Code. It will aid in the consideration of noise as an adverse effect under 23 U.S.C. 109(h). This part codifies policies and procedures contained in Federal Highway Administration Policy and Procedure Memorandum 90-2.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER, chapter I of title 23 of the Code of Federal Regulations is amended by adding this new part 772, "Noise Standards and Procedures."

Sec.

- 772.1 Purpose.
- 772.2 Definitions (as used in this part).
- 772.3 Noise standards.
- 772.4 Exceptions.
- 772.5 Noise level predictions.
- 772.6 Applicability.
- 772.7 Procedures.

Authority.—23 U.S.C. 109(h)-(1), 315 and 49 CFR 148(b).

§ 772.1 Purpose.

To provide noise standards and procedures for use by State highway agencies

and the Federal Highway Administration (FHWA) in the planning and design of highways approved pursuant to title 23, United States Code, and to assure that measures are taken in the overall public interest to achieve highway noise levels that are compatible with different land uses, with due consideration also given to other social, economic and environmental effects.

§ 772.2 Definitions. (As used in this part.)

(a) **Design approval.** The approval given by the Federal Highway Administration based upon a design study report and a design public hearing or opportunity therefor.

(b) **Design noise level.** The noise levels established herein for various land uses or activities to be used for determining traffic noise impacts and the assessment of the need for and type of noise abatement treatment for a particular highway section.

(c) **Design year.** The future year used to estimate the probable traffic volume to be used as one of the primary bases for the roadway design.

(d) **Developed land uses or activities.** Those tracts of land or portions thereof which contain improvements or activities devoted to frequent human use or habitation. The date of issue of a building permit (for improvements under construction or subsequently added) establishes the date of existence. Park lands in Categories A and B of Table 1 shall include all lands (public and private) which are actually used as parks on the date the highway location is approved and those public lands formally set aside or designated for such use by a governmental agency. Activities such as farming, mining, and logging are not considered developed activities. However, the associated residences could be considered as a developed portion of the tract.

(e) **Highway section.** A substantial length of highway between logical termini (major crossroads, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study.

(f) **L₁₀.** The sound level that is exceeded 10 percent of the time (the 10th percentile) for the period under consideration. This value is an indicator of both the magnitude and frequency of occurrence of the loudest noise events.

(g) **Level of service C.** Traffic conditions (used and described in the Highway Capacity Manual-Highway Research Board, Special Report 87) where speed and maneuverability are closely controlled by high volumes, and where vehicles are restricted in freedom to select speed, change lanes, or pass.

(h) **Location approval.** The approval given by the FHWA (at the request of a State highway department) based upon a location study report and a corridor public hearing or opportunity therefor.

(i) **Noise level.** The weighted sound pressure level obtained by the use of a metering characteristic and weighting A

as specified in American National Standard Specification S14-1971. The abbreviation herein used is dBA.

(j) **Operating speed.** The highest overall speed at which a driver can travel on a given highway under favorable weather conditions and under prevailing traffic conditions without at any time exceeding the safe speed as determined by the design speed on a section-by-section basis.

(k) **Project development.** Studies, surveys, coordination, reviews, approvals,

and other activities normally conducted during the location and design of a highway project.

(l) **Truck.** A motor vehicle having a gross vehicle weight greater than 10,000 pounds and buses having a capacity exceeding 15 passengers.

§ 772.3 Noise standards.

(a) The FHWA encourages application of the noise standards at the earliest appropriate stage in the project development process:

TABLE 1—DESIGN NOISE LEVEL/LAND USE RELATIONSHIPS

Land use	Design noise level—L ₁₀	Description of land use category
dBA		
A.....	60 (Exterior).....	Tracts of lands in which serenity and quiet are of extraordinary significance and serve an important public need, and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose. Such areas could include amphitheaters, particular parks or portions of parks, or open spaces which are dedicated or recognized by appropriate local officials for activities requiring special qualities of serenity and quiet.
B.....	70 (Exterior).....	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, picnic areas, recreation areas, playgrounds, active sports areas, and parks.
C.....	75 (Exterior).....	Developed lands, properties or activities not included in categories A and B of this subparagraph.
D.....	For requirements on undeveloped lands see § 772.5(a) (5) and (6).	
E.....	55 (Interior).....	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals, and auditoriums.

(b) **Design noise level/land use relationship.** The design noise levels in Table 1 of this section are to be used during project development of a highway section to determine highway traffic noise impacts associated with different land uses or activities in existence at the time of location approval. In addition, the table is to be used to determine the need for abatement measures for traffic-generated noise for developed land uses and activities in existence at the time of location approval. Exceptions to the design noise levels may be granted on certain types of highway improvements or portions thereof when the conditions outlined in paragraph (a) (2) of this section are met.

(c) The exterior noise levels apply to outdoor areas which have regular human use and in which a lowered noise level would be of benefit. These design noise level values are to be applied at those points within the sphere of human activity (at approximately ear level height) where outdoor activities actually occur.

The values do not apply to an entire tract upon which the activity is based, but only to that portion in which the activity occurs. The noise level values need not be applied to areas having limited human use or where lowered noise levels would produce little benefit. Such areas would include but not be limited to junkyards, industrial areas, railroad yards, parking lots, and storage yards.

(d) The interior design noise level in Category E of Table 1 applies to indoor activities for those situations where no exterior noise sensitive land use or activity is identified. The interior design noise level in Category E may also be considered as a basis for noise abatement measures in special situations when, in the judgment of FHWA, such consideration is in the best public interest. In the absence of noise insulating values for specific structures, interior noise level predictions may be estimated from the predicted outdoor noise level by using the following noise reduction factors:

Building type	Window condition	Noise reduction due to exterior of the structure	Corresponding highest exterior noise level which would achieve an interior design noise level of 55 dBA
		dB	dBA
All.....	Open.....	10	65
Light frame.....	Ordinary sash:		
	Closed.....	20	75
	With storm windows.....	25	80
Masonry.....	Single glazed.....	25	80
Do.....	Double glazed.....	35	90

(e) Noise reduction factors higher than those shown may be used when field measurements of the structure in question indicate that a higher value is justified.

(f) Notwithstanding the requirements and standards in paragraph (a) of this section, there may be sections of high-

ways where it would be impossible or impracticable to apply noise abatement measures. In these situations, highway agencies should weigh the anticipated noise impacts together with other effects against the need for and the scope of the project in accordance with other FHWA directives.

§ 772.4 Exceptions.

(a) The design noise levels represent the highest desirable noise level conditions. State highway departments shall endeavor to meet the design noise levels in planning, locating, and designing highway improvements. However, there may be sections of highways where it would be impracticable to apply noise abatement measures. This could occur where abatement measures would not be feasible or effective due to physical conditions, where the costs of abatement measures are high in relation to the benefits achieved, or where the measures required to abate the noise condition conflict with other important values, such as desirable esthetic quality, important ecological conditions, highway safety, or air quality.

(b) A request for an exception to the design noise levels can be approved by the FHWA provided the highway agency has supported its request by a written summary report demonstrating that the following steps have been taken and outlining the results: The decisions made pursuant to this section, must ultimately be based upon case-by-case judgment. However, every effort should be made to obtain detailed information on the costs, benefits, and effects involved to assure that final decisions are based on a systematic, consistent, and rigorous assessment of the overall public interest.

(1) Identified noise sensitive land uses along the section of highway in question which are expected to experience future highway traffic noise levels in excess of the design levels.

(2) Thoroughly considered all feasible measures that might be taken to correct or improve the noise condition.

(3) Weighed the costs or effects of the noise abatement measures considered against the benefits which can be achieved as well as against other conflicting values such as economic reasonableness, esthetic impact, air quality, highway safety, or other similar values, and thereby established that reduction of noise levels to desirable design levels is not in the best overall public interest for that particular highway section.

(4) Considered lesser measures that could result in a significant reduction of noise levels though not to the design levels, and included such partial measures in the plans and specifications to the extent that they meet the test of economic reasonableness, practicability, and impact on other values.

§ 772.5 Noise level predictions.

(a) Noise levels to be used in applying these standards shall be obtained from a predictive method approved by the FHWA. In predicting the noise levels, the following traffic characteristics shall be used:

(1) *Automotive volume.*—The future volume (adjusted for truck traffic) obtained from the lesser of the design hourly volume or the maximum volume which can be handled under traffic level of service C conditions. For automobiles, level of service C is considered to be the

combination of speed and volume which creates the worst noise conditions. For those highway sections where the design hourly volume or the level of service C condition is not anticipated to occur on a regular basis during the design year, the average hourly volume for the highest 3 hours on an average day for the design year may be used.

(2) *Speed.*—The operating speed, as defined in the Highway Capacity Manual, which corresponds with the design year traffic volume selected and the truck traffic predicted.

(3) (i) *Truck volume.*—The design hourly truck volume shall be used for those cases where either the design hourly volume or level of service C was used for the automobile volume. Where the average hourly volume for the highest 3 hours on an average day was used for automobile traffic, comparable truck volumes should be used.

(ii) There are instances where activities associated with a particular land use (such as churches, schools, and resort hotels or residences) do not coincide with design hourly volumes. State highway agencies may request approval to compute noise predictions using traffic characteristics different from those specified. Such requests should be made on a project-by-project basis and should be accompanied by a justification.

§ 772.6 Applicability.

(a) In order to be eligible for Federal aid participation, all projects to which the noise standards apply shall include noise abatement measures to obtain the design noise levels in these standards unless exceptions have been approved as provided herein.

(b) Projects to which noise standards apply: The noise standards apply to all highway projects planned or constructed pursuant to Title 23, United States Code, except projects unrelated to increased traffic noise levels, such as lighting, signing, landscaping, safety, and bridge replacement. Pavement overlays or pavement reconstruction can be considered as falling within this category unless the new pavement is of a type which produces more noise than the type replaced.

(c) Approvals to which compliance with noise standards is prerequisite:

(1) Projects for which location was approved prior to July 1, 1972: Compliance with noise standards shall not be a prerequisite to any subsequent approval provided design approval is secured prior to July 1, 1974. If design approval is not secured for such a project prior to July 1, 1974, compliance with the noise standards shall be a prerequisite to securing both design approval and approval of plans and specifications. However, such compliance shall not be a basis for requiring reconsideration of the highway location or any other approval action which has previously been taken for such projects.

(2) Projects for which location is approved on or after July 1, 1972:

(i) If location approval was requested on or before December 31, 1972, compliance with the noise standards shall be

a prerequisite to obtaining design approval and approval of plans and specifications. Compliance with the noise standards shall not be a prerequisite to obtaining location approval, nor shall such compliance be a basis for requiring reconsideration of the highway location or any other approval action which has previously been taken for such projects. Combined location and design approval shall be handled in the same manner as separate design approval.

(ii) If location approval is requested after December 31, 1972, compliance with the noise standards shall be a prerequisite to obtaining location and design approvals as well as approval of plans and specifications.

§ 772.7 Procedures.

(a) The noise standards should be implemented at the earliest appropriate stage in the project development process. These procedures have been developed accordingly:

(b) *Project development.*—A report on traffic noise will be required during the location planning stage and the project design stage. The reports may be sections in the location and design study reports, or they may be separate. The procedures for noise analysis, identification of solutions, coordination with local officials, and incorporation of noise abatement measures are as follows:

(1) *Nonapplicable projects.* If a State highway department determines that noise standards do not apply to a particular project, the requests for location approval and design approval shall contain statements to that effect, including the basis on which the State made its determination.

(2) *Noise analysis.* For applicable projects, analyses of noise and evaluation of effects are to be made during project development studies using the following general steps:

(i) Predict the highway-generated noise level as described in the standards for each alternative under detailed study.

(ii) Identify existing land uses or activities which may be affected by noise from the highway section.

(iii) By measurement, determine the existing noise levels for developed land uses or activities.

(iv) Compare the predicted noise levels with the design level values listed in the standards. Also compare the predicted noise levels with existing noise levels determined in paragraph (b) (2) (iii) of this section. These comparisons will be the basis for determining the anticipated impact upon land uses and activities.

(v) Based upon the noise impacts determined in paragraph (b) (2) (iv) of this section, evaluate alternative noise abatement measures for reducing or eliminating the noise impact for developed lands.

(vi) Identify those situations where it appears that an exception to the design noise levels will be needed. Prepare recommendations to be included in the traffic noise report. (This report may be a portion of the location and design

study reports or it may be a separate report.)

(3) *Location phase and environmental impact statement requirements.* To the extent this part is applicable to the location phase of projects, the noise report shall describe the noise problems which may be created and the plans for dealing with such problems for each alternative under detailed study. This information including a preliminary discussion of exceptions anticipated, shall be set forth in the location study report and summarized in the environmental impact statement (if one is prepared) and, as appropriate, at the location hearing. Studies and reports for highway locations approved before December 31, 1972, need not include an analysis and report on noise. In such instances, the noise analysis and report will be required only for the design approval.

(4) *Design phase requirements.* The noise analysis prepared for the location phase is to be updated and expanded using the refined alignment and design information developed during the design studies. The report on traffic noise will include a detailed analysis of the anticipated noise impact, alternative or proposed abatement measures, discussion of coordination with local officials, and recommended exceptions.

(5) *Coordination with local officials on undeveloped lands.* Highway agencies have the responsibility for taking measures that are prudent and feasible to assure that the location and design of highways are compatible with existing land use. Local governments, on the other hand, have responsibility for land development control and zoning. Highway agencies can be of considerable assistance to local officials in these efforts with a view toward promoting compatibility between land development and highways. Therefore, for undeveloped lands (or properties) highway agencies shall cooperate with local officials by furnishing approximate generalized future noise levels for various distances from the highway improvement, and shall make available information that may be useful to local communities to protect future land development from becoming incompatible with anticipated highway noise levels.

(6) *Noise abatement measures for lands which are undeveloped at time of location approval.* (i) Noise abatement measures are not required for lands which are undeveloped at the time of location approval:

(ii) For land uses or activities which develop after location approval, noise abatement measures should be considered for incorporation in the project in the following situations:

(A) It can be demonstrated that all practicable and prudent planning and design were exercised by the local government and the developer of the prop-

erty to make the activity compatible with the predicted noise levels which were furnished to the local government and especially that a considerable amount of time has elapsed between location approval and highway construction thus limiting local government's ability to maintain control over adjoining land uses.

(B) The benefits to be derived from the use of highway funds to provide noise abatement measures is determined to outweigh the overall costs.

(C) The noise abatement measures can be provided within the highway's proposed right-of-way or wider rights-of-way or easements acquired for that purpose.

(iii) There are some situations where the design noise levels should be applied to lands which are undeveloped at the time of location approval. Some of these instances occur where the development of new land uses or activities is planned at the same time as the highway location studies. Other instances occur where planning for the new development has preceded the highway location studies but the development has been delayed. These types of situations should be treated as though the land use or activity were in existence at the time of location approval provided:

(A) The State highway agency is apprised of such prior planning.

(B) The construction of the new land use or activity is started prior to highway construction or there is good reason to believe that it will start before highway construction.

(7) *Incorporation of noise abatement measures in plans and specifications.* For those projects to which the standards apply, the plans and specifications for the highway section shall incorporate noise abatement measures to attain the design noise levels in the standards, except where an exception has been granted.

(8) *Requests for exceptions.*—To the extent possible, consistent with the level of detail of the location study, identifiable exceptions should be reported in the location study report. The request for location approval shall contain or be accompanied by a request for approval of exceptions that have been identified in the location stage. Supporting material may be contained in the location study report. Subsequent requests for review and approval of additional exceptions, if any, will be similarly processed in conjunction with design approval.

(b) *Federal participation.* (1) Shifts in alignment and grade are design measures which can be used to reduce noise impacts. The following noise abatement measures may also be incorporated in a project to reduce highway-generated noise impacts. The costs of such measures may be included in projects costs.

(i) The acquisition of property rights (either in fee or a lesser interest) for providing buffer zones or for installation or construction of noise abatement barriers or devices.

(ii) The installation or construction of noise barriers or devices, whether within the highway right-of-way or on an easement obtained for that purpose.

(2) In some specific cases there may be compelling reasons to consider measures to "soundproof" structures. Situations of this kind may be considered on a case-by-case basis when they involve such public or nonprofit institutional structures as schools, churches, libraries, hospitals, and auditoriums. Proposals of this type, together with the State's recommendation for approval, shall be submitted to FHWA for consideration.

(c) *Approval authority.*—(1) *Exceptions to the design noise levels.* The FHWA Division Engineer is authorized to approve exceptions to the design noise levels and alternate traffic characteristics for noise prediction.

(2) *Noise prediction method.* Noise levels to be used in applying the noise standards shall be obtained from a prediction method approved by FHWA.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-12185 Filed 6-18-73;8:45 am]

PART 790—PUBLIC HEARINGS (CORRIDOR AND DESIGN)

Location and Design Approval; Correction

This amendment corrects 23 CFR, pt. 790, § 790.9, paragraph (f). Part 790 was published in Volume 38 of the FEDERAL REGISTER at pages 12103-12107 on May 9, 1973. Paragraph (f), appearing at page 12107 of said FEDERAL REGISTER, should be amended to read as follows:

§ 790.9 Location and design approval.

(f) The Division Engineer, under criteria promulgated by the Federal Highway Administration, may in other appropriate instances authorize the acquisition of right-of-way before a design hearing or, in exceptional cases, with the approval of the Regional Administrator, before a corridor hearing.

This amendment of regulations of the Federal Highway Administration shall take effect on June 19, 1973.

(23 U.S.C. 123 and 315; delegation of authority in 49 CFR 1.48(b).)

Issued June 13, 1973.

NORBERT T. TIEMANN,
Federal Highway Administrator.

[FR Doc.73-12203 Filed 6-18-73;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-147]

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
Pennsylvania	Lycoming	Lewis, Township of				June 14, 1973, Emergency.
Do.	Westmoreland	New Kensington, City of				Do.
Do.	Schuylkill	Pine Grove, Township of				Do.
Do.	Bucks	Springfield, Township of				Do.
Virginia	Fluvanna	Columbia, Town of				Do.

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

Issued June 7, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-12099 Filed 6-18-73;8:45 am]

[Docket No. FI-148]

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.

(24 CFR § 1914.4)

State	County	Location	Map No.	State map repository	Local map repository	of authorization of sale of flood insurance for area
Alabama	Tuscaloosa	Northport, City of				June 13, 1973, Emergency.
Maryland	Washington	Unincorporated areas.				June 18, 1973, Emergency.
Minnesota	Benton	Sank Rapids, Village of				Do.
Do.	Itasca	Unincorporated areas.				Do.
Missouri	St. Louis	Crestwood, City of				Do.

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

Issued June 11, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-12100 Filed 6-18-73;8:45 am]

[Docket No. FI-149]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

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

§ 1914.4 Status of participating communities.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
California.....	Los Angeles.....	South El Monte, City of.....	.....	.....	.....	June 15, 1973. Emergency.
Connecticut.....	Hartford.....	Windsor, Town of.....	.....	.....	.....	Do.
Kansas.....	Douglas.....	Lawrence, City of.....	.....	.....	.....	Do.
Do.....	Washington.....	Lindsborg, City of.....	.....	.....	.....	Do.
Maryland.....	Cecil.....	Unincorporated areas.....	.....	.....	.....	Do.
New York.....	Ontario.....	Cananadagua, Town of.....	.....	.....	.....	Do.

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

Issued June 8, 1973.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.73-12101 Filed 6-18-73;8:45 am]

Title 40—Protection of Environment

CHAPTER 1—ENVIRONMENTAL PROTECTION AGENCY

PART 51—REQUIREMENTS FOR PREPARATION, ADOPTION AND SUBMITTAL OF IMPLEMENTATION PLANS

Requests for 1-Year Postponement

Section 110(f) of the Clean Air Act, 42 U.S.C. 1857c-5(f), provides that the Governor of a State may request EPA to postpone for 1 year the time allowed to specific pollution sources for compliance with applicable requirements of an EPA approved implementation plan. The act imposes no restriction on the time at which such requests may be filed except that it be prior to the time compliance is required. If the Administrator finds, after a formal hearing, that four specified conditions have been met, he is authorized to grant the postponement.

EPA regulations, promulgated on August 14, 1971 (36 FR 15486, 15494), provided that the formal hearing which section 110(f) requires would not be held "earlier than 1 year in advance of the prescribed date for compliance with any such portion(s) of the control strategy." This provision was included because it was believed that deferring the time for action upon any request would enable all parties to consider the need for the postponement in light of the latest available information. That judgment, in some cases has proved to cause uncertainty in the process of establishing compliance schedules. Sources which believe that a compliance schedule specified in the implementation plan is so unrealistic that relief under section 110(f) would

be justified are not able to seek such relief because of the procedural bar to requests which EPA's regulation has raised. Thus, sources and States are subject to an unreasonable restriction upon effective negotiations on certain compliance schedules.

Accordingly, the Agency is today revoking the second sentence of 40 CFR 51.32(d). Notice of proposed rulemaking has been omitted for the following reasons:

1. The change affects a rule of agency procedure or practice which because of 5 U.S.C. 553(b) is not subject to the requirement of proposal. The substantive standards for granting a section 110(f) extension remain those set forth in the section; this amendment merely addresses the time for filing.

2. Even if the rule were characterized as substantive, it is the Agency's judgment that good cause exists for publishing it without notice, since the change is not likely to be of interest or concern to any persons except those who will benefit from its promulgation. Therefore, a notice of proposed rulemaking is "unnecessary" within the meaning of 5 U.S.C. 553(b).

The revocation approved today will take effect on June 19, 1973. The requirement of 5 U.S.C. 553(d) that rules be published 30 days before their effective date only applies to "substantive" rules, while this action is procedural, and does not apply to rules which relieve a restriction even if they are substantive.

In 40 CFR 51.32(d), the second sentence, reading, "No such hearing will be held earlier than 1 year in advance of the

prescribed date for compliance with any such portion(s) of the control strategy," is revoked.

(Sec. 301(a) of the Clean Air Act, as amended, 42 U.S.C. 1857g(a).)

Dated June 14, 1973.

ROBERT W. FRI,
Acting Administrator.

[FR Doc.73-12142 Filed 6-18-73;8:45 am]

Title 45—Public Welfare

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

PART 144—NATIONAL DEFENSE STUDENT LOAN PROGRAM

Apportionment of Appropriations

Under the Education Amendments of 1972 (Public Law 92-318), the national defense student loan program authorized by title II of the National Defense Education Act of 1958 (20 U.S.C. 421-429), was permitted to expire, and in its place the Congress provided for a new part E of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087aa-1087ff). While the new program known as the national direct student loan program retains intact the major structure of the previous program, some substantial revisions were made; one of them being the method for the apportionment of funds among the States. Section 144.3(a) deals with that change.

Part 144 of title 45 of the Code of Federal Regulations is amended as follows:

1. Section 144.2(a) is amended to read as follows:

§ 144.2 Definitions.

(a) *Act*.—"Act" means the National Defense Education Act of 1958, as amended, 20 U.S.C. 421-429. The "Act," for purposes of § 144.3, means part E of title IV of the Higher Education Act of 1965, as amended, 20 U.S.C. 1087aa-1087ff.

2. Section 144.3(a) is revised to read as follows:

§ 144.3 Allotment and reallocation of Federal capital contributions.

(a) *Allotment*.—From 90 percent of the sums appropriated for Federal capital contributions pursuant to section 461 (b) (1) of the Act for any fiscal year, the Commissioner will apportion to each State an amount which bears the same ratio to the total amount so appropriated as the number of persons enrolled on a fulltime basis in institutions of higher education in such State bears to the total number of such persons so enrolled in all the States. If the amount so apportioned to any State is less than its allotment under section 202(a) of the National Defense Education Act of 1958 for fiscal year 1972, additional sums shall then be apportioned to each such State from the remaining 10 percent of the sums appropriated pursuant to section 461(b) (1) to make its apportionment for such year equal to its allotment for fiscal year 1972 under section 202(a). (The table set forth as appendix A indicates the amounts apportioned to each State under such section 202(a) for the fiscal year ending June 30, 1972.) In the event that the funds available are insufficient to meet that level, the Commissioner will instead apportion the remaining 10 percent of the sums appropriated so that no State will receive less than a uniform minimum percentage of its fiscal year 1972 allotment under section 202(a).

(2) The Commissioner will apportion the sums remaining, after the apportionment of funds under paragraph (a) (1) of this section, to those States which received the lowest percentage of approved requests for Federal capital contributions as a result of the apportionment under paragraph (a) (1) of this section so that no State will receive less than a uniform minimum percentage of its total approved requests for Federal capital contributions.

(20 U.S.C. 1087bb.)

3. Appendix A is added to read as follows:

APPENDIX A

Alabama	\$4,329,888
Alaska	143,019
Arizona	3,025,951
Arkansas	2,457,919
California	30,963,291
Colorado	4,163,216
Connecticut	3,790,537
Delaware	663,468
District of Columbia	2,167,676
Florida	7,872,683
Georgia	4,919,980
Hawaii	1,137,046
Idaho	1,220,847

APPENDIX A—Continued

Illinois	\$14,264,322
Indiana	7,496,071
Iowa	5,075,628
Kansas	4,125,849
Kentucky	4,117,819
Louisiana	4,863,504
Maine	1,175,287
Maryland	4,453,186
Massachusetts	10,510,277
Michigan	12,724,387
Minnesota	6,340,123
Mississippi	3,292,103
Missouri	6,686,416
Montana	1,233,084
Nebraska	2,719,537
Nevada	443,641
New Hampshire	1,228,222
New Jersey	5,036,568
New Mexico	1,570,800
New York	23,755,497
North Carolina	6,796,494
North Dakota	1,339,610
Ohio	13,598,996
Oklahoma	4,489,951
Oregon	3,944,044
Pennsylvania	14,293,876
Rhode Island	1,501,312
South Carolina	2,631,093
South Dakota	1,322,457
Tennessee	5,330,199
Texas	15,388,640
Utah	2,076,511
Vermont	901,213
Virginia	4,928,348
Washington	5,811,589
West Virginia	2,695,336
Wisconsin	7,300,992
Wyoming	578,575
Canal Zone	19,503
Guam	50,368
Puerto Rico	2,114,959
Virgin Islands	18,082
Total	286,000,000

(Catalog of Federal Domestic Assistance Program No. 13.471, National Defense Student Loans.)

Effective date.—This revision is effective on July 19, 1973.

Dated June 4, 1973.

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

Approved June 12, 1973.

FRANK CARLUCCI,
Acting Secretary of Health,
Education, and Welfare.

[FR Doc.73-12051 Filed 6-18-73;8:45 am]

PART 175—COLLEGE WORK STUDY PROGRAM

Allotment and Allocation of Appropriations

The Education Amendments of 1972 (Public Law 92-318) amended the method of allotment of funds among the States for the college work-study program. Section 175.3 of the regulations deals with that change. Section 175.3a changes the method of allocating funds among institutions within each State when funds available for distribution to such institutions are not sufficient to honor all approved requests. Such sums as are available will be distributed to institutions on a pro rata basis rather than in accordance with the adjusted gross income of the families of students attending such institutions. This change

was made as a result of the passage of the Education Amendments of 1972 (Public Law 92-318).

Part 175 of title 45 of the Code of Federal Regulations is amended as follows:

1. Section 175.3 is amended to read as follows:

§ 175.3 Allotment of Federal funds to States.

(a) *Initial allotments*.—From sums appropriated to carry out this part for a fiscal year, not to exceed 2 percent will be allotted by the Commissioner among Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands, according to their respective needs for assistance under this part. In addition to such sum, an amount will be reserved to provide work-study assistance to students who reside in, but attend eligible institutions outside of, American Samoa or the Trust Territory of the Pacific Islands. The amount so reserved will be allotted to eligible institutions and shall be available only for the purpose of providing work-study assistance to such students. The remainder of the sums will be allotted among the States as provided in paragraph (b) of this section. For the purpose of computing this allotment, the Commissioner will use information for the most recent year for which satisfactory data are available to him.

(b) (1) *Initial allotment to States*.—Ninety percent of the sums remaining after the allotment of funds under paragraph (a) of this section will be allotted as follows:

(i) One-third will be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of persons enrolled on a full-time basis in institutions of higher education in such State bears to the total number of persons enrolled on a full-time basis in institutions of higher education in all the States;

(ii) One-third will be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of high school graduates (as defined in section 103(d) (3) of the Higher Education Facilities Act of 1963) of such State bears to the total number of such high school graduates in all the States; and

(iii) One-third will be allotted by the Commissioner among the States so that the allotment to each State under this clause will be an amount which bears the same ratio to such one-third as the number of related children under 18 years of age living in families with annual incomes of less than \$3,000 in such State bears the number of related children under 18 years of age living in families with annual incomes of less than \$3,000 in all the States.

(2) If the amount allotted to any State under paragraph (b) (1) of this section is

less than its allotment under section 442 (b) of title IV, part C, of the Higher Education Act of 1965 for fiscal year 1972, additional sums will be allotted to each such State from the sums remaining to make its allotment for such year equal to its allotment for fiscal year 1972 under section 442(b). (The table set forth as appendix A indicates the amounts allotted to each State under such section 442(b) for the fiscal year ending June 30, 1972.) In the event that the funds available are insufficient to meet that level, the Commissioner will instead allot the remaining sums so that no State will receive less than a uniform minimum percentage of its fiscal year 1972 allotment under section 442(b).

(3) The Commissioner will allot the sums remaining, if any, after the allotment of funds under paragraph (a) and paragraphs (b) (1) and (b) (2) of this section, to those State(s) which received the lowest percentage of approved requests for funds as a result of the allotment under paragraphs (b) (1) and (b) (2) of this section so that no State will receive less than a uniform minimum percentage of its total approved requests for funds.

(c) *Reallotment.*—The amount of any State's allotment which has not been granted to any institution at the end of the fiscal year for which appropriated will be reallotted by the Commissioner to those remaining States which received the lowest percentage of approved requests for funds under paragraph (b) of this section in such a manner that no State will receive less than a uniform minimum percentage of its total approved requests for funds. Amounts reallotted under this paragraph shall be available for making grants until the close of the fiscal year next succeeding the fiscal year for which appropriated.

(d) For purposes of paragraphs (b) and (c) of this section, the term "State" does not include Puerto Rico, Guam, American Samoa, the Trust Territory of the Pacific Islands, and the Virgin Islands.

(42 U.S.C. 2752.)

2. Section 175.3a is revised to read as follows:

§ 175.3a Allocation of funds to institutions.

Where funds available for distribution among the institutions within a State for use in fiscal year 1974 are not sufficient to honor all approved requests of institutions within such State, such sums as are available will be distributed on a pro rata basis among all institutional applicants in the State in the same ratio that the total funds available for the State, including both allotments and reallotments, bears to the total approved requests for that State.

(42 U.S.C. 2756.)

3. Appendix A is added to read as follows:

APPENDIX A

Alabama	\$5,802,379
Alaska	222,401

APPENDIX A—Continued

Arizona	\$2,163,160
Arkansas	3,357,696
California	19,625,311
Colorado	2,643,202
Connecticut	2,537,476
Delaware	520,542
District of Columbia	1,110,472
Florida	6,830,771
Georgia	6,390,308
Hawaii	796,559
Idaho	899,577
Illinois	10,371,320
Indiana	5,396,896
Iowa	3,925,939
Kansas	2,844,022
Kentucky	4,770,515
Louisiana	5,759,805
Maine	1,156,396
Maryland	3,549,625
Massachusetts	5,863,354
Michigan	9,157,777
Minnesota	4,773,195
Mississippi	4,885,174
Missouri	5,420,293
Montana	933,670
Nebraska	2,015,607
Nevada	335,527
New Hampshire	767,114
New Jersey	5,111,397
New Mexico	1,548,112
New York	16,923,121
North Carolina	8,181,440
North Dakota	1,067,895
Ohio	10,424,770
Oklahoma	3,522,127
Oregon	2,401,584
Pennsylvania	12,087,462
Rhode Island	995,991
South Carolina	4,483,023
South Dakota	1,185,126
Tennessee	5,964,544
Texas	14,171,730
Utah	1,532,910
Vermont	613,709
Virginia	5,005,999
Washington	3,641,590
West Virginia	2,934,188
Wisconsin	5,012,671
Wyoming	416,528
Outlying areas ¹	4,748,000
Total	237,400,000

¹Outlying areas include Puerto Rico, Virgin Islands, Guam, American Samoa, and Trust Territory of the Pacific Islands.

(Catalog of Federal Domestic Assistance Program No. 13, 463, Higher Education Work-Study.)

Effective date.—This revision is effective on July 19, 1973.

Dated June 4, 1973.

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

Approved June 12, 1973.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

[FR Doc.73-12062 Filed 6-18-73;8:45 am]

PART 176—SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANT PROGRAM

Apportionment and Allocation of Appropriations

Chapter I of title 45 of the Code of Federal Regulations is amended by adding a new part 176 concerning the supplemental educational opportunity grant program. Section 176.3, Apportionment

and reapportionment, and § 176.4, Allocation, payment and reallocation of funds to institutions, are set forth below. The entire part will be published in the near future.

The Education Amendments of 1972 (Public Law 92-318) authorized a new program, the supplemental educational opportunity grant program. Section 176.3 sets out the method of apportionment and reapportionment of funds among the States required by the program statute. Section 176.4 sets forth the method of allocating and reallocating funds among institutions within each State, i.e., on a pro rata basis when funds available for distribution are not sufficient to honor all approved requests.

Sec.
176.3 Apportionment and reapportionment.
176.4 Allocation, reallocation, and payment of funds to institutions.

Appendix A.

AUTHORITY.—20 U.S.C. 1070b-3.

§ 176.3 Apportionment and reapportionment.

(a) *Initial grant—apportionment.*—
(1) From 90 percent of the sums appropriated for making initial grants for the supplemental educational opportunity grant program for any fiscal year, the Commissioner will apportion to each State an amount which bears the same ratio to such sums as the number of persons enrolled full time and the full-time equivalent of the number of persons enrolled part time in institutions of higher education in such State bears to the total number of such persons enrolled in all the States. If the amount so apportioned to any State is less than its allotment under the first sentence of section 401(b) of the Higher Education Act (20 U.S.C. 1061(b)) for fiscal year 1972, additional sums will be apportioned to each such State from the remaining 10 percent of the sums appropriated for initial grants, to make its apportionment for such year equal to its allotment for fiscal year 1972 under the first sentence of section 401(b). (The table set forth as appendix A indicates the amounts allotted to each State under the first sentence of section 401(b) for the fiscal year ending June 30, 1972.) In the event that the funds available are insufficient to meet that level, the Commissioner will instead apportion the remaining 10 percent of the sums appropriated for initial grants so that no State will receive less than a uniform minimum percentage of its fiscal year 1972 allotment under the first sentence of section 401(b).

(2) The Commissioner will apportion the sums remaining for initial grants, after making the apportionments of funds specified in paragraph (a) (1) of this section, to those State(s) which received the lowest percentage of approved requests for funds for initial grants as a result of the apportionment under subparagraph (a) (1) of this section, so that no State will receive less than a uniform minimum percentage of its total approved requests for funds for initial grants.

(b) *Initial grants—reapportionment.*—The amount of any State's apportionment under subsection (a) which exceeds the total amount of approved requests for funds for initial grants of the institutions of higher education in that State will be reapportioned among the remaining States in such a manner that no State will receive less than a uniform minimum percentage of its total approved requests for funds for initial grants.

(c) *Continuing grants—apportionment.*—The Commissioner will apportion the sums appropriated for continuing grants for the supplemental educational opportunity grant program among the States in such a manner so that each State will receive the same percentage of the total of its approved requests for funds for continuing grants.

(d) *Continuing grants—reapportionment.*—Any funds apportioned under paragraph (c) of this section which are later determined by the Commissioner to be in excess of the total amount required by any State for continuing grants will be reapportioned among the remaining States in such a manner as the Commissioner determines will best achieve the purpose of the program.

(e) *Initial program year.*—For the purpose of this section and § 176.4, during the first year of the implementation of the supplemental educational opportunity grant program, funds are available only for initial grants.

(20 U.S.C. 1070b-3)

§ 176.4 Allocation, reallocation and payment of funds to institutions.

(a) *Allocation of funds to institutions.*—When funds available for distribution among the institutions within a State for initial grants are not sufficient to honor all approved requests of institutions within such State, such sums as are available will be distributed on a pro rata basis among all institutional applicants in the State in the same ratio that the total funds available for the State, including both apportionments and reapportionments, bears to the total approved requests for that State. Similarly when funds available for distribution among the institutions within a State for continuing grants are not sufficient to honor all approved requests of institutions within such State, such sums as are available will be distributed on a pro rata basis among all institutional applicants in the State in the same ratio that the total funds available for the State, including both apportionments and reapportionments, bears to the total approved requests for that State.

(b) *Reallocation of funds.*—Funds allocated to an institution for initial grants which the institution anticipates will not be used by the end of the period for which such funds were made available may be reallocated on an equitable basis to other institutions in that State, or if no institution in that State has a need for such funds, such funds may be re-

apportioned in accordance with § 176.3 for use in other States. Similarly funds allocated to an institution for continuing grants which the institution anticipates will not be used by the end of the period for which such funds were made available may be reallocated on an equitable basis to other institutions in that State, or if no institution in that State has a need for such funds, such funds may be reapportioned in accordance with § 176.3 for use in other States.

(c) *Payment of funds.*—Funds will be made available for both initial and continuing grants for a specific period of time as determined by the Commissioner and may be payable in advance or by way of reimbursement on the basis of substantiated need and periodic fiscal reports submitted by the institution.

(20 U.S.C. 1070b-3.)

3. Appendix A reads as follows:

APPENDIX A

Alabama	\$1, 136, 295
Alaska	37, 532
Arizona	794, 102
Arkansas	645, 033
California	8, 125, 711
Colorado	1, 092, 555
Connecticut	994, 752
Delaware	174, 114
District of Columbia	568, 864
Florida	2, 066, 032
Georgia	1, 291, 155
Hawaii	298, 396
Idaho	320, 388
Illinois	3, 743, 393
Indiana	1, 967, 198
Iowa	1, 331, 999
Kansas	1, 082, 749
Kentucky	1, 080, 641
Louisiana	1, 276, 332
Maine	308, 431
Maryland	1, 168, 652
Massachusetts	2, 758, 217
Michigan	3, 339, 267
Minnesota	1, 663, 842
Mississippi	863, 948
Missouri	1, 754, 719
Montana	323, 599
Nebraska	713, 689
Nevada	116, 425
New Hampshire	322, 323
New Jersey	1, 321, 749
New Mexico	412, 226
New York	6, 234, 166
North Carolina	1, 783, 607
North Dakota	351, 555
Ohio	3, 568, 791
Oklahoma	1, 178, 300
Oregon	1, 035, 037
Pennsylvania	3, 751, 149
Rhode Island	393, 990
South Carolina	690, 479
South Dakota	347, 053
Tennessee	1, 398, 807
Texas	4, 038, 448
Utah	781, 127
Vermont	236, 506
Virginia	1, 293, 349
Washington	1, 525, 138
West Virginia	707, 338
Wisconsin	1, 916, 003
Wyoming	151, 836
Guam	13, 218
Puerto Rico	555, 030
Virgin Islands	4, 745
Total	75, 050, 000

Effective date.—This regulation is effective on July 19, 1973.

Dated June 4, 1973.

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

Approved June 12, 1973.

FRANK CARLUCCI,
Acting Secretary of Health,
Education, and Welfare.

[FR Doc. 73-12053 Filed 6-18-73; 8:45 am]

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 72-27; notice 2]

PART 567—CERTIFICATION

PART 568—VEHICLES MANUFACTURED IN TWO OR MORE STAGES

Certification and Labeling of Altered Vehicles

This notice establishes certification and labeling responsibilities for persons who alter "completed vehicles" after their certification as conforming to applicable motor vehicle safety standards. The requirements are based on those proposed in a notice of proposed rule-making published October 25, 1972 (37 FR 22800).

Under the new requirements, a person who alters a completed vehicle, other than by the attachment, substitution, or removal of "readily attachable components," will be required to ascertain conformity to all applicable standards as of any date between the manufacture date of the completed vehicle and the manufacture date of the altered vehicle. That person will be required to affix a label (leaving the certification label in place) that identifies the alterer, the date of alteration, the date as of which conformity is determined, and any changes the alteration produces in either gross weight ratings or vehicle classification. A person who does not alter the vehicle, or who adds, substitutes, or removes only readily attachable components will be required to leave the certification label in place, but will not be required, unless the alteration invalidates the stated weight ratings, to provide an additional label. Distributors who do not alter the vehicle, or who alter it using only readily attachable components and do not invalidate the stated weight ratings will meet the certification requirements by leaving the certification label in place. The requirements will place persons who alter completed vehicles on the same basis as final-stage manufacturers, by allowing the former to choose as the date by which vehicle conformity is determined any date between the date on which the completed vehicle is manufactured and the date on which the vehicle is altered. Under previously existing statutory and regulatory provisions,

alterers of vehicles were required to use only the date of completion of the altered vehicle as the date by which conformity could be determined.

General Motors, Truck Body & Equipment Association, and Stutz Motor Car of America supported the proposal without qualification. Other comments generally approved the proposal with some suggested changes.

Several comments argued that the limiting concept of "readily attachable components", the addition, removal, or substitution of which does not create a requirement to affix a label, should not include "mirrors or tire-and-rim assemblies", as the language appears in §§ 567.6 and 567.7, and 568.8. It was argued that these items directly affect the vehicle's conformity to the standards or the weight ratings, and should therefore not be alterable without, in effect, a recertification by the alterer. It was variously suggested that explicit inclusion of these items as examples of readily attachable components might cause a safety problem, a false certification, or a misleading of persons such as dealers as to their responsibilities under the act and the standards.

The NHTSA does not accept these arguments. The provisions for alteration of vehicles, like the larger certification scheme of which they are a part, are intended to reflect the realities of manufacture and distribution. It is a fact that the substitution of tires by a dealer takes place in a fraction of all vehicle sales. Moreover, a large proportion of the components that are in fact frequently altered at the dealer level are directly affected by standards: mirrors, tires, rims, lighting accessories, bumper guards and attachments, windshield wipers and washers, hubcaps and wheel nuts, seatbelts, and interior components such as air conditioners or radios that come within the head impact area, to name a few. If these items were not included in the concept of readily attachable components, for which an alteration label is not required, it is safe to say that virtually every dealer in the country would be affixing labels to many of the vehicles he sold.

It was not the intent of this agency to create such a manifold expansion of labeling requirements. The altered-vehicle label is designed primarily to reach those cases where a completed vehicle is significantly altered, in a manner, and with components, not provided by the original manufacturer. The substitution or addition of parts such as tires, rims, and mirrors is a routine aspect of typical vehicle distribution systems, and the cost burden of affixing a permanent label to the vehicle has not been found to be justified in that situation. For these reasons the language of the regulation has in these respects been retained as proposed.

The requirement to keep a vehicle in conformity to the standards and the weight ratings applies throughout the chain of distribution regardless of any labeling requirements, and this agency

has no intent of downgrading the importance of that requirement. The comments did reveal a justifiable concern of manufacturers for situations where the vehicle might be altered, as by substitution of tires, in a way that its stated weight ratings are no longer valid. Also, there may well be cases where a customer wants a vehicle to have lighter components for its intended purpose, and would accept lowered weight ratings. To deal with these cases, language has been added to §§ 567.6 and 567.7, and 568.8, to require the affixing of an alteration label whenever any type of alteration is made that would invalidate the stated weight ratings.

American Motors and Jeep argued that requiring alterers to certify conformity discriminates against manufacturers' dealers. They pointed out that dealers, who generally alter vehicles before sale, are required to maintain conformity, while aftermarket installers of equipment, because the additions they make are to "used" vehicles, need not. They suggested that "special add-on accessories" be excepted from the requirements, that a new category of "special motorized equipment" be created to which some of the standards would not apply, that equipment standards be issued to cover aftermarket installers, and that highway safety program standards prohibit the alteration of vehicles such that they would not conform to the standards. These comments are not, in the view of this agency, within the scope of the rulemaking. Requests of this nature should be submitted as petitions for rulemaking, with supporting data, in accordance with the procedures of 49 CFR, part 553.

British Leyland suggested that an exemption to the labeling requirements be made for persons installing accessories which the original vehicle manufacturer makes available, and whose installation he knows will not affect vehicle conformity. The NHTSA expects that most accessories meeting this description will be readily attachable within the sense of the regulation, and no further labeling in these cases will be required. It should be noted that the category of "readily attachable components" cannot be sharply defined, and in any marginal case the NHTSA will accept the reasonable judgment of the parties concerned, especially where the original manufacturer and the alterer are in agreement. In cases where components of this type are not found to be readily attachable, the burden on the alterer to determine that the alteration does not destroy conformity is minimized, leaving him with essentially no more than the attachment of the alterer label.

Certain comments pointed out that while proposed §§ 567.7 and 568.8 are not limited in their application to distributors, that limitation had been retained in § 567.6. The comments suggested that, as §§ 567.7 and 568.8 applied to dealers, § 567.6 should likewise so apply. The substance of the suggestion has

been adopted in the final rule, by modifying § 567.6 to apply to any person.

The Recreation Vehicle Institute (RVI) suggested that manufacturers of completed vehicles be required to supply a document when requested by a vehicle alterer, similar to that provided final-stage manufacturers, that advises alterers how to achieve or retain conformity. This suggestion has not been adopted. If a vehicle manufacturer wishes to provide information on the alteration of his vehicles, he of course may do so. Once a completed, certified vehicle has been produced, however, the NHTSA does not believe it reasonable to require manufacturers to provide persons who might alter that vehicle with additional certification information. The requirement to provide information concerning incomplete vehicles (pt. 568) is founded on the fact that an incomplete vehicle manufacturer has marketed his vehicles with the express intent of having them completed by other persons. This is not the case with completed vehicles.

RVI also suggested that the regulation specifically provide that alterers be allowed to base their conclusions as to conformity on the original certification. The NHTSA does not consider such a provision to be meaningful. The extent to which the alterer's conformity assurance may be based on the original certification depends entirely on what the alterer does to the vehicle, which is a fact peculiarly within his knowledge.

Certain comments suggested that compliance with the requirements be permitted before the specified effective date. The NHTSA believes this request to be meritorious. Alterers will be able to conform to existing requirements or to those issued by this notice at any time up to the effective date.

Effective date: February 1, 1974. However, persons who alter vehicles may at any time before that date conform to the provisions issued in this notice in lieu of existing provisions of 49 CFR Parts 567 and 568.

In light of the above, the following amendments are made to 49 CFR Parts 567 and 568.

1. Section 567.6 is amended, and a new § 567.7 is added, to read:

§ 567.6 Requirements for persons who do not alter certified vehicles or do so with readily attachable components.

A person who does not alter a motor vehicle or who alters such a vehicle only by the addition, substitution, or removal of readily attachable components such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, in such a manner that the vehicle's stated weight ratings are still valid, need not affix a label to the vehicle, but shall allow a manufacturer's label that conforms to the requirements of this part to remain affixed to the vehicle. If such a person is a distributor of the motor vehicle, allowing the manufacturer's label to

remain affixed to the vehicle shall satisfy the distributor's certification requirements under the act.

§ 567.7 Requirements for persons who alter certified vehicles.

A person who alters a vehicle that has previously been certified in accordance with § 567.4 or § 567.5, other than by the addition, substitution, or removal of readily attachable components such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, or who alters the vehicle in such a manner that its stated weight ratings are no longer valid, before the first purchase of the vehicle in good faith for purposes other than resale, shall allow the original certification label to remain on the vehicle, and shall affix to the vehicle an additional label of the type and in the manner and form described in § 567.4, containing the following information:

(a) The statement: "This vehicle was altered by (individual or corporate name) in (month and year in which alterations were completed) and as altered it conforms to all applicable Federal Motor Vehicle Safety Standards in effect in (month, year)." The second date shall be no earlier than the manufacturing date of the original vehicle, and no later than the date alterations were completed.

(b) If the gross vehicle weight rating or any of the gross axle weight ratings of the vehicle as altered are different from those shown on the original certification label, the modified values shall be provided in the form specified in §§ 567.4(g) (3) and (4).

(c) If the vehicle as altered has a different type classification from that shown on the original certification label, the type as modified shall be provided.

2. A new § 568.8 is added to read:

§ 568.8 Requirements for persons who alter certified vehicles.

A person who alters a vehicle that has been previously certified in accordance with § 567.4 or § 567.5, other than by the addition, substitution, or removal of readily attachable components such as mirrors or tire and rim assemblies, or minor finishing operations such as painting, or who alters the vehicle in such a manner that its stated weight ratings are no longer valid, before the first purchase of the vehicle in good faith for purposes other than resale, shall ascertain that the vehicle as altered conforms to the standards in effect on the original date of manufacture of the vehicle, the date of final completion, or a date between those two dates. That person shall certify that the vehicle conforms to all applicable standards in accordance with § 567.7 of this chapter.

(Secs. 103, 112, 114, 119, Public Law 89-563, 80 Stat. 718; 15 U.S.C. 1392, 1401, 1403, 1407; delegation of authority at 38 FR 12147.)

Issued on June 13, 1973.

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

[FR Doc.73-12177 Filed 6-18-73;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC-37 (sub-No. 23)]

PART 1048—COMMERCIAL ZONES

Cleveland, Ohio, Commercial Zone

Order.—At a session of the Interstate Commerce Commission, Review Board No. 2, held at its office in Washington, D.C., on the first day of June 1973.

Chamber of Commerce seek redefinition. It appearing, that on March 23, 1948, the Commission, Division 5, made and entered its report, 48 M.C.C. 95, 97, in this proceeding specifically defining the zone adjacent to and commercially a part of Cleveland, Ohio, and that this definition was further modified by order of September 6, 1962;

It further appearing, that by joint petitions, filed January 8, 1973, the city of Mentor, Ohio, and the Mentor, Ohio, Chamber of Commerce seek redefinition and extension in certain respects of the Cleveland, Ohio, commercial zone limits;

And it further appearing, that investigation of the matters and things involved in said petition having been made, and said Board having made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby made a part hereof:

It is ordered, That § 1048.22 as prescribed in this proceeding on September 6, 1962, be, and it is hereby, vacated and set aside, and the following revision is hereby substituted in lieu thereof:

§ 1048.22 Cleveland, Ohio.

The zone adjacent to and commercially a part of Cleveland, Ohio, within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage to or from a point beyond the zone is partially exempt from regulation under section 203(b) (8) of the Interstate Commerce Act (49 U.S.C. 303 (b) (8)) includes and it is comprised of all as follows:

(a) All points in Cuyahoga County, Ohio, and

(b) All points in Wickliffe, Willoughby Hills, Waite Hill, Willoughby, Willowick, Eastlake, Lakeline, Timberlake, and Mentor, Lake County, Ohio.

(49 Stat. 543, as amended 544, as amended 546, as amended, 49 U.S.C. 302, 303, 304.)

It is further ordered, That this order shall become effective on August 1, 1973, and shall continue in effect until further notice of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Review Board No. 2.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.73-12165 Filed 6-18-73;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER I—FEDERAL PROCUREMENT REGULATIONS

[Federal Procurement Regulations, Temporary Regulation 32]

PART 1-1—GENERAL

Economic Stabilization Program

1. *Purpose.*—This regulation prescribes a price stabilization certification.

2. *Effective date.*—This regulation is effective June 19, 1973.

3. *Expiration date.*—This regulation will continue in effect until 11:59 p.m., e.s.t., August 12, 1973, or such other termination date as may be specified for Executive Order 11723, dated June 13, 1973.

4. *Background.*—FPR Temporary Regulation 31, April 19, 1973, prescribed a notice and price certifications for use in all solicitations other than small purchases which replaced the notices and price certifications prescribed by previous temporary regulations. On June 13, 1973, Executive Order 11723, imposed a comprehensive freeze on the prices of all commodities and services offered for sale except the prices charged for raw agricultural products. The order provides as follows:

Effective 9:00 p.m., e.s.t., June 13, 1973, no seller may charge to any class of purchaser and no purchaser may pay a price for any commodity or service which exceeds the freeze price charged for the same or a similar commodity or service in transactions with the same class of purchaser during the freeze base period.

The freeze base period means (a) the period June 1 to June 8 1973, or (b) in the case of the seller who had no transactions during that period, the nearest preceding 7-day period in which he had a transaction. In view of the changes which have been made in the economic stabilization program, continuation of FPR Temporary Regulations 24 and 31 are no longer appropriate.

5. *Explanation of changes.*—a. Section 1-1.321 is revised to prescribe a price stabilization certification. As revised the section reads as follows:

§ 1-1.321 Stabilization of prices.

(a) Each solicitation for commodities or services issued after the effective date of this regulation shall include, to the extent practicable, the certification prescribed by this section. Where contracts for commodities or services are awarded without reference to a solicitation, the certification prescribed by this section, to the extent practicable, shall be included in the contract.

PRICE STABILIZATION CERTIFICATION

The bidder or offeror (Contractor) certifies that he is in compliance with the price stabilization requirements of Executive Order 11723, dated June 13, 1973, and amendments thereof, and the regulations of the

Cost of Living Council as set forth in title 6, Code of Federal Regulations, part 140, or any additions or revisions to title 6.

(b) Where an offeror fails to execute the certification, such failure shall not be deemed to render the bid nonresponsive. In the event of such a failure, the offeror shall be given an opportunity to correct the omission.

(c) Where price analyses are made in accordance with §§ 1-2.407-2 and 1-3.807-2, any suspected violation shall be reported to the Internal Revenue Service through agency channels.

6. *Effect on other issuances.*—FPR Temporary Regulations 24, dated February 22, 1972, and 31, dated April 19, 1973, are canceled.

ARTHUR F. SAMPSON,
Acting Administrator
of General Services.

JUNE 15, 1973.

[FR Doc.73-12364 Filed 6-18-73; 9:45 am]

PART 29-1 GENERAL

Subpart 29-1.4—Procurement Responsibility and Authority

Revision of Subpart

The purpose of this amendment is to incorporate Secretary's orders 6-73 and 8-73 into the Department of Labor Procurement Regulations. These orders change the delegation of contracting officer authority within the Department of Labor.

Since these changes are procedural in character and reflect delegations already in effect, notice of proposed rulemaking and delay in the effective date is not necessary. Accordingly, these amendments shall be effective June 19, 1973.

Subpart 29-1.4 of title 41, Code of Federal Regulations is revised to read as follows:

Subpart 29-1.4—Procurement Responsibility and Authority

Sec
29-1.400 Scope of subpart.
29-1.401 Responsibility of the head of the procuring activity.

AUTHORITY.—63 Stat. 389, 80 Stat. 379; 5 U.S.C. 301, 40 U.S.C. 486(c).

§ 29-1.400 Scope of subpart.

This subpart deals with the procurement responsibility and authority of the head of the agency as defined in § 29-1.204, and also the head of the procuring activity and contracting officer, the selection of the latter, their designation and the degree and manner with which procurement authority is delegated to them and their right of redelegation.

§ 29-1.401 Responsibility of the head of the procuring activity.

(a) *First tier delegation.*—In the DOL, contracting officer authority and procurement responsibility have been delegated from the Secretary of Labor through the Assistant Secretary for Administration and Management only to the following officials or officers acting in their behalf:

(1) The Assistant Secretary for Manpower;

(2) The Assistant Secretary for Occupational Safety and Health;

(3) The Deputy Under Secretary for International Labor Affairs;

(4) The Commissioner of Labor Statistics;

(5) The Associate Assistant Secretary for Organization Management and Personnel;

(6) The Associate Assistant Secretary for Systems Development and Administrative Services;

(7) Regional Directors.

(b) *Delegation and limitations.*—The exercise of the delegations noted in paragraph (a) of this section may be further redelegated by these officers and are described as follows:

(1) *The Assistant Secretary for Manpower*, or an officer acting in that capacity, is assigned responsibility for the procurement of program-oriented property and services, except for those excluded under paragraph (b) (7) of this section, required to fulfill the statutory and regulatory responsibilities delegated to the Assistant Secretary for Manpower.

(2) *The Assistant Secretary for Occupational Safety and Health*, or an officer acting in that capacity, is assigned responsibility for issuance of grant agreements with States and for reimbursement to States, pursuant to section 7(c) (1) of the Occupational Safety and Health Act of 1970 (Public Law 91-596, 84 Stat. 1590), for services, facilities, and personnel of the States required to fulfill the statutory and regulatory responsibilities imposed on the Assistant Secretary for Occupational Safety and Health.

(3) *Deputy Under Secretary for International Affairs*, or an officer acting in that capacity, is assigned responsibility for procurement of property and services, except those excluded under paragraph (b) (7) of this section, required for execution of international programs, including those under the Foreign Assistance Act of 1961, as amended, required to fulfill the statutory and regulatory responsibilities delegated to the Deputy Under Secretary for International Labor Affairs.

(4) *The Commissioner, Bureau of Labor Statistics*, or an officer acting in that capacity, is assigned responsibility for:

(i) Procurement of statistical and economic research services, except for those excluded under paragraph (b) (7) of this section, required to fulfill the statutory and regulatory responsibilities delegated to the Commissioner, Bureau of Labor Statistics.

(ii) Sale of special statistics developed by the Bureau of Labor Statistics in accordance with 29 U.S.C. 9.

(5) *The Associate Assistant Secretary for Organization Management and Personnel*, or an officer acting in that capacity, is assigned responsibility for procurement of books, newspapers, and periodicals and other printed, filmed, or recorded library materials necessary to support national office library activities.

(6) *Regional Directors* are assigned responsibility for procurement of audit services for contracts and grants issued pursuant to Manpower Administration programs.

(7) *The Associate Assistant Secretary for Systems Development and Administrative Services*, or an officer acting in that capacity, is assigned responsibility for procurement of all property and services required for the operation of Department of Labor, including all imprest fund purchases and the purchase of advertising, except for those procurement responsibilities delegated to other officials in paragraphs (b) (1), (2), (3), (4), (5), and (6) of this section.

(63 Stat. 389, 80 Stat. 379; 5 U.S.C. 301, 40 U.S.C. 486(c).)

Signed at Washington, D.C. on this 13th day of June 1973.

FRED G. CLARK,
Assistant Secretary for
Administration and Management.

[FR Doc.73-12146 Filed 6-18-73; 8:45 am]

PART 29-1—GENERAL

PART 29-3—GENERAL POLICIES

Miscellaneous Amendments

The following miscellaneous amendments are of an editorial nature and are made to bring the Department of Labor Procurement Regulations up to date, except the second amendment which increases the small business set-aside amount from \$500,000 to \$750,000, to coincide with Small Business Administration policy, and except for a procedural change in reporting by this Department in the third amendment.

Under the circumstances, notice of proposed rulemaking is not necessary. As these changes are editorial in character, or conform to Small Business Administration policy, or require action only by Department of Labor personnel, I find there is good cause for making these changes effective immediately, and they are hereby made effective, June 19, 1973.

Chapter 29 of title 41 of the Code of Federal Regulations is amended as follows:

1. Section 29-1.405 is revised to read as follows:

§ 29-1.405 Ratification of unauthorized contract awards.

Except in compliance with the ratification limitation of § 1-1.405 of this title, no liability shall be incurred by the Government as a result of any individual's entry into any informal or unauthorized arrangement for the reimbursement of a contractor's precontract or anticipatory costs, even if such costs were incurred by the contractor while "proceeding at the contractor's own risk," until the occurring of some contingency, e.g., "subject to the availability of funds."

2. Section 29-1.706-54 is revised to read as follows:

§ 29-1.706-54 Small business set-asides for proposed procurement.

(a) Each proposed procurement for construction estimated to cost between \$2,500 and \$750,000 shall be set aside for exclusive small business participation. Such set-asides shall be considered to be unilateral small business set-asides, and shall be withdrawn, in accordance with the procedures of §§ 1-1.706-3 of this title and 29-1.706-53, only if found not to serve the best interest of the Government.

3. Section 29-1.709 is revised to read as follows:

§ 29-1.709 Records and reports.

(a) A semiannual small business report shall be prepared by each procuring activity in accordance with § 1-16.804-3 of this title and shall be forwarded to the Associate Assistant Secretary for Financial Management, Office of the Assistant Secretary for Administration, Attention: AAB, not later than the 25th day following the end of the 6-month and 12-month periods covered respectively by the report.

(b) Each report shall state in the "Remarks" portion the total dollar value of contracts awarded during the report period pursuant to section 8(a) of the Small Business Act and § 29-1.713 and § 1-1.713 of this title. This information shall be reported in addition to the requirements of §§ 1-16.804-3 through 1-16.804-5 of this title and the instruction on the reverse of Standard Form 37, Report Procurement by Civilian Executive Agencies.

4. Section 29-3.204-50 is revised to read as follows:

§ 29-3.204-50 Criteria for determining whether services are personal.

For purposes of applying the prohibition against personal services, the contracting officer shall make his determinations on a case-by-case basis. In so doing, he shall apply the circumstances of a particular case to the general criteria in this § 29-3.204-50. In determining whether services being procured are "personal" in nature, not all the criteria need be present in a particular case to justify the barring of a proposed procurement as being in violation of the proscription against personal services procurement.

(63 Stat. 389, 80 Stat. 379; 5 U.S.C. 301, 40 U.S.C. 486(c).)

Signed at Washington, D.C., on this 13th day of June 1973.

FRED G. CLARK,
Assistant Secretary for
Administration and Management.

[FR Doc. 73-12144 Filed 6-18-73; 8:45 am]

CHAPTER XXIX—DEPARTMENT OF LABOR

PART 29-1 GENERAL

PART 29.3—GENERAL POLICIES

Updating of Titles of Officials

Secretary's order 22-71 made organizational changes, including changes in the titles of officials in the Department of Labor. The amendments in this document change the titles of officials to conform to Secretary's order 22-71. For example, the title of the Assistant Secretary for Administration is changed to Assistant Secretary for Administration and Management.

Since these changes are procedural in nature, reflecting titles currently in use, notice of proposed rulemaking and delay in the effective date are not necessary. Accordingly, these amendments shall be effective June 19, 1973.

Chapter 29 of title 41, Code of Federal Regulations, is revised to read as follows:

1. The term Assistant Secretary for Administration is hereby changed to read Assistant Secretary for Administration and Management wherever it appears in this chapter.

2. The term Deputy Assistant Secretary for Administration is hereby changed to read Deputy Assistant Secretary for Administration and Management wherever it appears in this chapter.

§ 29-1.5004 Amended.

3. In § 29-1.5004(a) the term Office of Administrative Services, Office of the Assistant Secretary for Administration, Attention: ASP, is hereby changed to read, Associate Assistant Secretary for Systems Development and Administrative Services, and the term Office of Financial and Management Systems, Attention: MBMR, is changed to read, Office of National Projects.

§ 29-3.604-50 Amended.

4. In § 29-3.604-50(a) the term Director, Office of Administrative Services, OASA, is hereby changed to read, Deputy Assistant Secretary for Administration and Management.

§ 29-3.809-50 Amended.

5. In § 29-3.809-50 the term Associate Assistant Secretary for Administration, is hereby changed to read, Associate Assistant Secretary for Program Review and Audit.

Signed at Washington, D.C., on this 13th day of June 1973.

FRED G. CLARK,
Assistant Secretary for
Administration and Management.

[FR Doc. 73-12143 Filed 6-18-73; 8:45 am]

Title 22—Foreign Relations

CHAPTER I—DEPARTMENT OF STATE

SUBCHAPTER G—INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE

[Dept. Reg. 108.688]

PART 61—PAYMENTS TO AND ON BEHALF OF PARTICIPANTS IN THE INTERNATIONAL EDUCATIONAL AND CULTURAL EXCHANGE PROGRAM

Per Diem Change

The regulations governing International Educational and Cultural Exchange are revised to provide increased per diem to participants who come to the United States to observe, consult, demonstrate special skills, or engage in specialized programs. Accordingly, paragraph (c), § 61.3 of title 22 of the Code of Federal Regulations is revised to read as follows:

§ 61.3 Grants to foreign participants to observe, consult, demonstrate special skills, or engage in specialized programs.

(c) *Per diem allowances.*—Per diem allowance not to exceed \$35 in lieu of subsistence expenses while participating in the program in the United States, its territories or possessions, and while traveling within or between the United States, its territories or possessions, and States, its territories or possessions: *Provided, however, That, in accordance with standards and procedures prescribed from time to time by the Assistant Secretary of State for Educational and Cultural Affairs, a per diem allowance of not to exceed \$45 may be established in the case of participants whose status and position require special treatment; And provided further, That the Assistant Secretary of State for Educational and Cultural Affairs may in the case of any particular participant authorize a per diem allowance in excess of \$45. The participant shall be considered as remaining in a travel status during the entire period covered by his grant unless otherwise designated.*

(Sec. 4, 63 Stat. 111, as amended, 75 Stat. 527-538; 22 U.S.C. 2658, 2451 note.)

Effective date.—This revision is effective July 1, 1973.

For the Secretary of State.

[SEAL] CURTIS W. TARR,
Acting Deputy Under Secretary
for Management.

[FR Doc. 73-12173 Filed 6-18-73; 8:45 am]

Title 7—Agriculture
SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

[Amendment 6]

PART 6—IMPORT QUOTAS AND FEES

Subpart—Section 22 Import Quotas

LICENSING REGULATIONS

Import Regulation 1, Revision 5, as amended, is further amended to add a new paragraph to provide for the temporary transfer of licensees' quota shares to countries of origin other than as specified in their licenses and for adjustments during a calendar year of the country quotas for an article for which import licenses are required by part 3 of the appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) when it is determined that the quota quantity for such article from any specified country is not likely to be entered from such country. The subpart, section 22 import quotas, of part 6, subtitle A of title 7, is further amended by adding a new § 6.33 which reads as follows:

§ 6.33 Adjustment of countries of origin.

(a) Any person to whom a license has been issued for an article, upon submission of proof satisfactory to the Administrator or his designee that said licensee will be unable to obtain his quota share of such article from the country of origin specified in such license, may be authorized to obtain his quota of such article from other countries specified in part 3 of the appendix to the Tariff Schedules of the United States as countries of origin for such article.

(b) To the extent it is determined that quantities of articles are not likely to be entered from any particular country of origin during a calendar year, the quota for such country will be reduced for such article for such year and the quotas for other countries of origin for such article shall be increased for such year. In making such adjustment, due account shall be given to the proportion of such articles supplied by such other countries of origin during the respective representative periods and to any special factors which may have affected or may be affecting the trade in the articles concerned.

(c) Information concerning inability to import from particular countries of origin should be sent to the Chief, Import Branch, Foreign Agricultural Service, U.S. Department of Agriculture, Washington, D.C. 20250.

The foregoing amendment shall be effective June 18, 1973. Since the action taken herewith involves foreign affairs functions of the United States, this amendment falls within the foreign affairs exception to the notice and effective date provisions of 5 U.S.C. 553.

(Sec. 3, 62 Stat. 1248, as amended, 7 U.S.C. 624; part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202)

Issued at Washington, D.C. this 18th day of June, 1973.

RAYMOND A. IOANES,
 Administrator,
 Foreign Agricultural Service.

[FR Doc.73-12365 Filed 6-18-73;10:15 am]

Title 15—Commerce and Foreign Trade

CHAPTER III—DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER B—EXPORT REGULATIONS
 [13th General Revision of the Export Regulations (Amendment 56)]

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

PART 373—SPECIAL LICENSING PROCEDURES

Miscellaneous Amendments

(50 U.S.C. App. §§ 2402(2) (B), 2403(b), and 22 U.S.C. § 287C.)

RAUER H. MEYER,
 Director,
 Office of Export Control.

Effective date.—The amendments to §§ 372.11(e) (5), 372.12(a), 373.2(e) (1) (i), 373.2(e) (2) (i), 373.2(e) (4), and 373.3(k), and the deletions of the commodities from supplement No. 1 to part 373 are effective June 19, 1973. The commodities that are added to supplement No. 1 to part 373 are effective June 26, 1973; and the amendments to §§ 373.3(g), 373.3(h) (2), and 373.3(m) are effective July 1, 1973.

1. Amendments of project licenses.—Previous requests to extend the validity period of an expiring project license were submitted on form FC-957, supported by form FC-988 and by a statement of requirements submitted in accordance with the provisions of § 373.2(c) (2). Existing project licenses may now be extended every other renewal period by means of form IA-763, supported by the following certification:

I (We) certify that all the facts and intentions set forth in our previous application remain the same, except (enter the word "none," or specify the changes).

Also, any addition of new consignees be supported by a statement of ultimate consignee in support of project license application, form DIB-620 or FC-988; and new estimated dollar amounts for exports during the requested extension period must be furnished. As previously, the extension will be valid for a period of 2 years unless a 1-year validity period is requested.

As a result of this revision, form FC-957 will no longer be needed for project license extension since complete new applications must be submitted in accordance with § 373.2(c) in those years when extension by form IA-763 is not allowed.

2. Extension of distribution licenses.—Previously, an expiring distribution license could only be extended by submitting a complete new license application, supported by the appropriate form FC-1143 and by a certification that the facts

on the previously submitted comprehensive narrative statement continue to be correct except for any noted changes. An expiring distribution license may now, however, be extended every other renewal period by means of form IA-763, supported by the following certification:

I (We) certify that all the facts and intentions set forth in our previously submitted comprehensive narrative statement remain the same, except (enter the word "none," or specify the changes).

In addition, each new consignee to be added to the license must be documented by the submission of a form FC-1143, and new estimated dollar amounts for shipments during the extended validity period must be furnished. The extension will be valid for a period of 2 years unless a 1-year validity period is requested.

In those years when extension of the validity period of an expiring distribution license may not be effected by means of form IA-763, complete new applications must be submitted in accordance with the provisions of § 373.3(d) (3).

3. Distribution license reporting requirements.—Effective July 1, 1973, the current reporting requirements for shipments made under the distribution license procedure will be simplified by eliminating the monthly reports previously submitted to the Office of Export Control which will substitute therefor a computerized system of monitoring shipments made under this special license procedure in the same manner as individual license shipments are now monitored. Under this simplified procedure, distribution license holders will be required to place a licensing symbol in the lower portion of column 10 of each shipper's export declaration covering a shipment made against their license. This licensing symbol will consist of the current distribution license number (without the alphabetical suffix which will be eliminated under this procedure), a blank space, and then a three-digit numerical designation identifying the licensee's approved consignee to whom the shipment is being made. These consignee numbers will be assigned by the Office of Export Control, and each distribution license holder will be advised of the number assigned to each approved consignee prior to July 1, 1973.

As a result of this simplified procedure, the method of reporting exports for which Swiss blue import or Yugoslav end-use certificates are required also is revised so that completed certificates or copies of partially used certificates shall now be submitted with a cover sheet identifying the month of complete or partial shipment. Partial shipments made after the certificates are transmitted to the Office of Export Control shall continue to be reported monthly by letter, giving the certificate number, the quantities and

dates of any such partial shipments made against the certificate during the month, and the balance remaining unused at the end of the month. However, the previous requirement of reporting shipments made to approved Swiss consignees who stock commodities for ultimate reexport to other approved consignees in other countries without the issuance of a Swiss blue import certificate is rescinded.

4. *Revision of supplement No. 1 to part 373; commodities excluded from project, distribution and service supply licensing procedures.*—A. *Commodities no longer excluded from certain special licensing procedures.*—The list of commodities excluded from the project license, distribution license, and service supply license procedures is revised to delete the following commodities:

692(1) and 6989(2)—Containers, jacketed only, for the storage or transportation of liquefied gases at temperatures below 274° F (minus 170° C), including mobile units, specially designed for (a) liquid fluorine; (b) liquid oxygen, nitrogen, or argon, with (i) multilaminar type insulation under vacuum, or (ii) other types of insulation and (1) having a fixed storage capacity of 500 tons or more, or (2) having a mobile capacity exceeding 1,200 gallons (4,542 l) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F (24° C) without exposure to direct sunlight; or (c) liquefied gases boiling at temperatures below minus 328° F (minus 200° C), with (i) multilaminar type insulation under vacuum, or (ii) other types of insulation, having a liquid capacity of more than 250 gallons (946 l) and an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F (24° C) without exposure to direct sunlight.

7191(3)—Cryogenic refrigeration equipment specially designed for maintaining ambient temperatures below minus 170° C and (a) designed for use in Marine, airborne, or space application, (b) ruggedized for mobile ground use or (c) designed to maintain operating temperatures for electrical, magnetic, or electronic equipment or components; and specially designed parts, n.e.c.

7191(4)—Cryogenic refrigeration equipment consisting of, or containing as components thereof, jacketed containers for the storage or transportation of liquefied gases at temperatures below minus 274° F (minus 170° C), including mobile units, specially designed for: (a) Liquid fluorine; (b) liquid oxygen, nitrogen, or argon, with (i) multilaminar type insulation under vacuum, or (ii) other types of insulation and; (1) Having a fixed storage capacity of 500 tons or more, or (2) having a mobile capacity exceeding 1,200 gal (4,542 l) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F (24° C) without exposure to direct sunlight; or (c) liquefied gases boiling at temperatures below minus 328° F (minus 200° C) with (i) multilaminar type insulation under vacuum, or (ii) other types of insulation, having a liquid capacity of more than 250 gal (946 l) and an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F (24° C) without exposure to direct sunlight; and specially designed parts, n.e.c. As a result of this revision, the above commodities may now be exported under the project distribution, and service supply licensing procedures.

B. *Additions to the list of commodities excluded from certain special licensing procedures.*—The list of commodities excluded from the Project License, Distribution License, and Service Supply License procedures is revised to add the following commodities:

3(6)—Cutting fluids and compounds containing 95 percent or more of trichlorotrifluoroethane (R-113) or dichlorotetrafluoroethane (R-114).

512(16)—Trichlorotrifluoroethane (R-113); dichlorotetrafluoroethane (R-114); and solvents or mixtures containing 95 percent or more of either.

59(18)—Solvents or mixtures, n.e.c., containing 95 percent or more of trichlorotrifluoroethane (R-113) or dichlorotetrafluoroethane (R-114).

As a result of this revision, the above commodities may no longer be exported under the project, distribution, or service supply licensing procedures. Accordingly, §§ 372.11(e) 5, 372.12(a), 373.2(e) (1) (i), 373.2(e) (2) (ii), 373.2(e) (4), 373.3 (g), 373.3(h) (2), 373.3(k), 373.3(m) and supplement No. 1 to part 373 are amended as set forth below.

1. In § 372.11(e), paragraph 5 is amended to read as follows:

§ 372.11 Amending Export Licenses.

(e) *Changes that may be made by amendment.* * * *

(5) Extension of the validity period of the license except for an export license authorized under the emergency clearance provisions of § 372.4(h); a distribution license (see § 373.3(k)); a time limit license (see § 373.6(d) (1)); or a service supply license (see § 373.7(n)).

2. In § 372.12, paragraph (a) is amended to read as follows:

§ 372.12 Special provisions for an amendment to extend the validity of a license.

(a) *Time for submitting requests.*—A license may request an extension of the validity period if his export license will expire before shipment can be made. However, requests for extensions of the following types of licenses will not be granted and a new license application is required: Periodic requirements license; time limit license; service supply license; or export license authorized under the emergency clearance provisions of § 372.4 (h). An extension request shall be submitted sufficiently in advance of the expiration date of the license to permit the Office of Export Control to use regular mail in notifying the licensee of the amendment action before the license would otherwise expire. If unusual circumstances make it impossible for the licensee to request an extension before the normal expiration date, such a request will be considered if received within one month after the expiration date shown on the license. If a license does not meet the above qualifications, a new license application shall be submitted in accordance with paragraph (d) of this section.

1. In § 373.2(e), paragraphs (1) (i), (2) (i), and (4) are amended to read as set forth below.

§ 373.2 Project license.

(e) *Extensions and amendments of project license.*

(1) *Amendments.*

(i) *Form to use.*—Requests to extend an existing project license shall be submitted on Form IA-763, Request for and Notice of Amendment Action, every other renewal period, supported by the following certification:

I (We) certify that all the facts and intentions set forth in our previous application remain the same, except (enter the word "none", or specify the changes).

Also, the addition of new consignees, must be supported by a Statement by Ultimate Consignee in Support of Project License Application, Form DIB-620 or FC-988; and new estimated dollar amounts of shipments for the extended validity period must be furnished. This extension will be valid for a period of 2 years unless a 1 year validity period is requested. In those years when extension by means of form IA-763 is not allowed, complete new applications must be submitted in accordance with the provisions of § 373.2(c) (2).

(2) *Amendments.*—(i) *Form to use.*—

All requests for amendment shall be submitted on form IA-763 in the usual manner (see § 372.11), including those requests to extend the validity period during every other renewal period (see § 373.2(e) (1) (i) above).

In those years when extension by form IA-763 is not allowed, requests to amend expiring project license by extending the validity period must be submitted on a complete new application in accordance with the provisions of § 373.2(c) (2).

(4) *Action by Office of Export Control on extensions or amendments to project licenses.*—(i) *Approval.*—When a request to amend or extend a project license is approved, the form FC-419 or IA-763 will be validated as described in §§ 372.11 and 372.12 and a copy returned to the licensee. The approved form will show any changes that may have been made in the licensee's request, or any special conditions that may have been added.

(ii) *Rejection.*—When a request for extension is rejected, the original of form FC-419 or IA-763 will be held in the Office of Export Control; the duplicate and triplicate copies will be returned to the applicant. The reason for rejection will be given, either on form IA-204A, Notification of Rejection of Export License Application, or by letter.

2. In § 373.3, paragraphs (g), (h) (2), and (k) are amended to read as set forth below and paragraph (m) is deleted.

§ 373.3 Distribution license.

(g) *Reexports.*—Commodities and technical data exported under a project license may be reexported between ultimate consignees covered by the terms of the project license without obtaining

specific approval from the Office of Export Control.

(h) *Export clearance.* * * *

(2) *Shipper's Export Declaration.*—As set forth in the standard instructions for preparing shipper's export declarations, the validated license number must be shown on the declaration. In the case of a distribution license, the license number is prefixed by the letter "V" (see § 373.3(e)(1)(ii) above). Although the distribution license may describe the commodities in broad terms, commodity descriptions on the declaration shall be specific. The description shall (i) conform to the applicable commodity control list description, and (ii) incorporate any additional information where required by schedule B; for example, the type, size, or name of the specific commodity.

(k) *Amendment of license.*—If the exporter desires to add a new consignee or if the amount licensed under a distribution license proves insufficient to meet his requirements, he may file a new form FC-1143 and/or request an increase in the value authorized for export at any time during the validity period of the license. A request for amendment shall be submitted on form IA-763, Request for and Notice of Amendment Action (see supp. S-4 for facsimile of form), in accordance with the provisions of § 372.11 of this chapter. An amendment request for the addition of a new consignee shall be supported by form FC-1143, unless the new consignee is a foreign government agency as defined in § 375.2(b)(2)(iv) of this chapter. If the new consignee is a foreign government agency, this fact shall be entered in the "Amend license to read as follows" space on the form IA-763. An amendment request to extend the validity period of an existing distribution license shall be submitted on form IA-763,

every other renewal period, supported by the following certification:

I (We) certify that all the facts and intentions set forth in our previously submitted comprehensive narrative statement remain the same, except (enter the word "none", or specify the changes).

In addition, any new consignees added to the license must be documented by submitting a form FC-1143, and new estimated dollar amounts for the extended validity period must be furnished. This extended validity period will be of 2-year duration unless a 1-year period is specifically requested. In those years when renewal by form IA-763 will not be allowed, complete new applications must be submitted in accordance with the provisions of § 373.3(d)(3).

(m) [Deleted]

(3) Supplement No. 1 to part 373—Commodities excluded from certain special license procedures, is amended as set forth below.

The following commodities are deleted:

692(1) and 6989(2)—Containers, jacketed only, for the storage or transportation of liquefied gases at temperatures below 274° F (−170° C), including mobile units, specially designed for (a) liquid fluorine; (b) liquid oxygen, nitrogen, or argon, with (i) multilaminar type insulation under vacuum, or (ii) other types of insulation and (1) having a fixed storage capacity of 500 tons or more, or (2) having a mobile capacity exceeding 1,200 gal (4,542 l) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F (24° C) without exposure to direct sunlight; or (c) liquefied gases boiling at temperatures below −328° F (−200° C), with (i) multilaminar type insulation under vacuum, or (ii) other types of insulation, having a liquid capacity of more than 250 gal (946 l) and an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F (24° C) without exposure to direct sunlight.

7191(3)—Cryogenic refrigeration equipment specially designed for maintaining ambient temperatures below −170° C and (a) designed for use in marine, airborne, or space application, (b) ruggedized for mobile ground use or (c) designed to maintain operating temperatures for electrical, magnetic, or electronic equipment or components; and specially designed parts, n.e.c.

7191(4)—Cryogenic refrigeration equipment consisting of, or containing as components thereof, jacketed containers for the storage or transportation of liquefied gases at temperatures below −274° F (−170° C), including mobile units, specially designed for (a) liquid fluorine; (b) liquid oxygen, nitrogen, or argon, with (i) multilaminar type insulation under vacuum, or (ii) other types of insulation and (1) having a fixed storage capacity of 500 tons or more, or (2) having a mobile capacity exceeding 1,200 gal (4,542 l) and an evaporation loss rate of less than 1.5 percent per day as determined at an ambient temperature of 75° F (24° C) without exposure to direct sunlight; or (c) liquefied gases boiling at temperatures below −328° F (−200° C) with (i) multilaminar type insulation under vacuum, or (ii) other types of insulation, having a liquid capacity of more than 250 gal (946 l) and an evaporation loss rate of less than 3 percent per day as determined at an ambient temperature of 75° F (24° C) without exposure to direct sunlight; and specially designed parts, n.e.c.

The following commodities are added:

3(6)—Cutting fluids and compounds containing 95 percent or more of trichlorotrifluoroethane (R-113) or dichlorotetrafluoroethane (R-114).

512(16)—Trichlorotrifluoroethane (R-113); dichlorotetrafluoroethane (R-114); and solvents or mixtures containing 95 percent or more of either.

59(18)—Solvents or mixtures, n.e.c., containing 95 percent or more of trichlorotetrafluoroethane (R-114).

[FR Doc.73-12363 Filed 6-18-73;9:43 am]

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR, Part 921]

FRESH PEACHES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Notice of Proposed Rulemaking With Respect to Approval of Expenses and Fixing of Rate of Assessment for the 1973-74 Fiscal Period

This notice invites comment relative to the expenses and rate of assessment which the Washington Fresh Peach Marketing Committee has recommended for the 1973-74 season to cover local administration of the marketing agreement and Order 921. The amount of proposed expenses are \$7,790, and the proposed rate of assessment is \$0.80 per ton.

Consideration is being given to the following proposals submitted by the Washington Fresh Peach Marketing Committee, established under the marketing agreement, as amended, and Order No. 921, as amended (7 CFR, pt. 921), regulating the handling of fresh peaches grown in designated counties of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

§ 921.213 Expenses and rate of assessment.

(1) That expenses that are reasonable and likely to be incurred by the Washington Fresh Peach Marketing Committee, during the period April 1, 1973, through March 31, 1974, will amount to \$7,790; and

(2) The rate of assessment for such period, payable by each handler in accordance with § 921.41 be fixed at \$0.80 per ton of fresh peaches.

Terms used in the marketing agreement, as amended, and order, as amended, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, room 112, Administration Building, Washington, D.C. 20250, not later than June 27, 1973. All written submissions made pursuant to this notice will be made available for public inspection at the office of the

hearing clerk during regular business hours (7 CFR 1.27(b)).

Dated June 13, 1973.

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

[FR Doc.73-12136 Filed 6-18-73;8:45 am]

DEPARTMENT OF LABOR

Manpower Administration

[20 CFR, Part 602]

PUBLIC EMPLOYMENT OFFICES

Minimum Wage Rates

Pursuant to section 1184 of title 8, United States Code, § 214.2(h) of title 8, Code of Federal Regulations, and Secretary's Order No. 20-71, I hereby propose to amend 20 CFR 602.10b(a)(1) as set forth below.

The "adverse effect" rates, which the proposed amendment would revise, are the hourly minimum wage rates which an employer must offer to U.S. workers in order to be eligible to apply for alien workers. The rates are usually revised annually to reflect changing economic conditions in each State wherein a significant number of nonimmigrant alien workers are employed.

Any person interested in this proposal may file a written statement of data, views, or arguments regarding it with the Manpower Administrator, U.S. Department of Labor, Washington, D.C. 20210, on or before July 5, 1973.

As amended, subparagraph (1) of paragraph (a) in 20 CFR 602.10b would read as follows:

§ 602.10b Wage rates.

(a) (1) Except as otherwise provided in this section the following hourly wage rates (which have been found to be the rates necessary to prevent adverse effect upon U.S. workers) shall be offered to agricultural workers in accordance with § 602.10a(j):

State:	Rate
Connecticut	\$2.12
Maine	2.12
Massachusetts	2.15
New Hampshire	2.32
New York	2.20
Rhode Island	2.09
Vermont	2.26
Virginia	2.07
West Virginia	1.95

(8 U.S.C. 1184, 8 CFR 214.2(h), Secretary's Order No. 20-71.)

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

W. H. KOLBERG,
Assistant Secretary for Manpower.
[FR Doc.73-12145 Filed 6-18-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR, Part 110]

[CGD 73-125P]

BALTIMORE HARBOR, MD.

Proposed Anchorage Grounds

The Coast Guard is considering amending the anchorage regulations by reducing the size of Anchorage No. 6 in the Patapsco River as described in § 110.158(a)(6). Reducing the size of the anchorage will allow unobstructed access from Fort McHenry Channel to a four-berth container and general cargo terminal being constructed at the Dundalk Marine Terminal.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander (mps), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Va. 23705. Each person submitting comments should include his name and address, identify the notice (CGD 73-125P), and give any reasons for any recommended change in the proposal. Copies of all submissions received will be available for examination by interested persons at the office of the Commander (mps), Fifth Coast Guard District.

The Commander, Fifth Coast Guard District will forward any comments received before July 20, 1973, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed to amend part 110 of title 33 of the Code of Federal Regulations by revising § 110.158(a)(6) to read as follows:

§ 110.158 Baltimore Harbor, Md.

(a) * * *

(6) Anchorage No. 6, general anchorage.—In the Patapsco River approximately 2,000 yards west of Sollers Point beginning at latitude 39°13'47.8" N.,

longitude 76°32'25" W.; thence north-easterly to latitude 39°14'02" N., longitude 76°32'02.9" W.; thence south-easterly to latitude 39°13'34" N., longitude 76°31'33.5" W.; thence south-westerly to latitude 39°13'20" N., longitude 76°31'56" W.; thence north-westerly to the point of beginning. No vessel with a draft of more than 20 feet may use this general anchorage. No vessel may remain in this anchorage for more than 72 hours without a written permit from the Captain of the Port.

(Sec. 7, 38 Stat. 1053, as amended; sec. 6(g) (1)(A), 80 Stat. 937; (33 U.S.C. 471) (49 U.S.C. 1655(g) (1)(A)); 49 CFR 1.46(c) (1), 33 CFR 1.05-1(c) (1).)

Dated June 12, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.73-12171 Filed 6-18-73; 8:45 am]

[33 CFR, Part 110]

[CGD 73-126P]

OYSTER BAY, N.Y.

Proposed Special Anchorage Areas

The Coast Guard is considering amending the anchorage regulations to establish a special anchorage area in Oyster Bay Harbor, N.Y. The area is extensively used as a moorage for small craft, and the establishment of a special anchorage area would enhance the safety of vessels operating in the area. The area will be administered by the harbor master of the town of Oyster Bay. In special anchorage areas vessels under 65 feet in length are not required to carry or exhibit anchor lights, and the areas are for the general use of the public.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander, Third Coast Guard District, Governors Island, New York, N.Y. 10004. Each person submitting comments should include his name and address, identify the notice (CGD 73-126P) and give any reasons for any recommended change in the proposal.

Copies of all submissions received will be available for examination by interested persons at the Office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District will forward any comments received before July 20, 1973, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed to amend part 110 of title 33 of the Code of Federal Regulations by adding a new § 110.60(u-2) to read as follows:

§ 110.60 Port of New York and vicinity.

(u-2) Harbor of Oyster Bay, Oyster Bay, N.Y. The water area north of the town of Oyster Bay enclosed by a line beginning on the shoreline at latitude 39°52'35.5" N., longitude 73°32'17" W.; thence to latitude 39°52'59.5" N., longitude 73°32'18" W.; thence to latitude 39°53'00" N., longitude 73°30'53" W.; thence to latitude 39°52'39" N., longitude 73°30'54" W.; thence to the shoreline at latitude 39°52'25" N., longitude 73°31'18" W.; thence following the shoreline to the point of beginning.

NOTE.—An ordinance of the town of Oyster Bay, N.Y., prescribes rules for anchoring in this special anchorage area.

(Sec. 1, 30 Stat. 98, as amended; sec. 6(g) (1)(B), 80 Stat. 937; (33 U.S.C. 180) (49 U.S.C. 1655(g) (1)(B)), 49 CFR 1.46(c) (2).)

Dated June 12, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.73-12170 Filed 6-18-73; 8:45 am]

[33 CFR, Part 110]

[CGD 73-124P]

POTTS HARBOR, MAINE

Proposed Special Anchorage Areas

The Coast Guard is considering amending the anchorage regulations to establish a special anchorage area in Potts Harbor, near South Harpswell, Maine. The proposed anchorage area is located off the east side of Basin Point. This anchorage is needed to eliminate congestion and for the safety of small craft navigating the area. In special anchorage areas vessels under 65 feet in length are not required to carry or exhibit anchor lights.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments to the Commander, First Coast Guard District, J. F. Kennedy Federal Building, Government Center, Boston, Mass. 02203. Each person submitting comments should include his name and address, identify the notice (CGD 73-124P) and give any reasons for any recommended change in the proposal. Copies of all submissions received will be available for examination by interested persons at the Office of the Commander, First Coast Guard District.

The Commander, First Coast Guard District will forward any comments received before July 20, 1973, and his recommendations to the Chief, Office of Marine Environment and Systems, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed to amend part 110 of title 33 of the Code of Federal Regulations by add-

ing a new § 110.5(c-1) to read as follows:

§ 110.5 Casco Bay, Maine.

(c-1) Basin Point, Potts Harbor, east side of Basin Point.—The water area east of Basin Point enclosed by a line beginning at the southernmost extremity of Basin Point at latitude 43°44'17" N., longitude 70°02'36" W.; thence easterly to latitude 43°44'17" N., longitude 70°02'19" W.; thence north northeasterly to a point on the shoreline at latitude 43°44'43" N., longitude 70°02'05" W.; thence following the shoreline to the point of beginning.

(Sec. 1, 30 Stat. 98, as amended; sec. 6(g) (1)(B), 80 Stat. 937 (33 U.S.C. 180), (49 U.S.C. 1655(g) (1)(B)), 49 CFR 1.46(c) (2).)

Dated June 12, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Marine Environment and Systems.

[FR Doc.73-12172 Filed 6-18-73; 8:45 am]

CIVIL AERONAUTICS BOARD

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

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

U.S. AND FOREIGN AIR CARRIERS

Prohibition on Entering Into Charter Contracts Except in Accordance With Effective Tariffs; Supplemental Notice of Proposed Rulemaking

The Board, by circulation of notice of proposed rulemaking EDR-243/SPDR-32, dated April 24, 1973, and published at 38 FR 10462, April 27, 1973, gave notice that it had under consideration the adoption of amendments to parts 207, 208, 212, and 214 of the Economic Regulations and parts 373 and 378 of the Special Regulations (14 CFR, pts. 207, 208, 212, 214, 373, and 378) so as to prohibit both U.S. and foreign air carriers from entering into charter contracts except in accordance with currently effective tariffs on file with the Board, and to prohibit such carriers from subsequently filing tariffs which have the effect of increasing the charter rates and fares above those specified in such contracts. Interested persons were invited to participate by submission of 12 copies of written data, views or arguments pertaining thereto to the docket section of the Board on or before May 30, 1973. By supplemental notice of proposed rulemaking EDR-243A/SPDR-32A, dated May 23, 1973, the time for filing such views or comments was extended until June 18, 1973. This extension was granted in response to a letter from the counsel for the National Air Carrier Association (NACA) requesting an extension until June 29, 1973. Counsel for NACA now requests a further extension to and including July 2, 1973. In support of this request, the letter states that the same conditions underlying the original request continue to apply.

The undersigned finds that good cause has been shown for a further extension of the time for filing comments. However, for the reasons set forth in the supplemental notice, we continue to believe that any untoward delay in concluding this proceeding is not in the public interest. Accordingly, a further extension will be granted, but only until June 28, 1973.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby further extends the time for submitting comments to June 28, 1973.

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

Dated June 14, 1973.

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates.

[FR Doc. 73-12174 Filed 6-18-73; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Part 73]

[Docket No. 19783; FCC 73-607]

TABLE OF ASSIGNMENTS

FM Broadcast Stations

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Ripley, Miss.; Berryville, Ark.; Caro, Mich.; Mitchell, S. Dak.; Bolivar, Tenn.; Honea Path, S.C.; Pawhuska, Okla.; Oak Creek, Colo.; Springhill, La.; Quitman, Miss.; and Huntingburg, Ind.).

1. Notice of proposed rulemaking is hereby given concerning proposed amendments of § 73.202(b) of the rules, the table of FM assignments, to add first FM channels (class A) to 9 of the 11 above-listed small communities. As to each of the other two communities, it is proposed to substitute a class A channel for an existing class A channel assignment in order to rectify mileage separation problems. None of the above-listed communities is located in or near an urbanized area. Population figures are from the 1970 U.S. census reports. All petitions are unopposed. The channel proposed for each locality and the identity of the petitioner is as follows:

- RM-2066 Channel 288A to Ripley, Miss. (Kerry Hill).
- RM-2103 Channel 296A for channel 237A at Berryville, Ark. (KTHS, Inc.).
- RM-2110 Channel 285A to Caro, Mich. (Tuscola Broadcasting Co.).
- RM-2112 Channel 269A for channel 265A at Mitchell, S. Dak. (radio station KYNT).
- RM-2123 Channel 244A to Bolivar, Tenn. (Bolivar Broadcasting Service, Inc.).
- RM-2138 Channel 276A to Honea Path, S.C. (Andco Broadcasting Co., Inc.).
- RM-2141 Channel 272A to Pawhuska, Okla. (Cherokee Broadcasting Co.).
- RM-2171 Channel 280A to Oak Creek, Colo. (Elliott Bayly).
- RM-2173 Channel 224A to Springhill, La. (Springhill Broadcasting Co.).

- RM-2174 Channel 252A to Quitman, Miss. (radio station WBNP).
- RM-2178 Channel 265A to Huntingburg, Ind. (Paul Knies).

A brief description of each petition follows:

2. *Ripley, Miss. (RM-2066)*. Kerry Hill (petitioner) filed a petition on September 28, 1972, proposing the assignment of channel 288A to Ripley, Miss. Channel 288A could be assigned there in conformity with the Commission's minimum mileage separation requirements without affecting the assignments in the FM table, if used at a distance of 6 miles east of Ripley. Ripley (3,482 population) is located in the north central part of Mississippi in Tippah County (15,852 population), some 65 miles southeast of Memphis, Tenn. Ripley has no local FM broadcast facilities, but has a daytime-only AM station.

3. In support of his request petitioner states that Tippah County is faced with developmental problems which must be presented to the public, and the proposed full-time FM station would assist in solving these problems. The station, he asserts, would provide complete information and entertainment services, as well as special events; offer educational programming designed to train the residents in order to attempt to raise the educational level of the citizens; increase payrolls in the county, both as a result of a new business, and as a result of additional competition generated by the new station; assist farmers to be more productive through complete and timely agricultural and weather programs; help farm agents, Government extension services, and other public health organizations by donating time for promotion of their projects; offer the first complete program services to Blue Mountain College located in Tippah County; and provide the community with the benefit of additional editorial opinion as the petitioner plans to be very active in all community events and affairs. Petitioner states that full-time radio service is absolutely vital for the quickest and most effective growth of the Tippah County area. He notes that the new station can encourage new job opportunities by cooperating with the local development foundations in securing new industries, and maximum utilization of existing resources. Petitioner states that he fully intends to apply for a permit to construct the station if the channel is assigned. For these reasons we believe consideration of the proposal for the assignment of a first class A FM channel to Ripley, Miss., is warranted.

4. *Caro, Mich. (RM-2110)*. Tuscola Broadcasting Co. (petitioner) filed a petition on December 12, 1972, proposing the assignment of channel 285A to Caro, Mich. The channel could be assigned there in conformity with the Commission's minimum mileage separation rule and without affecting present FM assignments, if the antenna is sited at a distance of 4 miles east of Caro. Caro (3,071 population), the seat of Tuscola County

(48,603 population), is located about 85 miles north of Detroit. It has no local FM broadcast facilities, but has a daytime-only AM station licensed to the petitioner.

5. In support of its proposal, petitioner states that Tuscola County experienced a 36.2 percent population increase from 1940 to 1970. It asserts that the county rates near the top among Michigan counties in land, farms, acres in crops, and farm production. It notes that a substantial amount of manufacturing takes place within the county (primarily automobile parts and accessories) as well as industry connected with agricultural products. It further adds that retail trade increased from \$43,985,000 in 1958 to \$47,642,000 in 1963. Petitioner states that the eight banks headquartered in Tuscola County had assets for 1972 totaling \$55,944,296. Petitioner avers that the addition of the proposed FM channel would represent the first local full-time service available to the residents of this viable and growing area, and its importance is heightened when it is noted that the only daily (news) medium available in the county is the daytime-only AM station. For these reasons, we believe consideration of the proposal for the assignment of a first class A FM channel to Caro, Mich. is warranted.

6. *Bolivar, Tenn. (RM-2123)*. Bolivar Broadcasting Service, Inc., filed a petition on January 16, 1973, proposing the assignment of channel 244A to Bolivar, Tenn. The channel could be assigned there in conformity with the Commission's minimum mileage separation rule and without affecting present FM assignments, if used at a distance of 5.5 miles east of Bolivar. Bolivar (6,674 population), the seat of Hardeman County (22,435 population), is located in southwestern Tennessee about 55 miles from Memphis. It has no local FM broadcast facilities, but has one daytime-only AM station.

7. In support of its request, the petitioner states that industries in the community include a tannery, cotton gin, frozen food processing plant, an auto parts plant, and a plastic panel plant. It gives as examples of agriculture in the area, of which Bolivar is the trading center, livestock, hardwood timber, dairying, and diversified farming. Petitioner notes that the estimated retail sales for 1971 in Hardeman County were \$25,750,000, and the median effective buying income per household was \$4,887. Petitioner states the proposed channel will provide the first nighttime local outlet in Hardeman County, and, if assigned to Bolivar, it will apply for and construct the station. In view of the foregoing information and the fact that there is no local FM broadcast transmission service in Bolivar, we believe the proposal merits exploration in a rulemaking proceeding.

8. *Honea Path, S.C. (RM-2138)*. Andco Broadcasting Company, Inc. (petitioner), licensee of AM station WHPB, Belton, S.C., filed a petition on February 12, 1973, proposing the assignment

of channel 276A to Honea Path, S.C. Honea Path (3,707 population), located in the northwest corner of South Carolina, lies within two counties, Anderson (105,474 population) and Abbeville (21,112 population). Petitioner notes that, since 97 percent of Honea Path is in Anderson County, Anderson County data will be used. Channel 276A could be assigned to Honea Path in full compliance with the Commission's minimum mileage separation rule and without affecting any presently assigned channel in the FM table if used at a site 5 miles south of Honea Path. There is no local radio transmission service in Honea Path. Petitioner states that he is the operator of an AM station at Belton, S.C., he is prepared to file for use of the channel and will, should it receive a construction permit, operate a completely independent FM station with both studios and facilities located at Honea Path, S.C.

9. In support of its request petitioner states that Anderson County increased its total employment 2,080 persons between 1960 and 1967, and its largest gain in employment was in machinery-oriented manufacturing which had 20,020 of the 42,620 persons employed in 1967. Petitioner adds that the Anderson County area has changed from largely rural-agricultural to one dependent on the operation of multiple small industrial plants as its primary source of economic stability. It notes that Honea Path has a mayor and a six-member city council form of government; its own police and fire department, as well as many active civic organizations; and a local grade school and junior high school. For these reasons, we believe consideration of the proposal for the assignment of a first class A FM channel to Honea Path, S.C., is warranted.

10. *Pawhuska, Okla. (RM-2141).*—Cherokee Broadcasting Co. (petitioner), licensee of AM station KOKN (formerly KOSG), Pawhuska, Okla., filed a petition on February 13, 1973, proposing the assignment of channel 272A to Pawhuska, Okla. Channel 272A could be assigned to this community in conformity with the Commission's minimum mileage separation rule and without affecting any of the presently assigned FM channels. Pawhuska (4,238 population), the seat of Osage County (29,750 population), is located about 42 miles northwest of Tulsa. It has no local FM broadcast service, but does have a daytime-only AM station which is licensed to the petitioner.

11. In support of its request, petitioner states that Pawhuska is the center of economic, social, and governmental activity for Osage County which is greater in size than two States of the United States (Rhode Island and Delaware), taken individually and, as such, contains many county, State, and Federal offices. It notes that Pawhuska is a trading center for most of Osage County with wholesale trading companies and major oil company supply firms located there. It adds that Osage County has a total of 137 mineral industry establishments, with a total employment of 1,100 and a payroll of \$8 million annually, and

the gross annual farm income totals about \$10 million. Petitioner adds that Pawhuska has a high school, a junior high school, an elementary school, kindergarten, all of which employ about 60 teachers. Petitioner believes that its proposal would enable Pawhuska and Osage County to obtain a first full-time broadcast outlet and states that if the requested assignment is made, it will apply promptly for the facility and, if authorized, will construct the station. In view of the foregoing information and the fact that there is no local FM broadcast transmission service in Pawhuska, we believe the proposal merits exploration in a rulemaking proceeding.

12. *Oak Creek, Colo. (RM-2171).*—Elliott Bayly (petitioner), filed a petition on March 16, 1973, proposing the assignment of channel 280A to Oak Creek, Colo. This channel could be assigned to Oak Creek in conformity with the Commission's minimum mileage separation rule and without affecting any presently assigned channel in the FM table. Oak Creek presently has no local broadcast facilities. Oak Creek (492 population) is in Routt County (6,592 population), and is located about 20 miles south of Steamboat Springs. Petitioner states that if the channel is assigned to Oak Creek he will build and operate a community radio station.

13. In support of his request, petitioner contends that, in the area of south Routt County which a station in Oak Creek would be intended to serve, there is only the daytime radio broadcast service of station KRAI(AM) from Craig, Colo., more than 50 miles away and when station KRAI reduces power in the evening, it can no longer be received in the area on an ordinary home or car radio. He states that many listeners have expressed a desire to have a variety in programming, as station KRAI has a very heavy advertising format and a principally top 40's music selection directed to its largely ranching and farming community, and the merchants have expressed a desire to have a local station for advertising purposes. Petitioner adds that south Routt County is an area containing innumerable ice-cold streams, fairly rugged mountains, and rich bottom land. He states that coal mining and ranching are still the dominant income activities in the area, although each has declined considerably since its peak. Petitioner notes that, within the last 2 years and predominantly within the past year, the area has begun a cycle of growth due to influx of recreation industry. In view of the foregoing information and the fact that there is no local broadcast transmission service in Oak Creek, we believe the proposal merits exploration in a rulemaking proceeding.

14. *Springhill, La. (RM-2173).*—Springhill Broadcasting Co. (petitioner), licensee of AM station KBSF, Springhill, La., filed a petition on March 30, 1973, proposing the assignment of channel 224A to Springhill, La. The channel could be assigned to this community in full compliance with the Commission's minimum mileage separation rule and

without affecting the present assignments in the FM table. Springhill, a community of 3,496 persons in Webster Parish (39,939 population), is located 40 miles northeast of Shreveport. If the proposed channel is assigned, petitioner states that he will make prompt application for it.

15. In support of his request, petitioner states that Springhill is an industrialized community which provides a livelihood for a majority of those living within 20 miles of it. He adds that the industries of the area are paper, chemical, oil, agriculture, cattle, lumber, meat packing, and heavy machinery. He notes that the community has 26 churches, two banks and a building and loan association, two hospitals, and six public schools. Springhill has one weekly newspaper. It has no local FM broadcast facility, but has a daytime-only AM station which is licensed to the petitioner. The proposed assignment would provide Springhill with its first local FM broadcast service. In view of the foregoing information and the fact that there is no local FM broadcast transmission service in Springhill, we believe the proposal merits exploration in a rulemaking proceeding.

16. *Quitman, Miss. (RM-2174).*—Radio station WBFN (petitioner), licensee of AM station WBFN, Quitman, Miss., filed a petition April 4, 1973, proposing the assignment of channel 252A to Quitman, Miss. This channel could be assigned to Quitman in full compliance with the Commission's minimum mileage separation rule and without affecting the present assignments in the FM table. Quitman (2,072 population), is in Clarke County (15,049 population), and is located about 12 miles south of Meridian, Miss. It presently has one daytime-only AM station, licensed to the petitioner, and no FM assignments.

17. Petitioner states that the Quitman area is experiencing rapid growth, and the area is expected to realize an increase in population of some 15 percent within the next 10 years. It notes that Quitman and Clarke County depend on small farmers, tree farmers, and numerous small industries to provide employment for the population. Petitioner states that an FM station would provide the extended hours of operation necessary to better serve the population. He adds that the additional services that would be provided are: full-time news, entertainment, and public affairs programming; complete coverage of all local school athletic events for the first time; educational programming for the residents of the county who will be available to receive them after hours; timely agricultural programs for the farmers of the area; and keeping the residents informed of weather conditions after daylight hours. Petitioner adds that he intends to file for the channel when assigned and if granted, to promptly proceed with the construction. For these reasons, we believe consideration of the proposal for the assignment of a first class A FM channel to Quitman, Miss., is warranted.

18. *Huntingburg, Ind. (RM-2178).*—Paul Knies (petitioner), filed a petition

on April 10, 1973, proposing the assignment of channel 265A to Huntingburg, Ind. This channel could be assigned to Huntingburg in conformity with the Commission's minimum mileage separation rule and without affecting the present assignments in the FM table if used at a site 3 miles north of Huntingburg. Huntingburg (4,794 population), is located 67 miles west of Louisville, Ky., in Dubois County (30,934 population). It presently has no local broadcast facilities.

19. In support of its request petitioner states that Huntingburg has a mayor, city council, and various commissions and boards. He notes that the estimated retail sales (1970), for the county were \$69,681,000, and the buying power per household for 1970 was \$8,534. He adds that industries in Huntingburg include poultry processing plants and manufacturers of furniture, bricks, pottery, women's lingerie, and plastics. He states that the community has 1 bank, 2 building and loan associations, 1 hospital, 1 airport, 13 churches, and over 100 places of business. Huntingburg has one weekly newspaper. Petitioner states he will file an application for a construction permit for a station, and if the permit is granted, will construct the station. For these reasons, we believe consideration of the proposal for the assignment of a first class A FM channel to Huntingburg, Ind., is warranted.

20. *Berryville, Ark. (RM-2103).*—KTHS, Inc., licensee of station KTHS (AM) (petitioner), Berryville, Ark., filed a petition on December 5, 1972, proposing the substitution of channel 296A for channel 237A at Berryville, Ark. The substitution of channel 296A could be made in full compliance with the Commission's minimum mileage separation rule and without affecting the other assignments in the present FM table. Berryville (2,271 population) is located in Carroll County (12,301 population) about 60 mi south of Springfield, Mo. It has one class A FM channel (237A) which is unoccupied and a daytime-only AM station licensed to petitioner.

21. Petitioner states that on August 4, 1972, it tendered for filing with the Commission an application for authority to construct on channel 237A at Berryville but the application was returned because it did not meet a required mileage separation (65 mi). It adds that a diligent search was made for an available transmitter site at least 65 mi from the transmitter site of station KTIS-FM, Springfield, Mo., but was unable to find any site for sale and one economically feasible to improve with a road and power; furthermore, any of such sites would have been outside the city limits of Berryville, and a signal of questionable quality to the Berryville market would have resulted.

22. Petitioner's proposal is supported by an engineering statement which includes a study on the availability of a substitute class A channel for Berryville. This statement concludes that in

Berryville, Ark., channel 296A would meet all of the requirements of the Commission's minimum mileage separation rule. Petitioner states that he proposes a local nighttime service, not now available to Berryville, if successful in procuring a construction permit. For these reasons we believe consideration of the proposal for the substitution of channel 296A for channel 237A in Berryville, Ark., is warranted.

23. *Mitchell, S. Dak. (RM-2112).*—Radio station KYNT, licensee of station KYNT(AM), Yankton, S. Dak., filed a petition on January 2, 1973, proposing the substitution of channel 269A for channel 265A at Mitchell, S. Dak. Channel 269A could be assigned to Mitchell in conformity with the Commission's minimum mileage separation rule. Mitchell (13,425 population) is located in Davison County (17,319 population) and is about 69 mi west of Sioux Falls. It has one class A FM channel (265) which is unoccupied, with no application filed therefor, and no local broadcast transmission service.

24. Although containing some inaccuracies, the thrust of the petition is such that we think there is merit in inviting comments on the proposal contained therein. On August 8, 1972, petitioner filed an application for a construction permit for use of channel 262 at Yankton, S. Dak. On September 9, 1972, the application was returned to petitioner as unacceptable for filing because the proposed transmitter site was short spaced to the reference point of channel 265A at Mitchell. The latter channel is unoccupied, and petitioner requests that channel 269A be substituted for it in order to remove the short spacing problem with regard to the use of channel 262 at Yankton.

25. We believe that, on the basis of the above information, the proposal of substituting channel 269A for channel 265A at Mitchell, S. Dak., is warranted.

26. In view of the foregoing and pursuant to authority found in sections 4(f), 303 (g) and (r) of the Communications Act of 1934, as amended, it is proposed to amend the FM Table of Assignments, § 73.202(b) of the Commission's rules and regulations, as follows:

City	Channel No.	
	Present	Proposed
Ripley, Miss.		1 288A
Berryville, Ark.	237A	269A
Caro, Mich.		1 385A
Mitchell, S. Dak.	265A	269A
Bolivar, Tenn.		1 244A
Honea Path, S.C.		1 276A
Pawhuska, Okla.		272A
Oak Creek, Colo.		280A
Springhill, La.		224A
Quitman, Miss.		282A
Huntingburg, Ind.		1 265A

¹ In order to meet the minimum spacing requirements of our rules, a site 6 miles east of Ripley, Miss., would be required; a site 5.5 miles east of Bolivar, Tenn., would be required; a site 5 miles south of Honea Path, S.C., would be required; a site 3 miles north of Huntingburg, Ind., would be required; and a site 4 miles east of Caro, Mich., would be required.

27. *Showings required.*—Comments are invited on the proposals set forth and discussed above. Proponents will be expected to answer whatever questions, if any, are raised in the notice and other questions that may be presented by the initial comments. The proponents are expected to file comments even if nothing more than to incorporate by reference their petitions and are expected to state their intentions to apply for use of the respective channels, with the exception of the channel at Mitchell, S. Dak., if assigned, and, if authorized, to promptly build a station. Failure to make this showing may result in the denial of the petition.

28. *Cutoff procedure.*—As in other recent FM rulemaking proceedings, the following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments so that parties may comment on them in reply comments. They will not be considered if advanced in reply comments.

(b) With respect to petitions for rulemaking which conflict with any of the proposals in this notice, they will be considered as comments in the proceeding, and public notice to this effect shall be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision herein.

29. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before July 20, 1973, and reply comments on or before July 31, 1973. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

30. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, pleadings, briefs, or other documents shall be furnished the Commission.

31. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted June 6, 1973.

Released June 1, 1973.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-12059 Filed 6-18-73; 8:45 am]

Notices

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

DEPARTMENT OF STATE

Agency for International Development LIST OF INELIGIBLE SUPPLIERS

The following "List of Ineligible Suppliers" under AID Regulation 8 is currently in effect. All persons who anticipate AID financing for a transaction involving any person whose name appears on this list should take special notice of its contents.

LIST OF INELIGIBLE SUPPLIERS

SECTION 1. Purpose of the list.—The List of Ineligible Suppliers implements the provisions of AID Regulation 8, "Suppliers of Commodities and Commodity-Related Services Ineligible for AID Financing" (22 CFR pt. 208). Subject to the conditions described below AID will not make funds available to finance the cost of commodities or commodity-related services furnished by any supplier whose name appears on the list. A debarred supplier whose name appears in section 4 of a printed or published list has been placed thereon for the causes specified in § 208.5 of regulation 8; a suspended supplier whose name appears in section 4 of a printed or published list has been placed thereon for the causes specified in § 208.7 of regulation 8. AID has taken such action in accordance with the procedures described in subpart D of regulation 8.

With respect to the interest of any U.S. bank which holds an AID Letter of Commitment special attention is called to the fact that the list as periodically modified by AID constitutes a special amendment to every Letter of Commitment to the effect that AID will not provide reimbursement to a bank for payment to any supplier whose name appears on the List, excepting only (a) a payment made to a supplier on or before the initial date of suspension indicated for that supplier under an AID Letter of Commitment issued prior to that date, and (b) a payment made to a supplier under an irrevocable Letter of Credit opened or confirmed on or before the initial date of suspension indicated for that supplier under an AID Letter of Commitment issued prior to that date. A bank which receives copies of the List and the periodic modifications thereto shall be held in its relationship with AID to the standard of care described in § 201.73(f) of regulation 1 (22 CFR Sec. 201.73(f)) with respect to every transaction governed by an AID Letter of Commitment issued to that bank.

SEC. 2. Contents of the list.—The List of Ineligible Suppliers consists of all suppliers and affiliates who have been de-

barred or suspended by AID additions to or deletions from the List are communicated directly to every U.S. bank holding an AID Letter of Commitment as they occur. AID endeavors to keep printed and published lists as current as possible by superseding or supplementary issuance. No prejudice whatsoever shall attach to a supplier whose name has been removed from this list.

SEC. 3. Suppliers debarred from AID financing.

NAME, ADDRESS, INITIAL DATE OF SUSPENSION, AND PERIOD OF DEBARMENT

Liao, Mr. J. Y. (aka Liao, Chi Yo), president, Summit Corp., 7-2 Alley 13, Lane 1032, Chung Cheng Road, Taipei, Taiwan, April 7, 1970, May 7, 1971 to May 7, 1974.
Summit Corp., 7-2 Alley 13, Lane 1032, Chung Cheng Road, Taipei, Taiwan, April 7, 1970, May 7, 1971 to May 7, 1974.

SEC. 4. Suppliers suspended from AID financing.—The following suppliers have been suspended from AID financing until further notice pending completion of an AID investigation of facts which may lead to the eventual debarment of such suppliers:

NAME, ADDRESS, AND INITIAL DATE OF SUSPENSION

Archifar Pharmaceutical Products, Inc., 20 Exchange Place, New York, NY 10005, November 9, 1966.
Associated Chemo-Pharm Industries, Inc., 20 Exchange Place, New York, NY 10005, November 9, 1966.
Colony Steel Co., 122 East 42d St., New York, N.Y., March 20, 1968.
Concepcion, Mr. Segismundo, 160 Broadway, New York, N.Y. 10038, April 22, 1969.
Domestic Export Corp., 288 New York Avenue, Huntington, N.Y., February 14, 1972.
Eastar Trading Co., 1830 West Olympic Boulevard, Los Angeles, Calif. 90006, May 20, 1970.
Gubbay, Mr. Clement, 20 Exchange Place, New York, N.Y. 10005, November 9, 1966.
Higgins, Thomas Edison, Enterprises, Inc., 660 Capri Boulevard, Treasure Island, Fla. 33706, April 5, 1967.
Higgins, Mrs. Mabel, 660 Capri Boulevard, Treasure Island, Fla. 33706, April 5, 1967.
Higgins, Mr. Thomas Edison, 660 Capri Boulevard, Treasure Island, Fla. 33706, April 5, 1967.
International Enterprises, Inc., 160 Broadway, New York, N.Y. 10038, April 22, 1969.
Kim, Mr. Peter, Eastar Trading Co., 1830 West Olympic Boulevard, Los Angeles, Calif. 90006, May 20, 1970.
LeVita Industries, 35 LaPatera Lane, Goleta, Calif. 93016, November 2, 1971.
LeVita, Mr. Frank O., North American Steel Co., Pontiac State Bank Building, Pontiac, Mich. 48058, November 2, 1971.
Lowens, Mr. Ernest, 20 Exchange Place, New York, N.Y. 10005, November 9, 1966.
Marclem, S. A., c/o Bufete Tapia, Calle 31 3-80 Panama City, Republic of Panama, October 25, 1967.

Meoni, Mr. A., 20 Exchange Place, New York, N.Y. 10005, November 9, 1966.

Navarro, Mr. Ben, 20 Exchange Place, New York, N.Y. 10005, November 9, 1966.

North American Steel Co., Pontiac State Bank Building, Pontiac, Mich. 48058, November 2, 1971.

Pharma Scienta, 156 Rue de Damas, Imm. Homis, Beirut, Lebanon, December 19, 1966.

R. & Z. Co., Inc., 2041-67 Pitkin Avenue, Brooklyn, N.Y. 11207, October 23, 1969.

Richter, Gedeon, Pharmaceutical Products, Inc., 20 Exchange Place, New York, N.Y. 10005, November 9, 1966.

Rogers, Mr. Henry, 2041-47 Pitkin Avenue, Brooklyn, N.Y. 11207, October 23, 1969.

Rolquin, Mr. E. R., president, Domestic Export Corp., 288 New York Avenue, Huntington, N.Y. February 14, 1972.

Scheffis, Mr. Samuel, 122 East 42d Street, New York, N.Y. 10017, March 25, 1971.

Shalom, Mr. Raleigh, 20 Exchange Place, New York, N.Y. 10005, November 9, 1966.

Societe des Laboratoires Reunis (SOLAR), 156 Rue de Damas, Imm. Homis, Beirut, Lebanon, December 19, 1966.

Spe-D-Magic Co., 660 Capri Boulevard, Treasure Island, Fla. 33706, April 5, 1967.

Tricon International, Inc., 160 Broadway, New York, N.Y. 10038, April 22, 1969.

United Pharmacal Laboratories, P.O. Box 1718, Lost 28, Foreign Trade Zone, Mayaguez, Puerto Rico, December 19, 1966.

White Magic Co., 660 Capri Boulevard, Treasure Island, Fla. 33706, April 5, 1967.

Wolf, Mr. Tom G., 787 Tucker Road, North Dartmouth, Mass., October 23, 1969.

Zubof, Mr. Samuel, 2041-47, Pitkin Avenue, Brooklyn, N.Y. 11207, October 23, 1969.

Dated June 11, 1973.

JAMES F. CAMPBELL,
Assistant Administrator for
Program and Management Services.
[FR Doc.73-12120 Filed 6-18-73; 8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RE- SERVE EXECUTIVE COMMITTEE

Notice of Open Meeting

Pursuant to the provisions of section 10, Public Law 92-463, effective January 5, 1973, notice is hereby given that a meeting of the National Committee for Employer Support of the Guard and Reserve Executive Committee will be held on June 27, 1973, in the Institute for Defense Analysis conference room, 400 Army Navy Drive, Arlington, Va.

The purpose of the meeting is to increase the knowledge and understanding of the members of the Executive Committee of the various Guard and Reserve components through briefings conducted by a representative from each component.

A transcript of the meeting will be available to anyone desiring information about the meeting.

Additional information concerning these meetings may be obtained by contacting the Assistant to the National Chairman, National Committee for Employer Support of the Guard and Reserve, room 3A29, 400 Army Navy Drive, Arlington, Va. 22202.

MAURICE W. ROCHE,
Director, Correspondence
and Directives Division.

JUNE 13, 1973.

[FR Doc.73-12138 Filed 6-18-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[INT FES 73-29]

PROPOSED SECOND WATERTOWN-BROOKINGS 115-kV TRANSMISSION LINE, S. DAK.

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the second Watertown-Brookings, S. Dak., transmission line as a part of the transmission division, Pick-Sloan Missouri Basin program.

The statement concerns construction of the 45-mile second 115-kV transmission line between the existing Watertown and Brookings substation. The principal functions of the transmission line are to improve reliability and provide increased capacity of the system presently serving the city of Brookings (population 10,588) and the surrounding area.

Copies are available for inspection at the following locations:

Office of Ecology, room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Telephone 202-343-4991.

Division of Engineering Support, Technical Services Branch, E&R Center, Denver Federal Center, Denver, Colo. 80225. Telephone 303-234-3007.

Office of the Regional Director, P.O. Box 2553, Billings, Mont. 59103. Telephone 406-245-6711.

Missouri-Oahe Projects Office, Bureau of Reclamation, P.O. Box 825, Huron, S. Dak. 57350. Telephone 605-352-8651.

Single copies of the final environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151. Please refer to the statement number above.

Dated June 11, 1973.

JOHN M. SEIDL,
Deputy Assistant Secretary
of the Interior.

[FR Doc.73-12106 Filed 6-18-73;8:45 am]

Bureau of Reclamation

[Public Announcement No. 6, Amendment No. 2]

COLUMBIA BASIN PROJECT, WASHINGTON

Public Announcement of the Sale of Part-time Farm Units

Public announcement of the sale of part-time farm units in the Quincy-Columbia Basin Irrigation District, Columbia Basin project, Wash., dated August 20, 1951, published in the FEDERAL REGISTER and subsequently amended, is further amended for part-time farm unit 42, irrigation block 701, by deleting in its entirety section 17.e., building requirements.

The purchaser now owns a second farm unit which has a permanent dwelling. The purpose of this amendment is to waive the dwelling requirement for part-time farm unit 42, irrigation block 701, to avoid unnecessary duplication of housing.

G. G. STAMM,
Commissioner of Reclamation.

JUNE 12, 1973.

[FR Doc.73-12137 Filed 6-18-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

TELECOMMUNICATIONS EQUIPMENT TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Telecommunications Equipment Technical Advisory Committee of the U.S. Department of Commerce will meet June 27, 1973, at 9:30 a.m. in room 2062 of the Main Commerce Building, 14th and Constitution Avenue NW., Washington, D.C.

Members advise the Office of Export Control, Bureau of East-West Trade, with respect to questions involving technical matters, worldwide availability and actual utilization of production and technology, and licensing procedures which may affect the level of export controls applicable to telecommunications equipment, including technical data related thereto, and including those whose export is subject to multilateral (COCOM) controls.

Agenda items are as follows:

- (1) Opening remarks by the Deputy Assistant Secretary for East-West Trade, Steven Lazarus.
- (2) Overview of Export Control Program by the Director, Office of Export Control, Rauer H. Meyer.
- (3) Election of chairman.
- (4) Presentation of papers or comments by the public.
- (5) Review of current controls on telecommunications equipment, including report on any decontrol action effected since August 29, 1972.
- (6) Technical problems relating to export control coverage of telecommunications equipment and related technology.
- (7) Licensing procedures relating to telecommunications equipment and technology.
- (8) Foreign availability of telecommunications equipment currently under licensing

control, including extent of U.S. participation and use of U.S. technology.

(9) Executive session.

(a) Background of United States and COCOM control program and strategic criteria.

(b) Technical problems:

(1) Military and military support uses of telecommunications equipment.

(2) Significant parameters from the strategic standpoint, including adequacy of present control definition or coverage.

(c) Foreign availability, including state of the art in the USSR, Eastern Europe, and People's Republic of China.

(d) Licensing control over technology related to telecommunications equipment.

(10) Adjournment.

This will be the first meeting of the Telecommunications Equipment Technical Advisory Committee. It was established April 5, 1973, and consists of technical experts from a representative cross-section of the telecommunications industry in the United States and officials representing various agencies of the U.S. Government. The industry members are appointed by the Assistant Secretary for Domestic and International Business to serve a 2-year term.

The public will be permitted to attend the discussion of agenda items 1-8, and a limited number of seats—approximately 25—will be available to the public for these agenda items. To the extent time permits, members of the public may present oral statements to the committee. Interested persons are also invited to file written statements with the committee.

With respect to agenda item (9), "Executive Session," the Acting Assistant Secretary of Commerce for Administration, on June 5, 1973, determined, pursuant to section 10(d) of Public Law 92-463, that this agenda item should be exempt from the provision of sections 10(a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Rauer H. Meyer, Director, Office of Export Control, room 1886C, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202-967-4293).

Minutes of those portions of the meeting which are open to the public will be available July 27, 1973, upon written request addressed to: Central Reference and Records Facility, U.S. Department of Commerce, Washington, D.C. 20230.

Dated June 18, 1973.

STEVEN LAZARUS,
Deputy Assistant Secretary for
East-West Trade, U.S. Department of Commerce.

[FR Doc.73-12362 Filed 6-18-73;9:44 am]

Maritime Administration

CONSTRUCTION OF INTEGRATED TUG-BARGE UNITS FOR THE TRANSPORTATION OF BULK PETROLEUM CARGOES

Notice of Intent; Computation of Foreign Cost

Notice is hereby given of the intent of the Maritime Subsidy Board to compute

the estimated foreign cost of the construction of 80,000 dwt integrated tug-barge units for the transportation of bulk petroleum cargoes pursuant to the provisions of section 502(b) of the Merchant Marine Act, 1936, as amended.

Any person, firm, or corporation having any interest (within the meaning of section 502(b)) in such computations may file written statements by the close of business on June 28, 1973, with the Secretary, Maritime Subsidy Board, Maritime Administration, room 3099B, Department of Commerce Building, 14th and E Streets NW., Washington, D.C. 20235.

Dated June 13, 1973.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc. 73-12180 Filed 6-18-73; 8:45 am]

Office of Import Programs

EMORY UNIVERSITY SCHOOL OF MEDICINE, NEUROLOGY ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before July 9, 1973.

Amended regulations issued under cited act, as published in the February 24, 1972, issue of the FEDERAL REGISTER, prescribes the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C.

Docket No. 73-00524-01-01100. Applicant: Emory University School of Medicine, Neurology, 69 Butler Street, SE., Atlanta, Ga. 30303. Article: JAS-47K sequence analyzer. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used to investigate the amino acid sequence of natural and synthetic peptides in the range of 3 to 30 residues where it is likely that some of the residues' positions contain minor components, that is, different amino acids. Application received by Commissioner of Customs, May 11, 1973.

Docket No. 73-00527-33-46500. Applicant: University of Iowa, Department of Urology, University Hospitals, Newton Road, Iowa City, Iowa 52242. Article:

Ultramicrotome, model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended for experiments to evaluate the localization of the radioisotopes within prostatic cancer cells. The studies also include an evaluation of dose-related response within cancer cells and an investigation of the relationship of time to the effects of the antineoplastic agents. The article will allow the consistent attainment of serial sections so that sections are comparable when different techniques of investigation, including the anatomic studies and autoradiographic studies can be compared from section to section. The article will also be used as part of pathologic research studies in urology to familiarize senior medical students with subcellular investigations in urology, to demonstrate the tools and techniques necessary for these investigations, and to allow the student to obtain quality sections for electron microscopy. A second course is a research fellowship in urology for residents which represents a program of research experience and demonstrations involving subcellular investigations into a variety of disease processes, notably carcinoma of the prostate, carcinoma of the bladder and smooth muscle physiology in the ureter and bladder. Applications received by Commissioner of Customs, May 16, 1973.

Docket No. 73-00531-33-90000. Applicant: The Massachusetts General Hospital, Fruit Street, Boston, Mass. 02114. Article: EMI computerized axial tomography instrument. Manufacturer: EMI Ltd., United Kingdom. Intended use of article: The article will be used to diagnose certain types of brain disease on patients, particularly acute patients who are unable to cooperate and who may need life-saving treatment, such as those with brain hemorrhage. Investigative experiments to be conducted will be for a study or assessment of comparative results using the new system of transverse axial tomography. Application received by Commissioner of Customs, May 17, 1973.

Docket No. 73-00532-33-46070. Applicant: University of Alabama Medical School, University Station, Birmingham, Ala. 35294. Article: Scanning electron microscope, model JSM-U3. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used for studies of cardiovascular tissues; primarily aorta, bicuspid valve, and connective tissue proteins from these sources during experiments designed with the purpose of correlating morphology with chemical analysis. Primary emphasis will be to determine the distribution of Ca, P, and S as well as C, N, and O if techniques can be adequately developed to achieve the latter three analyses. Application received by Commissioner of Customs, May 17, 1973.

Docket No. 73-00533-01-11000. Applicant: William Marsh Rice University, P.O. Box 1892, Houston, Tex. 77001. Article: Gas chromatograph-mass spectrometer, model LKB 9000-S and accessories.

Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used primarily for research projects which deal mainly with the biosynthesis of lipids and other molecules of biological origin. Examples of research studies for which the article will be used are as follows:

- (1) Identification of intermediates in the biosynthesis of the steroid cholesterol.
- (2) Identification and biosynthesis of spingolipids and related complex lipids.
- (3) Studies of lipid biosynthesis using stable isotopes, and
- (4) Chemistry and biochemistry of proteins.

Application received by Commissioner of Customs, May 24, 1973.

Docket No. 73-00534-10-68495. Applicant: National Aeronautics and Space Administration, Ames Research Center, Moffett Field, Calif. 94035. Article: Mechanical vacuum pump. Manufacturer: Arthur Pfeiffer Vakuumtechnik G.m.b.H., West Germany. Intended use of article: The article is intended to be used in research to determine the design feasibility of a small, lightweight, low-power mechanical pump for use in an inlet system for the pioneer venus probe mass spectrometer. The following properties of the article are to be investigated:

- (a) Compression ratio as a function of pressure,
- (b) Pumping speed as a function of pressure,
- (c) Temperature rise during operational performance testing,
- (d) Effect of cooling on pumping characteristics, and
- (e) Power requirements as related to pumping characteristics.

The objectives to be pursued are verification of the manufacturer's specification and testing of the unit to determine if it is an acceptable component for flight systems. Application received by Commissioner of Customs, May 24, 1973.

Docket No. 73-00535-90-46070. Applicant: Northwestern University, Department of Materials Science, the Technological Institute, Evanston, Ill. 60201. Article: Scanning electron microscope, model JSM-50A. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in various research and teaching programs throughout the university. The research programs will include:

- (a) Cyclic creep study of aluminum and copper,
- (b) Deformation of low dislocation density single crystals,
- (c) Fatigue and fracture study of iron and steel,
- (d) Investigation of mechanical properties of Al-Ni alloys,
- (e) Examination of the microfabric of clay specimens,
- (f) Diffusion study of Fe and S in NiO, and
- (g) Composition distribution in In-Ga-Phosphide.

The teaching materials and information acquired from the use of the article will be used in several courses including

Materials Science 750-C65, a course in electron microscopy and electron diffraction in Materials Science. The article will also be used in Biological Sciences 409-C65, a course in submicroscopic cytology including electron microscopy and its applications. In addition, the information gained will be employed for educational purposes in photographic enlargements and in slides used to illustrate lectures. Application received by Commissioner of Customs, May 24, 1973.

Docket No. 73-00536-33-79500. Applicant: University of Cincinnati, Department of Internal Medicine, General Clinical Research Center, Cincinnati General Hospital, 234 Goodman Street, room C2-3, Cincinnati, Ohio 45229. Article: Random zero sphygmomanometer. Manufacturer: Gelman Hawksley Ltd., United Kingdom. Intended use of article: The article is intended to be used to eliminate bias in the measurement of blood pressure in humans in a study involving the relationship between lipids and blood pressure. Application received by Commissioner of Customs, May 14, 1973.

Docket No. 73-00537-33-46040. Applicant: University of Iowa, Department of Ophthalmology, University Hospitals, Iowa City, Iowa 52242. Article: Electron microscope, model JEM 100B. Manufacturer: JEOL Ltd., Japan. Intended use of article: The article is intended to be used in diversified studies of the ultrastructure of the eye and ocular adnexa. The interests are varied and include: anatomy (embryology, neuroanatomy), experimental and clinical pathology and microbiology (virology, mycology, immunology, and bacteriology). The article will also be used by both faculty and residents in the department as well as qualified graduate and medical students engaged in research. Residents in ophthalmology wishing to obtain M.S. degrees in ophthalmology will be instructed in the use of the electron microscope if their projects require this knowledge. Application received by Commissioner of Customs, May 25, 1973.

Docket No. 73-00538-33-46040. Applicant: Veterans Administration, 109 Bee Street, Charleston, S.C. 29403. Article: Electron microscope, model HU-12A. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used in the study of renal fine structure in patients with acute glomerulonephritis, chronic sclerosing glomerulonephritis, membranous glomerulonephritis, lipid nephrosis, lupus erythematosus, diabetic glomerulosclerosis, amyloidosis, and arteriolar nephrosclerosis. Liver tissue from patients who would normally be candidates for diagnostic biopsy will be studied by electron microscopy to determine the ultrastructural alterations in such diseases as cirrhosis, hepatitis, iron storage, and hepatomas. These studies will also be compared to the light microscopic and physiological findings. In addition, the article will be used in the graduate level course Introduction to Electron Microscopy to teach the theory of electron op-

tics, electron diffraction, use of bright and dark field electron microscopy, and high resolution electron microscopy. Cell Biology is the title of an undergraduate course that will be taught using the article in demonstration and laboratory practice. Application received by Commissioner of Customs, May 30, 1973.

Docket No. 73-00539-33-46040. Applicant: University of Southern California, School of Medicine, 2025 Zonal Avenue, Los Angeles, Calif. 90033. Article: Electron microscope, model EM 301. Manufacturer: Philips Electronic Instruments NVD, the Netherlands. Intended use of article: The article is intended to be used to investigate the ultrastructure of the liver cell intranuclear viruslike particles, the morphologic changes in the liver, and the possible replication of the particles in both liver explants and tissue cultures of other cell lines. It will also be used to study the particles which can be isolated from serum and which we shall use for immunological studies. In addition the article will be used to study tissues, both surgical and autopsy submitted to the histopathology laboratory for pathologic diagnosis. The article will also be used in the training of faculty, other staff members and graduate students in Applied Electron Microscopy. Application received by Commissioner of Customs, May 29, 1973.

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-12161 Filed 6-18-73;8:45 am]

MEDICAL COLLEGE OF VIRGINIA

Notice of Decision on Application for Duty-free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket No. 73-00413-33-46040. Applicant: Virginia Commonwealth University, Medical College of Virginia, Health Sciences Center, Divisions of Surgical fifth floor, 11th and Marshall Streets, Richmond, Va. 23298. Article: Electron microscope, model HS-8. Manufacturer: Hitachi, Ltd., Japan. Intended use of article: The article is intended to be used for ultrastructural research on both animal and human (biological) material. Animal tissue is used in studies of experimentally produced diseases of the nervous system and in studies of subcellular fractions of brain prepared for use in neurochemistry experiments. Human biopsy and autopsy material will be used to study both diseased and normal states. In addition, the article is to be used in

the training of persons interested in learning electron microscopy as well as a formal course entitled "ultrastructural techniques and interpretation" designed for residents in neuropathology and surgical pathology who wish special in-depth training in electron microscopy.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The applicant requires an electron microscope which is suitable for instruction in the basic principles of electron microscopy. The foreign article is a relatively simple, medium-resolution electron microscope designed for confident use by beginning students with a minimum of detailed programming. The most closely comparable domestic instrument is the model EMU-4C electron microscope manufactured by the Forgiio Corp. The model EMU-4C electron microscope is a relatively complex instrument designed for research which requires a skilled electron microscopist for its operation. We are advised by the Department of Health, Education, and Welfare in its memorandum dated May 25, 1973, that the relative simplicity of design and ease of operation of the foreign article is pertinent to the applicant's educational purposes. We, therefore, find that the model EMU-4C electron microscope is not of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

A. H. STUART,
Director,

Special Import Programs Division,
[FR Doc.73-12160 Filed 6-18-73;8:45 am]

Office of the Secretary

[Department Organization Order 25-2]

MARITIME ADMINISTRATION

Organization and Functions

This order effective May 21, 1973, supersedes the material appearing at 37 FR 8010 of April 22, 1972.

SECTION 1. Purpose.—01 This order prescribes the organization and assignment of functions within the Maritime Administration. The delegations of authority to the Assistant Secretary for Maritime Affairs and the Maritime Subsidy Board are set forth in Department Organization Order 10-8.

.02 This revision changes the title of the former Assistant Administrator for Research and Development to Assistant Administrator for Commercial Development and assigns the following functions to him: research and development, market development (from the Assistant

Administrator for Maritime Aids), and promotion of ports and intermodal transportation systems (from the Assistant Administrator for Operations).

Sec. 2. Organization structure.—The organization structure and line of authority of the Maritime Administration shall be as depicted in the attached organization chart (exhibit 1). A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

Sec. 3. Office of the Assistant Secretary for Maritime Affairs.—01 The Assistant Secretary for Maritime Affairs (the Assistant Secretary), who is ex-officio Maritime Administrator, is the head of the Maritime Administration and serves as Chairman of the Maritime Subsidy Board.

02 The Deputy Assistant Secretary for Maritime Affairs shall assist the Assistant Secretary in carrying out his responsibilities and perform such duties as the Assistant Secretary shall prescribe, together with the duties which he performs as a member of the Maritime Subsidy Board. In addition, he shall be the Acting Assistant Secretary during the absence or disability of the Assistant Secretary and, unless the Secretary of Commerce designates another person, during a vacancy in the Office of the Assistant Secretary. He shall also be responsible for supervision and coordination of contract compliance activities under title VI of the Civil Rights Act of 1964.

03 The executive staffs shall consist of the Secretary of the Maritime Administration who also serves as Secretary of the Maritime Subsidy Board, the administrative law judges, and officials concerned with other special services for the Assistant Secretary and the Maritime Subsidy Board.

Sec. 4. Maritime Subsidy Board.—The Maritime Subsidy Board shall be responsible for and perform the following functions:

a. The functions with respect to making, amending, and terminating subsidy contracts, which shall be deemed to include, in the case of construction-differential subsidy, the contract for the construction, reconstruction, or reconditioning of a vessel and the contract for the sale of the vessel to the subsidy applicant or the contract to pay a construction-differential subsidy and the cost of the national defense features, and, in the case of operating-differential subsidy, the contract with the subsidy applicant for the payment of the subsidy;

b. The functions with respect to: (1) Conducting hearings and making determinations antecedent to making, amending, and terminating subsidy contracts, under the provisions of titles V, VI, and VIII, and sections 301 (except investigations, hearings, and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales, and minimum working conditions), 708, 805(a), and 805(f) of the Merchant Marine Act, 1936, as amended (the Act), (2) making readjustments in determinations as to operat-

ing cost differentials under section 606 of the Act, and (3) the approval of the sale, assignment, or transfer of any operating subsidy contract under section 608 of the Act;

c. The functions with respect to investigating and determining (1) The relative cost of construction of comparable vessels in the United States and foreign countries, (2) the relative cost of operating vessels under the registry of the United States and under foreign registry, and (3) the extent and character of aids and subsidies granted by foreign governments to their merchant marines, under the provisions of subsections (c), (d), and (e) of section 211 of the Act;

d. So much of the functions specified in section 12 of the Shipping Act, 1916, as amended, as the same relate to the functions of the Board under subparagraphs a. through c. of this paragraph; and

e. So much of the functions with respect to adopting rules and regulations, subpoenaing witnesses, administering oaths, taking evidence, and requiring the production of books, papers, and documents, under sections 204 and 214 of the Act, as relate to the functions of the Board.

Sec. 5. Office of Policy and Plans.—The Office of Policy and Plans shall develop and recommend long-range marine affairs policies and plans, including plans for the revitalization of the U.S. merchant marine; in coordination with the Office of Budget and Accounts, develop and maintain a system of multiyear program planning, analysis, and evaluation; direct and coordinate the development and maintenance of plans for carrying out the Administration's responsibilities and functions in the event of mobilization for war or other national emergency; conduct economic studies and operations research activities in support of the planning functions and recommend solutions to problems affecting shipping; and review and evaluate operating programs to determine their effectiveness in accomplishing established goals and objectives.

Sec. 6. Office of the General Counsel.—The Office of the General Counsel shall, subject to the overall authority of the Department's General Counsel as provided in Department Organization Order 10-6, serve as the law office of the Administration; review and give legal clearance to applications for subsidy and other Government aids to shipping, sales, mortgages, charters, and transfers of ships; prepare and approve as to form and legality, contracts, agreements, performance bonds, deeds, leases, general orders, and related documents; render legal opinions as to the interpretation of such documents and the statutes; coordinate preparation and issuance of general orders and regulations for guidance of the public and outside organizations; prepare drafts of proposed legislation, executive orders, and legislative reports to congressional committees and the Office of Management and Budget; negotiate and settle, or recommend settlement of, admiralty claims, just compensation

claims, tort claims, and claims referred to the office for litigation; assist the Department of Justice in the trial, appeal, and settlement of litigation; represent the Administration in public proceedings involving all shipping matters before administrative agencies of the Government, and in State and Federal courts; and handle court litigation in actions involving enforcement or defense of the jurisdiction, general orders, and regulations of the Administration.

Sec. 7. Office of Public Affairs.—The Office of Public Affairs shall develop and coordinate a public information and publications program as needed to further the objectives of the Administration's programs; issue or clear for issuance all information for the general public on shipping and on decisions and activities of the Administration; and prepare periodic and special reports, as assigned.

Sec. 8. Office of Civil Rights.—The Office of Civil Rights shall formulate and conduct programs to assure compliance by Federal contractors and subcontractors with Executive Orders 11246 and 11375 and related regulations, and applicants for and recipients of Federal financial assistance and their contractors and subcontractors with title VI of the Civil Rights Act of 1964 and related regulations; plan and direct special programs to assure equal opportunity in employment in the ship and boat building and repair industries, water transportation industry, and related industries as assigned; provide assistance in communicating to minority communities the career opportunities available in the merchant marine; assist in the recruitment of qualified minority cadet candidates for the U.S. Merchant Marine Academy and assure equal opportunity for the Academy cadets; conduct compliance reviews of the civil rights and equal employment opportunity programs relating to Maritime Administration employees, and make recommendations for improvement.

Sec. 9. Office of International Activities.—The Office of International Activities shall plan, conduct, and coordinate Maritime Administration's participation in intergovernmental and international organizations concerned with shipping matters; keep abreast of developments in the United States and foreign countries with a foreign relations impact that may affect the U.S. Merchant Marine; take and/or coordinate action to establish and present Maritime Administration's position in these matters. Within this Office are personnel responsible for representing the Maritime Administration in international activities, as assigned, for development of maritime foreign cost data, and other technical maritime activities in foreign countries.

Sec. 10. Assistant Administrator for Administration and Finance.—The Assistant Administrator for Administration and Finance shall be the principal assistant and adviser to the Assistant Secretary on administrative services, personnel, management, and organization, financial management, automatic data

processing, and management information systems matters. He shall direct the activities of the following organizational units:

.01 The Office of Administrative Services shall plan and establish national policies and programs for the conduct of facilities and supply management and office services activities, including material control and disposal of real and personal property, other than ships; administer the security program; settle loss or damage claims arising from shipments on Government bills of lading; secure allocations of the production capacity of private plants for the manufacture of components and materials required in the event of mobilization; administer programs for the management of mail, files, records equipment, vital records, and records disposition; and, for headquarters of the Maritime Administration, provide or obtain travel and office services, including space, communications, correspondence control, central files, and administrative property management services.

.02 The Office of Management and Organization shall conduct manpower surveys to determine staffing requirements for all components of the Administration; conduct surveys and studies to improve management practices, organization structures, delegations of authority, procedures, and work methods; maintain a system for the issuance of the manual of orders and other directives; administer programs for the management of reports, forms, correspondence, and committee activities; coordinate the management improvement program; and prepare special progress and administrative reports to the Office of the Secretary and others, as required.

.03 The Office of Personnel shall plan and administer personnel programs and activities relating to recruitment, placement, promotion, separation, employee performance evaluation, training, and career development, employee recognition and incentives, employee relations and services, employee-management relations, classification, pay management, and various employee benefit programs. This office shall also plan and administer the equal opportunity program for employment in the Maritime Administration.

.04 The Office of Budget and Accounts shall formulate, recommend and interpret budgetary policies and procedures; collaborate with the Office of Policy and Plans in discharging that office's responsibilities for development and maintenance of a system of multi-year program planning, analysis and evaluation; collaborate with operating officials in the development of fiscal plans and budget estimates; develop and present budget requests and justifications; allocate and maintain budgetary control of funds available; review status of funds and program performance in relation to fiscal plans; develop and maintain fiscal systems of the Administration; perform accounting functions, including maintenance of general accounts and related

fiscal records, preparation of financial statements and reports, issuance of invoices, and audits and certification of vouchers for payment; and take necessary action to effect collection of amounts due to the Administration.

.05 The Office of Financial Analysis shall render financial advice and opinions with respect to the substantive programs and contractual activities of the Administration; prescribe a uniform system of accounts for subsidized operators, agents, charterers, and other contractors; administer a program of external audits of contractors' accounts (except those of research and development contractors) to determine compliance with applicable laws, regulations and contract provisions concerning costs and profits; analyze financial statements and other data submitted by contractors to determine financial qualifications and limitations; and develop and make continuing analyses of data to determine financial condition of the American merchant marine or segments thereof.

.06 The Office of Management Information Systems shall plan and develop data processing and management information systems; develop systems and programs for the application of computer techniques; operate the electronic data processing facility, including auxiliary equipment; and plan, coordinate, and operate the Administration's management data and information center.

Sec. 11. Assistant Administrator for Commercial Development.—The Assistant Administrator for Commercial Development shall be the principal assistant and adviser to the Assistant Secretary on research and development, market development, port development, and intermodal transportation systems activities. Within his office are personnel responsible for overall program development and control in the above areas, and for planning, directing and coordinating the activities of the National Maritime Research Centers, located at Kings Point, N.Y., and Galveston, Tex.

.01 The Office of Maritime Technology shall develop, coordinate, and manage programs to establish a scientific and technological base for achieving a more productive and competitive U.S. Merchant Marine; initiate, solicit, develop, and recommend specific projects, such as research in hydrodynamics, structures, and oceanographic subjects which have a bearing on improvements in the merchant marine, and institutional and university research in marine science and technology appropriate to maritime affairs; and negotiate and administer technical aspects of contracts in above areas.

.02 The Office of Advanced Ship Development shall develop, organize, coordinate, and manage programs for the application of scientific and technological developments to improve ship systems, shipbuilding, ship machinery, equipment, and other components, with the objective of increasing the efficiency, productivity, and effectiveness of the U.S. Merchant Marine; initiate, solicit, de-

velop, and recommend specific projects; and negotiate and administer technical aspects of contracts in these areas.

.03 The Office of Advanced Ship Operations shall develop, organize, coordinate, and manage programs for the application of scientific, technological, and other developments to upgrade the operational efficiency and competitive position of the U.S. Merchant Marine; develop, coordinate, and implement programs for the application of nuclear power to merchant ships; initiate, solicit, develop, and recommend specific projects in these areas, including navigation and communications, port and terminal operations, cargo handling, marine personnel requirements, automation, ship handling, and other operational aspects of the ship; and negotiate and administer technical aspects of contracts in above areas.

.04 The Office of Market Development shall formulate national policies and programs, and conduct programs for the promotion and development of increased trade for U.S.-flag ships in the foreign commerce of the United States; develop and maintain cooperative efforts with Government agencies, and with shippers, forwarders, bankers, insurance, and other groups interested in cargo and trade expansion for U.S.-flag ships; and regulate, review, and report on the administration of cargo preference activities under Public Law 664, 83d Congress, Public Resolution 17, 73d Congress, and other statutes, in accordance with section 901 of the Merchant Marine Act, 1936, as amended.

.05 The Office of Ports and Intermodal Systems shall formulate national policies and programs, and conduct programs for the development and promotion of intermodal transportation systems; conduct studies and formulate plans for the promotion, development, and utilization of ports and port facilities; provide technical advice to other Government agencies, private industry, and State and municipal governments in the above fields; coordinate and provide leadership to the Department's overall effort to reduce, simplify, and otherwise facilitate the use of documents required for trade, travel, and transport purposes; and conduct emergency planning for the utilization and control of ports and port facilities under national mobilization conditions.

Sec. 12. Assistant Administrator for Operations.—The Assistant Administrator for Operations shall be the principal assistant and adviser to the Assistant Secretary on ship construction, ship operations, and domestic shipping activities. Within his office are personnel responsible for the conduct of trial, acceptance, and guarantee surveys of ships. He shall direct the activities of the following organizational units:

.01 The Office of Ship Construction shall collect and analyze data on relative costs of shipbuilding in the United States and foreign countries; calculate and recommend the amount of construction-differential subsidy; develop preliminary designs establishing the basic

characteristics of proposed ships; review and approve ship designs submitted by applicants for Government aid; recommend and, upon request, conduct research and development projects in ship design and construction; develop or approve contract plans and specifications for the construction, reconstruction, conversion, reconversion, reconditioning, and betterment of ships; review, obtain approval and certification of national defense features by the Department of the Navy; prepare cost estimates, invitations to bid, and recommendations for the award of ship construction-type contracts; administer ship construction contracts; provide naval architectural and engineering services in connection with construction of small special-purpose ships for other Government agencies; approve designs, supervise construction, and undertake final acceptance of fishing vessels constructed under Public Law 86-516, as amended; maintain current records of commercial shipyard ways in the United States; and develop requirements for mobilization ship-construction programs.

.02 The Office of Domestic Shipping shall formulate and implement national policies and programs for the development and promotion of domestic waterborne commerce, including the Great Lakes, inland waterways, and noncontiguous, coastwise and intercoastal trade; conduct studies, formulate plans, and make recommendations to improve the competitive position and increase the utilization of the domestic waterborne transportation; give national program direction for maintenance and preservation of the national defense reserve fleet, and for the operation, maintenance and repair of Maritime Administration-owned or acquired merchant ships, conduct of ship condition surveys, and related activities; administer the ship sales program; provide safety engineering services; approve or recommend approval of transfers of ships to foreign ownership, register, or flag; review and approve maintenance and repair costs for subsidy participation; and develop plans for the acquisition, allocation, and operation of merchant ships in time of national emergency and administer these activities as required.

SEC. 13. *Assistant Administrator for Maritime Aids.*—The Assistant Administrator for Maritime Aids shall be the principal assistant and adviser to the Assistant Secretary on subsidy administration, title XI ship financing guarantees and other Government aids programs, maritime manpower, and marine insurance activities. He shall direct the activities of the following organizational units:

.01 The Office of Subsidy Administration shall process applications for construction-differential subsidy, operating-differential subsidy, Federal ship-financing guarantees, trade-in allowances, capital construction fund agreements, and other forms of Government aid to shipping; conduct negotiations with applicants, obtain comments of

other offices and within delegated authority, approve or recommend approval or disapproval, and take other actions in relation to the award and the administration of aid contracts; administer construction reserve funds; approve actions relating to the administration of special and capital reserve funds; maintain control records of statutory and contractual reserve funds; collect, analyze and evaluate costs of operating ships under U.S. and foreign registry; calculate and recommend operating-differential subsidy rates; analyze and recommend trade route structure and service requirements of the oceanborne commerce of the United States, and extent of foreign flag competition on essential trade routes; calculate and recommend guideline rates, terms, and conditions for transportation of Government-financed cargoes; and collect, maintain, analyze, and disseminate statistical data on cargo and commodity movements in the oceanborne commerce of the United States, composition of world's merchant fleets, and utilization of U.S.-flag ships.

.02 The Office of Maritime Manpower shall analyze and advise the administration regarding labor management relations and problems as they apply to seamen, longshoremen, and shipyard workers, including labor trends, potential areas of dispute, and the effects of technological changes and proposed legislation on labor; develop plans in cooperation with the Department of Labor to provide reserve maritime manpower for mobilization and other emergencies; obtain, analyze, and publish data for use of industry, labor, Government, and the public concerning maritime employment, wages, hours, manning, working conditions, and manpower requirements; process nominations for appointment of cadets to the U.S. Merchant Marine Academy; administer a grant-in-aid program for the State maritime academies; determine need for and coordinate training programs for licensed and unlicensed personnel in maritime industries; coordinate technical maritime training assistance to foreign countries under international cooperative programs; and issue merchant marine decorations and awards.

.03 The Office of Marine Insurance shall develop, coordinate, control, and administer the marine insurance and the marine war-risk insurance activities and programs of the Maritime Administration; maintain contact with the commercial insurance markets, analyze events and trends, and take action to meet changing conditions and foster cooperation between the Federal Government and American marine insurance underwriters in helping to strengthen the domestic marine insurance market; gather, analyze, and disseminate information on marine insurance useful to ship operators and the marine insurance industry; and settle or recommend settlement of claims of a marine insurance and marine war-risk insurance nature.

SEC. 14. *Field organization.*—01a. There shall be three field organizations called Regions, each headed by a Region Director, as specified below:

Region:	Headquarters location
Eastern	New York, N.Y.
Central	New Orleans, La.
Western	San Francisco, Calif.

b. The regions shall have geographic areas of responsibility as shown in exhibit 2. A copy of the exhibit 2 is attached to the original of this document on file in the Office of the Federal Register.

c. The Region Directors shall be responsible for all field operations and programs of the Maritime Administration within their respective regions, except ship construction and the U.S. Merchant Marine Academy, subject to national policies, determinations, procedures, and directives of the appropriate office chief in Washington, D.C. The programs and activities under their jurisdiction shall include the custody and preservation of ships in the national defense reserve fleet; operation, repair and maintenance of ships; marine inspections; training for marine personnel in radar, loran, etc.; accounting and external auditing; financial analysis of the shipping industry or segments thereof; contract compliance activities, and activities to assure equal opportunity in employment in water transportation industries, as assigned; market development; development of ports and intermodal transportation systems; procurement and disposal of property and supplies; facilities management; and administrative support activities.

.02 The U.S. Merchant Marine Academy, Kings Point, N.Y., shall develop and maintain programs for the training of U.S. citizens to become officers in the U.S. merchant marine.

HENRY B. TURNER,
Assistant Secretary,
for Administration.

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[Department Organization Order 25-5B]

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Organization and Functions

This order effective May 7, 1973, supersedes the material appearing at 37 FR 6411 of March 19, 1972, 37 FR 14421 of July 20, 1972, 37 FR 19390 of September 20, 1972, and 37 FR 24202 of November 15, 1972.

SECTION 1. *Purpose.*—01 This order prescribes the organization and assignment of functions within the National Oceanic and Atmospheric Administration (NOAA).

.02 This revision establishes a new office of Coastal Environment (section 10) and a new Office of Programs and Budget (section 11). It also eliminates the old Associate Administrator for Interagency Relations and makes certain other changes.

SEC. 2. Organization structure.—The organization structure and line of authority of NOAA shall be as depicted in the attached organization chart (exhibit 1). A copy of the organization chart is attached to the original of this document on file in the Office of the Federal Register.

SEC. 3. Office of the Administrator.—.01 The Administrator of NOAA formulates policies and programs for achieving the objective of NOAA and directs the execution of these programs.

.02 The Deputy Administrator assists the Administrator in formulating policies and programs and in managing NOAA. He is assisted by an Assistant Deputy Administrator, who also acts as Naval Deputy to the Administrator, to effect necessary coordination and joint activity with the Navy on ocean programs of mutual organizational interest.

.03 The Associate Administrator assists the Administrator and the Deputy Administrator in formulating policies and programs and in managing NOAA.

.04 The executive office shall perform such services as will facilitate the handling of matters and execution of actions by the Administrator and other officials within the Office of the Administrator.

SEC. 4. Special staff offices.—.01 The Office of General Counsel shall provide legal services for all components of NOAA, subject to the overall authority of the Department's General Counsel as provided in Department organization order 10-6.

.02 The Office of Congressional and Legislative Affairs shall coordinate contacts with Congress, except for matters relating to appropriations, and, in consultation with NOAA's General Counsel, formulate recommendations for legislative programs, and review, coordinate, and advise on all legislative matters affecting NOAA's programs and activities. These activities shall, as applicable, be carried out in coordination with and in recognition of the responsibilities of the Departmental Office of Congressional Relations, and of the Departmental Office of the General Counsel.

.03 The Office of International Affairs shall recommend policies and plans for U.S. participation in international activities relating to NOAA's programs; coordinate NOAA's policies on treaties and international multilateral and bilateral agreements; prepare and coordinate positions for U.S. participation in international organizations and maintain liaison with those organizations providing protocol and Secretariat functions, as required, for U.S. representatives; manage NOAA's international training program; coordinate and advise on special programs for bilateral cooperation with foreign countries including U.S. AID programs. The Office of International Affairs will work through the offices of the Associate Administrators and appropriate major line components on matters of substance.

.04 The Office of Public Affairs shall recommend objectives and policies relating to public affairs; plan and conduct

an information and education program to insure that the public, Congress, user groups, and employees are properly informed on matters relating to NOAA's activities and environmental safety and conservation; and provide direction to all public affairs activities within NOAA. These activities shall be carried out in collaboration with the Departmental Office of Communications.

.05 The Office of Ecology and Environmental Conservation shall act as a central point to which ecological and environmental conservation interests can communicate their views on NOAA activities; act as a focal point for the review of all NOAA activities which impinge upon ecological and environmental conservation matters; review NOAA activities to insure full compliance with the purposes and provisions of sections 102 and 103 of the National Environmental Policy Act of 1969; coordinate preparation, within NOAA, of environmental statements and comments required by section 102 of the act; and represent NOAA within the interagency councils of the Government on matters that involve ecology or environmental quality within NOAA's assigned responsibilities.

SEC. 5. Associate Administrator for Marine Resources.—The Associate Administrator for Marine Resources shall maintain cognizance over and establish policy for NOAA's marine resources, coastal environment, mapping, charting, and geodetic programs, as well as those programs closely related thereto. He shall not maintain cognizance over or establish policy for NOAA's real time marine environmental predictions (including observations related thereto), which are assigned to the Associate Administrator for Environmental Monitoring and Prediction. As the primary program policy officer for marine resources, coastal environment, mapping, charting, and geodetic programs, he shall:

Undertake long-range policy planning and analysis; recommend NOAA policy to the Administrator; and provide guidance on long-range goals and plans to NOAA's operating elements.

Assure development of plans and programs for adequate operational services and research and technology for meeting user requirements.

Maintain current projections of resources required to implement approved plans, and make recommendations on existing and future programs.

Monitor and evaluate assigned programs in terms of planned accomplishments, quality and degree of responsiveness of user needs; and recommend, as necessary, program curtailments, redirections, expansion, and new program initiatives.

Discharge Federal coordinating functions assigned to Commerce under OMB circular A-16 (national geodetic control and related surveys), Federal coordination of marine mapping, charting, and geodesy and others as may be assigned by the Administrator.

Act as NOAA's focal point for coordination of marine affairs with the Na-

tional Science Foundation, develop and coordinate NOAA's posture for deliberations by the National Academies of Science and Engineering; and participate in interagency and international coordination and negotiation to assure that assigned programs are coordinated with related programs.

SEC. 6. Associate Administrator for Environmental Monitoring and Prediction.—The Associate Administrator for Environmental Monitoring and Prediction shall maintain cognizance over and establish policy for environmental satellite, meteorological, hydrologic, marine environmental services, climatological, upper atmospheric and space, geomagnetic and seismological programs which entail monitoring and prediction of the environment. The marine environmental services program includes marine environmental observations necessary for the prediction of coastal zone and oceanic conditions and those required on a routine basis for the measurement of pollution and other ocean constituents. He shall also be the NOAA focal point for planning emergency readiness and preparedness against natural disaster. As the primary program policy officer for all activities indicated above, he shall:

Undertake long-range policy planning and analysis; recommend NOAA policy to the Administrator; and provide guidance on long-range goals and plans to NOAA's operating elements.

Assure the development of plans and programs for adequate research, technology and operational services for meeting user requirements.

Maintain current projections of resources required to implement approved plans, and make recommendations on existing and future programs.

Monitor and evaluate assigned programs in terms of planned accomplishments; quality and degree of responsiveness to user needs; and recommend, as necessary, program curtailments, redirections, expansions, and new program initiatives.

Provide management and coordination for the global atmospheric research program (GARP) of the world weather program, International Hydrologic Decade, the special foreign currency program and other special programs assigned by the Administrator.

Act as NOAA's focal point for coordination with the National Science Foundation and participate in interagency and international coordination and negotiation to assure that assigned programs are coordinated with related programs.

Act as NOAA's focal point for coordination with committees of the National Academy of Science and the National Academy of Engineering.

Discharge Federal coordinating functions assigned to Commerce under OMB Circular A-62 (Federal meteorological services), those assigned to NOAA for the world weather watch and the global atmospheric research program, and the integrated global ocean station system, and others as may be assigned by the Administrator.

SEC. 7. Assistant Administrator for Environmental Modification.—The Assistant Administrator for Environmental Modification shall maintain cognizance over and establish policy for NOAA's activities in intentional and inadvertent environmental modification and with respect to NOAA's aircraft resources. As the primary program policy officer for the above missions, he shall:

Undertake long-range policy planning and analysis; recommend NOAA policy to the Administrator; and provide guidance on long-range goals and plans to NOAA's operating elements.

Monitor and evaluate assigned programs and recommend program curtailments, redirections, reductions, expansions, and new program initiatives.

Act as NOAA's focal point for coordination of environmental modification affairs with the National Science Foundation; develop and coordinate NOAA's posture for deliberations by the National Academies of Science and Engineering and participate in interagency and international coordination and negotiation to assure that assigned programs are coordinated with related programs.

Develop, in conjunction with NOAA's General Counsel, the legislative program necessary to the furtherance of the Nation's environmental modification programs.

Carry out Department of Commerce responsibilities under the Weather Modification Reporting Act, Public Law 92-205.

Conduct or monitor studies of the economic, social, and legal ramifications of environmental modification and conduct or monitor studies of unwanted side effects.

Assure that NOAA develops and maintains an effective program for global baseline monitoring of atmospheric constituents to determine long-term trends and impact on weather and climate and to study effects that man is having on the stratosphere.

Establish policy on the scheduling and utilization of research flight facility aircraft in conjunction with the Director of the Environmental Research Laboratories; monitor the development of a plan for the modernization of the Research Flight Facility; and monitor the management and allocation of NOAA aircraft resources, including reviews of the adequacy of flying safety programs.

Participate in or carry out the development, organization, and management of international, national and NOAA projects as assigned by the Administrator.

SEC. 8. Assistant Administrator for Administration.—The Assistant Administrator for Administration shall provide administrative management and support services for all components of NOAA except for elements of such services that appropriate components are directed to provide for themselves, exercise functional supervision over such decentralized services, and provide advice and guidance to the Administrator on the utilization of NOAA resources. To carry out his responsibilities, the As-

sistant Administrator shall have and direct the following units.

.01 The Administrative Operations Division shall perform the following functions: Property and supply management; directives management; records and files management; reports management; space and facilities management; travel and transportation services; mail, messenger, and related office services; graphic services; safety; security; and processing of tort claims.

.02 The Office of Management and Computer Systems shall conduct studies and provide analytical assistance to develop or improve the organization and staffing structure and other management systems within NOAA; provide management staff services in the application of advance management principles and techniques; carry out the NOAA committee management function; develop and maintain a central system for collecting, analyzing, presenting, and disseminating information on program status and performance; develop systems for measuring productivity and performance; exercise overall management, planning, and coordination of NOAA's automatic data processing and telecommunication needs and facilities including serving as the focal point within NOAA for intra- and inter-agency matters, and the review and evaluation of proposals for automatic data processing and telecommunications requirements and system; and engage in research into advance system concepts and apply or provide guidance in the application of these concepts. It shall provide systems analysis and programming support to NOAA's executive and administrative management functions and to other NOAA functions as requested, and shall operate and provide system and special software support for automatic data processing facilities for all NOAA components except where separate facilities are approved.

.03 The Personnel Division shall provide personnel management services by conducting recruitment, employment, classification and compensation, employee relations, labor relations, incentive awards, and career development activities for civilian personnel.

.04 The Finance Division shall provide centralized financial accounting for all components of NOAA, determine needs of managers for accounting data, and maintain a financial reporting system that will facilitate effective management of NOAA's financial resources.

.05 The Radio Frequency Management Division shall, as a department-wide responsibility, coordinate the requirements and the management and use of radio frequencies by all organizations of the Department of Commerce.

.06 The Northwest Administrative Service Office shall provide administrative services responsive to the requirements of the National Marine Fisheries Service Northwest, Southwest, and Alaska Regions, the NOS Pacific Marine Center, and such other NOAA organizational units which can be accommodated. These services shall include

personnel administration, budget and financial management, management analysis, procurement and contracting, property management, motor vehicle pool operation, and office services.

SEC. 9. Office of Sea Grant.—The Office of Sea Grant shall provide support, primarily to institutions, for research, education, and advisory services aimed at assisting those who are interested in and responsible for the development, utilization, and management of the seas and the Great Lakes of the United States, including their resources, and shall manage NOAA's Marine Advisory Services to the user community.

SEC. 10. Office of Coastal Environment.—The Office of Coastal Environment shall serve as a focal point for coordination with and advice to governmental, public, industrial, academic, and other institutions concerned with coastal resource management; support development of scientific information needed to assess and predict the impact of man-made alterations and natural phenomena on the marine environment, and required for effective coastal zone management; and provide a focus for manned underwater activities in support of NOAA missions. In carrying out these activities, the office shall manage NOAA's manned underwater activities program, marine ecosystems analysis program, and other special programs assigned by the Administrator.

SEC. 11. Office of Programs and Budget.—The Office of Programs and Budget shall provide NOAA management with overall program and budgetary control from program integration through budget execution. This Office shall be the focal point for contacts with the Office of the Secretary and the Office of Management and Budget on NOAA program and budgetary matters and shall guide the overall planning and budgetary functions so as to assure the effective development, justification, and presentation of NOAA programs and budgets. The Office shall provide advice to the Office of the Administrator and other NOAA officials on program and budgetary matters and perform the following specific functions:

Plan and manage the annual review of NOAA programs.

Consolidate and integrate program guidance developed by the primary program policy officers on the development of issue studies and related supporting documentation requested by the Office of the Secretary and OMB in conjunction with the program-budget cycle.

Formulate and interpret budgetary policies and procedures.

Analyze and aggregate NOAA budgetary requirements.

Develop and recommend fiscal plans to assure optimum use of available funds; and allocate and maintain budgetary control of funds.

Review and report on execution of approved budgets and associated fiscal plans in close collaboration with the Assistant Administrator for Administration.

SEC. 12. Director of the NOAA Corps.—The Director of the NOAA Corps shall develop plans for the efficient utilization of the NOAA commissioned officers corps; develop and implement policies and procedures for the recruitment, commissioning, and assignment of commissioned officers; and represent NOAA in interdepartmental activities having to do with the uniformed services.

SEC. 13. National Marine Fisheries Service.—The National Marine Fisheries Service (NMFS) shall conduct an integrated program of research and services related to the protection and rational use of living marine resources for their esthetic, economic, and recreational value by the American people. The Service shall administer programs to determine the consequences of the naturally varying environment and man's activities on living marine resources; to provide knowledge and services to foster their efficient and judicious use; and to achieve domestic and international management, use, and protection of living marine resources. The Service shall be organized as set forth below.

.01 Office of the Director.—The Director shall formulate and execute basic policies and manage the Service. He shall be immediately assisted by a Deputy Director. The Director shall be assisted by the planning and policy development staff, executive support staff, and international activities staff.

.02 The Office of Resource Research shall plan, develop, and manage research programs designed better to understand living marine resources and the environmental quality essential for their existence, and to describe options for their utilization consistent with national needs and goals. The Office's activities shall include biological surveys designed to monitor, assess, and predict abundance and availability of living marine resources; collection and documentation of scientific data for protecting access of U.S. citizens to living marine resources; and development and interpretation of data for use by managers of resources. It shall also conduct research on the potential of mariculture, the assessment and characterization of the living resources, and the improvement of fish detection and harvesting systems.

.03 The Office of Resource Utilization shall plan, develop, manage, and evaluate programs of economic and market research; of fishery statistical and market news information; of financial assistance to the fishing industry in the form of loans, mortgage and loan insurance, and subsidies; of microbiological, chemical, and technological research to enhance the quality and utilization of fishery resources; of voluntary inspection and certification of fishery products; and to improve marketing practices and alleviate extraordinary short-term supply/demand imbalances. The Office shall conduct a national research program in fishery products technology.

.04 The Office of Resource Management shall plan, develop, and evaluate programs to improve the management of fishery resources so as to achieve the

appropriate allocation of these resources and their environment among competing users. It shall develop national guidelines for managing fisheries for biological, economic, and social purposes; shall provide a mechanism through legislation, coordination, and cooperation for the States and the Federal Government jointly to manage resources within these guidelines; and shall administer a grant-in-aid program to improve the capability of the States to conduct coordinated fisheries research, development, and management programs. The Office also shall manage programs concerning enforcement of regulations prescribed by international agreements applicable to U.S. nationals; surveillance of foreign fishing operations; the Pribilof Islands; management and protection of marine mammals; water resources management and Columbia River development; and fishery extension services.

.05 a. The field structure shall consist of the following organizational elements:

(1) Five regional offices as shown in exhibit 2.¹ Regional offices shall act as representatives of the Director with State conservation agencies, recreational interests, the fishing industry, universities, and the general public. Regional offices shall also plan, organize, and manage regionalized fishery resource research, conservation, management, and utilization programs within the geographical area of responsibility.

(2) Fisheries centers and laboratories, and fishery products technology centers and laboratories which shall report to program components at the headquarters of NMFS or regional offices, as appropriate.

b. The Southeast and Northeast regions shall provide their own administrative support and, where feasible and practical, extend this support to other NOAA field units. The Northwest, Southwest, and Alaska regions shall obtain administrative support from the Northwest Administrative Service Office at Seattle, Wash. The Fishery Research Centers and Laboratories and Fishery Products Technology Centers and Laboratories shall obtain administrative support from the nearest NMFS regional office or the Northwest Administrative Service Office.

SEC. 14. National Ocean Survey.—The National Ocean Survey (NOS) shall provide charts for the safety of marine and air navigation; provide a basic network of geodetic control; and provide basic data for engineering, scientific, commercial, industrial, and defense needs, support the quest for more knowledge of our environment and undertake a program of marine technology development to observe, measure, and chart oceanic phenomena and resources. In performance of these functions, it shall conduct surveys, investigations, analyses and research, and technology development; and

shall disseminate data in the fields of geodesy, gravity, astronomy, aeronautical charting, hydrography, oceanography, and marine technology. The NOS shall be organized as set forth below.

.01 Office of the Director.—The Director shall formulate and execute basic policies and manage the NOS. He shall be immediately assisted by a Deputy Director. The Director shall also be assisted by the executive and technical services staff which shall provide policy and management advice to the Director; lead and coordinate program planning, budgeting, and financial management activities; and provide executive and technical services in support of programs throughout the NOS.

.02 The Office of National Geodetic Survey shall fulfill national requirements for a system of geodetic control for precise gravimetric and global configuration and mensuration data. It shall establish and maintain a geodetic control network based on satellite observations; plan and direct geodetic, gravity, astronomic, earth movement, and boundary surveys; make observations for variation of latitude and longitude; disseminate geodetic data; and conduct related research.

.03 The Office of Fleet Operations shall manage the NOAA fleet and the NOAA ship facilities in support of the NOAA marine program. It shall direct and monitor ship operating schedules and activities related to ship operations, repairs and maintenance of vessels, vessel complements, and special equipment and instrumentation unique to NOAA ships. The Office shall be responsive to overall NOAA fleet service requirements.

.04 The Office of Marine Surveys and Maps shall contribute to the safety of marine navigation through nautical charting and related publications, and seek added knowledge about the states and processes of the ocean. It shall plan and direct marine geophysical mapping and services, hydrographic and oceanographic surveys; analyze physical phenomena pertaining to the sea, including tide and current phenomena, the dynamic and physical properties of seawater and shoreline and bottom configuration as they affect seawave and current propagation and attenuation; operate a network of tide stations; compile survey data, including the compilation of nautical charts and marine geophysical maps; and conduct research. It shall also make studies and conduct photogrammetric surveys for coastal mapping, seaward boundaries, and coastal evacuation maps.

.05 The Office of Aeronautical Charting and Cartography shall contribute to the safe navigation of air commerce and provide nautical and aeronautical charts for widespread use. It shall collect and evaluate air navigation information and compile aeronautical chart manuscripts; print and distribute nautical and aeronautical charts; maintain liaison with interests concerned with navigation regulations and information; and conduct research in support of these programs. The Office also shall print and distribute weather charts and related documents.

¹ A copy of the exhibit 2 is attached to the original of this document on file in the Office of the Federal Register.

.06 The Office of Marine Technology shall act as the focus of the national effort for technology related to testing, evaluation, and calibration of sensing systems for ocean use, and to enhance the quality of such systems by the dissemination of operational results and technical information to the national oceanographic community. It shall serve NOAA with marine systems technology, ocean engineering, sensor systems, buoy systems, data automation systems, and other technology functions as may be assigned, and shall assist with the design, development, and procurement in these technical areas.

.07 a. The field structure shall consist of the following organizational elements:

(1) The Atlantic and Pacific Marine Centers shall direct the operation of ocean-going survey ships; maintain ship bases at Norfolk, Miami, and Seattle; operate shore facilities for processing oceanographic data and compiling photogrammetric survey data; and manage photogrammetric field units.

(2) The Lake Survey Center shall conduct surveys of the Great Lakes and their outflow rivers, Lake Champlain, New York State Barge Canal, the Minnesota-Ontario border lakes, and compile and publish charts and related publications. It shall plan and collect data relating to the Great Lakes including hydrology, flood and storm protection, power generation, beach erosion, shore structures, and ice and snow as they apply to navigation, and conduct related research.

(3) The National Data Buoy Center, National Oceanographic Instrumentation Center, and the National Geodetic Survey Operation Center shall report to the appropriate components at the headquarters of NOS.

b. The Atlantic Marine Center and the Lake Survey Center shall provide their own administrative support, including that required by vessels under their respective jurisdictions, and, where feasible and practical, extend this support to other NOAA field units. The Pacific Marine Center shall obtain administrative support, including that required by vessels under its jurisdiction, from the Northwest Administrative Service Office at Seattle. The National Data Buoy Center and the National Oceanographic Instrumentation Center shall receive administrative support from NOAA Headquarters. The National Geodetic Survey Operations Center shall obtain administrative support, as feasible, from the National Weather Service Regional Office at Kansas City.

Sec. 15. *National Weather Service.*—The National Weather Service (NWS) shall observe and report the weather, river, and ocean conditions of the United States and its possessions; issue forecasts and warnings of weather, flood and ocean conditions that affect the Nation's safety, welfare and economy; develop the National Meteorological, Hydrologic and Oceanic Service Systems; participate in international meteorological,

hydrologic, oceanic and climatological activities, including exchange of data and forecasts; and provide forecasts for domestic and international aviation and for shipping on the high seas. The Service shall be organized as set forth below.

.01 *Office of the Director.*—a. The Director shall formulate and execute basic policies and manage the Service. He shall be immediately assisted by a Deputy, an Executive Affairs Staff, a Resources Management Staff, and a Manpower Utilization Staff.

b. The Engineering Division shall be responsible for engineering aspects of procurement specifications, contract monitoring, coordination of training, testing and inspection, equipment reconditioning, installation and maintenance standards and procedures, and field modification of all facilities, equipment and instruments of NWS and other NOAA organizational units on a designated organizational basis.

.02 The Office of Meteorological Operations shall have cognizance over and establish policies and procedures to observe, prepare and distribute forecasts of weather conditions and warnings of severe storms and other adverse weather conditions for protection of life and property; develop the plans and procedures for operation of meteorological and climatological field services; and serve as the primary channel for coordinating NWS field services operations and for technical aspects of meteorological programs.

.03 The Office of Hydrology shall have cognizance over and establish policies and procedures to provide river and flood forecasts and warnings, and water supply forecasts; conduct research to improve river and flood forecasts and warnings; and analyze and process hydrometeorological data for use in water resource planning and operational problems.

.04 The Systems Development Office shall manage, plan, design, and develop a system to meet all meteorological, hydrological, and oceanographic service requirements of the NWS; develop, test, and evaluate techniques, and equipment; and translate research results into operational practices.

.05 The National Meteorological Center shall provide analyses of current weather conditions over the globe and depict the current and anticipated state of the atmosphere for general national and international uses; conduct development programs in numerical weather prediction; and lead in the extension and application of advanced techniques.

.06 The Office of Oceanography shall establish policies and develop plans and procedures for observing, collecting, and processing data for forecasts and warnings of the oceanic environment and their dissemination to users. The Office shall serve as the primary channel for coordinating all aspects of the NWS oceanographic service programs and procedures.

.07 The Field Structure shall consist of six regions as shown in exhibit 3. A

region shall consist of a Regional Office managed by a Regional Director, and field offices reporting to the Regional Director. A copy of the exhibit 3 is attached to the original of this document on file in the Office of the Federal Register.

a. Each region shall provide weather, river, and oceanic services within its prescribed geographical area by issuing forecasts and warnings of weather, flood, and oceanic conditions, and shall conduct operational and scientific meteorological, hydrological, oceanographic and climatological service programs as are assigned to it.

b. Regional Offices shall provide administrative and technical support for all NWS components in their respective regions and shall provide such services to other components of NOAA as determined to be practicable and advantageous to NOAA.

Sec. 16. *Environmental Data Service.*—The Environmental Data Service (EDS) shall acquire, process, archive, analyze, and disseminate worldwide environmental (solid earth, marine, atmospheric, solar, and aeronomy) information, data, and products for use by commerce, industry, the scientific and engineering community, the general public and for Federal, State, and local governments; guide applied research pertinent to the improvement of such services; provide relevant World Data Center facilities; coordinate international exchange activities in oceanic, climatological, geophysical, solar, and aeronomy data; and shall provide editorial, publishing, library, and related information services. The Service shall be organized as set forth below.

.01 *Office of the Director.*—a. The Director shall formulate and execute basic policies and shall manage the Service. He shall be immediately assisted by Associates for Climatology, Marine Sciences, and Geophysics. The Director shall be further assisted by a Senior Research Fellow; an Executive Office; and offices for Special Projects, System Design, Publication and Media, and Resources Management.

b. The Laboratory for Environmental Data Research shall analyze, process, and interpret geophysical, oceanographic, aeronomic, and climatological data and anticipate applications of these data for design and risk assessment and stimulate the required research.

.02 The Environmental Science Information Center shall develop policies for and provide editorial and publishing services to NOAA components; manage central library system; provide functional guidance to NOAA libraries; and develop and implement automated scientific information systems for NOAA and external use.

.03 The National Climatic Center shall acquire, process, archive, and disseminate climatological data and develop analytical and descriptive products to meet user requirements, and shall provide facilities for the World Data Center—A (Meteorology and Nuclear Radiation).

.04 The National Oceanographic Data Center shall acquire, process, archive, and disseminate oceanographic data and develop analytical and descriptive products to meet user requirements and provide facilities for the World Data Center—A (Oceanography).

.05 The National Geophysical and Solar-Terrestrial Data Center shall acquire, process, archive, evaluate, and disseminate solid earth and marine geophysical data and ionospheric, solar and other space environment data; develop analytical, climatological, and descriptive products to meet user requirements; and provide facilities for World Data Center—A (Geomagnetism, Gravity, Seismology and Solar-Terrestrial Physics).

.06 The Center for Experiment Design and Data Analysis shall provide service and support in data management and scientific analysis for large-scale environmental field research projects, and assist in the planning, design, and implementation of such projects to ensure that data needs are met.

Sec. 17. *National Environmental Satellite Service.*—The National Environmental Satellite Service (NESS) shall provide observations of the environment by operating the National Environmental Satellite System; increase the utilization of satellite data in environmental services; and manage and coordinate all operational satellite programs within NOAA and certain research-oriented satellite activities with NASA and DOD. The Service shall be organized as set forth below.

.01 *Office of the Director.*—The Director shall formulate and execute basic policies and manage the Service. He shall be immediately assisted by a Deputy, a Chief Space Scientist, a Planning and Coordination Group, and a Support Service Group.

.02 The Office of Operations shall provide data from environmental satellites and increase the value and the use of these data by operating the NOAA environmental satellite systems, including collecting, processing and analyzing data from operational and specified research and development satellites, and developing new and improved applications of satellite data.

.03 The Office of Systems Engineering shall provide conceptual and detailed engineering to implement new or modified environmental satellite systems. It shall conduct design studies; specify, procure, install and check out ground equipment required for the environmental satellite systems; modify existing hardware to accommodate spacecraft changes; and originate development of new equipment when required.

.04 The Office of Research shall improve understanding of the environment through satellite data and provide new and improved satellite measurement techniques and applications.

.05 The Office of Systems Integration shall conduct definition studies, provide overall planning, arrange for the development of major elements, and coordinate

the integration and check out the environmental satellite system. It shall coordinate the efforts of other NESS offices, other NOAA services, other agencies, and industrial and other groups for the establishment of these capabilities; establish system objectives, performance, cost criteria, and interface standards; and provide assessments of system performance and requirements for new system capabilities.

Sec. 18. *Environmental Research Laboratories.*—The Environmental Research Laboratories (ERL) shall conduct an integrated program of research, fundamental technology development, and services relating to the oceans and inland waters, the lower and upper atmosphere, the space environment, and the solid earth so as to increase understanding of man's geophysical environment and thus provide the scientific basis for improved services. The ERL shall be organized as set forth below.

.01 *Office of the Director.*—a. The Director shall formulate and execute basic policies and manage ERL. He shall be immediately assisted by a Deputy Director.

b. The Office of Programs shall provide policy and management advice to the Director; lead and coordinate program planning activities, including program planning and budgetary requirements; coordinate ERL's activities with national and international scientific programs; review and evaluate current programs; develop a management information system; and provide related staff assistance to the Director.

c. The Office of Research Support Services shall provide administrative and technical services to all ERL components at Boulder, Colo., and at other locations except as otherwise specified.

d. The Program Manager for Weather Modification shall have technical cognizance over laboratory work in experimental weather modification; and, in particular, shall have line management authority over the Experimental Meteorology Laboratory, the Research Flight Facility, and the National Hurricane Research Laboratory.

.02 The Earth Sciences Laboratories shall conduct research in geomagnetism, seismology, geodesy and related Earth sciences, seeking fundamental knowledge of earthquake processes, of internal structure and accurate configuration of the Earth, and the distribution of its mass. In its environmental services program, the Laboratories shall investigate and measure seismic and geomagnetic phenomena and their relation to the state and structure of the Earth; and fulfill national requirements for standardized seismic and geomagnetic data. Toward doing that, it shall collect, analyze, compile and disseminate data on a national and worldwide basis; and maintain liaison with geophysicists throughout the world. It shall also operate seismic seawave warning systems.

.03 *Oceanographic Laboratories.*—a. The Atlantic Oceanographic and Meteorological Laboratories shall conduct re-

search toward a fuller understanding of the ocean basins and borders, of oceanic processes and of ocean-atmosphere interactions.

b. The Pacific Oceanographic Laboratories shall conduct oceanographic research toward fuller understanding of the ocean basins and borders, or oceanic processes, sea-air and land-sea interactions as required to improve the marine scientific services and operations of NOAA.

.04 The Marine Minerals Technology Center shall conduct marine minerals research to improve the fundamental technology that will make it possible for industry to develop undersea minerals commercially in a manner that is safe to the environment as well as compatible with other uses of the sea; develop, test, and evaluate tools and techniques for delineating the important characteristics of marine mineral deposits; and develop, test, and evaluate marine mining systems that are compatible with the principle of multiple use of the marine environment.

.05 *Space and Aeronomy Laboratories.*—a. The Space Environment Laboratory shall conduct research in the field of solar-terrestrial physics; develop techniques necessary for forecasting of solar disturbances and their subsequent effects on the earth environment; and provide environment monitoring of forecasts.

b. The Aeronomy Laboratory shall study the nature of and the physical and chemical processes controlling the ionosphere and exosphere of the earth and other planets. Theoretical, laboratory, ground-based, rocket and satellite studies are included.

c. The Wave Propagation Laboratory shall act as a focal point for the development of new methods for remote sensing of man's geophysical environment. Special emphasis shall be given to the propagation of sound waves and electromagnetic waves at millimeter, infrared, and optical frequencies.

.06 *Atmospheric Laboratories.*—a. The Atmospheric Physics and Chemistry Laboratory shall perform research on processes of cloud physics and precipitation and the chemical composition and nuclearing substance in the lower atmosphere. The Laboratory is NOAA's major focus for design and conduct of laboratory and field experiments towards developing feasible methods of practical, beneficial weather modification.

b. The Air Resources Laboratories shall conduct research on the diffusion, transport, and dissipation of atmospheric contaminants, using laboratory and field experiments to develop methods for prediction and control of atmospheric pollution.

c. The Geophysical Fluid Dynamics Laboratory shall conduct investigations of the dynamics and physics of geophysical fluid systems to develop a theoretical basis, by mathematical modeling and computer simulation, for the behavior and properties of the atmosphere and the ocean.

d. The National Severe Storms Laboratory shall conduct studies of tornadoes, squall lines, thunderstorms and other severe local convective phenomena in order to achieve improved methods of forecasting, detecting, and providing advance warning of their occurrence and severity.

HENRY B. TURNER,
Assistant Secretary
for Administration.

[FR Doc.73-12181 Filed 6-18-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 10367; Docket No. FDC-D-635; NDA 10-367, etc.]

CERTAIN ANTIINFECTIVE DRUG PREPARATIONS CONTAINING CHLORQUINALDOL AND HYDROCORTISONE; TRICLOBISONIUM CHLORIDE AND HYDROCORTISONE; OR COAL TAR SOLUTION, DIODOHYDROXYQUIN, AND HYDROCORTISONE

Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 10367) published in the FEDERAL REGISTER of June 20, 1972 (37 FR 12171), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the drugs described below, stating that the drugs were regarded as possibly effective for their labeled indications relating to use in various dermatologic and anogenital conditions. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no data have been submitted pursuant to the notice concerning these drugs:

1. Sterosan-hydrocortisone cream and ointment containing chlorquinaldol and hydrocortisone; Geigy Pharmaceuticals, Ciba-Geigy Corp., Saw Mill River Road, Ardsley, N.Y. 10502 (NDA 10-367).
2. Triburon HC ointment containing triclobisoniium chloride and hydrocortisone; Roche Laboratories Division, Hoffman-La Roche, Inc., 340 Kingsland Avenue, Nutley, N.J. 07110 (NDA 11-827).
3. Triburon hydrocortisone cream containing triclobisoniium chloride and hydrocortisone; Roche Laboratories (NDA 11-924).
4. Cor-Tar-Quin lotion containing coal tar solution, diodohydroxyquin, and hydrocortisone; Dome Laboratories, Division of Miles Laboratories, Inc., 125 West End Avenue, New York, N.Y. 10023 (NDA 11-207).
5. Cor-Tar-Quin cream containing coal tar solution, diodohydroxyquin, and hydrocortisone; Dome Laboratories (NDA 10-822).

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food,

Drug, and Cosmetic Act (21 U.S.C. 355(e)), withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR pt. 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before July 19, 1973, the applicant(s) and any other interested person is required to file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before July 19, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue

of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after July 19, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated June 13, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner
for Compliance.

[FR Doc.73-12151 Filed 6-18-73;8:45 am]

[DESI 5319; Docket No. FDC-D-631;
NDA 9-190]

CERTAIN RADIOPAQUE MEDIA

Drugs for Human Use; Drug Efficacy Study Implementation; Follow-up Notice

In a notice (DESI 5319) published in the FEDERAL REGISTER of June 18, 1971 (36 FR 11765), the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of a report received from the National Academy

of Sciences-National Research Council, Drug Efficacy Study Group, on Ethiodol containing ethiodized oil; E. Fougere and Co., Inc., Cantiaque Road, P.O. Box 73, Hicksville, N.Y. 11803 (NDA 9-190).

All identical, related, or similar products are covered by the new-drug application reviewed and are subject to this notice. See 21 CFR 130.40 (37 FR 23185, Oct. 31, 1972). Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (BD-300), 5600 Fishers Lane, Rockville, Md. 20852.

The notice stated that the drug was regarded as effective for use in hysterosalpingography and possibly effective for use in sialography and sinus and fistulous tract visualization.

The possibly effective indications have been reclassified to lacking substantial evidence of effectiveness in that such evidence has not been received pursuant to the notice.

Based upon further consideration of the Academy's report, the Commissioner concludes that the drug is also effective for use in lymphography.

Accordingly, the aforesaid notice is amended to read as follows, insofar as it pertains to ethiodized oil.

A. Effectiveness classification.—The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

1. Ethiodized oil is effective for use in hysterosalpingography and lymphography.

2. The drug lacks substantial evidence of effectiveness for the other indications.

B. Conditions for approval and marketing.—The Food and Drug Administration is prepared to approve full new-drug applications and full supplements to previously approved new-drug applications under conditions described herein.

1. **Form of drug.**—Ethiodized oil preparations are in sterile liquid form suitable for direct instillation into the uterus or for intralymphatic injection.

2. **Labeling conditions.**—a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the act and regulations, and the labeling bears adequate information for safe and effective use of the drug. The "Indications" section is as follows:

INDICATIONS

This drug is indicated in hysterosalpingography and lymphography.

3. **Marketing status.**—Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the FEDERAL REGISTER July 14, 1970 (35 FR 11273), as follows:

a. For holders of "deemed approved" new-drug applications (i.e., an application which became effective on the basis

of safety prior to Oct. 10, 1962), the submission of a supplement for revised labeling and, a supplement for updating information as described in paragraphs (a) (1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new-drug application, the submission of a full new-drug application as described in paragraph (a) (3) (iii) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the act as described in paragraph (b) of that notice.

C. Notice of opportunity for a hearing.—Notice is given to the holder(s) of the new-drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of the listed new-drug application(s) and all amendments and supplements thereto providing for indications lacking substantial evidence of effectiveness referred to in paragraph A.2 of this notice on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling. An order withdrawing approval will not issue with respect to any application(s) supplemental, in accord with this notice, to delete the claim(s) lacking substantial evidence of effectiveness.

Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new-drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing.

In accordance with the provisions of section 505 of the act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR pt. 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new-drug application(s) providing for the claim(s) involved should not be withdrawn.

On or before July 19, 1973, the applicant(s) and any other interested person may file with the Hearing Clerk, Department of Health, Education, and Welfare, room 6-88, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within said 30 days will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s) which have not been supplemented to delete the indication(s) lacking substantial evidence of effectiveness.

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before July 19, 1973, a written appearance requesting the hearing, giving the reasons why approval of the new-drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claim(s) involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order making findings and conclusions on such data and withdrawing approval of application(s) not supplemented to delete the claim(s) involved.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after July 19, 1973, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new-drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Communications forwarded in response to this notice should be identified with the reference number DESI 5319, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852.

Supplements (Identify with NDA number):
Office of Scientific Evaluation (BD-100),
Bureau of Drugs.

Original new drug applications: Office of
Scientific Evaluation (BD-100), Bureau of
Drugs.

Request for Hearing (Identify with docket
number): Hearing Clerk (CC-20), room
6-88, Parklawn Building.

Requests for Academy's report: Drug Ef-
ficacy Study Information Control (BD-66),
Bureau of Drugs.

All other communications regarding this an-
nouncement: Drug Efficacy Study Imple-
mentation Project Office (BD-60), Bureau
of Drugs.

Received requests for a hearing may be seen
in the office of the Hearing Clerk (address
given above), during regular business
hours, Monday through Friday.

This notice is issued pursuant to pro-
visions of the Federal Food, Drug, and
Cosmetic Act (secs. 502, 505, 52 Stat.
1050-53, as amended; 21 U.S.C. 352, 355),
and the Administrative Procedure Act (5
U.S.C. 554), and under the authority
delegated to the Commissioner of Food
and Drugs (21 CFR 2.120).

Dated June 13, 1973.

WILLIAM F. RANDOLPH,
*Acting Associate Commissioner
for Compliance.*

[FR Doc.73-12150 Filed 6-18-73;8:45 am]

**Office of the Secretary
NATIONAL PROFESSIONAL STANDARDS
REVIEW COUNCIL**

Notice of Meeting

The first meeting of the National Pro-
fessional Standard Review Council,
which was established to advise the Sec-
retary of the Department of Health, Edu-
cation, and Welfare on the administra-
tion of professional standards review
(title XI, pt. B, Social Security Act), will
be held Monday and Tuesday July 9-10,
1973. The Council will meet Monday,
July 9, 8:30 a.m. to 5 p.m., and Tuesday,
July 10, 8:30 a.m. to 1 p.m., at the NIH
Reservation, 9000 Rockville Pike, Build-
ing 31, C wing, 6th floor, conference room
9, Bethesda, Md. Professional standards
review is the procedure to assure that the
services for which payment may be made
under the Social Security Act are medi-
cally necessary and conform to appropri-
ate professional standards for the provi-
sion of quality health care. The Council
will be briefed on the organization of
professional standards review functions
within DHEW and will review matters
relevant to the implementation of the
PSRO program. The meeting is open to
the public.

Dated June 13, 1973.

WILLIAM I. BAUER, M.D.,
*Executive Secretary, National
Professional Standards Re-
view Council.*

[FR Doc.73-12157 Filed 6-18-73;8:45 am]

**SECRETARY'S ADVISORY COMMITTEE ON
THE RIGHTS AND RESPONSIBILITIES
OF WOMEN**

Revised Agenda

The agenda for the June 21-22, 1973,
meeting of the Secretary's Advisory
Committee on the Rights and Responsi-
bilities of Women, as published in the
May 15, 1973 FEDERAL REGISTER, is re-
vised as follows: The Committee will not
be presenting its annual report to the
Secretary at this meeting.

Dated June 12, 1973.

KAREN KEESLING,
*Executive Secretary, Secretary's
Advisory Committee on the
Rights and Responsibilities of
Women.*

[FR Doc.73-12159 Filed 6-18-73;8:45 am]

**SPECIAL ASSISTANT TO THE SECRETARY
FOR WELFARE**

**Statement of Organization, Functions, and
Delegations of Authority**

Part 1 of the "Statement of Organiza-
tion, Functions, and Delegations of
Authority of the Department of Health,
Education, and Welfare" is amended to
add a new chapter 1A30, "Special Assis-
tant to the Secretary for Welfare." This
chapter reads as follows:

1A30.10 *Organization.*—The Special
Assistant to the Secretary for Welfare
reports directly to the Secretary.

1A30.20 *Functions.*—A. Serves as the
Secretary's principal advisor on welfare
policy, and administration.

B. Serves as the Secretary's personal
representative with State Governors on
all welfare matters.

C. Provides recommendations to the
Secretary on legislative or regulatory
changes to improve the management of
State-administered welfare programs.

D. Works with top-level State and
local officials to identify major problems
in welfare policy and in the administra-
tion and management of a State's pro-
gram of aid to families with dependent
children.

E. Serves as the Secretary's advocate
for State welfare reforms, by providing
guidance and technical assistance to
States to encourage the adoption of im-
provements which solve the problems
identified in D above.

F. Works with top-level State officials
to develop and implement demonstration
projects which examine various ap-
proaches to improved management of
AFDC programs.

G. Working closely with the project
manager for H.R. 1 implementation, car-
ries out the following tasks with regard
to the supplementary security income
program:

1. Serves as the Secretary's personal
liaison with Governors on SSI imple-
mentation.

2. Works with SSA and SRS to insure
a unified departmental approach to
States during the State-to-Federal con-
version process.

3. Working with SSA, provides onsite
technical assistance to resolve major
Federal/State differences in areas such
as contracts for State supplementation
and records conversion.

Dated June 14, 1973.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.73-12158 Filed 6-18-73;8:45 am]

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

Office of the Secretary

[Docket No. N-73-160]

LOW-RENT PUBLIC HOUSING

**Request for Preliminary Comments and
Information**

On February 22, 1971, the Department
of Housing and Urban Development is-
sued to all local housing authorities cir-
culars Nos. RHM 7465.8, "Require-
ments and Recommendations to be Re-
flected in Tenant Dwelling Leases for
Low-Rent Public Housing Projects," and
RHM 7465.9, "Grievance Procedure
in Low-Rent Public Housing Proj-
ects." Notice is hereby given that HUD
is conducting a review and evaluation of
the provisions of these circulars to deter-
mine:

1. The effect of the implementation of
these circulars by local housing authori-
ties on project management and opera-
tions.

2. What changes, if any, are necessary
to achieve the objective of these cir-
culars in promoting better tenant-manage-
ment relations and in protecting the in-
terests of the local housing authorities,
the tenants, and HUD.

The Department is soliciting from all
interested organizations and individuals
any comments or information which they
consider pertinent to the study. Single
copies of these circulars may be obtained
by writing to the Office of General Ser-
vices, room B-237, Department of Housing
and Urban Development, 451 Seventh
Street SW., Washington, D.C. 20410. Such
requests must include the subject and
code number of the circulars as shown
above.

All comments and information must
be submitted in writing on or before
August 15, 1973, to the Rules Docket
Clerk, Office of General Counsel, room
10256, Department of Housing and Urban
Development, 451 Seventh Street SW.,
Washington, D.C. 20410. All comments
and information submitted will be sub-
ject to the provisions of the Freedom of

Information Act (section 552 of title 5, United States Code).

At the conclusion of the study, regulations with any proposed changes will be published in the **FEDERAL REGISTER** for written comments prior to final adoption by the Department of Housing and Urban Development.

Dated June 14, 1973.

JAMES T. LYNN,
Secretary of Housing and
Urban Development.

[FR Doc.73-12148 Filed 6-18-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

NATIONAL ADVISORY COMMITTEE ON UNIFORM TRAFFIC CONTROL DEVICES

Notice of Open Meeting

A meeting of the National Advisory Committee on Uniform Traffic Control Devices will be held on July 18, and 19, 1973, at the Broadwater Beach Hotel, Biloxi, Miss. General sessions will begin at 9 a.m. For further information, including a roster of committee members, please contact the Office of Traffic Operations, Federal Highway Administration, 400 7th Street SW., Washington, D.C. 20590, or telephone area code 202-426-0411. Attendance by the public will be limited to space available.

Purpose.—This Committee reviews currently approved standards, guides, and warrants for traffic control devices contained in the manual on uniform traffic control devices, the national standard for all classes of highways. Revisions and proposed new standards to meet new developments and improvements are developed as needed.

The Committee makes studies, conducts investigations, prepares reports, develops recommendations and advice to assist the Federal Highway Administrator in developing appropriate standards as authorized in 23 U.S.C. 109(d) and 402(a).

Agenda.—Agenda items will include reports of the chairman of the technical subcommittee on signs, signals, pavement markings, and traffic controls for construction and maintenance areas. Recommendations from the subcommittees for proposed additions to or revisions in current traffic control device standards will be discussed. A report on short-range and long-range objectives of the Committee will be presented and discussed. Work sessions by each technical subcommittee will be held July 18-19 at 1 p.m.

This notice is given pursuant to section 13 of Executive Order 11671 dated June 5, 1972.

Issued on June 18, 1973.

JAMES D. LACY,
Director, Office of Traffic Operations,
Federal Highway Administration.

[FR Doc.73-12153 Filed 6-18-73;8:45 am]

National Highway Traffic Safety Administration

[Docket No. EX73-5; Notice 1]

INTERMECCANICA AUTOMOBILI

Petition for Temporary Exemption

Intermeccanica Automobili of Turin, Italy, has applied for a temporary exemption from four motor vehicle safety standards for its Indra model, on the basis that compliance would cause it substantial economic hardship.

Intermeccanica manufactured 62 passenger cars in 1972. It requests the exemptions for a 3-year period, which would begin on the date the exemptions are granted. The petition is that the vehicles be totally relieved from compliance with Standard No. 212, Windshield Mounting, Standard No. 215, Exterior Protection, and Standard No. 301, Fuel Tanks, Fuel Tank Filler Pipes, and Fuel Tank Connections, and also relieved from all requirements of Standard No. 201, Occupant Protection in Interior Impact, except those pertaining to sun visors and armrests.

In support of its petition, Intermeccanica states that in its opinion it does meet standards Nos. 201, 212, and 301. It bases this belief upon its usage of materials and methods of construction and installation that it says are equivalent to those of manufacturers who meet the requirements and have verified this through testing. However, it considers the cost of a crash test, to obtain data from which to ascertain conformity, to be prohibitive, though it does not supply any actual cost figures. It estimates the cost to comply with standard No. 215 on a crash basis as \$119,200 resulting in an estimated price increase per vehicle of \$1,600. The cost to comply at the end of a 3-year period is estimated at \$69,200, which means a price increase of \$230 per vehicle. The company is prepared to make the necessary changes to conform with standard No. 215 in 3 years if it obtains an exemption. To comply with standard No. 215 on a crash basis would cause scrapping of bumpers and chassis already in inventory. The company has submitted financial statements for the years 1970, 1971, and 1972. It terms entry into the American market essential for its survival, as its break-even point is six cars per month.

This notice of receipt of a petition for a temporary exemption is published in accordance with the NHTSA regulations on this subject (49 CFR 555.7), and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Interested persons are invited to submit comments on the petition of Intermeccanica described above. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, room 5221, 400 Seventh Street SW., Washington, D.C. 20590. It is re-

quested but not required that five copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered. The application and supporting materials, and all comments received, are available for examination in the docket both before and after the closing date. Comments received after the closing date will also be filed and will be considered to the extent possible. If the petition is granted, notice will be published in the **FEDERAL REGISTER** pursuant to the authority indicated below.

Comment closing date.—July 17, 1973.

Proposed effective date.—Date of issuance of exemption.

(Sec. 3, Public Law 92-548, 86 Stat. 1159, 15 U.S.C. 1410; delegation of authority at 38 FR 12147.)

Issued on June 13, 1973.

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

[FR Doc.73-12149 Filed 6-18-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-387 and 50-388]

PENNSYLVANIA POWER & LIGHT CO.

Notice of Availability of Final Environmental Statement for the Susquehanna Steam Electric Station, Units 1 and 2

Pursuant to the National Environmental Policy Act of 1969 and the U.S. Atomic Energy Commission's regulations in appendix D to 10 CFR, part 50, notice is hereby given that the final environmental statement prepared by the Commission's Directorate of Licensing, related to the proposed Susquehanna Steam Electric Station, units 1 and 2, to be constructed by Pennsylvania Power & Light Co. in Luzerne County, Pa., is available for inspection by the public in the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and in the Osterhout Free Library, 71 South Franklin Street, Wilkes-Barre, Pa. 18701. The final environmental statement is also being made available at the Office of Radiological Health, Department of Environmental Resources, P.O. Box 2063, Harrisburg, Pa. 17105.

The notice of availability of the draft environmental statement for the Susquehanna Steam Electric Station, units 1 and 2, and requests for comments from interested persons was published in the **FEDERAL REGISTER** on January 19, 1973 (38 FR 1949). The comments received from Federal, State, local, and interested members of the public have been included as appendixes to the final environmental statement.

Single copies of the final environmental statement may be obtained by writing the U.S. Atomic Energy Commission, Washington, D.C. 20545, attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Md., this 13th day of June 1973.

For the Atomic Energy Commission.

DONALD E. SELLS,
Acting Chief, Environmental
Projects Branch No. 4, Direc-
torate of Licensing.

[FR Doc.73-12139 Filed 6-18-73;9:45 am]

CIVIL AERONAUTICS BOARD

CAROLINA FREIGHT CARRIERS CORP.

Long-Haul Motor Carrier Application for
Air Freight Forwarder Authority

Notice is hereby given, pursuant to §§ 296.84 and 297.64 of the Board's Economic Regulations, that the following application for interstate and international airfreight forwarder authority as a long-haul motor carrier of general commodities is on file with the Board:

Carolina Freight Carriers Corp., Cherryville, N.C. 28021.

Dated at Washington, D.C., June 13, 1973.

[SEAL] HAROLD S. PARROTT,
Chief, Supplementary Serv-
ices Division, Bureau of Op-
erating Rights.

[FR Doc.73-12175 Filed 6-18-73;8:45 am]

COMMISSION ON CIVIL RIGHTS

DELAWARE STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Delaware State Advisory Committee will convene on June 26, 1973, at 12 noon at the Young Women's Christian Association, 908 King Street, Wilmington, Del. 19801.

Persons wishing to attend this meeting should contact the committee chairman, or the Mid-Atlantic Regional Office of the Commission, in room 510, 2120 L Street NW., Washington, D.C. 20425.

The purpose of this meeting shall be to assess the recent Delaware open meetings on penal institutions in the State of Delaware and make plans to begin followup.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 14, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.73-12213 Filed 6-18-73;8:45 am]

NEW YORK STATE ADVISORY COMMITTEE

Agenda and Notice of Open Meeting

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the New York State Advisory Committee will convene on

June 20, 1973, at 4:30 p.m. at the Phelps Stokes Fund, 10 East 87 Street, New York, N.Y. 10028.

Persons wishing to attend this meeting should contact the committee chairman, or the Northeastern Regional Office of the Commission, room 1639, 26 Federal Plaza, New York, N.Y. 10007.

The purpose of this meeting shall be to discuss followup reports from all active State Advisory Committee subcommittees.

This meeting will be conducted pursuant to the rules and regulations of the Commission.

Dated at Washington, D.C., June 13, 1973.

ISAIAH T. CRESWELL, Jr.,
Advisory Committee
Management Officer.

[FR Doc.73-12212 Filed 6-18-73;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

FLAMMABILITY STANDARD FOR MATTRESSES

Notice of Approval of Alternate Sampling Plan for Mattress Ticking

In the FEDERAL REGISTER of June 7, 1972 (37 FR 11362), the Secretary of Commerce published the "Flammability Standard for Mattresses" (DOC FF 4-72), pursuant to provisions of the Flammable Fabrics Act.

Effective May 14, 1973, section 30(b) of the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1231; 15 U.S.C. 2079(b)) transferred all functions under the Flammable Fabrics Act to the Consumer Product Safety Commission.

Subsequently, the Consumer Product Safety Commission amended and reissued the standard (as "Standard for the Flammability of Mattresses" (FF 4-72)) by a notice dated June 1, 1973, and published in the FEDERAL REGISTER of June 8, 1973 (38 FR 15095). The effective date of the standard as amended is June 7, 1973.

Included in the standard is a sampling plan for the selection and testing of mattresses and mattress pads. The standard contains a provision in 4(b)(1) that allows alternate sampling plans to be used provided they are approved by the Consumer Product Safety Commission. Such plans must provide at least the equivalent level of fire safety to the consumer as that provided by the sampling plan in the standard.

The appended alternate sampling plan for mattress ticking was submitted for approval in accordance with the 4(b)(1) provision of the standard. It has been reviewed and determined to offer an equivalent level of fire safety to the consumer and to meet all technical requirements of the standard. The alternate sampling plan has operating characteristics such that the probability of unit acceptance at any percentage defective does not exceed the corresponding probability of unit acceptance of the basic sampling plan in the region of the op-

erating characteristic curve that lies between 5 and 95 percent acceptance probability. The Commission hereby approves the plan.

Use of this alternate sampling plan, which may be cited as Alternate Sampling Plan No. 4 to FF 4-72, is applicable to mattress and mattress pad tickings, and the plan may be used by any ticking, mattress, or mattress pad manufacturer or any distributor of mattress ticking.

Records of the use of this plan shall be maintained by the manufacturer in accordance with regulations established by the Consumer Product Safety Commission (see proposed 16 CFR 302.20 in the FEDERAL REGISTER of June 11, 1973 (38 FR 15373)).

All provisions of the "Standard for the Flammability of Mattresses" (FF 4-72, as amended) are applicable under this alternate sampling plan except as specified herein.

Dated June 13, 1973.

SAMUEL M. HART,
Acting Secretary,

Consumer Product Safety Commission.

ALTERNATE SAMPLING PLAN NUMBER 4 TO FF 4-72

MATTRESS TICKING

The following substitutes for 4(b) Specimen and sampling of FF 4-72:
A Test procedure.

(b) Specimen and sampling.—(1) General.—(i) (A) The mattress portion of this alternate sampling plan shall use the test criterion of 3(b) of FF 4-72.

(B) This alternate sampling plan may be used in conjunction with alternate sampling plan No. 1 (ASP No. 1) to FF 4-72 (front end) if desired; ASP No. 1 was published in the FEDERAL REGISTER of April 27, 1973 (38 FR 10482). When ASP No. 1 is used in conjunction with this alternate sampling plan, the provisions of ASP No. 1 shall apply with respect to production testing of mattresses or mattress pads. When this alternate sampling plan is used in conjunction with any other alternate sampling plan, the provisions of this plan shall apply with respect to testing of ticking, mattress prototypes deemed to be qualified by virtue of permitted ticking substitutions, and requirements for requalification by mattress prototype qualification testing procedures.

(C) It is permissible to employ differing sampling plans with respect to differing mattress types and/or production units; however, any sampling plan employed with respect to a specific production unit shall be so employed in its entirety.

(ii) For the purpose of this alternate sampling plan, the following definitions apply in addition to those in .1, Definitions of FF 4-72:

(A) "Ticking prototype" means a ticking of a specific construction, color, or combination of colors and color pattern, weave pattern design, finish application,

fiber content, and weight per unit area. With respect to film-coated fabrics, a prototype means a given method of application, chemical formula, and thickness of application of the film coating.

(B) "Ticking type" means a group of ticking prototypes identical except for color or combination of colors and color pattern, and weave pattern designs.

(C) "Ticking category" means a group of ticking types similar in method of manufacture and, if composed in whole or in part of nonfiber layers or coatings, identical in composition and nominal weight per unit of nonfiber components.

(D) "Ticking specimen" means a 38-by-38-centimeter (15-by-15-inch) section of ticking.

(E) "Ticking sample" means a total of three ticking specimens.

(F) "Ticking production unit" means any quantity of finished ticking of one ticking type up to 22,940 linear meters (25,000 linear yards).

(G) "Fabric piece" (piece) means any continuous, unseamed length of ticking, one or more of which make up a ticking production unit.

(2) *Mattress sampling.*—The basic mattress sampling plan is made up of two parts: Prototype qualification (4(b)(2)(i)(A)) and production testing (4(b)(2)(i)(B)). In addition, a batch sampling plan is given that may be used for small production quantities, when shipping requirements prohibit the use of the basic plan or for other reasons at the discretion of the manufacturer.

(i) *Basic sampling plan.*—A production unit in the basic sampling plan shall consist of not more than 500 mattresses of a mattress type or the quantity produced in 3 consecutive calendar months, whichever is smaller. This unit size may be increased to the quantity produced in 3 consecutive calendar months or less: *Provided*, That it is either documented that each of the materials contributing ignition characteristics of all the mattresses in the unit came from a single manufacturing lot of such material or 50 consecutive production units (at least 20,000 mattresses) have all been accepted in production testing as set forth in 4(b)(2)(i)(B). The documentation requirements for single ticking category shall be deemed to have been met with respect to ticking if such ticking has met the ticking prototype qualification requirements of 4(b)(9) and the ticking production testing requirements of 4(b)(10).

(A) *Prototype qualification.*—(1) For prototype qualification, the term "manufacturer" shall mean: (i) With respect to a company having one manufacturing facility, that company; (ii) with respect to a company having two or more manufacturing facilities, either that company or one or more of its manufacturing facilities as it elects; or (iii) with respect to a company that is part of a group of companies that have elected to share in a prototype design, either that group of companies or a portion of that group or (i) or (ii) above, as that company elects.

(2) Each manufacturer shall select enough of each mattress prototype from

preproduction or current production to provide six surfaces for test (three mattresses if both sides can be tested or six mattresses if only one side can be tested).

(3) Test each of the six surfaces according to 4(d) Testing of FF 4-72. If all the cigarette test locations on all six surfaces satisfy the test criterion of 3(b) of FF 4-72, accept the mattress prototype. If one or more of the cigarette test locations on the six surfaces fail the test criterion of 3(b), reject the mattress prototype.

(4) If it has been elected to include more than one company and/or more than one manufacturing facility in the term "manufacturer" for purposes of prototype qualification, each such company and each such manufacturing facility shall select enough additional prototype mattresses from its own preproduction or current production to provide two surfaces for test. Test each of the two surfaces according to 4(d) of FF 4-72. If all the cigarette test locations on both surfaces satisfy the test criterion of 3(b) of FF 4-72, accept the mattress prototype for that company or manufacturing facility. If one or more of the cigarette test locations on the two surfaces fail the test criterion of 3(b), reject the mattress prototype for that company or manufacturing facility.

(5) Mattress prototype qualification may be repeated after the manufacturer has taken action to improve the resistance of the mattress prototype to ignition by cigarettes through mattress design, production, or materials selection. When mattress prototype qualification is repeated as a result of prototype rejection by the manufacturer, such qualification shall be conducted as if it were an original qualification. When the mattress prototype qualification is repeated as a result of prototype rejection under the provisions of the preceding (4) or as a result of production unit rejection, such qualification shall be performed as if the producer of the failing mattress were a company having one manufacturing facility.

(6) Each mattress prototype must be accepted in prototype qualification prior to shipping any mattresses to customers and prior to producing significant quantities of mattresses. If the "manufacturer" is one manufacturing facility, the first production unit manufactured immediately after successful prototype qualification, or the production unit from which the mattresses were selected for the successful prototype qualification not to exceed 500 mattresses, may be accepted and shipped to customers without further testing if all mattresses in the production unit are the same as the prototype except for size. A mattress prototype shall be deemed to have been accepted in prototype qualification if another mattress prototype identical except for ticking prototype has been accepted in protocol qualification, both ticking prototypes are of the same ticking category, and both ticking prototypes have met the ticking prototype qualification requirements of 4(b)(9) or the inventory ticking type qualification re-

quirements of 4(b)(12), whichever is applicable.

(B) *Production testing.*—For production testing, the term "manufacturer" shall mean each manufacturing facility. Random selection for production testing shall be accomplished by use of random number tables or equivalent means as determined by the Consumer Product Safety Commission. If it is desired to use only mattresses of a specified size (for example, twin) for testing, the drawing may be repeated until sufficient mattresses of that size have been selected. A production unit, except for the first production unit following successful prototype qualification as specified in 4(b)(2)(i)(A), is either accepted or rejected according to the following plan:

(1) *Normal sampling.*—(i) From each unit, randomly select enough mattresses to provide two surfaces for test (one mattress if both sides can be tested or two mattresses if only one side can be tested). Test each of the two surfaces according to 4(d) of FF 4-72. If all the cigarette test locations on both surfaces meet the test criterion of 3(b) of FF 4-72, accept the unit. If two or more individual cigarette test locations fail the test criterion of 3(b), reject the unit. If only one individual cigarette test location fails the test criterion of 3(b), select enough additional mattresses to provide four additional surfaces for test. Test each of the four additional surfaces according to 4(d).

(ii) If all the cigarette test locations on the four additional surfaces meet the test criterion of 3(b) of FF 4-72, accept the unit. If one or more of the individual cigarette test locations on the four additional surfaces fail the test criterion of 3(b), reject the unit.

(iii) Unit rejection shall include all mattresses in the particular unit under test. Unit rejection also results in the loss of prototype qualification (4(b)(2)(i)(A)) for all mattress prototypes included in the unit under test. Requalification of mattress prototypes represented in the sample and contributing one or more cigarette test locations that failed the test criterion shall be accomplished by mattress prototype qualification testing (that is, using six surfaces for each mattress prototype).

(2) *Reduced sampling.*—(i) The level of sampling required for mattress production acceptance may be reduced provided the preceding 15 consecutive units of mattresses, at least 500 mattresses, have all been accepted using the normal sampling plan (4(b)(2)(i)(B)(1)). In this case, the production quantity for reduced sampling may be increased to up to two units, still not to exceed the production of 3 consecutive calendar months.

(ii) From this production quantity, randomly select enough mattresses to provide two surfaces for test. Test each of the two surfaces according to 4(d) of FF 4-72. If all the cigarette test locations on both surfaces meet the test criterion of 3(b) of FF 4-72, accept this production quantity. If two or more individual cigarette test locations fail the

test criterion of 3(b), reject this production quantity. If only one individual cigarette location fails the test criterion of 3(b), accept this production quantity.

(iii) Rejection shall include all mattresses in the production quantity under test. Rejection also results in the loss of prototype qualification (4(b)(2)(i)(A)) for all mattress prototypes included in the production quantity under test. Requalification of mattress prototypes represented in the sample and contributing one or more cigarette test locations that failed the test criterion shall be accomplished by mattress prototype qualification testing (that is, using six surfaces for each mattress prototype). Testing after requalification shall be according to the normal sampling plan (4(b)(2)(i)(B)(1)).

(ii) *Batch sampling plan.*—For the batch sampling plan, the term "manufacturer" shall mean each manufacturing facility. A production unit in the batch sampling plan shall consist of not more than 250 mattresses or the quantity produced in one period of 30 consecutive calendar days, whichever is smaller.

(A) *Batch unit qualification and acceptance.*—(1) Select enough mattresses from the initial production of the unit to provide four surfaces for test (two mattresses if both sides can be tested or four mattresses if only one side can be tested). Test each of the four surfaces according to 4(d) of FF 4-72. If all the cigarette test locations on the four surfaces meet the test criterion of 3(b) of FF 4-72, accept the unit. If one or more of the cigarette test locations on the four surfaces fail the test criterion of 3(b), reject the unit.

(2) After rejection, unit qualification and acceptance under this batch sampling plan may be repeated after the resistance of the mattress to ignition by cigarettes is improved by the manufacturer taking corrective action in mattress design, production, or materials selection.

(3) Acceptance of any production unit under this batch sampling plan shall not have any effect on prototype qualification (4(b)(2)(i)(A)) or unit acceptance of any other production unit.

(3) *Disposition of rejected units.*—Rejected units shall not be retested, offered for sale, sold, or promoted for use as a mattress as defined in 1(a) of FF 4-72 except after reworking to improve the resistance to ignition by cigarettes and subsequent retesting in accordance with the procedures set forth in the basic sampling plan (4(b)(2)(i)).

(4) *Records.*—Records of all unit sizes, test results, and the disposition of rejected units shall be maintained by the manufacturer, in accordance with regulations established by the Consumer Product Safety Commission (see proposed 16 CFR 302.20 in the FEDERAL REGISTER of June 11, 1973 (38 FR 15373)).

(5) *Preparation of mattress samples.*—The mattress surface shall be divided laterally into two sections (see figure 1); one section for the bare mattress tests and the other for the two-sheet tests.

(6) *Sheet selection.*—The sheets shall be white, 100-percent combed cotton percale, not treated with a chemical finish which imparts a characteristic such as permanent press or flame resistance, and with 170-200 threads per square inch and fabric weight of 155 ± 14 grams per square meter (3.4 ± 0.4 ounces per square yard), or shall be of another type approved by the Consumer Product Safety Commission. Size of sheet shall be appropriate for the mattress being tested.

(7) *Sheet preparation.*—The sheet shall be laundered once before use (in an automatic home washer using the hot water setting and longest normal cycle with the manufacturer's recommended quantity of a commercial detergent) and dried in an automatic home tumble dryer. The sheet shall be cut across the width into two equal parts after washing.

(8) *Cigarettes.*—Unopened packages of cigarettes shall be selected for each series of tests.

(9) *Ticking prototype qualification.*—(i) For ticking prototype qualification, the ticking samples shall be selected from finished fabric after its last processing step as a fabric. The ticking samples are restricted to a single prototype.

(ii) Select four ticking samples from no fewer than two fabric pieces of a single-ticking production unit. (The ticking production unit may be from pilot production or ongoing production.) Test each ticking specimen according to 4(b)(14). If the char length at each cigarette test location is less than or equal to 0.5 in, accept the ticking prototype. If the char length at two or more cigarette test locations is greater than 1.0 in or if at any test location the char length is greater than 1.7 in, reject the ticking prototype. If (A) the char length at any cigarette test location is greater than 0.5 in and (B) the char length at each cigarette test location is less than or equal to 1.7 in and (C) the char length at not more than one cigarette test location is greater than 1.0 in, select four additional ticking samples from the same ticking production unit, including at least one ticking sample from each piece (4(b)(ii)(G)) that contained a cigarette test location with a char length exceeding 0.5 in.

(iii) Test each of the additional ticking specimens according to 4(b)(14). If the char length at each cigarette test location on all eight ticking samples is less than or equal to 1.0 in, accept the ticking prototype. If the char length at two or more cigarette test locations among all eight ticking samples is greater than 1.0 in reject the ticking prototype. If the char length at any cigarette test location among all eight ticking samples is greater than 1.7 in, reject the ticking prototype. If the char length at only one cigarette test location among all eight ticking samples is greater than 1.0 in and it is less than or equal to 1.7 in, select eight additional ticking samples from the same ticking production unit, including at least one ticking sample from each piece (4(b)(ii)(G)) that contained a cigarette test location with a char length exceeding 0.5 in.

(iv) Test each of the additional ticking specimens according to 4(b)(14). If the char length at each cigarette test location on the eight additional ticking samples is less than or equal to 1.0 in, accept the ticking prototype. If the char length at any cigarette test location on the eight additional ticking samples is greater than 1.0 in, reject the ticking prototype.

(v) Ticking prototype qualification (4(b)(9)) may be repeated once without action to improve ignition resistance if rejection of the ticking prototype involved occurred solely as a result of a char length greater than 1.7 in at a single cigarette test location. A determination that this is the case may be made only if ticking prototype qualification testing has been carried forward until all 16 ticking samples have been tested without further cause for ticking prototype rejection. Further repetition of ticking prototype qualification and repetition following ticking prototype rejection under any other circumstances may take place only after the manufacturer has taken action to improve the resistance of the ticking prototype to ignition by cigarettes through ticking design, production, or materials selection.

(10) *Ticking production testing.*—For ticking production testing, the ticking samples shall be selected from finished fabric after its last processing step as a fabric.

(i) Select one ticking sample from a single production unit. Test each ticking specimen according to 4(b)(14). If the char length at each cigarette test location is less than or equal to 0.5 in, accept the ticking production unit. If the char length at any cigarette test location is greater than 1.7 in, reject the ticking production unit. If the char length at two or more cigarette test locations is greater than 1.0 in, reject the ticking production unit. If (A) the char length at any cigarette test location is greater than 0.5 in and (B) the char length at each cigarette test location is less than or equal to 1.7 in and (C) the char length at not more than one cigarette test location is greater than 1.0 in, select one additional ticking sample from the same ticking production unit, including at least one ticking specimen from each piece (4(b)(ii)(G)) that contained a cigarette test location with a char length exceeding 0.5 in.

(ii) Test each of the additional ticking specimens according to 4(b)(14). If the char length at each cigarette test location on both ticking samples is less than or equal to 1.0 in, accept the ticking production unit. If the char length at two or more cigarette test locations among both ticking samples is greater than 1.0 in, reject the ticking production unit. If the char length at any cigarette test location among both ticking samples is greater than 1.7 in, reject the ticking production unit. If the char length at only one cigarette test location among both ticking samples is greater than 1.0 in and it is less than or equal to 1.7 in, select two additional ticking samples from the same ticking production unit.

including at least one ticking specimen from each piece (4(b)(11)(G)) that contained a cigarette test location with a char length exceeding 0.5 in, and select the remaining ticking specimens required so as to provide as nearly equal representation of the fabric pieces in the production unit as possible.

(iii) Test each of the additional ticking specimens according to 4(b)(14). If the char length at each cigarette test location on all four ticking samples is less than or equal to 1.0 in, accept the ticking production unit. If the char length at only one cigarette test location among all four ticking samples is greater than 1.0 in and it is less than or equal to 1.7 in, accept the ticking production unit. If the char length at any cigarette test location on any of the four ticking samples is greater than 1.7 in, reject the ticking production unit. If the char length at two or more cigarette test locations among all four ticking samples is greater than 1.0 in, reject the ticking production unit.

(iv) Ticking production testing may be repeated once without action to improve ignition resistance if rejection of the ticking production unit involved occurred solely as a result of a char length greater than 1.7 in at a single cigarette test location. A determination that this is the case may be made only if ticking production testing has been carried forward until all four ticking samples have been tested without further cause for ticking production unit rejection. Further repetition of ticking production testing and repetition following rejection of a ticking production unit under any other circumstances may take place only after the manufacturer has taken action to improve the resistance of the ticking production unit to ignition by cigarettes through further processing, or under the provisions of 4(b)(11).

(11) *Disposition of rejected ticking production units.*—(i) Any fabric piece that contributed a specimen with a char length exceeding 1.0 in at any cigarette test location shall be removed from the rejected ticking production unit and shall not be eligible for further attempts at acceptance under the standard (FF 4-72) until its resistance to ignition by cigarettes has been improved through further processing.

(ii) The remainder of a rejected ticking production unit may be subdivided into two or more subunits. No fabric piece may be subdivided among such subunits. Such subdivision shall correspond to the time sequence of production of finished fabric pieces or to differences in materials or process steps, such as dye lots, fiber sources, looms, or processing equipment, determined by the manufacturer's tests or analyses to constitute the probable cause of differences in flammability characteristics. If the subdivision corresponds to the time sequence of production of finished fabric pieces, each (removed) fabric piece that contributed a specimen with a char length exceeding 1.0 in at any cigarette test location shall define a boundary of a subunit.

(iii) From each subunit, select sufficient ticking specimens to constitute four ticking samples. These specimens shall be selected so as to provide as nearly equal representation of the fabric pieces in the subunit as possible. Test each of the ticking specimens according to 4(b)(14). If the char length at each cigarette test location on all four ticking samples is less than or equal to 1.0 in, accept the subunit. If the char length at any cigarette test location on all four ticking samples is greater than 1.0 in, reject the subunit.

(iv) The contents of a rejected subunit may be retested only after the manufacturer has taken action to improve the resistance of the subunit to ignition by cigarettes through further processing. Such retesting shall be according to 4(b)(10), except that any rejection in retesting shall be final.

(12) *Inventory ticking type qualification.*—The provisions of this subparagraph shall be applicable only to ticking in inventory on or before the effective date of the standard (FF 4-72, effective June 7, 1973).

(i) Select a ticking sample from each ticking prototype within the ticking type to be qualified. If fewer than four ticking prototypes within the ticking type to be qualified are in inventory, select a total of 12 ticking specimens, in equal number from each prototype. Test all ticking specimens according to 4(b)(14). If the char length at each cigarette test location on all ticking specimens is less than or equal to 0.5 in, accept the ticking type. If the char length at any cigarette test location on all ticking specimens is greater than 0.5 in, reject the ticking type.

(ii) Ticking prototypes within a rejected ticking type may be subjected to individual ticking prototype qualification in accordance with 4(b)(9). If within a rejected ticking type each ticking prototype exhibiting one or more char lengths greater than 0.5 in is subsequently accepted in individual ticking prototype qualification, that ticking type shall be deemed to have been accepted.

(iii) Inventory ticking type qualification (4(b)(12)) shall not be construed as a substitute for ticking prototype qualification (4(b)(9)) or ticking production testing (4(b)(10)) with respect to ticking manufactured after the effective date of the standard (FF 4-72, effective June 7, 1973).

(13) *Ticking conditioning.*—The ticking test specimens and cigarettes shall be conditioned in air at a temperature of no less than 18° C. (65° F.) and a relative humidity less than 55 percent for at least 8 hours prior to the test. The fabric specimens and cigarettes shall be removed from any packaging and supported in a suitable manner to permit free movement of air around them during conditioning.

(14) *Ticking testing.*—(i) The ticking test shall be conducted in a draft-protected room or area under atmospheric conditions as specified in 4(a)(1) test room. A mounting box (see figure A), and

a template (see figure B), or other suitable marking device shall be used for testing each specimen. The ignition source shall be the same as specified in 4(a)(2).

(ii) Place the template, or other suitable device, over the specimen to mark off the area in which the cigarette is to be placed. Mark the 1/2-in, 1-in, and 1.7-in boundary lines out from the cigarette's outer extremities. If a template is used, a ballpoint pen shall be used to mark the fabric.

(iii) Securely fasten each specimen on the test box. When secured, the material shall be tautly suspended over the open side of the box throughout the test. Tacks, staples, tape, or other convenient and appropriate means may be used to secure the fabric to the test apparatus. (Caution: If the fabric is not sufficiently taut on the box, the cigarettes may roll away from the spot marked off by the template for char length measurements.)

(iv) Light and place on cigarette at a time on the ticking surface. Each cigarette shall be well lighted, but not burned more than 4 mm (0.16 in) when placed on the test specimen. Three cigarettes will be used on each specimen. The largest portion of each color and weave pattern design will be exposed to at least one lighted cigarette.

(v) If a cigarette extinguishes before burning its full length or falls through the fabric being tested, the test must be repeated with a freshly lit cigarette on a different portion of the same type of location until either (A) three cigarettes have burned their full lengths or (B) three cigarettes have extinguished or fallen through before burning their full lengths.

(15) *Records.*—Records of all unit sizes, test results, and the disposition of rejected units shall be maintained by the manufacturer, in accordance with regulations established by the Consumer Product Safety Commission (see proposed 16 CFR 302.20 in the FEDERAL REGISTER of June 11, 1973 (38 FR 15373)).

(16) *Compliance marketing sampling plans.*—(i) Sampling plans for use in market testing of items covered by the standard (FF 4-72) may be issued by the Consumer Product Safety Commission. Such plans shall define noncompliance of a production unit to exist only when it is shown, with a high level of statistical confidence, that those production units represented by tested items which fail such plans will in fact fail the standard (FF 4-72).

(ii) Production units found to be non-complying under these provisions shall be deemed not to conform to the standard (FF 4-72).

(iii) The Consumer Product Safety Commission will publish such plans in the FEDERAL REGISTER for public comment prior to their promulgation.

(17) *Postponement of production testing.*—Temporary suspension of production testing may be granted on a case-by-case basis by the Consumer Product Safety Commission in those instances where an individual manufacturer

proves, under rules prescribed by the Commission, that he cannot acquire access to either in-house or independent testing facilities for production testing.

In the event of such a suspension, the manufacturer would still be obligated to produce a mattress that meets all other requirements of the standard (FF 4-72).

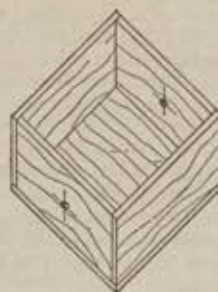
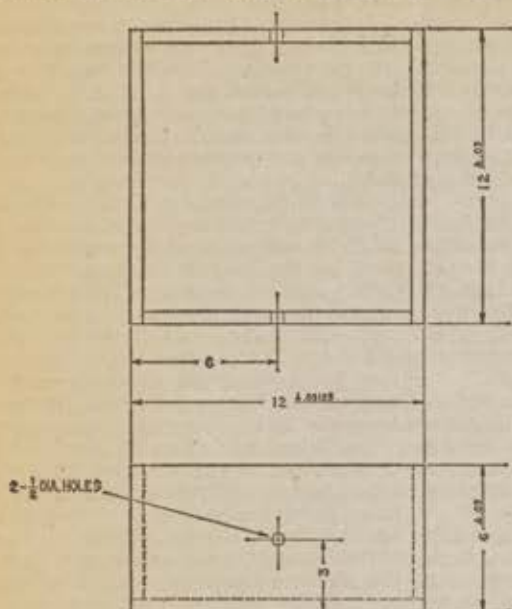


Figure 1

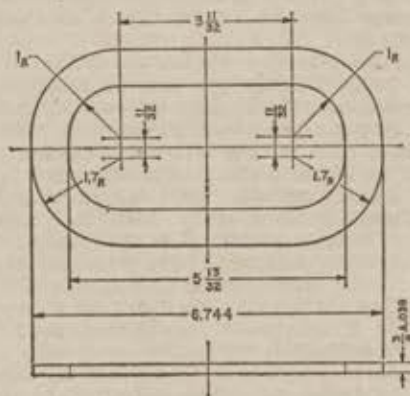
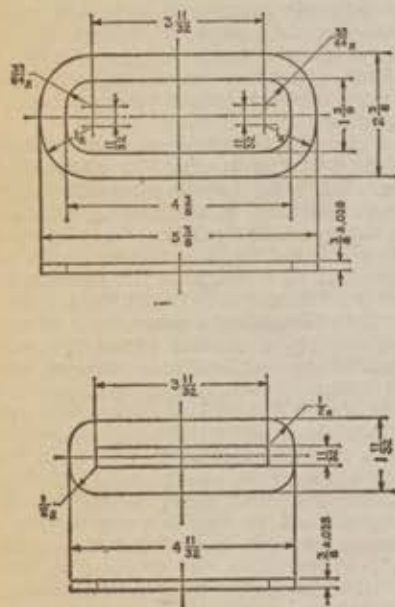


Figure 2

[FR Doc.73-12097 Filed 6-14-73; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

NATIONAL INDUSTRY ADVISORY COMMITTEE, BROADCAST SERVICES SUBCOMMITTEE

Notice of Meeting

Pursuant to the provisions of Public Law 92-463, announcement is made of a public meeting of working groups I and V, Broadcast Services Subcommittee, National Industry Advisory Committee, to be held Monday, June 25, 1973. The working groups will meet in joint session at 1771 N Street NW., Washington, D.C. in the National Association of Broadcasters Board Room at 2 p.m.

Purpose.—To consider, prepare, and submit recommendations to the Federal Communications Commission concerning voluntary organized industry participation in the Emergency Broadcast System (EBS).

Agenda.—The agenda for the meeting is as follows:

Item

1. Time windows, voice termination cue, and termination message for the closed circuit test of the EBS.
2. "Last Resort" procedures in non-Government activation and termination procedure for the EBS.
3. Voice authentication for NIAC orders 1 and 2.
4. The frequency of AP and UPI Wire Services test messages.
5. Functioning of the "500" net teletype machine alarms.

It is suggested that those desiring more specific information about the meeting, telephone the Office of the Defense Commission, FCC, 202-632-7007.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.73-12147 Filed 6-18-73; 8:45 am]

FEDERAL POWER COMMISSION

[Project No. 2317]

APPALACHIAN POWER CO.

Virginia and North Carolina Project; Notice of Availability of Environmental Statement

Notice is hereby given that on June 18, 1973, as required by the Commission rules and regulations under order 415-C, issued December 18, 1972, a final environmental statement prepared by the Commission's staff pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91-100) was placed in the public files of the Federal Power Commission. This statement deals with an application for license filed pursuant to the Federal Power Act by Appalachian Power Co. for the proposed Modified Blue Ridge project.

This statement is available for public inspection in the Commission's Office of

Public Information, room 1000, 825 North Capitol Street NE., Washington, D.C. 20426, and its New York regional office. Copies will be available from the National Technical Information Service, Department of Commerce, Springfield, Va. 22151.

The project would be a combined pumped-storage and conventional hydroelectric project located on the New River in Grayson, Carroll, and Wythe Counties, Va., and Ashe and Alleghany Counties, N.C.

The project would consist of:

(1) The upper development with (a) a rockfill dam about 300 ft high and 1,700 ft long; (b) a spillway with crest at elevation 2,602 ft controlled by four Tainter gates each 50 ft high by 50 ft wide; (c) a reservoir having a surface area of approximately 26,000 acres at elevation 2,652 ft containing 2,010,000 acre-feet of storage; (d) a gated intake works; (e) eight concrete lined tunnels each 31 ft in diameter; (f) a powerhouse containing eight reversible pump-turbine units each with a rated generating capacity of 200,000 kW at 230 ft net head; (g) two 31-mile 765-kV single circuit transmission lines to a switching station to be located at Jacksons Ferry, Va.; and (h) appurtenant facilities.

(2) The lower development with (a) rockfill dam about 250' high and 2,000' long; (b) a spillway with crest elevation at 2,396' controlled by four Tainter gates each 50'-wide by 50'-high; (c) a reservoir having a surface area of 14,400 acres at elevation 2,446' containing about 1,251,000 acre-feet of storage; (d) an intake that is integral with the dam near the right abutment; (e) two concrete lined tunnels 27' in diameter; (f) a powerhouse containing two conventional units, each with a rated generating capacity of 100,000 kW at 204' net head; (g) a 4-mile 138 kV double circuit transmission line to a switching station to be located near Fries, Va.; and (h) appurtenant facilities.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-12301 Filed 6-18-73;8:45 am]

FEDERAL RESERVE SYSTEM DAWSON CORP.

Formation of Bank Holding Company

Dawson Corp., Lexington, Nebr., has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 83.3 percent or more of the voting shares of The Farmers State Bank, Lexington, Nebr. The factors that are considered in acting on the application are set forth in section 3(c) of the act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit his views in

writing to the Secretary, Board of Governors of the Federal Reserve System, to be received not later than July 9, 1973.

Board of Governors of the Federal Reserve System, June 11, 1973.

[SEAL]

TYNAN SMITH,
Secretary of the Board.

[FR Doc.73-12106 Filed 6-18-73;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regulations,
Temporary Regulation F-180]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.*—This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric service rate proceeding.

2. *Effective date.*—This regulation is effective immediately.

3. *Delegation.*—a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205 (d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Georgia Public Service Commission in a proceeding involving the application of the Georgia Power Co. for an electric rate increase.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

ARTHUR F. SAMPSON,
Acting Administrator of
General Services.

JUNE 12, 1973.

[FR Doc.73-12141 Filed 6-18-73;9:45 am]

OFFICE OF EMERGENCY PREPAREDNESS

FEDERAL COORDINATING OFFICER Appointment

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575, December 31, 1970 (36 FR 37, Jan. 5, 1971), to administer the Disaster Relief Act of 1970 (Public Law 91-606, 84 Stat. 1744), I hereby appoint Joe D. Winkle as Federal Coordinating Officer to perform the duties specified by section 201 of that act for the disasters listed below, effective June 8, 1973:

State	Disaster No.	Declaration date
Mississippi: Vice William C. McMillen, appointed Jan. 18, 1972 (37 FR 1140, Jan. 25, 1972).	271	Aug. 18, 1969
Do.	302	Feb. 22, 1971
Kentucky: Vice William C. McMillen, appointed Jan. 18, 1972 (37 FR 1140, Jan. 25, 1972).	305	May 16, 1971
Tennessee: Vice William C. McMillen, appointed Jan. 18, 1972 (37 FR 1140, Jan. 25, 1972).	306	May 18, 1971
Mississippi: Vice Ronald Van Dams, appointed Jan. 19, 1972 (37 FR 1140, Jan. 25, 1972).	318	Jan. 19, 1972
Tennessee: Vice William C. McMillen, appointed May 16, 1972 (37 FR 10412, May 20, 1972).	331	May 15, 1972
Kentucky: Vice William C. McMillen, appointed May 17, 1972 (37 FR 10412, May 20, 1972).	332	Do.
Florida: Vice William C. McMillen, appointed June 24, 1972 (37 FR 13006, June 30, 1972).	337	June 23, 1972
Tennessee: Vice William C. McMillen, appointed Mar. 23, 1973 (38 FR 8194, Mar. 29, 1973).	368	Mar. 21, 1973
Mississippi: Vice William C. McMillen, appointed Mar. 27, 1973 (38 FR 8489, Apr. 2, 1973).	368	Mar. 27, 1973
Alabama: Vice William C. McMillen, appointed Mar. 27, 1973 (38 FR 8488, Apr. 2, 1973).	369	Do.
Georgia: Vice William C. McMillen, appointed Apr. 5, 1973 (38 FR 9180, Apr. 11, 1973).	370	Apr. 4, 1973
Kentucky: Vice William C. McMillen, appointed May 11, 1973 (38 FR 12988, May 17, 1973).	381	May 11, 1973
Tennessee: Vice William C. McMillen, appointed May 11, 1973 (38 FR 12988, May 17, 1973).	382	Do.
Florida: Vice William C. McMillen, appointed June 30, 1973 (38 FR 14800, June 5, 1973).	387	May 26, 1973
Alabama: Vice William C. McMillen, appointed June 4, 1973 (38 FR 14987, June 8, 1973).	388	May 29, 1973

(Catalog of Federal Domestic Assistance
Program No. 50.002, Disaster Assistance.)

Dated June 13, 1973.

ELMER F. BENNETT,
Acting Director,
Office of Emergency Preparedness.

[FR Doc.73-12104 Filed 6-18-73;8:45 am]

OKLAHOMA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on June 13, 1973, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Oklahoma resulting from severe storms and flooding beginning on or about April 1, 1973, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such

a major disaster exists in the State of Oklahoma. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606), I hereby appoint Mr. George E. Hastings, Regional Director, OEP Region 6, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that act for this disaster.

I do hereby determine the following areas in the State of Oklahoma to have been adversely affected by this declared major disaster.

The counties of:

Atoka	Lincoln
Carter	Mayes
Choctaw	McClain
Cleveland	McIntosh
Coal	Muskogee
Comanche	Osage
Delaware	Pittsburg
Dewey	Pontotoc
Garfield	Sequoyah
Garvin	Stephens
Grant	Tillman
Haskell	Tulsa
Jackson	Washington
Latimer	Washita

Dated June 13, 1973.

ELMER F. BENNETT,
Acting Director,

Office of Emergency Preparedness.

(Catalog of Federal Domestic Assistance Program No. 50.002, Disaster Assistance.)

[FR Doc.73-12103 Filed 6-18-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3438]

AMERICAN CAPITAL CORP.

Notice of Application Under Sections 6(c) and 6(e) of the Act for Order of Temporary Exemption From Section 7

Notice is hereby given that American Capital Corp. (Applicant), 1010 Post Oak Tower, Houston, Tex. 77027, a Texas corporation, has applied pursuant to sections 6(c) and 6(e) of the Investment Company Act of 1940 (Act) for an order of the Commission temporarily exempting it from the provisions of section 7 of the Act. Applicant, in requesting such temporary exemption, has agreed that Applicant and other persons in their transactions and relations with it shall be subject to all other provisions of the Act and the respective rules and regulations promulgated under each of such provisions as though Applicant were a registered investment company, other than the following: section 8; subsections (a) and (c) of section 10; subsection (a) (2) of section 13; subsections (f), (g) and (h) of section 17; section 18; section 23; section 30 (except subsection (f) thereof); section 31; and section 32 of the Act and the rules and regulations thereunder. All interested persons are referred to the application on file with the Commission for a statement of Applicant's representations, which are summarized below.

This request has been made as an amendment to an application filed by Applicant pursuant to section 3(b) (2) of the Act for an order of the Commission declaring that it is not an investment company. Section 3(b) (2) of the Act provides that the filing of an application thereunder shall exempt the applicant for a period of 60 days from all provisions of the Act applicable to investment companies as such. The 60-day period of exemption provided in section 3(b) (2) expired on June 3, 1973. Applicant, which has not registered as an investment company under the Act, has asked that it be exempted, as requested, from June 3, 1973, until the Commission has acted upon the application under section 3(b) (2) of the Act.

Notice is further given that, in respect to the application pursuant to sections 6(c) and 6(e) of the Act for an order of temporary exemption, any interested person may, not later than July 6, 1973, at 5:30 p.m., submit to the Commission in writing, a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application for an order of temporary exemption may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL]

RONALD F. HUNT,
Secretary.

[FR Doc.73-12132 Filed 6-18-73;8:45 am]

[812-3395]

AMERICAN-SOUTH AFRICAN INVESTMENT CO. LTD.

Notice of Filing of Application Pursuant to Section 6(c) of the Act for Exemption From Section 2(a)(19) of the Act

Notice is hereby given that American-South African Investment Co. Ltd. (Applicant), 54 Marshall Street, Johannesburg, South Africa a nondi-

versified, closed-end management investment company registered under the Investment Company Act of 1940 (the Act), has filed an application for an order of the Commission pursuant to section 6(c) of the Act declaring that Wesley A. Stanger, Jr. (Stanger), a director of Applicant, shall not be considered an "interested person" of Applicant within the meaning of section 2(a)(19) of the Act solely by reason of his status as a registered representative of Riter, Pyne Kendall, & Hollister (Riter Pyne), a registered broker-dealer under the Securities Exchange Act of 1934 (the 1934 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 a South African corporation which was permitted to register under the Act as a foreign investment company pursuant to the provisions of section 7(d) of the Act and rule 7d-1 thereunder.

Applicant has not offered any of its securities for sale since 1958, and it has no underwriter. Its investment adviser, South African Investment Adviser (Proprietary) Limited (SAIA), is also a South African corporation and conducts no business other than acting as Applicant's investment adviser. Applicant's investment policy does not permit it to invest in the securities of any companies other than those doing the major portion of their business in South Africa. Applicant's securities transactions are arranged for by SAIA acting as its adviser and, with very rare exceptions, are executed on the Johannesburg Stock Exchange.

Stanger has been a director of Applicant since 1960, and at Applicant's annual shareholders meeting on April 30, 1973, he was reelected to serve until the 1974 shareholders meeting. He is a semi-retired former partner of Riter Pyne (which is now incorporated), owns less than 1 percent of its voting securities, is not one of its officers or directors, and receives no salary from it. As a registered representative he receives commissions from Riter Pyne on transactions he handles, and he is covered by its major medical policy. Riter Pyne has no relationship of any kind with Applicant or its adviser, has no office outside the United States and has no particular expertise or experience with respect to South African securities. It has never sold a security to nor purchased a security from Applicant. Furthermore, it has agreed not to do so as long as Stanger remains a director of Applicant, and Applicant and SAIA have agreed that Applicant will engage in no securities transactions with Riter Pyne during such time. Applicant seeks the requested exemption to provide future flexibility in the composition of its board of directors in the event that deaths, resignations, or other circumstances make changes of directors necessary or advisable, and it contends that Stanger's association with Riter Pyne will not impair his independence in acting on behalf of Applicant and its shareholders.

Section 2(a) (19) of the Act defines the term "interested person" of an investment company to include, in part, any broker or dealer registered under the 1934 Act or any affiliated person of a broker or dealer. The definition of "affiliated person" of any person contained in section 2(a) (3) of the Act includes any employee of such person. Consequently, Stanger as a registered representative of a broker-dealer may be deemed to be an "interested person" of Applicant.

Section 6(c) of the Act provides that the Commission may, upon application, conditionally or unconditionally exempt any person from any provision of the Act if 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 July 6, 1973, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-12131 Filed 6-18-73;8:45 am]

**MML INVESTMENT CO., INC., AND
MASSACHUSETTS LIFE INSURANCE CO.**

Notice of Application

[812-3429]

Notice is hereby given that MML Investment Co., Inc. (the Fund), and Massachusetts Mutual Variable Annuity Fund 1 (the Annuity Fund), both diversified, open-end management investment companies registered under the Investment Company Act of 1940 (the Act), have filed an applicant pursuant to section 17(b) of the Act for an order

exempting the sale of certain assets of the Annuity Fund to the Fund, in exchange for shares of that Fund, from the provisions of section 17(a) of the Act. In addition, the Annuity Fund and Massachusetts Mutual Life Insurance Co. (Mass Mutual), 1295 State Street, Springfield, Mass. 0111 a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts, of which the Annuity Fund is a separate account, have filed an application pursuant to section 6(c) of the Act for an order exempting the Annuity Fund and Mass Mutual from the provisions of section 26(a) of 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.

Section 17(b) of the Act.—The Annuity Fund is a separate investment account of Mass Mutual established in connection with the sale by Mass Mutual of both immediate and deferred variable annuity contracts (the Contracts), to tax-qualified plans, as described in section 401(a) or section 403 of the Internal Revenue Code, which entitle the beneficiaries thereof to special tax treatment. Mass Mutual serves as investment manager and principal underwriter for the Annuity Fund. Fund, which was also organized by Mass Mutual, is designed to provide a vehicle for the investment of assets held in various other separate accounts established by Mass Mutual or by life insurance subsidiaries of Mass Mutual. Mass Mutual also serves as the investment manager of Fund.

At a meeting held on May 16, 1973, the security holders (Contract Owners) of the Annuity Fund voted to reorganize the Annuity Fund as a unit investment trust under the Act and to exchange the Annuity Fund's portfolio securities and cash for common stock of Fund. Because of their mutual affiliation with Mass Mutual, the Annuity Fund and the Fund are subject to the provisions of section 17(a) of the Act, which in pertinent part, prohibits an affiliated person of, or principal underwriter for, a registered investment company, or any affiliated person of such a person or principal underwriter, acting as principal, from knowingly selling any security or other property to or purchasing any security or other property from such investment company. Pursuant to section 17(b) of the Act, the Commission may exempt a proposed transaction from section 17(a) of the Act, if the evidence establishes that (1) the terms of the transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (2) the transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the Act; and (3) the transaction is consistent with the general purpose of the Act.

Fund and the Annuity Fund request an exemption from section 17(a) to the

extent necessary to permit the exchange of the Annuity Fund's portfolio securities and cash for common stock of Fund. Other assets of the Annuity Fund will be retained by the Annuity Fund, and Fund will not assume any liabilities of the Annuity Fund. The exchange has been approved both by the Board of Directors of Fund and by the Board of Managers of the Annuity Fund. The number of shares of Fund to be issued to the Annuity Fund will be determined by dividing the value of the Annuity Fund's securities and cash by the net asset value of one share of Fund on the exchange date. The value of the Annuity Fund's securities will be determined by the same method used to value the assets of Fund.

Records and reports on file with the Commission, disclose that the investment objectives, policies, and restrictions of Fund and the Annuity Fund are substantially the same.

The proposed exchange of portfolio securities and cash of the Annuity Fund for shares of the Fund would avoid not only the brokerage commissions that would be incurred by both the Annuity Fund and the Fund if the Annuity Fund was to sell its portfolio securities and invest the proceeds in the Fund and if the Fund was then to invest such proceeds in portfolio securities, but would also avoid any possibility of loss that might result from any untimely sales.

For these reasons, the Annuity Fund and the Fund submit that the terms of the exchange are fair and reasonable, that the proposed transaction is consistent with their respective investment policies and the general purposes of the Act, and that the requested exemption should be granted.

Section 26(a) of the Act.—Section 26(a) of the Act prohibits a depositor of or principal underwriter for a registered unit investment trust from selling any security issued by such a trust unless the security is issued pursuant to a trust indenture, agreement of custodianship, or other instrument which provides (i) that the securities and other property of the trust shall be held by a custodian or trustee which is a qualified bank; (ii) that the custodian or trustee may collect from income and, if necessary, the corpus of the trust, fees for services theretofore performed and reimbursement for expenses theretofore incurred, except that no payment to the depositor or principal underwriter shall be allowed the custodian or trustee as an expense except as a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping or other administrative services; (iii) that the custodian or trustee shall not resign until either the trust has been liquidated or a qualified successor custodian or trustee has been appointed; and (iv) that a record be kept of the interest of each holder of a security, and that security holders be notified as to any substitution of underlying securities.

In support of the requested exemption from the foregoing provisions of section 26(a) of the Act, the Annuity Fund and Mass Mutual state that as a regulated

insurance company Mass Mutual's obligations to the Contract Owners provide substantially the same protections envisioned by the requirements of section 26(a). Mass Mutual, which had an unassigned surplus of \$190,696,000, as of December 31, 1972, is subject to regulation by the Department of Banking and Insurance of the Commonwealth of Massachusetts and the National Association of Insurance Commissioners. Its officers and employees are covered by a fidelity bond in the amount of \$2 million. The assets of the Annuity Fund, equal to the reserves and other liabilities for variable benefits which depend upon the Annuity Fund's investment performance, are not chargeable with liabilities arising out of any other business Mass Mutual may conduct.

The Annuity Fund and Mass Mutual also state that while the assets of the Annuity Fund will be invested in shares of the Fund which will be held by the Annuity Fund in an open account on the books and records of the Annuity Fund and the Fund without the issuance of transferable stock certificates which might require safekeeping, the portfolio securities and other assets of Fund itself will be held in the custody of a qualified bank. They add that there is no substantial risk of abandonment of Contract Owners by Mass Mutual as sponsor of the Annuity Fund because of the binding obligation of Mass Mutual under the Contracts to provide lifetime benefits of Contract Owners. They also state that substitution by the Annuity Fund of the Fund securities is subject to the vote of the Contract Owners.

The Annuity Fund and Mass Mutual have consented that this requested exemption be subject to the conditions that the deductions under the Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe; that the Commission shall reserve jurisdiction for such purpose; and that the payment of sums and charges out of the assets of the Annuity Fund shall not be deemed to be exempted from regulation by the Commission by reasons of the requested order, provided that the consent of Applicants to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services. The Annuity Fund and Mass Mutual reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of in-

vestors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, no later than June 28, 1973, at 5:30 p.m. submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants 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. 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 a hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered), and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.73-12133 Filed 6-18-73;8:45 am]

[File No. 500-1]

SPORTS WORLD COMMUNICATIONS CORP.

Order Suspending Trading

JUNE 12, 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 Sports World Communications 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 9:30 a.m., e.d.t., on June 12, 1973, and continuing through June 21, 1973.

By the Commission.
[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.73-12130 Filed 6-18-73;8:45 am]

[File No. 500-1]

SUPREME OIL & GAS CORP.

Order Suspending Trading

JUNE 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, and all other securities of Supreme Oil & Gas 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 9:30 a.m. (e.d.t.), on June 12, 1973, and continuing through June 21, 1973.

By the Commission.
[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.73-12127 Filed 6-18-73;8:45 am]

[File No. 500-1]

TRIX INTERNATIONAL CORP.

Order Suspending Trading

JUNE 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, \$0.01 par value, of Trix International Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c) (5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 13, 1973, through June 22, 1973.

By the Commission.
[SEAL] RONALD F. HUNT,
Secretary.
[FR Doc.73-12128 Filed 6-18-73;8:45 am]

[File No. 500-1]

U.S. FINANCIAL INC.

Order Suspending Trading

JUNE 12, 1973.

The common stock, \$2.50 par value, of U.S. Financial Inc., being traded on the New York Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of U.S. Financial Inc., being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to sections 15 (c) (5) and 19(a) (4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 13, 1973 through June 22, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc. 73-12129 Filed 6-18-73; 8:45 am]

[Release No. 34-10218]

CONSOLIDATED TAPE PLAN

Notice of Comments

The Commission has announced that it has sent a letter of comment to the sponsors of the consolidated tape plan jointly filed by the New York, American, Midwest, Pacific, and PBW Stock Exchanges and the NASD on March 2, 1973 (the Plan),¹ pursuant to rule 17a-15 (17 CFR 240.17a-15) under the Securities Exchange Act of 1934, providing for reporting of prices and volume of completed transactions with respect to securities registered on exchanges.

The text of the letter follows:

American Stock Exchange, Inc., Midwest Stock Exchange, Inc., National Association of Securities Dealers, Inc., New York Stock Exchange, Inc., Pacific Stock Exchange, Inc., and PBW Stock Exchange, Inc.

DEAR SIRs: This is in response to the plan jointly filed with the Commission on March 2, 1973 (the "Joint Plan" or the "Plan"), pursuant to rule 17a-15 under the Securities Exchange Act of 1934. As you know, the Plan cannot become effective unless the Commission, having due regard for the maintenance of fair and orderly markets, the public interest and the protection of investors, declares the Plan, with whatever changes are deemed necessary or appropriate by the Commission, to be effective. In so doing, the Commission may impose such terms and conditions relating to the provisions of the Plan and amendments thereto as it may deem necessary or appropriate. The changes suggested by the comments which follow appear to be either necessary or appropriate, but we would welcome your response, no later than July 10, 1973, to any requested change which raises self-regulatory problems.

The Commission has reviewed the Joint Plan and all public comment letters received in response to a request for comments on the Plan. Comment is specifically reserved as to all exhibits, related documents and portions of the Joint Plan not part of the original filing, including the exhibits and related documents with respect to the Plan jointly filed with the Commission on March 29, 1973. We have the following comments on the Plan:

Amendments to the Plan. In adopting Rule 17a-15 the Commission intended to make unmistakably clear its determination to exercise its authority and responsibility to oversee the development and administration of a composite last sale reporting system de-

signed to protect the interest of the public. For this reason, the Rule provides the Commission with considerable flexibility in varying the terms of any plan filed thereunder.

Implicit in the Commission's authority to pass upon a plan's terms necessarily would be the rights not only to approve subsequent proposed changes therein but also to initiate such changes. Thus, we believe that section III(b) of the Plan, relating to amendment procedures, should be modified to provide a means for the Commission to require any amendment to the Plan it may deem necessary or appropriate. Of course, the Consolidated Tape Association (the "CTA") and members of the public would be free to provide their views on any amendment requested by the Commission. Accordingly, the following language should be added at the end of section III(b):

In addition, the SEC may require any amendment to the Plan which it deems necessary or appropriate for the maintenance of fair and orderly markets, the public interest or the protection of investors. A copy of any amendment proposed to be required by the SEC, and a statement of the reasons underlying the proposal, shall be filed with the CTA no less than 45 days prior to the date on which it is proposed such amendment take effect. The effectiveness of the amendment shall be automatic, but the SEC may modify, withdraw or postpone the effectiveness of any amendment requested by it, in accordance with the foregoing standards.

We also note that the Joint Plan's amendment procedures do not specify when amendments thereto proposed by the CTA would become effective, nor do they provide a procedure whereby the Commission can satisfy its oversight responsibilities with respect to any proposed amendments to the Plan.

Accordingly, a new subsection (d) should be added to section III (redesignating existing subsections (d) and (e) as (e) and (f), respectively) to read as follows:

(d) Any amendment filed with the Commission by the CTA pursuant to this section shall take effect upon the 45th day after the filing of a copy thereof with the Commission, or upon such earlier or later date as the Commission may determine, unless prior to that time the Commission disapproves or requests modification of such amendment as may be necessary or appropriate for the maintenance of fair and orderly markets, the public interest or the protection of investors.

We also suggest the addition of a provision that would permit, upon specific request by the CTA, an expedited approval procedure for amendments of a technical or ministerial nature. Such a provision might provide for CTA to certify to the Commission that an amendment is of such a nature and, if the Commission's staff concurs, for such amendments to be declared effective by the Commission or by the staff pursuant to delegated authority.

Section III(c) of the Plan states in brackets (on the last line of page 5) that "other sections may be added" to the list of sections which may be amended notwithstanding the objection of any particular Participant. This quoted phrase should be deleted and any appropriate sections added to the list. Subsequent additions of course may be effected by amendment.

In addition, the Plan refers in various places to documents that will be submitted to the Commission for its "information". In view of the material nature of all specifications

and other material related to the Plan, such items should be deemed to be part of the Plan itself and subject to the Commission's approval. As noted above, an accelerated review procedure will be provided by the Commission upon request in appropriate cases for amendments relating to matters of a technical or ministerial nature.

Evaluation of performance by processor. Section IV(d) of the Plan presently provides for CTA review during the fifth year from the date of commencement of Phase II of the question of whether the Securities Industry Automation Corporation ("SIAC") should continue as the "processor" under the Joint Plan. It also provides that after the expiration of the initial five-year period CTA will periodically undertake a similar review (at least every two years). We believe that an effective program to monitor SIAC's performance would require that such a review occur annually. Appropriate changes in the Plan to reflect this modification should be made. In addition, in order to afford the Commission an opportunity to evaluate the processor's performance, as required by its oversight role, a new subsection (e) should be added (redesignating existing subsection (e) as (f)) to read as follows:

Within 30 days after the commencement of any review by CTA of the Processor's performance, CTA shall file with the Commission a copy of a report prepared by it, including any minority views, evaluating such performance and setting forth its recommendations with respect thereto.

Contracts with processor. As indicated above, it is essential that the Commission exercise its oversight authority with respect to the consolidated tape in a diligent and vigorous manner. Obviously, from time to time it may become necessary in the public interest for the Commission, by means of amendment to the Joint Plan, to alter the manner in which the tape is operated.

To reconcile the desirability of preventing frustration of the contractual expectations of any person or entity which enters into an agreement with any processor of the tape with the Commission's obligation to preserve the freedom to exercise its authority, the Commission believes that a new subsection (g) should be added to Section IV of the Plan to read as follows:

The Processor's contracts and agreements with Participants and other reporting parties, independent vendors, subscribers and others shall by their terms be subject at all times to the Federal securities laws and the rules and regulation thereunder.

High-Speed Transmission. Section V(e) of the Plan leaves unresolved the question of whether independent vendors should receive consolidated last sale prices by means of a high-speed line permitting them to receive this information on a current basis, regardless of any delay in the dissemination of the information on the consolidated tape itself. This would enable them to maintain continually updated information in their data bases used to supply last sale information by means of interrogation terminals. A periodic message could be displayed on the tape to warn viewers it is delayed, so that they could utilize interrogation equipment where real-time market information is essential.

No valid reason has been presented to the Commission which would justify delaying the data utilized by interrogation devices solely because the tape may be running late. Accordingly, the second paragraph of section V(e) (at the top of page 19) should be deleted, and a new paragraph should be inserted in its place to read as follows:

¹ The Plan was originally published in the FEDERAL REGISTER in volume 38, page 6443.

In addition to the data transmitted for ticker display purposes, each recipient of last sale data shall be entitled to receive from the Processor any or all of the last sale data generated by the Processor pursuant to the Plan on a real time basis via a high speed line, for purposes of on-line surveillance, display by means of interrogation or monitoring equipment or any other legal purpose other than transmission for ticker display purposes.

Eligibility Criteria. Section VI(a) of the Plan establishes eligibility criteria to determine (i) which of those securities listed on an exchange on the date Phase I is commenced shall be qualified for dissemination pursuant to the Plan (the "grandfather" standards), and (ii) which of those securities which list subsequent to such date shall be so qualified (the "permanent" standards). In our review of the Plan we have studied these criteria with particular care.

The Commission believes that the limitation of eligible securities to those listed on a principal national securities exchange is inappropriate because, in our view, eligibility criteria should be based on the characteristics of individual securities rather than on those of the exchanges on which they are listed. We have been provided no valid regulatory or other basis upon which such a distinction could be supported. Accordingly, section VI(d) of the Plan should be deleted and the word "principal" removed from all references to national securities exchanges. The reference to section VI which appears in section V(a)(ii) also should be deleted.

On the other hand, in the Commission's opinion, the present character of the existing nationally distributed tapes would be altered considerably if the Plan's proposed eligibility standards are not raised, at least for the initial stages of the tape's operation. Although dissemination of trades in a host of securities listed "solely" on small exchanges could prove to be a beneficial by-product of the consolidated tape's development, we are quite concerned that investors seeing Network B of the consolidated tape for the first time might be misled to believe that all securities reported thereon are at least capable of meeting the listing (or at least the delisting) standards of the American Stock Exchange ("Amex"), as at present. Accordingly, we believe that for the time being the permanent standards contained in section VI(a)(2) should be applied to issues listed on the date phase 2 commences and the present Amex listing standards should be applied to all issues listed after that date.

As a further criterion for a security's inclusion on the consolidated tape, we think it important to require that at least 25 percent of the reported transactions in that security be executed on an exchange. Such a requirement should ensure that the investing public is not misled, since we believe there exists a justifiable expectation that the securities to be reported on the consolidated tape will be securities in which a substantial portion of trades takes place on an exchange.

Limitations on Retransmission. Subsections (a) and (b) of section VIII of the Plan state that independent vendors "will not be permitted to retransmit on a continuous basis the consolidated last sale prices received by them." This language could be interpreted to preclude retransmission for "monitoring" services, to satellite computers for interrogation purposes and for other valid uses, although we doubt that such a broad construction of the prohibition was ever intended. To ensure that an unnecessarily sweeping prohibition is not created, the

words "for purposes of producing a continuous, moving ticker display" should be added after the word "them" on the fourth line from the bottom of page 28 and after the same word on the fourth line on page 30.

Market Identification.—Section VIII(f) of the Plan sets forth the standards for independent vendors' interrogation devices with respect to the market identification requirement of Rule 17a-15. It also purports to specify what kinds of non-complying interrogation equipment will be acceptable.

We believe it is the responsibility of the Commission to determine whether particular interrogation equipment is able to provide market identification in compliance with Rule 17a-15 and, if not, on what basis the use of noncomplying equipment will be permitted. Accordingly, all of the language in subsection (f) after the parenthesis on line 4 of page 34 should be deleted.

In addition, the Commission believes that a distinct designation should be provided for trades executed by broker-dealers who are not members of any exchange or the NASD and who are required by Rule 17a-15 to report their transactions in listed securities.

Trading Halts and Suspensions. Section X(a) of the Plan sets forth the consolidated tape's procedures for coordinating trading halts and suspensions. In order to coordinate more effectively the regulation of trading activity in multiple markets we believe that if any participant halts or suspends trading in a security for regulatory reasons it should be required promptly to notify SIAC, the Commission (as already required by Rule 12d2-1 under the Securities Exchange Act) and each of the participants which trades that security. In addition, we believe that in order to ensure maximum coordination in such cases the Processor should continue to include on the consolidated tape last sale prices in such a security received from other participants until the Commission itself acts to suspend or halt trading in that security. The requirement of prompt notification to the Commission will enable the Commission to act expeditiously with respect to trading halts and suspensions. Accordingly, the references in section X(a) to the "primary market" for a security are no longer necessary and should be deleted.

Trading Hours. Section X(b) of the Plan states that the consolidated tape's hours of operation will be established by an amendment to the Plan. It appears to the Commission that the question of hours of operation is too significant to be left unresolved at this stage of the development of the consolidated tape.

In view of the importance of disclosing promptly as many trades in listed securities as feasible, and in the absence of a showing of good cause for limiting the consolidated tape's hours of operation to the hours of operation of the major exchanges in the East, the Commission believes that the consolidated tape should operate as long as a national securities exchange is open, consistent with the Commission's normal business hours. Accordingly, existing section X(b) should be deleted, and a new section X(b) should be inserted in its place to read as follows:

The consolidated tape will reflect on a current basis reports of last sale prices of eligible securities as long as a national securities exchange is open, consistent with the Commission's normal business hours.

In this connection, some procedure also should be provided whereby the consolidated tape would be activated some time prior to the opening of the exchanges so that all trades which took place subsequent to the

prior day's close of the tape, and before the opening of the exchanges, would be reported in proper sequence.

User Reaction to Phase I. Section XII, providing for a pilot program (Phase I), refers to the "user reaction to Phase I." Inasmuch as the Joint Plan represents a firm commitment by its sponsors to comply with a regulatory requirement duly imposed by the Commission, we assume that user reaction will be considered by the Joint Plan's sponsors only as a means to reflecting problems concerning, and effecting improvements to, the consolidated tape.

Withdrawal Procedures. Section XIII sets forth the procedures for withdrawal from the Joint Plan. Since parties other than the Joint Plan's sponsors undoubtedly will act in reliance on the provisions of the Joint Plan (and in fact may have done so already), Commission permission should be obtained before any participant is allowed to withdraw, in order to prevent undue hardship. Accordingly, the following language should be inserted after the word "may" in the first line of section XIII: "petition the Commission for permission to". In addition, the word "to" should be substituted for the word "may" in the second line of section XIII. Finally, the phrase "in the manner described in section XIII" should be added following "CTA", but before the comma, in the sixth line on page 41.

Technical Matters. 1. On a number of occasions members of the Commission's staff have requested that copies of SIAC's charter, by-laws and any other constituent documents be submitted to the Commission as part of the Plan. We request that this be done promptly.

2. Section V(d) refers to section VIII(a) as setting forth time limits for reporting transactions to the processor. It appears that the appropriate reference should be section VII (a).

3. Section VIII(a) defines vendors in terms of persons engaged in "disseminating" reports of completed transactions. Inasmuch as this definition appears not to include those manufacturers of terminal or display equipment who do not own or lease transmission networks, which we believe were intended to be included, the words "or displaying" should be added after the word "disseminating" on the second line from the bottom of page 28.

Before closing, I should like to state on behalf of the Commission that we recognize the extremely difficult task with which you have been confronted. In moving towards development of a central market system we are all necessarily operating without the benefit of precedent to guide us. In addition, it is apparent that in your efforts you have been faced with the need to reconcile a wide range of conflicting interests and points of view. You should be congratulated for having taken an initial but significant step toward achievement of a goal which I believe we all share. I look forward to your continued cooperation as our work progresses.

For the Commission.

Sincerely yours,

HUGH F. OWENS,
Senior Commissioner.

As indicated in Securities Exchange Act Release No. 10026 (March 5, 1973), announcing the receipt of the Plan, the Commission will afford the Plan's sponsors an opportunity to respond to the Commission's comments no later than July 10, 1973, and any such response will be made publicly available. All interested persons may submit written comments with respect to the Commission's letter. All comments should be submitted by July 10, 1973, and should be addressed:

Secretary, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, and should refer to file No. S7-433.

(Secs. 10(b), 15(c), 17(a), 23(a), 48 Stat. 891, 895, 897, 901, 49 Stat. 1377, 1379, 52 Stat. 1075, 1076, 78 Stat. 570, 84 Stat. 1653, 15 U.S.C. 78j(b), 78o(c), 78q, 78w.)

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

JUNE 13, 1973.

[FR Doc.73-12123 Filed 6-18-73;8:45 am]

[File 500-1]

BBI, INC.

Order Suspending Trading

JUNE 12, 1973.

The common stock, 10 cents par value, of BBI, Inc., being traded on the American Stock Exchange and the PBW Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of BBI, 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 exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 13, 1973, through June 22, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-12122 Filed 6-18-73;8:45 am]

[File No. 500-1]

BENEFICIAL LABORATORIES, INC.

Order Suspending Trading

JUNE 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, warrants, units and all other securities of Beneficial Laboratories, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 13, 1973, through June 22, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-12124 Filed 6-18-73;8:45 am]

[File No. 500-1]

PROOF LOCK INTERNATIONAL CORP.

Order Suspending Trading

JUNE 12, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 1 cent par value, and all other securities of Proof Lock International Corp., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period from June 13, 1973, through June 22, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-12125 Filed 6-18-73;8:45 am]

[File No. 500-1]

T M A CO.

Order Suspending Trading

JUNE 12, 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 T M A Co., 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 9:30 a.m. (e.d.t.), on June 12, 1973, and continuing through June 21, 1973.

By the Commission.

[SEAL] RONALD F. HUNT,
Secretary.

[FR Doc.73-12126 Filed 6-18-73;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License Application No. 08/08-5031]

UNIVEST, INC.

Application for License as a Small Business Investment Company

An application for a license to operate as a small business investment company under the provisions of section 301(d) of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.), has been filed by Univest, Inc. (applicant), with the Small Business Administration (SBA) pursuant to 13 CFR 107.102 (1973).

The officers and directors of the applicant are as follows:

Edward R. Lucero, chairman of the board and director, 10370 West 18th Place, Lakewood, Colo. 80215.

Roger A. Upshaw, president, treasurer, general manager, and director, 9441 West 65th Avenue, Arvada, Colo. 80002.

Joe C. Medina, vice president, legal counsel, and director, 1940 West Mississippi Avenue, Denver, Colo. 80223.

The applicant, a Colorado corporation, with its principal place of business located at 735 Curtis Street, Denver, Colo. 80204, will begin operations with \$500,000 of paid-in capital consisting of 1,000 shares of common stock sold to CEDA, Inc., a nonprofit corporation organized to aid minority economic development, and located at the same address as that of the applicant.

Applicant will not concentrate its investments in any particular industry. As an applicant for a license pursuant to section 301(d) of the Small Business Investment Act of 1958, as amended, its investments will be made solely in small business concerns which will contribute to a well-balanced national economy by facilitating ownership in such concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages.

Matters involved in SBA's consideration of the applicant include the general business reputation and character of the proposed owners and management, and the probability of successful operation of the applicant under their management, including adequate profitability and financial soundness, in accordance with the Small Business Investment Act and the SBA rules and regulations.

Any person may, on or before July 5, 1973, submit to SBA written comments on the proposed licensee. Any such communication should be addressed to the Deputy Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, D.C. 20416.

A copy of this notice shall be published in a newspaper of general circulation in Denver, Colo.

Dated June 8, 1973.

JAMES THOMAS PHELAN,
Deputy Associate Administrator
for Investment.

[FR Doc.73-12155 Filed 6-18-73;8:45 am]

[Delegation of Authority No. 12 (Rev. 1); Amendment 1]

ASSOCIATE ADMINISTRATOR FOR FINANCE AND INVESTMENT

Delegation of Authority

Delegation of authority No. 12 (rev. 1) (38 FR 13063) is hereby amended to provide certain authority as to claims owed to sureties on defaulted surety bond guarantees by revising item IB2 by adding subparagraph b.

As amended, delegation of authority No. 12 (rev. 1) reads as follows:

A. Financial Assistance Program. . . .
B. Lease Guarantee and Surety Bond Programs. . . .

[337-L-55]

CONVERTIBLE GAME TABLES

Notice of Complaint Received; Correction

Tariff Commission notice of the receipt on October 26, 1972, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by ATI Recreation, Inc., of Miami Lakes, Fla., issued November 14, 1972 (37 FR 24473), cited U.S. Design Patent No. 233,539. The cited patent should be changed to read: "U.S. Design Patent No. 223,539."

Issued June 14, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-12189 Filed 6-18-73;8:45 am]

[337-L-63]

PRESET VARIABLE RESISTANCE CONTROLS

Notice of Complaint Received

The United States Tariff Commission hereby gives notice of the receipt on May 17, 1973, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by CTS Corp. of Elkhart, Ill., alleging unfair methods of competition and unfair acts in the importation and sale of present variable resistance controls which are embraced within claims of U.S. Patents No. 3,375,478, No. 3,518,604, and No. 3,670,285, owned by the complainant. Piher International Corp., 1239 Rand Road, Des Plaines, Ill., has been named as the importer of the subject products.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so, whether the Commission should recommend to the President the issuance of a temporary order of exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C., and at the New York office of the Tariff Commission located in room 437 of the customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than July 27, 1973. Such information should be sent to the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D.C. 20436. A signed original and 19 true copies of each document must be filed.

Issued June 14, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-12188 Filed 6-18-73;8:45 am]

VETERANS ADMINISTRATION

CHIEF MEDICAL DIRECTOR'S AD HOC ADVISORY COMMITTEE ON SPINAL CORD INJURY

Continuation

Pursuant to the Federal Advisory Committee Act (Public Law 92-463), the Veterans' Administration has determined that the continuation of the Chief Medical Director's Ad Hoc Advisory Committee on Spinal Cord Injury is in the public interest in connection with the performance of duties imposed on the Veterans' Administration by law.

Signed at Washington, D.C., this 13th day of June, 1973.

[SEAL] DONALD E. JOHNSON,
Administrator.

[FR Doc.73-12119 Filed 6-18-73;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

STANDARDS ADVISORY COMMITTEE ON CARCINOGENS

Notice of Meeting

Notice is hereby given that a Standards Advisory Committee on Carcinogens has been established under section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 656), and that it will meet on Monday, June 25, 1973, starting at 9:30 a.m., Tuesday, June 26, 1973, starting at 9 a.m., and Wednesday, June 27, 1973, starting at 9 a.m. in conference room B, departmental auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D.C. 20210.

The Standards Advisory Committee on Carcinogens has been established to make recommendations to the Secretary of Labor regarding a standard for exposure to carcinogens.

This will be the first meeting of the Committee. The agenda provides for a general orientation of the members concerning information about administrative details, procedures applicable to the Committee, and the scope of the Committee's functions regarding development of recommendations for a permanent carcinogen standard. The meeting shall be open to the public.

Any members of the public wishing to submit a written presentation to the Committee may do so by filing such a statement, together with 20 copies thereof, at the beginning of the meeting with the Committee's Executive Secretary. Such submissions will be provided to the members of the Committee and will be included in the record of the meeting. It is anticipated that there will be subsequent meetings of the Committee and that the public will have opportunity to participate. The comments received by the Department of Labor pursuant to the request published at 38 FR 4039, February 9, 1973, will be submitted for the record and will be distributed to the Committee members.

All written statements shall be addressed to:

2.a. To guarantee sureties of small business against portions of losses resulting from the breach of bid, payment or performance bonds on contracts up to \$500,000.

b. To approve or decline all claim reimbursement requests from participating surety companies on contract defaults bonded with SBA guarantees.

Effective date.—July 31, 1972.

Dated: June 13, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.73-12176 Filed 6-18-73;8:45 am]

TARIFF COMMISSION

[337-L-62]

CERTAIN HYDRAULIC TAPPETS

Notice of Complaint Received

The U.S. Tariff Commission hereby gives notice of the receipt on May 10, 1973, of a complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337), filed by Johnson Products, Inc., of Muskegon, Mich., alleging unfair methods of competition and unfair acts in the importation and sale of certain hydraulic tappets which are embraced within the claims of U.S. Patent No. 3,358,658 and Reissue Patent Nos. 25,974 and 25,154, owned by the complainant. The complainant names Welles Manufacturing Corp., Union and Ludlow Streets, Northvale, N.J., and PRC Co., Northvale, N.J., as either importing or offering for sale the subject products.

In accordance with the provisions of § 203.3 of its rules of practice and procedure (19 CFR 203.3), the Commission has initiated a preliminary inquiry into the allegations of the complaint for the purpose of determining whether there is good and sufficient reason for a full investigation, and if so whether the Commission should recommend to the President the issuance of a temporary exclusion from entry under section 337(f) of the Tariff Act.

A copy of the complaint is available for public inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436, and at the New York office of the Tariff Commission located in room 437 of the customhouse.

Information submitted by interested persons which is pertinent to the aforementioned preliminary inquiry will be considered by the Commission if it is received not later than July 27, 1973. Such information should be sent to the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, D.C. 20436. A signed original and nineteen true copies of each document must be filed.

Issued June 14, 1973.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.73-12187 Filed 6-18-73;8:45 am]

Mr. Milton W. Umbenhouer, Acting Executive Secretary, Standards Advisory Committee on Carcinogens OSHA-OSMC, Railway Labor Building, room 509, Department of Labor, Washington, D.C. 20210.

There will be no opportunity for oral presentations at the initial meeting. Opportunity for oral presentations may be afforded in the discretion of the Chairman at subsequent meetings.

Signed at Washington, D.C., this 15th day of June 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.73-12365 Filed 6-18-73;9:49 am]

ENVIRONMENTAL PROTECTION AGENCY

ZOECON CORP.

Establishment of Temporary Tolerance

Zoecon Corp., 975 California Avenue, Palo Alto, Calif. 94304, submitted a petition (PP 3G1343) requesting establishment of temporary tolerances for negligible residues of the insecticide isopropyl (E,E)-11-methoxy-3,7,11-trimethyl-2,4-dodecadienoate in or on forage grasses and forage legumes at 0.1 part per million and rice at 0.01 part per million.

Subsequently, the petitioner amended the petition by reducing the tolerances for residues of the insecticide in or on forage grasses and forage legumes from 0.1 part per million to 0.01 part per million and by requesting a tolerance for negligible residues of the insecticide in or on rice straw at 0.01 part per million.

It has been determined that temporary tolerances for negligible residues of the insecticide in or on forage grasses, forage legumes, and rice and rice straw at 0.01 part per million are safe and will protect the public health. They are therefore established as requested on condition that the insecticide be used in accordance with the temporary permit being issued concurrently and which provides for distribution under the Zoecon Corp. name.

These temporary tolerances expire June 12, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346(a)(j)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide programs (36 FR 9038).

Dated June 12, 1973.

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

[FR Doc.73-12184 Filed 6-18-73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 277]

ASSIGNMENT OF HEARINGS

JUNE 13, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

Correction

AB-71 Baltimore & Annapolis Railroad Co. abandonment of operations between Cliford Junction, Baltimore City, and Annapolis, in Baltimore and Anne Arundel Counties, Md., now assigned July 10, 1973, will be held in U.S. Customs Courtroom, room 707-709, Appraisers Stores Building, Gay and Lombard Streets, Baltimore, Md., instead of AB-73.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-12166 Filed 6-18-73;8:45 am]

[Notice No. 278]

ASSIGNMENT OF HEARINGS

JUNE 14, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the official docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

No. 35725, Penn Central Transportation Co. (George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustee) v. Delaware and Hudson Railroad Co.; FD No. 21989, Pennsylvania Railroad Co.—merger—New York Central Railroad Co.; AB-5 sub 73, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment between Nanticoke and Glen Lyon, Luzerne County, Pa.; AB-5 sub 99, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., trustees of the property of Penn Central Transportation Co., debtor, abandonment portion of

Wilkes-Barre branch between South Danville and Wilkes-Barre, Northumberland, Montour, Columbia, and Luzerne Counties, Pa., now assigned June 18, 1973, at Wilkes-Barre, Pa., is postponed to July 9, 1973, at Wilkes-Barre, Pa., in a hearing room to be later designated.

AB-49, Ann Arbor Railroad Co. abandonment entire line of railroad, including all of its car ferry routes north and west of Thompsonville in Benzie County, Mich., and Keweenaw and Manitowoc Counties, Wis., is continued to June 18, 1973, at the offices of the Interstate Commerce Commission, Washington, D.C.

MC 71459 sub 30, O.N.C. Freight Systems, now being assigned hearing September 10, 1973 (2 weeks), at Salt Lake City, Utah, in a hearing room to be later designated.

MC 133316 sub 7, Frank R. Givigliano, doing business as Givigliano Transport, now being assigned hearing September 10, 1973, at Denver, Colo., in a hearing room to be later designated.

MC 30032 sub 3, Houdek Motor Service, Inc., now being assigned hearing September 10, 1973 (1 week), at Chicago, Ill., in a hearing room to be later designated.

MC-133276 sub 7, Berry Transport, Inc., now being assigned hearing September 10, 1973 (1 week), at Olympia, Wash., in a hearing room to be later designated.

MC-1263 sub 17, McCarty Truck Line, Inc., now being assigned hearing September 10, 1973 (1 week), at Jefferson City, Mo., in a hearing room to be later designated.

MC-C-8051, Larry M. Hays, doing business as Larry Hays Trucking Co.—investigation and revocation of certificates—now being assigned September 6, 1973 (2 days), at Oklahoma City, Okla., in a hearing room to be later designated.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-12167 Filed 6-18-73;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 14, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed on or before July 5, 1973.

FSA No. 42698.—Stone from Bonneville, Wyo. Filed by Western Trunk Line Committee, agent (No. A-2685), for interested rail carriers. Rates on stone, broken, crushed or ground, in carloads, as described in the application, from Bonneville, Wyo., to points in western trunkline territory.

Grounds for relief.—Market competition, modified short-line distance formula and grouping.

Tariff.—Supplement 79 to Western Trunk Line Committee, agent, tariff W-200-D, ICC No. A-4674. Rates are published to become effective on July 15, 1973.

FSA No. 42699.—Gasoline and related articles from points in southwestern territory. Filed by Southwestern Freight Bureau, agent (No. B-415), for interested rail carriers. Rates on gasoline and related articles, in tank car loads, as described in the application, from points in Kansas and southwestern territory, to points in official and southern territories, also Evansville and Vaughan, Ind., and Cincinnati, Ohio.

Grounds for relief.—Rate relationship and market competition.

Tariff.—Supplement 68 to Southwestern Freight Bureau, agent, tariff SW/S-123-0, ICC No. 4939. Rates are published to become effective on July 18, 1973.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-12168 Filed 6-18-73;8:45 am]

[Notice 297]

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 9, 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-74499. By order entered June 7, 1973, the Motor Carrier Board approved the transfer to L. E. Troutman, doing business as L. E. Troutman Grain & Elevator Co., Riverdale, Kans., of the operating rights set forth in permit No. MC-133436, issued December 19, 1969, to Dudden Elevator, Inc., Ogallala, Nebr., authorizing the transportation of dehydrated alfalfa and dehydrated alfalfa products, between points in that part of Nebraska on and west of U.S. Highway 77, points in Kansas, Oklahoma, Wyoming, Colorado, those in that part of Texas on and north of U.S. Highway 82, and those in that part of New Mexico on and north of U.S. Highway 380, and on and east of U.S. Highway 85, under a continuing contract or contracts with

Western Alfalfa Corp. George D. Blackwood, Jr., floor 3, Columbia Union Bank Building, 900 Walnut Street, Kansas City, Mo. 64106, attorney for applicants.

No. MC-FC-74517. By order entered June 11, 1973, the Motor Carrier Board approved the transfer to M B J Trucking Co., Inc., Hightstown, N.J., of the operating rights set forth in permit No. MC-134691, issued April 1, 1971, to Daniel Goldfarb, doing business as D & M Trucking Co., Forest Hills, N.Y., authorizing the transportation of insulating material, except in bulk, between the storage facilities of Certain-Teed Saint Gobain Insulating Corp., in Edison Township, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau, Suffolk, West Putnam, Rockland, and Orange Counties, N.Y., Fairfield Conn., and New Jersey, under a continuing contract or contracts with Certain-Teed Saint Gobain Insulation Corp. Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-12169 Filed 6-18-73;8:45 am]

[Ex Parte No. 295; Special Permission 73-4700]

INCREASED FREIGHT RATES AND CHARGES, 1973, NATIONWIDE

Partial Granting of Petitions

Order. At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 11th day of June 1973.

Upon consideration of a petition and verified statements dated April 20, 1973, as amended May 9, 1973, filed by James L. Tapley and other attorneys for and on behalf of certain rail carriers referred to therein, and on behalf of certain water and motor carriers having joint rates with said railroads, insofar as the said petition requests authority:

(1) To depart from the Commission's tariff-publishing rules to the extent necessary to enable such carriers to publish general increases in freight rates and charges by means of a master tariff and other short-form methods.

(2) To publish and establish such increases and specifically increased rates and charges effective upon not less than 45 days' notice, and

(3) For modification of all outstanding orders of the Commission to the extent necessary to permit publication of the aforesaid increases in rates and charges; such master tariff to include, and such specific increases to attach, a provision for the refund of the difference between the increase published and that which may subsequently be approved or prescribed by the Commission, or the refund of the entire increase should no increase be approved, subject to accrued interest at 4 percent;

It appearing, that numerous replies to the petition have been filed pursuant to the Commission's notice of April 20, 1973, many of which referred to uncertainty as to competitive impact due to the pro-

posed nonapplication of the increase to traffic moving via the Chesapeake & Ohio Railway Co. and the Baltimore & Ohio Railroad Co. (C&O/B&O), and that the views of the parties as set forth in such replies have been considered;

It further appearing, that, on May 30, 1973, petitioners filed a closing statement wherein they requested permission for the proposed general increase tariff to be filed to become effective upon not less than 15 days notice;

And it further appearing, that in said closing statement petitioners indicated they had no objection to observing a one-half cent progression in increasing grain rates or to the interpretation of the refund provision urged by several of the parties, namely, that refunds would be payable in connection with any interim increase in the event it exceeded the increase ultimately approved or prescribed by the Commission;

It is ordered, for good cause shown:

1. All railroads, and water and motor carriers to the extent they have joint rates with said railroads, and their tariff-publishing agents, be, and they are hereby, authorized to depart from the Commission's tariff-publishing rules when publishing and filing tariffs, and tariff amendments, to become effective upon statutory notice to the Commission and to the public not earlier than July 20, 1973, nor later than August 10, 1973, providing for increased rates and charges as set forth in said petition, conditioned, however, upon a clear indication and satisfactory explanation with such tariff filing or filings of the manner in which the petitioners intend to resolve the apparent proposed nonparticipation of the C&O/B&O, and the Long Island Rail Road Co., including information as to competitive exceptions which would be required if such carriers do not participate in any increase herein, and conditioned further upon the agreement of petitioners to transmit copies of the tariff by first-class mail to all parties who have filed replies in this matter 7 days in advance of the official filing at the Commission.

(a) By publication and filing of a master tariff of increased rates and charges, and supplements thereto, providing increases by means of conversion tables of rates and charges, which shall include, and maintain in effect, a provision reading as follows:

In the event any increases (including interim increases) resulting from the application of this tariff exceed the increases subsequently approved or prescribed by the Interstate Commerce Commission, the carriers will refund the difference between the increases resulting from the application thereof and any increases which may subsequently be approved or prescribed by the Interstate Commerce Commission with 4-percent interest.

In the event an increase resulting from the application of this tariff is disapproved by the Commission and no increase is authorized, the carriers will refund the full amount of the increase collected with 4-percent interest.

The master tariff shall bear an expiration date not beyond 1 year after the

effective date, which may not be canceled or extended except upon specific authorization of this Commission, and all relief herein expires with that date. The master tariff must initially contain all provisions for application of the increases (including provisions for no increases, part of the overall proposal) following which (unless suspended) any provisions other than those of a general character may be canceled and transferred to the particular tariffs affected upon a common effective date with appropriate notation to that effect in the master tariff amendment.

(b) By publication and filing of a connecting link supplement to each tariff (to be made subject to the master tariff), connecting such tariffs with the master tariff. Such supplements may be blanket supplements (a common supplement issued to two or more tariffs), provided each copy officially filed is hand marked in the appropriate places as to the supplement number and the I.C.C. number of the tariff it supplements.

(c) By publication and filing of tariffs or amendments to tariffs effective concurrently with the master tariffs and upon the same notice which provide specifically increased rates and charges but which do not result in an increase in charges for transportation and other services greater than those specified in the petition, provided all such publication is identified in the tariffs and made subject to the refund clause worded substantially as in paragraph 1(a) herein.

(d) By publication of provisions in tariffs or amendments thereto subjecting rates and charges therein to the provisions of the master tariff.

2. (a) The master tariffs, as amended, and all other tariffs and amendments to tariffs, that employ the short-form methods authorized herein shall bear the notation:

Form of publication authorized, I.C.C. permission No. 73-4700

(b) Tariffs or amendments to tariffs publishing specifically increased rates or charges hereunder shall bear a notation reading:

Publication made in accordance with I.C.C. permission No. 73-4700

3. Connecting-link supplements authorized herein shall be exempt from the Commission's tariff-publishing rules governing the number of supplements and the volume of supplemental matter permissible.

4. Outstanding orders of the Commission are hereby modified only to the extent necessary to permit the filing of tariff publications containing the proposed increases, and all tariff publications filed shall be subject to regard, we direct petitioners' attention to our admonitions in prior general increase proceedings concerning maintenance and preservation of existing port relationships. See for example *Increased Freight Rates and Charges*, 1972, 341 I.C.C. 288, 336, and *Increased Freight Rates*, 1970 and 1971, 339 I.C.C. 125, 188. Rate increase tables on grain shall progress in

one-half cent increments. While the proposed increase is not applicable to commodities transported for recycling purposes, any person or persons believing that the tariff proposal will have a significant effect upon the quality of the human environment are hereby invited to comment upon this matter in any protests that may be filed.

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

It is further ordered, That replies heretofore filed will be considered a part of the record in this proceeding and the parties may rely thereon in lieu of filing protests in this matter.

It is further ordered, That future orders and notices of the Commission in this proceeding will be sent only to those parties participating as herein provided, and to those other interested persons who specifically request to be included on the service list.

And it is further ordered, That notice of this order 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.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-12164 Filed 6-18-73;8:45 am]

[Notice 296]

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 9, 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-35453. By order of June 7, 1973, the Motor Carrier Board approved the lease to Schacht Wreckers, Inc., Alvin, Tex., of certificate of registration No. MC-120571 (sub-No. 1), issued August 22, 1968, to French, Ltd., of Houston, Inc., and authorized to be transferred to Dixie Vacuum Tanks, Inc., in No. MC-FC-73868, consummated October 15, 1972, evidencing a right to engage in

transportation in interstate commerce corresponding in scope to SMC Certificate No. 25479, issued by the Railroad Commission of Texas, Austin L. Hatchell, 1102 Perry Brooks Building, Austin, Tex. 78701, attorney for applicants.

No. MC-FC-74413. By order of June 7, 1973, the Motor Carrier Board approved the transfer to MacDonald Moving and Storage, Inc., Huntingdon, Pa., of the operating rights in certificates Nos. MC-19230 (sub-No. 1), MC-19230 (sub-No. 2), MC-19230 (sub-No. 3), and MC-19230 (sub-No. 4) issued July 29, 1957, October 27, 1964, March 4, 1969, and May 10, 1971, respectively, to Lester J. MacDonald, Huntingdon, Pa., authorizing the transportation of household goods, between points and various specified points in Pennsylvania, on the one hand, and, on the other, points in Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia; paper and paper articles, from Huntingdon, Pa. to Baltimore and Frederick, Md., Elmira and Rochester, N.Y., Richmond, Va., Washington, D.C., and Wilmington, Del.; canned goods from Camden, N.J., and Aberdeen, Frederick, Gaithersburg, and Baltimore, Md., to Huntingdon, Pa.; agricultural commodities, from Rochester, N.Y., to Baltimore, Md., and Huntingdon, Pa.; and sugar, from Baltimore, Md., to Huntingdon, Pa. Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101, attorney for applicants.

No. MC-FC-74448. By order of June 7, 1973, the Motor Carrier Board approved the transfer to Henry S. Stefanik doing business as Northside Trucking Co., Westfield, Mass., of certificate No. MC-56324 issued May 26, 1941, to Harvey A. Foster, Springfield, Mass., authorizing the transportation of road building materials from Springfield, Mass., and points within 10 miles thereof, to points in Hartford, Tolland, Litchfield, and Windham Counties, Conn. David M. Marshall, Marshall and Marshall, 135 State Street, suite 200, Springfield, Mass. 01103, attorney for applicants.

No. MC-FC-74483. By order of June 7, 1973, the Motor Carrier Board approved the transfer to S & M Delivery Service, Inc., New York, N.Y., of certificate No. MC-134486 issued January 4, 1972, to B R Trucking Co., Inc., New York, N.Y., authorizing the transportation of general commodities, with exceptions, between New York, N.Y., and Jersey City, N.J., on the one hand, and, on the other, points in Bergen, Essex, Hudson, Passaic, and Union Counties, N.J. George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306, and William D. Traub, 10 East 40th Street, New York, N.Y. 10016, applicants' representatives.

No. MC-FC-74495. By order of June 7, 1973, the Motor Carrier Board approved the transfer to Claude P. Craduck, Portville, N.Y., of the operating

rights in certificate No. MC-109097 issued January 18, 1960, to Norman C. Mesler, Bolivar, N.Y., authorizing the transportation of various commodities between specified areas in New York, Pennsylvania, and Ohio. William J. Hirsch, 35 Court Street, Buffalo, N.Y. 14202, attorney for applicants.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-12089 Filed 6-18-73;8:45 am]

[Notice 79]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

JUNE 12, 1973.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex parte No. MC-67 (49 CFR Pt. 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of these applications must be filed with the field official named herein, on or before July 5, 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 107403 (sub-No. 850 TA), filed May 29, 1973. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, Pa. 19050. Applicant's representative: John Nelson (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement dust*, in bulk, in tank vehicles, from the counties of Berks, Northampton, and Lehigh, Pa., to points in Delaware, Maryland, New York, and New Jersey (south of Route No. 33 in New Jersey only) for 180 days. Supporting shipper: King of Prussia Technical Co., Inc., Box 529, Bryn Mawr, Pa. 19010. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, William J. Green, Jr., Federal Building, 600 Arch Street, room 3238, Philadelphia, Pa. 19106.

No. MC 107544 (sub-No. 111 TA), filed May 25, 1973. Applicant: LEMMON TRANSPORT CO., INC., P.O. Box 580, Marion, Va. 24354. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transport-

ing: *Chemicals*, in bulk, in tank vehicles, from Kingsport, Tenn., to points in Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: Tennessee Eastman Co., P.O. Box 511, Kingsport, Tenn. 37662. Send protests to: Clatin M. Harmon, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

No. MC 109677 (sub-No. 44 TA), filed May 23, 1973. Applicant: PORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. 12828. 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 international boundary line between the United States and Canada, at Champlain and Trout River, N.Y., and Derby Line, Highgate and Norton, Vt., to points in New Hampshire and Vermont, and to points in Clinton, Essex, Franklin, Hamilton, Herkimer, Jefferson, Lewis, Saratoga, St. Lawrence, Warren, and Washington Counties, N.Y. for 180 days. Supporting shippers: Several supporting statements received, see file. Send protests to: Joseph M. Barnini, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 New Federal Building, Albany, N.Y. 12207.

No. MC 111401 (sub-No. 388 TA), filed May 30, 1973. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry plastic materials*, in bulk, in pneumatic type vehicles, from the plantsite of Mobil Chemical Co., Chaison, Tex., to the plantsite of Polyform, Inc., near Denham Springs, La., for 180 days. Supporting shipper: WITCO Chemical Corp., M. B. Carbo, Jr., southwestern regional traffic manager, P.O. Box 308, Gretna, La. 70053. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, Okla. 73102.

No. MC 114004 (sub-No. 132 TA), filed May 30, 1973. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, P.O. Box 1715 (Box ZIP 72203), Little Rock, Ark. 72209. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles, in initial movements and buildings, in sections, mounted on wheeled undercar-

riage, from origins which are points on manufacture, from points in Pickens County, Ala., to points in Georgia, Mississippi, Kentucky, and Tennessee, for 180 days. Supporting shipper: Festival Homes of Alabama, Inc., P.O. Box 628, 100 Fleetwood Drive, Reform, Ala. 35481. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 114265 (sub-No. 24 TA), filed May 30, 1973. Applicant: RALPH SHOEMAKER, doing business as SHOEMAKER TRUCKING CO., 8624 Franklin Road, Boise, Idaho 83705. Applicant's representative: F. L. Sigloh, P.O. Box 7651, Boise, Idaho 83707. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel, steel products including fence fixtures, tubing, fencing*, between points in California, on the one hand, and, points in Idaho, south of the southern boundary of Idaho County, on the other, for 180 days. Supporting shipper: Anvil Fence Co., 4629 Fenton Street, Boise, Idaho 83704. Send protests to: C. W. Campbell, Bureau of Operations, Interstate Commerce Commission, 550 West Fort Street, Box 07, room 455, Boise, Idaho 83724.

No. MC 114896 (sub-No. 6 TA), filed May 25, 1973. Applicant: PUROLATOR SECURITY, INC., 1341 West Mockingbird Lane, suite 810, 8585 North Stemmons Freeway, Dallas, Tex. 75247. Applicant's representative: John M. Delany, P.O. Box 5571, Dallas, Tex. 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from West Point and New York, N.Y., to any point within the commercial zone of Chicago, Ill., for 180 days.

Note.—Carrier does not intend to tack authority.

Supporting shipper: General Services Administration, Federal Supply Service, Washington, D.C. 20406. Send protests to: Gerald T. Holland, transportation specialist, Bureau of Operations, Interstate Commerce Commission, 1100 Commerce Street, room 13C12, Dallas, Tex. 75202.

No. MC 114897 (sub-No. 106 TA), filed May 24, 1973. Applicant: WHITFIELD TANK LINES, INC., P.O. Drawer 9897, 300-316 North Clark Road, El Paso, Tex. 79989. Applicant's representative: J. P. Rose (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gasoline and diesel fuel*, in bulk, in tank vehicles, from Fort Worth, Tex., to Hobbs and Lovington, N. Mex., for 150 days. Supporting shipper: James P. Di Miceli, assistant manager-traffic, Texaco, Inc., P.O. Box 52332, Houston, Tex. 77052. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Box H-4395 Herring Plaza, Amarillo, Tex. 79101.

No. MC 115975 (sub-No. 18 TA), filed May 25, 1973. Applicant: C. B. W. TRANSPORT SERVICE, INC., P.O. Box 48, Wood River, Ill. 62095. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lubricating grease*, in bulk, (1) in tube trailers, from the plantsite of International Lubricant Corp. at New Orleans, La., to destinations in Alabama (except Gadsden), Arkansas, Colorado, Illinois (except Belvidere), Indiana, Kentucky, Maryland (except Baltimore (Sparrows Point)), Michigan (except Saginaw), Missouri, New Jersey, Ohio (except Cleveland, Columbia, Delphos, and Fredericktown), Pennsylvania (except Allentown and Monessen), and Texas, and (2) in carrier-owned containers of not less than 300 gallons capacity, from the plantsite of International Lubricant Corp. at New Orleans, La., to destinations in Alabama, Arkansas, Colorado, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, Ohio, Pennsylvania, and Texas, under a continuing contract with Shell Oil Co., Houston, Tex., for 180 days. Supporting shipper: W. L. Leffler, traffic operations, Shell Oil Co., P.O. Box 2099, Houston, Tex. 77001. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Leland Office Building, 527 East Capitol Avenue, room 414, Springfield, Ill. 62701.

No. MC 116077 (sub-No. 342 TA), filed May 24, 1973. Applicant: ROBERTSON TANK LINES, INC., 2000 West Loop Street, suite 1800, Houston, Tex. 77027. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *White portland cement*, in bulk, from Houston, Tex., to Mobile, Ala., for 180 days. Supporting shipper: Ideal Cement Co., 821 17th Street, Denver, Colo. 80202. Send protests to: John F. Mensing, Bureau of Operations, Interstate Commerce Commission, P.O. Box 61212, Houston, Tex. 77061.

No. MC 118831 (sub-No. 103 TA), filed May 30, 1973. Applicant: CENTRAL TRANSPORT, INC., P.O. Box 5044 (box zip 2726), Uwharrie Road (road zip 27263), High Point, N.C. Applicant's representative: Richard E. Shaw (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Kingsport, Tenn., to points in Alabama, Arkansas, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Louisiana, for 180 days. Supporting

shipper: Tennessee Eastman Co., Division of Eastman Kodak Co., P.O. Box 511, Kingsport, Tenn. 37662. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 119875 (sub-No. 1 TA), filed May 29, 1973. Applicant: WAR-HUNT TRUCKING CO., INC., Route No. 2, Westcoesville, Pa. 18106. Applicant's representative: Herbert R. Nurick, McNees, Wallace & Nurick, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy confectionery*, and *confectionery products* (except commodities in bulk), in vehicles equipped with mechanical refrigeration, from the plantsite and warehouse facilities of M&M/Mars at Elizabethtown, Pa., to Cockeysville, Md., for 180 days. Supporting shipper: M&M/Mars, High Street, Hackettstown, N.J. 07840. Send protests to: F. W. Doyle, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Wm. J. Green, Jr., Federal Building, 600 Arch Street, room 3238, Philadelphia, Pa. 19106.

No. MC 120800 (sub-No. 51 TA), filed May 25, 1973. Applicant: CAPITOL TRUCK LINE, INC., 2500 North Alameda Street, Compton, Calif. 90222. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied ethylene*, from Beaumont, Tex., to Calvert City, Ky., for 180 days. Supporting shipper: B. F. Goodrich Chemical Co., Cleveland, Ohio. Send protests to: Walter W. Strakosch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles Calif. 90012.

No. MC 123392 (sub-No. 53 TA), filed May 24, 1973. Applicant: JACK B. KELLEY, INC., U.S. 66 West at Kelley Drive, Route 1, Box 444, Amarillo, Tex. 79106. Applicant's representative: Weldon M. Teague (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cryogenically liquefied oxygen*, in bulk, in cryogenic tank trailers, from points in California and Colorado, to points in Utah, for 180 days.

NOTE.—Applicant states that MC-123392, sub 31, now pending before the Commission includes authority to serve Colorado and if both authorities are granted we could tack the authority listed in sub 31 at points in Colorado, to points in Utah.

Supporting shipper: Irwynn V. Kimball, transportation manager, Chemetron Corp., 111 East Wacker Drive, Chicago, Ill. 60601. Send protests to: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H-4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 124017 (sub-No. 3 TA), filed May 30, 1973. Applicant: ROBERT A. JEFFREY, doing business as R. JEFFREY & SONS, P.O. Box C180, rural de-

livery No. 1, Elysburg, Pa. 17824. Applicant's representative: John M. Musselman, P.O. Box 1146, 410 North Third Street, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Dauphin County, Pa., north of Pennsylvania Highway 325, to points in New York on and west of a line beginning at Sodus Point, N.Y., on the shore of Lake Ontario, and extending along New York Highway 17 to Waverly, N.Y., and thence along U.S. Highway 220 to the New York-Pennsylvania State line, for 180 days. Supporting shipper: Frederic A. Potts & Co., Inc., P.O. Box 594, Pottsville, Pa. 17901. Send protests to: Robert W. Ritenour, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 508 Federal Building, P.O. Box 869, Harrisburg, Pa. 17108.

No. MC 124078 (sub-No. 549 TA), filed May 31, 1972. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, Wis. 53245. Applicant's representative: Richard H. Prevette (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid foundry core compounds*, in bulk, and (2) *furfural alcohol*, in bulk, (1) from Milwaukee, Wis., to Birmingham, Ala., and (2) from Memphis, Tenn., to Milwaukee, Wis. for 180 days. Supporting shipper: Delta Oil Products Corp., 6263 North Teutonia Avenue, Milwaukee, Wis. 53209. Send protests to: John E. Ryden, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, room 807, Milwaukee, Wis. 53203.

No. MC 124328 (sub-No. 53 TA), filed May 25, 1973. Applicant: BRINK'S INC., 234 East 24th Street, Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food coupons*, between all points in the United States (except Alaska and Hawaii), 180 days. Supporting shipper: General Service Administration, Federal Supply Service, Washington, D.C. 20406. Send protests to: Richard K. Shullaw, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, room 1086, Chicago, Ill. 60604.

No. MC 124328 (sub-No. 54 TA), filed May 25, 1973. Applicant: BRINK'S INC., 234 East 24th Street, Chicago, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Silver bullion*, from West Point and New York, N.Y., to any point within the commercial zone of Chicago, Ill., for 180 days. Supporting shipper: General Services Administration, Federal Supply Service, Washington, D.C. 20406. Send protests to: District Supervisor Richard K. Shullaw, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 218 South Dearborn Street, room 1086, Chicago, Ill. 60604.

No. MC 125551 (sub-No. 3 TA), filed May 24, 1973. Applicant: K & W TRUCKING CO., INC., 2669 Territorial Road, St. Paul, Minn. 55114. Applicant's representative: Rollie H. Anderson (same as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore concentrate*, from Chitina, Copper Center, and Glenallen, Alaska, to White Pine, Mich., for 180 days. Supporting shipper: Geneva Pacific Corp., 2205 Lee Street, Evanston, Ill. 60202. Send protests to: District Supervisor Raymond T. Jones, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, Minn. 55401.

No. MC 126899 (sub-No. 63 TA), filed May 24, 1973. Applicant: USHER TRANSPORT, INC., P.O. Box 3051, 3925 Old Benton Road, Paducah, Ky. 42001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Empty containers*, aluminum, liquid capacity not exceeding 1 gallon, from Madisonville, Ky., to G. Heileman Brewing Co., Inc., Evansville, Ind., for 180 days. Supporting shipper: G. Heileman Brewing Co., Inc., 925 South Third Street, LaCrosse, Wis. 54601. Send protests to: District Supervisor Floyd A. Johnson, Interstate Commerce Commission, Bureau of Operations, 944 Federal Office Building, 167 North Main Street, Memphis, Tenn. 38103.

No. MC 128030 (sub-No. 41 TA), filed May 24, 1973. Applicant: THE STOUT TRUCKING CO., INC., P.O. Box 177, rural route No. 1, Urbana, Ill. 61801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Artificial Christmas trees and accessories* thereto, from the plantsite and warehouse of Gordon Industries, Inc., at Chicago, Ill., to points in the United States (except Alaska, Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Vermont), for 180 days. Supporting shipper: Gordon Industries, Inc., 901 East 104th Street, Chicago, Ill. 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 133928 (sub-No. 8 TA), filed June 1, 1973. Applicant: ANTHONY H. OSTERKAMP, JR., doing business as Osterkamp Trucking, 128 East Katella, suite 22, Orange, Calif. 92667. Applicant's representative: Jerry Solomon Berger, Penthouse Suite, Glendale Federal Building, 9454 Wilshire Boulevard, Beverly Hills, Calif. 90212. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron or steel articles*, as described in Descriptions of Motor Carrier Certificates, appendix V, group III, in *Ex parte* No. 45, and (2) *building and construction paper and related supplies*,

from the plantsites of Davis Walker Corp. located at or near the cities of Industry, Hayward, Los Angeles, and Riverside, Calif., to points in Arizona for 180 days. Supporting shipper: Davis Walker Corp., 6315 Bandini Boulevard, Los Angeles, Calif. 90040. Send protests to: District Supervisor Philip Yallowitz, Bureau of Operations, Interstate Commerce Commission, room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

No. MC 134182 (sub-No. 12 TA), filed May 25, 1973. Applicant: MILK PRODUCERS MARKETING CO., doing business as ALL-STAR TRANSPORTATION, Second and West Turnpike Road, P.O. Box 505, Lawrence, Kans. 66044. Applicant's representatives: Kretsinger and Sapp, suite 910 Fairfax Building, 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from the plantsite and storage facilities of Banquet Foods Corp., located at or near Wellston, Ohio, to Edison, Jersey City and Woodbridge, N.J.; Jamaica, Middlehope, and New York City, N.Y.; Erie, Pittston, Scranton, and Wilkes-Barre, Pa.; and Mechanicsville and Salem, Va., for 180 days.

NOTE.—Applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers.

Supporting shipper: Banquet Foods Corp., 515 Olive Street, St. Louis, Mo. 63101. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 134426 (sub-No. 4 TA), filed May 30, 1973. Applicant: MC CORT DRIVEAWAY, INC., 7032 Barkwood Drive, Jacksonville, Fla. 32211. 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: *Trailers* (other than commercial), *set up and assembled and spared parts and accessories* for trailers, from Dallas and Fort Worth, Tex.; Delta, Ohio; Stockton, Calif.; Elk Grove Village, Ill.; Bellmawr, N.J.; New Orleans, La.; Minneapolis, Minn.; Atlanta, Ga.; Madison Heights, Mich.; and Kershaw, S.C., to points in the United States, for 180 days. Supporting shippers: Little Dude Trailer Co., Inc., P.O. Box 4513, Fort Worth, Tex. 76106; and Nelson-Dykes Co., Inc., 4071 Shilling Way, Dallas, Tex. 75237. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, Fla. 32202.

No. MC 134779 (sub-No. 3 TA), filed May 24, 1973. Applicant: JANESVILLE AUTO TRANSPORT CO., 1263 Cherry Street, Janesville, Wis. 53545. Applicant's representative: Matheson, Bieneman, Veale & Parr, suite 1700, 1 Woodward

Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses*, as described in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, in initial movements, in truck-away service, (1) from Flint and Lansing, Mich., to Janesville, Wis., (2) from Flint and Lansing, Mich., to points in Iowa, Minnesota, and Wisconsin, restricted to the transportation of traffic moving through Janesville, Wis., for 180 days. Supporting shipper: General Motors Corp., 30007 Van Dyke Avenue, Warren, Mich. 48090. Send protests to: Barney L. Harding, Bureau of Operations, Interstate Commerce Commission, 139 West Wilston Street, room 202, Madison, Wis. 53703.

No. MC 135364 (sub-No. 6 TA), filed June 1, 1973. Applicant: MORWALL TRUCKING, INC., rural delivery No. 3, Box 76-C, Moscow, Pa. 18444. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Materials and supplies used in the manufacture and shipping of artificial trees and shrubs* (a) from Nicholasville, Ky., to Blakely, Pa., and Coxsackie, N.Y., (b) from Middlebury, Vt., and Piscataway, N.J., to Lexington, Ky. (2) *Artificial trees and shrubs*, from piers located in the Norfolk, Va., harbor area and the port facilities in New York and in New Jersey within the New York, N.Y., harbor area as defined by the Commission in *Ex Parte* No. 140, Determination of the Limits of New York and Harbors Contiguous thereto to Coxsackie, N.Y., and Lexington, Ky. (3) *Artificial trees and shrubs*, from Coxsackie, N.Y., to Chicago, Ill.; Detroit, Mich.; Cincinnati, Cleveland, Columbus, and Dayton, Ohio. (4) *Artificial trees and shrubs and materials and supplies used in the manufacture and shipping of the above-named commodities between the facilities of American Technical Industries, Inc., at Lexington and Coxsackie, N.Y., and Blakely, Pa.*

(5) *Artificial trees and shrubs*, from Lexington, Ky., to Akron, Cincinnati, Cleveland, Columbus, Dayton, Toledo, Youngstown, Ohio; Harrisburg and Pittsburgh, Pa.; District of Columbia; Wilmington, Del.; Ann Arbor, Detroit, Grand Rapids, and Kalamazoo, Mich.; New York, Buffalo, and Mount Vernon, N.Y.; and Baltimore, Md., for 150 days. Restriction: Transportation to be performed under a continuing contract with American Technical Industries, Inc., or its subsidiaries. Supporting shipper: American Technical Industries, Inc., 1454 Jingle Bell Lane, Lexington, Ky. 40505. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 136446 (sub-No. 5 TA), filed May 25, 1973. Applicant: PRINCETON MESSENGER SERVICE, INC., Route 1

and Farber Road, Princeton, N.J. 08540. Applicant's representative: Harold G. Hernly, Jr., 118 North St. Asaph Street, Alexandria, Va. 22314. Authority sought to operate a *common carrier*, by motor vehicle, over irregular routes, transporting: *Payroll information, office memoranda, business records, and computer data*, between Philadelphia, Pa., and points within its commercial zone as defined by the Interstate Commerce Commission, on the one hand, and, on the other, points in Ocean, Burlington, Mercer, Camden, Gloucester, Salem, Atlantic, Cumberland, and Cape May Counties, N.J., for 90 days. Supporting shipper: The Service Bureau Corp., 1617 John F. Kennedy Boulevard No. 238, Philadelphia, Pa. 19103. Send protests to: Richard M. Regan, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, room 204, Trenton, N.J. 08608.

No. MC 138515 (sub-No. 1 TA), filed May 25, 1973. Applicant: FISCUS MOTOR FREIGHT, INC., 1121 South 29th Avenue, Yakima, Wash. 98901. Applicant's representative: Douglas A. Wilson, suite 2, Yakima Legal Center, 303 East D Street, Yakima, Wash. 98901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and roofing materials*, from points in Oregon and California, to Yakima, Wash., for 180 days. Supporting shippers: Yakima Manufacturing Corp., 1223 North Sixth Avenue, Yakima, Wash. 98902, and Paul Dressel Roofing & Supply Co., North 92d Avenue and Summitview Avenue, Yakima, Wash. 98902. Send protests to: District Supervisor W. J. Huetig, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, 319 Southwest Pine Street, Portland, Oreg. 97204.

No. MC 138714 (sub-No. 1 TA), filed May 29, 1973. Applicant: VIRGINIA TRANSPORTATION, INC., 1814 Highpoint Avenue, P.O. Box 26449, Richmond, Va. 23201. Applicant's representative: H. Lindley Grubbs (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone supplies and equipment*, from Arlington and Ashland, Va., to points in West Virginia and rejected, returned or surplus telephone supplies and equipment, from points in West Virginia, to Ashland and Arlington, Va., for 180 days. Supporting shippers: N. J. Scocozzo, Transportation Supervisor, Western Electric Co., Inc.,

222 Broadway, New York, N.Y. and C. S. Guthrie, General Buildings, Supplies and Motor Vehicle Superintendent, C. & P. Telephone Co. of West Virginia, 1500 MacCorkle Avenue SW., Charleston, W. Va. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10-502 Federal Building, 400 North Eighth Street, Richmond, Va. 23240.

No. MC 138727 (sub-No. 1 TA), filed May 31, 1973. Applicant: JONICK & CO., INC., 2815 East Liberty Avenue, Vermilion, Ohio 44089. Applicant's representative: Michael M. Briley, 300 Madison Avenue, Toledo, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refractory materials* in barrels or bags or loose on pallets; from South Webster, Ohio, and Pedro, Ohio, to Detroit, Mich., and points in the Detroit, Mich., commercial zone; and (2) *empty barrels* on return from Detroit, Mich., and points in the Detroit, Mich., commercial zone, to South Webster, Ohio, and Pedro, Ohio, for 180 days. Restricted to operations limited to a transportation service to be performed under a continuing contract with BMI Corp., 700 Bingham Street, Pittsburgh, Pa. Supporting shipper: BMI Corp., Inc., 700 Bingham Street, Pittsburgh, Pa. Send protests to: Keith D. Warner, district supervisor, Bureau of Operations, Interstate Commerce Commission, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43605.

No. MC 138767 (sub-No. 1 TA), filed May 25, 1973. Applicant: WILLARD W. STEVENS, doing business as L & S TRUCKING CO., 2421 Negley Place, Evansville, Ind. 47710. Applicant's representative: Walter F. Jones, 601 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cattle hides and cattle hide fleshings*, (A) from Evansville, Ind., to St. Joseph, Mo.; Memphis, Tenn.; and Tupelo, Miss., and (B) from Tupelo, Miss.; Macon, Cape Girardeau, and Scott City, Mo.; Paducah and Owensboro, Ky.; Duquoin and Benton, Ill., to Evansville, Ind., for 180 days. Supporting shipper: Evansville Hide Corp., 510 Dresden Street, Evansville, Ind. 47710. Send protests to: James W. Habermehl, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, Ind. 46204.

No. MC 138769 TA, filed May 25, 1973. Applicant: GENERAL-VOORHEES-SHAUGHNESSY, doing business as: GVS, P.O. Box 3845, Seattle, Wash. 98124. Applicant's representative: George Kargianis, 2120 Pacific Building, Seattle, Wash. 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Modules* weighing up to 800 tons, together with *ancillary equipment and supplies*, together with *return of containers, loading ramps, and/or support trestles*, together with *ancillary equipment and supplies* requiring the use of self-propelled and self-jacking crawler transporters of 500 tons capacity each and/or the use of backup equipment, including but not limited to the use of crawlers of lesser capacity and Athey wagons, together with such additional standard equipment as is necessary to perform the movement, from Prudhoe Bay, Alaska, to the North Slope, Alaska for 180 days. Supporting shipper: BP Alaska Inc., 270 Park Avenue, New York, N.Y. 10017. Send protests to: L. D. Boone, transportation specialist, Interstate Commerce Commission, Bureau of Operations, 6049 Federal Office Building, Seattle, Wash. 98104.

No. MC 138770 TA, filed May 18, 1973. Applicant: BOYD TRUCKING CO., INC., Dalton, Ga. 30720. Applicant's representative: Ariel V. Conlin, 53 Sixth Street NE., Atlanta, Ga. 30308. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Textile and textile products*, between points in Georgia, north of a line commencing at Interstate Highway I-20 at the Alabama line to Atlanta, and north to Interstate Highway I-85 running from Atlanta, to points in South Carolina, on the one hand, and, points in Meigs County, Tenn., on the other, and (2) *Carpet, carpeting or rugs*, soft surface, from Winchester, Tenn., to Ringgold, Ga., for 180 days. Supporting shippers: Armstrong Cork Co., Lancaster, Pa. 17604, and Fil-Tex Corp., Highway 58 South, P.O. Box 251, Decatur, Tenn. 37322. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, room 309, 1252 West Peachtree Street NW., Atlanta, Ga. 30309.

By the Commission.

[SEAL]

ROBERT L. OSWALD,
Secretary.

[FR Doc.73-12088 Filed 6-18-73; 8:45 am]

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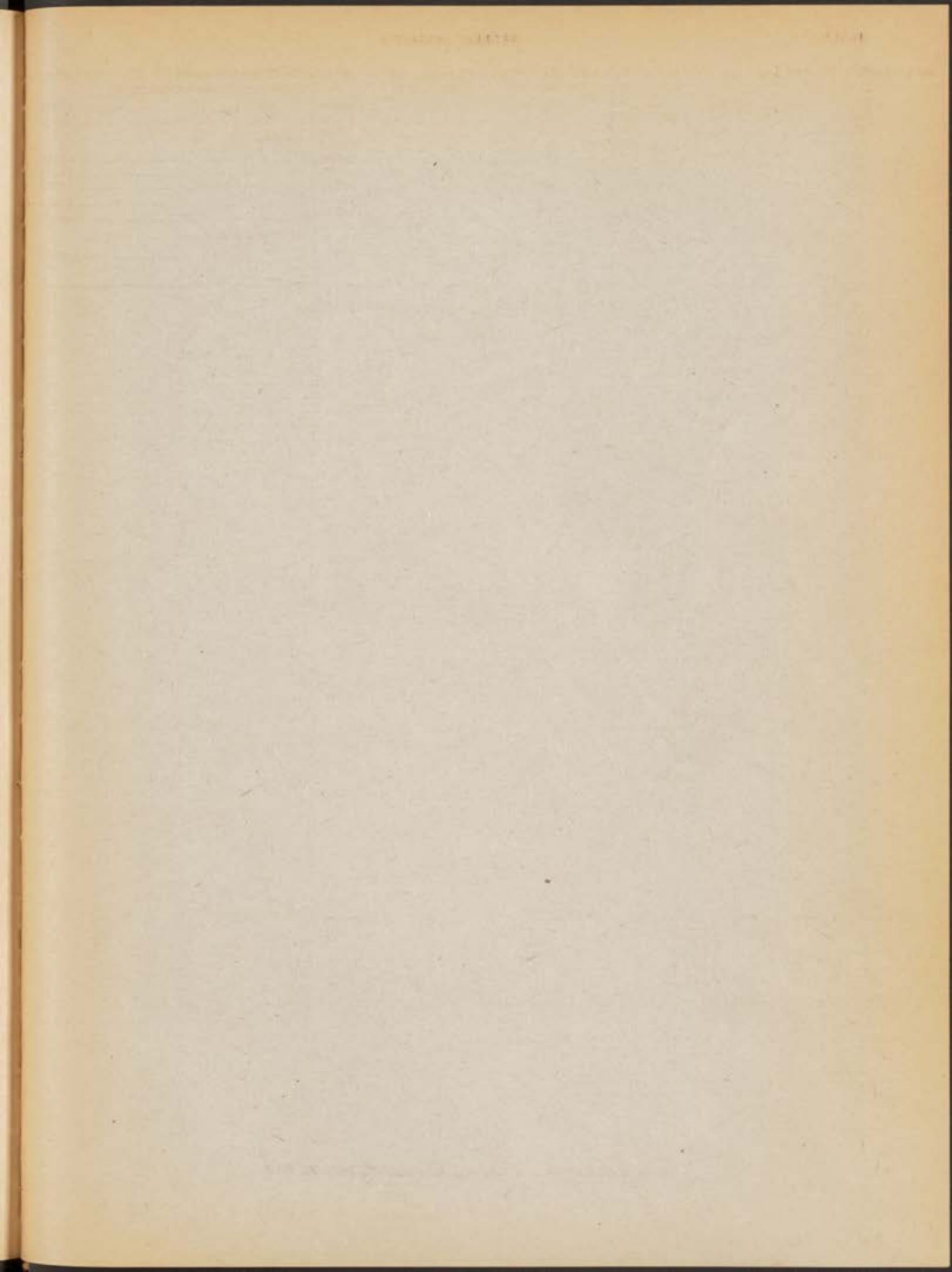
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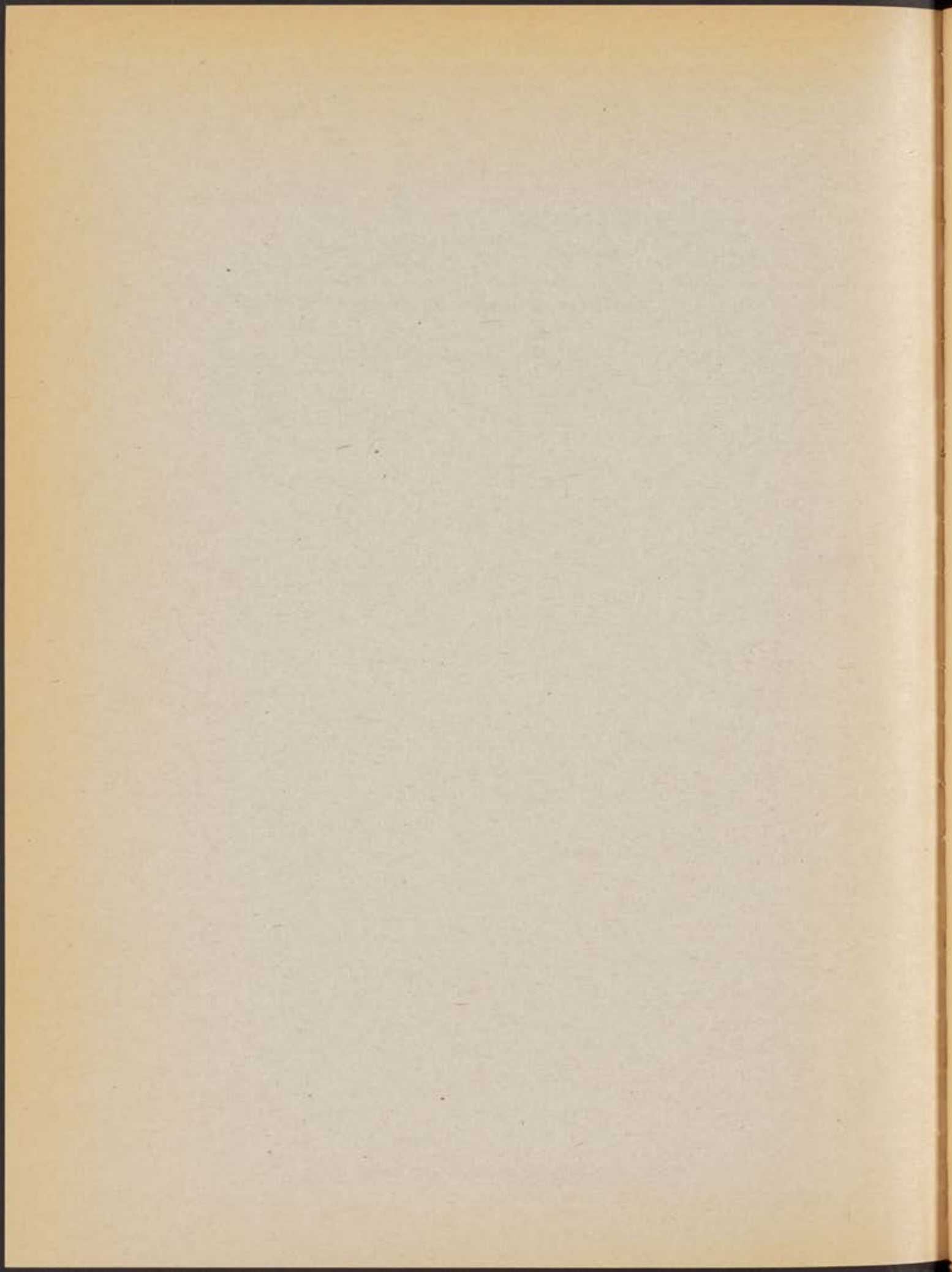
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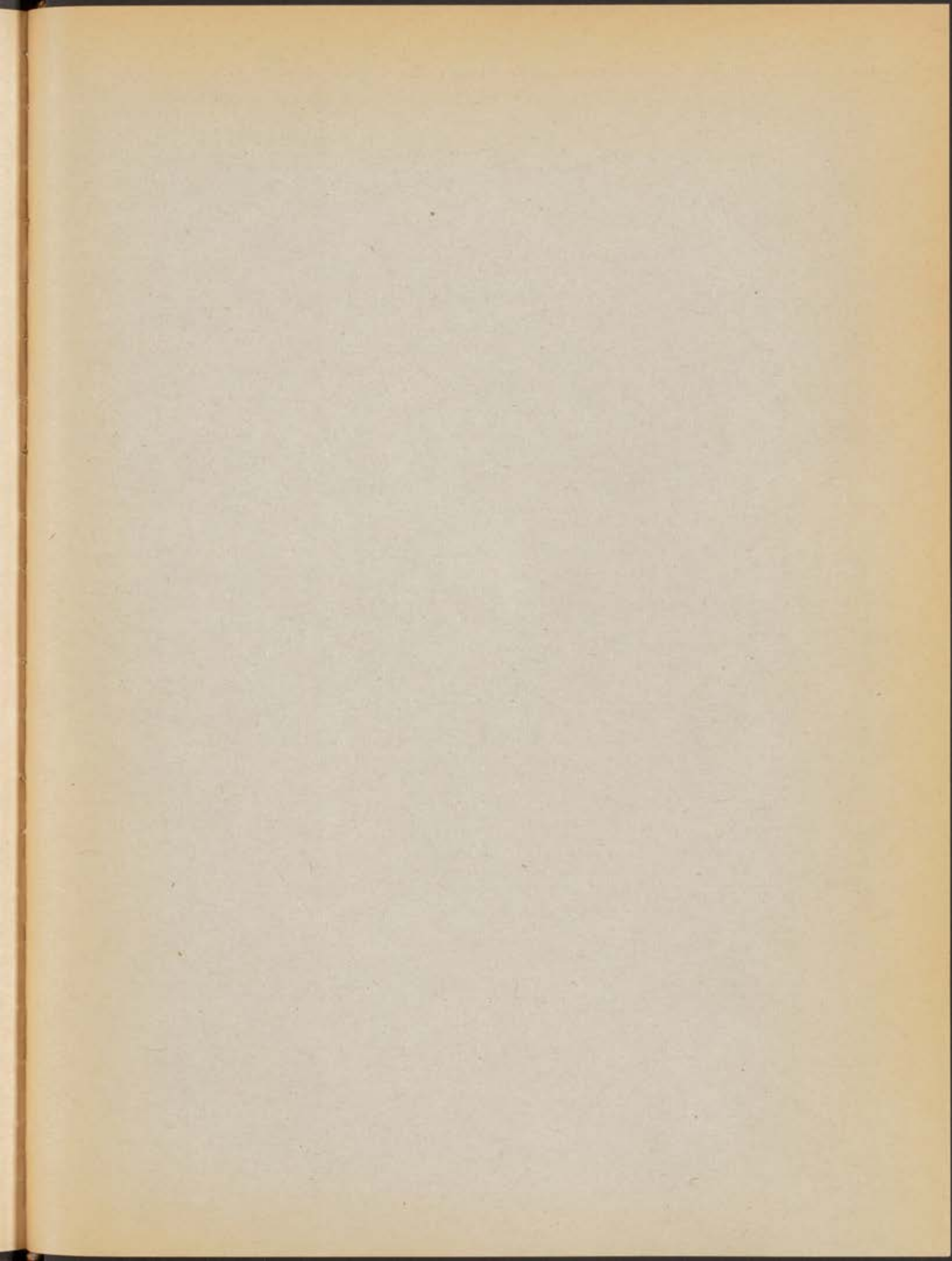
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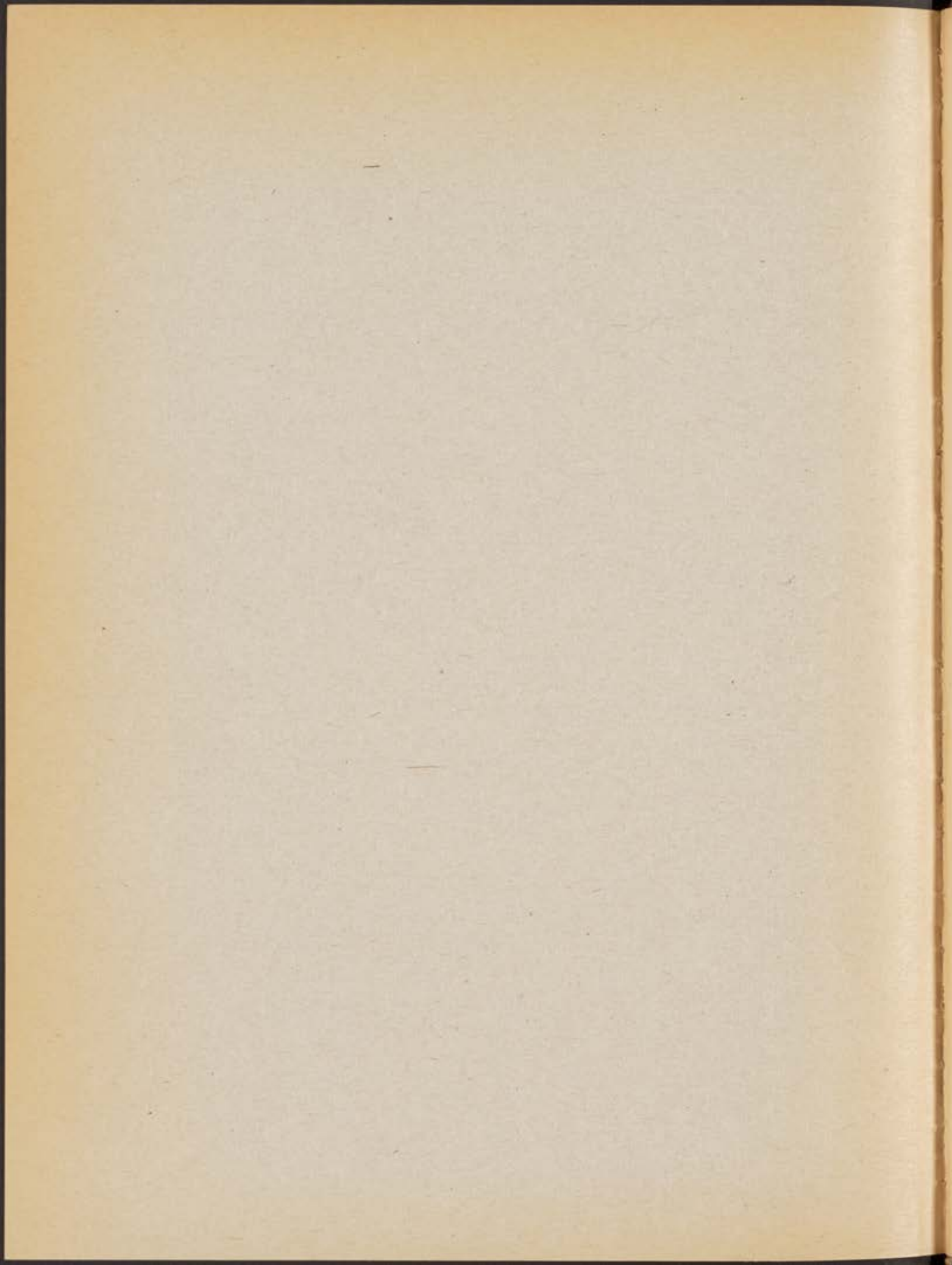
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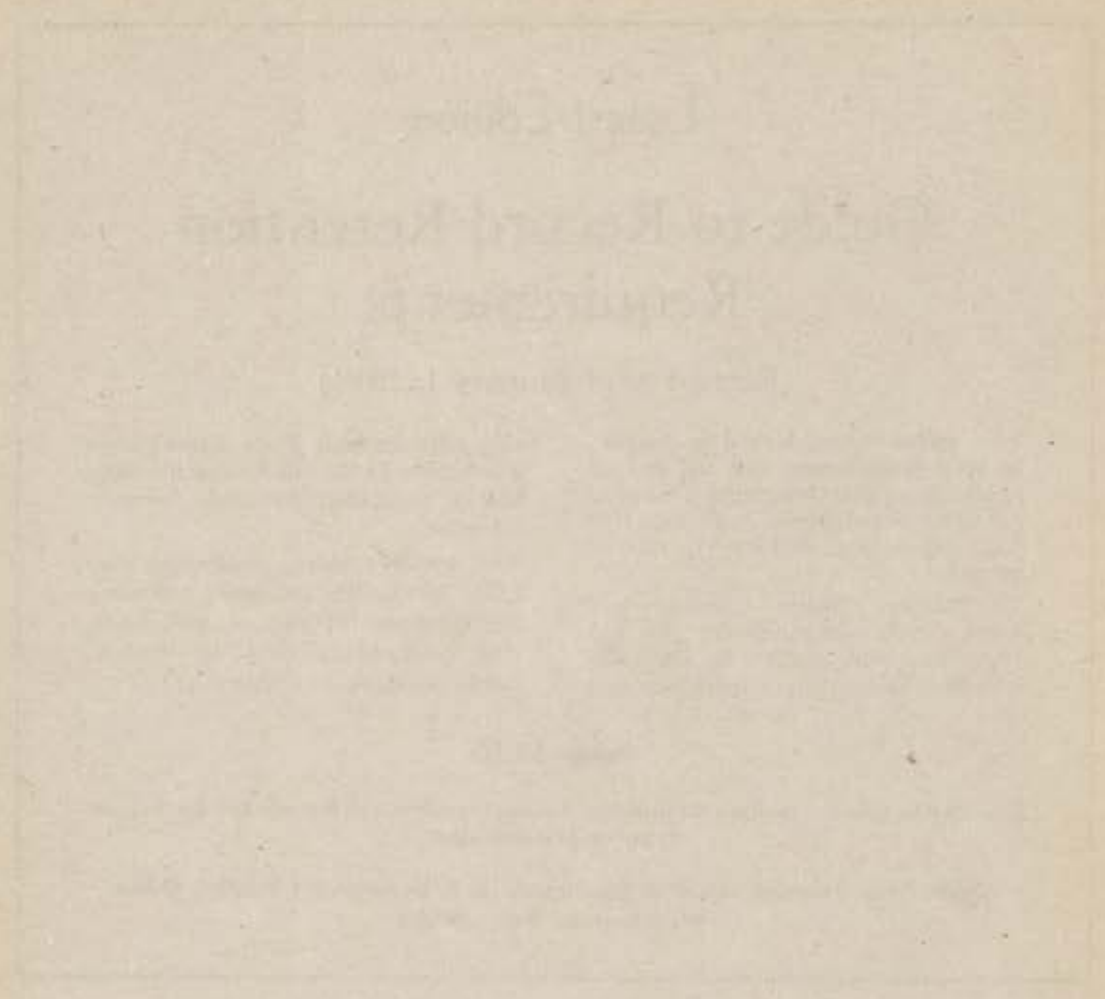
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